

MANUAL OF MORAL THEOLOGY

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VOLUME II

On Penance — with Treatise I, On the Sacraments in General

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Treatise I. On the Sacraments in General

(St. Thomas, part 3, qq. 60-65; St. Alphonsus, *Theologia Moralis*, book VI, nn. 1-94; *Homo Apostolicus*, tract 14, nn. 1-6.)¹

We shall deal first with the sacraments considered in themselves, then with the administration, and finally with the reception of the sacraments. Those things, however, which are treated by dogmatic theologians we shall touch upon very briefly, especially for this end, that there may be had a view of the whole doctrine, and that the connection between dogmatic and moral doctrine may appear.

¹ Cf. Billuart, *Summa S. Thom.*, part 3, treatise III; De Smet, *De sacramentis in genere*; Rath, *De Sacramentis in genere*; Pourrat, *La theologie sacramentaire*; Schanz, *Die Lehre von den Sakramenten der kath. Kirche*; Billot, *De Ecclesiae sacramentis*.

Dissertation I. On the Sacraments Considered in Themselves

Having handed down a summary notion of a sacrament, we shall speak first of the existence, essence, and division of the sacraments, then of their efficacy, and then of the effects of the sacraments.

Part I. On the Summary Notion, Existence, Essence, and Division of the Sacraments

1 **I. Summary notion.** By force of the word, a sacrament signifies every sacred thing. Here, however, it is taken more strictly and is defined: a sensible sign of a sacred thing sanctifying man, that is, of grace. Sacraments of the Old Law and sacraments of the New Law are distinguished. The former only signify; the latter signify and produce grace. Hence a sacrament of the Old Law is defined: a sensible sign, but not an efficacious sign, of grace; but a sacrament of the New Law is called: a sensible and efficacious sign of grace.

2 **II. Existence of the sacraments.** In order that the existence of the sacraments may be rightly set forth, the various states of men must be distinguished, namely: 1. the state of innocence in paradise; 2. the state of the law of nature, so named not to the exclusion of grace, but to the exclusion of the written Mosaic law. This state prevailed for the Israelites until the written law, and for others until Christ; 3. the state of the Mosaic Law, which for the Israelites lasted until Christ; 4. the state of the new or Christian Law. Now:

1. In the state of innocence, by the consent of all, no sacrament existed.
2. In the state of the law of nature, more probably at least one sacrament existed. Namely, considering the will of God to save all, there certainly existed a remedy by which little children would be freed from original sin. That this was a sensible sign of sanctifying grace, or a sacrament, is more probable, as the dogmatic theologians explain (cf. St. Thomas, part 3, q. 61, a. 3; q. 60, a. 5, ad 3; q. 61, a. 1).
3. In the state of the Mosaic Law, several sacraments existed, as is deduced from the Council of Trent¹ and from the decree of Eugene IV for the Armenians. Moreover, it is commonly admitted that circumcision was a sacrament. Other sacraments of this Law are enumerated: the consecration of priests, the eating of the paschal lamb and of the loaves of proposition, and purifications (cf. St. Thomas, I-II, q. 102, a. 5; part 3, q. 61, a. 3, ad 2).
4. In the state of the New Law there are seven sacraments, and these were instituted by Christ; this is of faith from the Council of Trent: "If anyone shall say that the sacraments of the New Law were not all instituted by Jesus Christ our Lord; or that there are more or fewer than seven, namely Baptism, Confirmation, Eucharist, Penance, Extreme Unction, Order, and Matrimony; or even that any one of these seven is not truly and properly a sacrament, let him be anathema."² That the said sacraments were instituted immediately by Christ, not by the Apostles under the inspiration of the Holy Spirit, is certain doctrine, although it is disputed whether it was defined by the Council of Trent as a truth to be believed with Catholic faith.

It is disputed how Christ instituted the sacraments. Some teach that Christ determined the matter and form only in general, commanding only an apt gesture and suitable words, and leaving the more exact determination to the Church; this is the opinion of immediate institution in general. Others judge that Christ prescribed this gesture in species and these words in species, yet in such a way that there is room for some latitude, insofar as the Apostles or the rulers of the Church can, not indeed abrogate the matter and form established by Christ, but determine them more exactly or more strictly, or even increase them by new elements, so that the very sign-value is, within certain limits,

subject to the will of the Church; this is the opinion of immediate institution in a perfectible specific form. Others admit immediate institution in a fixed specific form, so that the Church can do nothing directly with respect to validity by changing or adding anything concerning the matter or form.

¹ Session 7, canon 2.

² Session 7, canon 1.

3 III. Essence of the sacraments. 1. The sacraments of the New Law consist of things and words; this doctrine is declared in the decree for the Armenians. It is clear: 1. from Sacred Scripture, which expressly affirms this about several sacraments, such as Baptism,¹ Confirmation,² and Extreme Unction;³ 2. from the doctrine and use of the Church. For the rest, words and things can be understood morally, so that it suffices for words and things to be had equivalently.

2. Things and words in the sacraments stand to one another as matter and form; this doctrine is proposed in the same decree for the Armenians. It is clear from the fact that the thing of a sacrament, which of itself can signify several things, for example washing in Baptism, and therefore of itself is indeterminate in the being of a sign, is determined by words to a special signification; so that the thing is like matter, the determinable part, while the words are like form, the determining part.

3. The matter of a sacrament is customarily distinguished as twofold, remote and proximate. The remote matter is the thing which is used in the sacred rite, as water in Baptism; or the thing about which the sacramental action is concerned, as sins in Penance. The former is called the remote matter from which, the latter the remote matter about which. The proximate matter is the application of the remote matter, as washing in Baptism; or the action which is concerned with the remote matter, as the acts of the penitent in Penance.

¹ Matt. 28:19.

² Acts 8:15, 17.

³ Jas. 5:14.

4 IV. Division of the sacraments. The sacraments of the New Law are distinguished into:

1. Sacraments of the dead and of the living, according as they were primarily instituted for giving grace, namely to the spiritually dead; or for increasing it, namely in the spiritually living. The grace which is conferred on a man deprived of every degree of grace, or spiritually dead, is called first grace; the grace which is conferred on a man constituted in the state of grace, or spiritually living, is called second grace. The sacraments of the dead are Baptism and Penance. The sacraments of the living are Confirmation, Eucharist, Extreme Unction, Order, and Matrimony.

2. Repeatable and non-repeatable, according as they can be conferred on the same person more than once or only once.

3. Necessary and non-necessary, according as they ought or ought not to be received by individuals. Of those which ought to be received, some are necessary by necessity of means and precept, others by necessity of precept alone. Baptism for all (can. 737), and Penance for all who have fallen into mortal sin after Baptism, are necessary by necessity of means and precept (can. 901 and 906). The Eucharist is certainly necessary by necessity of precept (can. 859, §§ 1 and 4; can. 864, § 1); concerning necessity of means, it is disputed. Confirmation and Extreme Unction are

not necessary by necessity of means; whether they are necessary by necessity of a grave precept is disputed. Finally, Matrimony and Order are necessary only to the community; each of these matters will be developed in its own place.

4. Formed and unformed, according as, as soon as they are received, they confer grace, or, on account of an obstacle, at least do not produce it immediately. Of the unformed sacraments, some, when the obstacle has been removed, revive, that is, confer grace; others do not revive (St. Alphonsus, VI, 6).
5. Finally, a sacrament is called valid or invalid according as nothing or something is lacking for constituting it.

Part II. On the Efficacy, or Productive Power, of the Sacraments

⁵ The question is whether the sacraments truly produce grace, etc.; concerning the effects themselves there will be discussion in the following part. Now:

I. The sacraments of the New Law confer grace *ex opere operato*, or are truly efficient causes of grace. This proposition is established against the Protestants and Modernists, and is of faith from these words of the Council of Trent: "If anyone shall say that grace is not conferred through the sacraments of the New Law themselves *ex opere operato* ... let him be anathema."¹

II. The sacraments concur in producing grace only as instrumental causes; the principal cause, which uses the sacraments as instruments, is God alone; for no creature can, as principal cause, produce an effect which exceeds the order of every creature.²

III. The mode by which the sacraments concur in producing grace is explained in different ways. Some teach that the sacraments, which morally are actions of Christ, move God by an infinite and infallible power to confer grace (the doctrine of moral causality). Others judge that the sacraments do not immediately produce grace, but effect in the subject a title which, so far as lies in itself, demands grace (the doctrine of intentional causality). Others teach that the sacraments physically and immediately produce grace (the doctrine of physical causality). This is the opinion of St. Thomas (I-II, q. 112, a. 1, ad 2; III, q. 62, a. 1, 3, 4, 6).

¹ Session 7, canon 8.

² Council of Trent, Session 6, chapter 7.

Part III. On the Effects of the Sacraments

The effects of the sacraments are grace and character. The former is common to all the sacraments; the latter is proper to three, namely Baptism, Confirmation, and Order.

Section I. On Grace

6 I. Grace conferred. The grace which the sacraments confer is sanctifying grace and sacramental grace.

1. **Sanctifying grace.** a) All the sacraments confer sanctifying grace on those rightly disposed. This follows from what has been said concerning the efficacy of the sacraments. Moreover, to sanctifying grace there is attached either the infusion of the supernatural virtues and of the gifts of the Holy Spirit, namely if first grace is conferred; or the increase of the aforesaid, namely if second grace is conferred.

b) Baptism and Penance of themselves confer first grace; accidentally, namely if someone in the state of grace receives them in the due manner, they confer second grace, that is, an increase of grace.

c) Extreme Unction of itself and primarily confers second grace; of itself, but secondarily, it confers first grace. The other sacraments of themselves confer second grace, and accidentally, at least much more probably, first grace. The case obtains if someone in the state of mortal sin receives a sacrament in good faith and with attrition, which extends itself to all the sins committed. The reason for this opinion is that, according to Trent, the sacraments confer grace on those who place no obstacle. Now one who is in good faith and attrite places no obstacle to grace, as is clear from the sacraments of the dead (St. Thomas, III, q. 72, a. 7; q. 79, a. 3; Supplement, q. 30, a. 1; St. Alphonsus, VI, 6, 269 and 731).

2. **Sacramental grace**, that is, a certain divine help for attaining the end proper to such a sacrament (St. Thomas, III, q. 62, a. 2). What end is proper to each sacrament will be stated where there is discussion of the individual sacraments. Further:

a) That sacramental grace is conferred through the sacraments is deduced first from the Council of Florence, which declares: "Each sacrament is ordered to a proper and distinct end." But a sacrament cannot attain its proper end unless it produces an effect or grace proper to itself, in other words, sacramental grace. Then, if all the sacraments conferred the same grace, they would differ only in the external rite; nor would there have been a reason for instituting diverse sacraments; nor would it be clear why one is more necessary than another.

b) There is not one opinion of theologians about that in which sacramental grace precisely consists. According to the defenders of intentional causality, sacramental grace consists in actual graces proper to some sacrament, which are demanded by the same title as sanctifying grace. According to others, sacramental grace is sanctifying grace itself, insofar as it is given through such a sacrament; but sanctifying grace, given through such a sacrament, is ordered to the ends of such a sacrament, and consequently gives a right to receive, namely in due time, the actual graces by which the end of such a sacrament may be obtained. Thus, for example, sanctifying grace conferred in Baptism is regenerative and preservative of spiritual life; in Confirmation, strengthening and perfective, etc. According to the Thomists, sacramental grace is sanctifying grace with an intrinsic modification, by

force of which sanctifying grace is ordered to the effects proper to the sacrament, together with a right to receive actual graces in order to those effects. Hence, according to them, for example, sanctifying grace conferred in Baptism, by force of the aforesaid modification, is regenerative and preservative of spiritual life, etc.

7 II. The measure according to which the sacraments confer grace. 1. Sacraments distinct in species more probably confer unequal grace on those equally disposed. For sacraments differ in dignity; and to a more worthy cause there corresponds a more worthy effect.

2. Sacraments distinct only in number confer equal grace on those equally disposed, and unequal grace on those unequally disposed. The Council of Trent¹ expressly teaches this concerning Baptism. Hence it must also be presumed concerning the others.

¹ Session 6, chapter 7.

Section II. On Character

8 I. Existence of sacramental character. Three sacraments, namely Baptism, Confirmation, and Order, imprint upon the soul a character, that is, a certain spiritual and indelible sign, whence they cannot be repeated. This is of faith from the Council of Trent: "If anyone shall say that in the three sacraments, namely Baptism, Confirmation, and Order, a character is not imprinted on the soul, that is, a certain spiritual and indelible sign, whence they cannot be repeated, let him be anathema."¹ Canon 732, § 1, also teaches this.

¹ Session 7, canon 9.

9 II. Nature of sacramental character. The nature of sacramental character is explained in different ways by different authors. Yet all agree in this: that character is a spiritual quality, distinct from sanctifying grace, and is a power by which man becomes capable either of receiving sacred things, as in Baptism, or of handing on sacred things, as in Confirmation and Order (St. Thomas, III, q. 63, aa. 1 and 2). But they dispute, according as they defend either physical or moral causality, whether it is a physical power or only a moral one; wherefore consult the dogmatic theologians.

Scholion. On the Informity and Reviviscence of the Sacraments

10 I. Informity. 1. The informity of a sacrament consists in this: that the sacrament is validly received, but, on account of an obstacle, does not produce fruit, that is, grace. It is said to be on account of an obstacle, whether material or formal, according as it is placed inculpably or culpably.

2. Six sacraments certainly can be unformed; concerning Penance alone it is disputed whether it can be received informly, that is, validly but without fruit.

11 II. Reviviscence; concerning which several things must be explained.

1. **Notion.** Reviviscence consists in this: that a sacrament validly but fruitlessly received afterwards produces grace, when the obstacle has been removed and the sacramental sign has ceased. I said "when the sacramental sign has ceased." Hence, supposing that the Holy Eucharist, received with an obstacle, produces Eucharistic grace when the obstacle has been removed before the consumption of the species,¹ there would not be reviviscence of the sacrament, because the fruit would be produced while the sacramental sign remains.

2. The sacraments which revive are these:

- a) Baptism certainly can revive; this is clear from the fact that otherwise those who received Baptism without fruit would be unable to obtain the remission of original sin and of the other sins committed before Baptism. For original sin and the other sins committed before Baptism are not remitted except through Baptism received in reality or in desire. But those who have once received Baptism can no longer receive it: neither in reality, because Baptism cannot be repeated; nor in desire, because if a new Baptism is impossible, the desire for a new Baptism is also excluded.
- b) Confirmation, Order, Matrimony, and Extreme Unction much more probably can revive. Otherwise those who had received the said sacraments fruitlessly, even inculpably, would remain deprived of sacramental grace, which is so necessary to man in the various states of life; since Confirmation and Order cannot be repeated at all, Matrimony cannot be repeated while the same bond remains, and finally Extreme Unction, while the same danger persists, is at least not licitly repeated.
- c) Whether Penance can revive is doubtful: both because it is doubtful whether it can be unformed, that is, valid and fruitless; and because it can be repeated.
- d) The Holy Eucharist, at least if it has been received sacrilegiously, is almost commonly said not to revive: both because it can be repeated so often, and because there would follow the absurdity that one who had communicated very often sacrilegiously, if he afterwards truly repented, would immediately be heaped with grace.

3. **The time of reviving.** Baptism, Confirmation, and Order can always revive, since they can never be repeated, and by force of the character in some way continue in being. Matrimony can revive so long as the same matrimonial bond persists. Once it has been broken, sacramental grace either is no longer necessary, or can be acquired through a new marriage. Extreme Unction can at least revive so long as the same danger continues. Finally, Penance, if it must be numbered among the sacraments that revive, must be said to be able always to revive.

4. **The requisites for reviviscence.** If someone has sacrilegiously received a sacrament, or has sinned gravely after receiving it, there is required of itself contrition or attrition with sacramental absolution; accidentally, given good faith, attrition with a sacrament of the living received in good faith suffices, as is taught much more probably. The reason is that such a man is in the state of mortal sin. But in order that mortal sin may be remitted, and thus that place may be given for the reviviscence of the sacrament, there is required of itself contrition or attrition with sacramental absolution; accidentally, attrition with a sacrament of the living suffices (St. Alphonsus, VI, 6, 87, 444). Outside these cases:

- a) Attrition certainly suffices in order that Baptism and Penance may revive. For the disposition required in the very reception itself suffices.
- b) Of itself contrition is required, but accidentally attrition most probably suffices, in order that Extreme Unction may revive, because this sacrament, received in good faith with attrition, most probably produces fruit.
- c) Of itself contrition is required, but accidentally attrition more probably suffices, in order that Confirmation, Order, and Matrimony may revive, because those sacraments, received in good faith with attrition, more probably produce fruit (n. 6).

5. **The mode by which reviviscence has place** is explained in different ways, according as the causality of the sacraments is explained in different ways. Supporters of moral causality teach that the value of the sacrament received perseveres morally in divine acceptance, and, when the obstacle has been removed, moves God to the infusion of grace. Defenders of intentional causality say that there remains a title demanding grace, and that, when the obstacle has been removed, it produces grace. Defenders of physical causality attribute the reviviscence of Baptism, Confirmation, and Order to character; as for the reviviscence of the other sacraments, some of them deny it, others derive it from a certain habitual determination in the will, and others have recourse to moral causality for these cases.

6. **The degree of reviviscence** seems to correspond to the actual disposition of the subject.²

¹ Whether this has a place, see in the treatise on the Eucharist.

² Cf. Council of Trent, Session 6, chapter 7.

Dissertation II. On the Ministration of the Sacraments

Part I. On the Person Ministering

12 The minister of a sacrament is he to whom the administration of the sacraments belongs by legitimate authority. A twofold minister is distinguished, namely principal and secondary, according as the administration of the sacraments belongs to someone by his own authority, or by authority communicated by the primary minister. The principal minister is Christ as man. The secondary minister is only the priest of the first or second order. Except Baptism and Matrimony. Concerning these there will be fuller discussion in the treatise on the individual sacraments.

Part II. On the Mode of Ministering

Concerning the mode of ministering the sacraments, canon 731, § 1, notes these things in general: Since all the sacraments of the New Law, instituted by Christ our Lord, are the chief means of sanctification and salvation, the greatest diligence and reverence must be employed in administering and receiving them opportunely and rightly.

With these things premised, we shall speak first of the requisites for valid ministration, then of the requisites for licit ministration.

Section I. On the Requisites for Valid Ministration

13 I. For the valid ministration of the sacraments, faith and sanctity are not required in the minister. With respect to faith, this is of faith as regards Baptism;¹ certain as regards the other sacraments. With respect to sanctity, it is of faith.²

The reason is that "the ministers of the Church operate instrumentally in the sacraments ... but, as was said above, an instrument does not act according to its own form or power, but according to the power of him by whom it is moved" (St. Thomas, III, q. 64, a. 5). Hence the efficacy of the sacraments does not depend on the disposition of the minister (St. Alphonsus, VI, 13).

II. For the valid ministration of the sacraments there are required intention, and certain other things, concerning which we shall treat individually.

¹ Council of Trent, Session 7, On Baptism, canon 4.

² Council of Trent, Session 7, On the Sacraments, canon 12.

Chapter I. On Intention

14 I. Notion. Intention is here understood as the deliberate will of confecting a sacrament.

15 II. Division. Intention is distinguished:

- 1. By reason of itself** into actual, virtual, habitual, and interpretative. Actual intention is had when the minister, at the time at which he confects the sacrament, actually wills to confect it. It is reflex, or rather *in actu signato*, if there is had an express and formal volition of confecting the sacrament; it is *in actu exercito* if someone actually wills indeed, but nevertheless less expressly and formally, to confect the sacrament, as if someone, recognizing a rite as a sacrament, administers it under this recognition. Virtual intention is had when someone has actually and explicitly willed to confect a sacrament, and that will, though not actually, nevertheless perseveres virtually, so that he operates by force of the will once had, as if someone, from the intention of celebrating Mass, puts on the vestments and performs the other things, even if perhaps at the time of the ministry he is wholly distracted. Habitual intention exists if someone has actually and explicitly willed to confect a sacrament and that will has not indeed been retracted, but nevertheless does not persevere virtually. Interpretative intention is had when someone neither actually and explicitly wills nor actually and explicitly has willed to confect a sacrament, but is presumed to be going to will it if thought about it should occur.¹ (St. Alphonsus, VI, 15.)

2. **By reason of the object** into merely external and internal. Merely external intention is had when someone wills and outwardly seriously performs only the external rite, but lacks the mind of confecting a sacrament, or even intends the contrary. It is called merely external because, although in itself it is internal, nevertheless its whole object is external, namely only the placing of the external rite. Internal intention is had when someone wills the external rite insofar as it is sacred, or at least insofar as it is held as such by the Church.

By reason of the object, intention is further distinguished into determinate and indeterminate, according as the thing intended is certain and defined; or is uncertain, as if someone intends to consecrate only ten hosts out of a multitude of hosts.

3. **By reason of mode** into explicit and implicit, according as someone expressly wills such a sacrament known and thought of, or by a more general will wills such a sacrament, whether not known, or known but not thought of.

By reason of mode it is also distinguished into absolute and conditioned, according as someone intends to confect a sacrament independently of, or dependently upon, some circumstance or event; as if someone absolves another under the condition: if you are attrite; or: if you make restitution.

¹ Some call interpretative the intention which others call implicit habitual intention.

16 **III. The intention required.** It is of faith that intention is required, and indeed intention "at least of doing what the Church does."¹ In order that these things may be unfolded and completed, observe the following:

1. **In itself, actual intention is not required, but virtual intention suffices; habitual intention does not suffice, much less interpretative intention; fear, however, does not hinder intention.** I said:

a) Actual intention is not required, but virtual intention suffices. For it must be judged that the intention suffices which truly flows into the act or sacramental rite, and therefore can be called its cause. Such is not only actual intention, but also virtual intention. There is added the fact that actual intention is not always within man's power, and its necessity would give occasion for anxieties about the validity of the sacraments (St. Thomas, III, q. 64, a. 8, ad 3;² St. Alphonsus, VI, 17, 18).

Corollary. A priest validly acts who, in the customary way, betakes himself to the baptistery, confessional, or altar and there baptizes, absolves, or consecrates; for there is had at least virtual intention; indeed practically everywhere actual intention is present, even if remiss. Likewise, a priest validly consecrates who has placed on the corporal the hosts to be consecrated, even if at the time of consecration he does not think of them. Indeed, in general it must be said that one imprudently doubts the value of the act who has placed the required rite, unless he has expressly excluded the due intention (St. Alphonsus, VI, 18).

b) Habitual intention does not suffice; since it cannot be admitted that an intention suffices which in no way flows into the action of the minister; such is habitual intention (St. Alphonsus, VI, 16). Much less, as is clear, does interpretative intention suffice (St. Alphonsus, VI, 16).

c) Fear does not hinder, because, as we posit, it does not take away the voluntary (St. Alphonsus, VI, 19). Except, however, Matrimony, as will be said in its place.

2. **As regards the object, there is required the intention or will of confecting a sacrament.** This is established against those who judge that external intention suffices; in other words, that it suffices for someone outwardly and seriously to place the external rite, even if inwardly he does not will to confect the sacrament. This doctrine, first defended by Roland Bandinelli, and afterwards revived by Ambrosius Catharinus (1553), is today almost commonly abandoned and rightly seems to be rejected. For: 1. as we have said, it is of faith that intention is required in the minister, "at least of doing what the Church does." But these words seem to have to be understood according to the sense which they had in the schools, in other words, of the intention of doing what the Church intends to effect through the rite. 2. Proposition 28 was condemned by Alexander VIII: "Baptism conferred by a minister who observes every external rite and the form of baptizing is valid, even though inwardly in his heart he resolves within himself: I do not intend what the Church does."³ Here it seems entirely that there is discussion of one who outwardly and seriously places the external rite. Therefore this does not suffice. 3. The Roman Missal has these words: "If someone has before him eleven hosts and intends to consecrate only ten, not determining which ten he intends, ... he does not consecrate, because intention is required,"⁴ namely, as the Missal, according to the obvious sense, supposes, the intention of consecrating, and that a determinate one (St. Alphonsus, VI, 23).

It suffices, however, that the minister implicitly will to confect the sacrament, for example, that he will the rite as sacred, that he will to do what Christ instituted, what the Church does, what is asked by a Christian, etc.

Corollary I. A sacrament is not valid: 1. if someone places the external rite without any intention; this, for example, will have place if someone does not place a human act, as if he baptizes someone in sleep or drunkenness; 2. if someone performs the external rite for the sake of jest, mockery, or mere exercise.

Corollary II. A sacrament can be valid, even if someone does not regard the rite placed by himself as sacramental, provided he truly wills, for example, what Christ instituted, what he who admits the sacrament asks, etc. Hence heresy or infidelity of itself is not a reason for doubting the required intention;⁵ otherwise if there is added hatred of the Christian name, which, for example, we can easily suspect in a Jew.

3. **As regards the term, intention must be borne toward a determinate person or matter;** yet it suffices that the intention be directed to the person or to the whole matter present, without being directed to the parts individually. But he consecrates invalidly who would will to consecrate ten hosts out of eleven and would not determine those ten.

4. **As regards the mode, especially as regards a sacrament to be confected under a condition, several things must be noted:**

a) A sacrament conferred under a condition concerning the present or the past generally is valid or not valid at once, according as the condition is verified or not verified. I said "generally," because it is disputed whether a sacrament conferred under a condition naturally unknowable is valid; as if someone were to absolve another if he were predestined. Further, it seems this must be denied, because "since God has committed the administration of the sacraments to the knowledge and will of

men, a condition cannot be placed which cannot fall under human knowledge" (St. Alphonsus, VI, 26).

b) A sacrament conferred under a condition concerning the future, for example: I absolve you, if you will make restitution, that is, as soon as you shall have made restitution, generally is not valid, neither before nor after the condition has been fulfilled. Not before the condition is fulfilled, because there is not had the intention of confecting the sacrament before the fulfilled condition; not after the condition is fulfilled, because then the matter and form no longer exist (St. Alphonsus, loc. cit.). I said generally, because Matrimony is excepted, which follows the nature of a contract. But a contract entered into under a condition is perfected when the condition has been fulfilled.

¹ Council of Trent, Session 7, On the Sacraments, canon 11.

² St. Thomas in the cited place indeed says: "Although he who is thinking of something else does not have actual intention, nevertheless he has ... habitual intention, which suffices for the perfection of the sacrament." But St. Alphonsus responds: "By habitual intention here the holy Doctor without doubt understands virtual intention; for immediately after he adds thus: Suppose that when a priest approaches to baptize, he intends to do with respect to the one to be baptized what the Church does; hence if afterwards in the very exercise of the act his thought is carried off to other things, the sacrament is perfected from the force, note well, of the first intention" (VI, 18).

³ Denzinger-Bannwart, n. 1318.

⁴ *De Defectibus*, title 7, n. 1.

⁵ Holy Office, 18 December 1872 (*Collectanea*, n. 1392).

Scholion. On the Simulated Administration of a Sacrament

Authors do not agree in explaining the nature and morality of simulated or fictitious administration of a sacrament. It seems to us that the following must be said:

17 I. Notion. 1. Simulated administration of a sacrament, taken in the full sense, consists in this: that someone uses the matter and form of a sacrament, and this in such a way that he signifies the will of confecting a sacrament, which nevertheless he does not actually have (St. Alphonsus, VI, 60 and 61, where he denies simulation because matter and form are lacking).

2. Simulated administration, accepted in a less full sense, is had when someone uses the matter or form of a sacrament, and this again in such a way that he signifies the will of confecting a sacrament, which in reality he does not have (St. Alphonsus, loc. cit.).

Each simulated administration is called formal or material, according as deception of one's neighbor is intended as an end, or is chosen as a means.

3. Simulated administration of a sacrament, taken improperly, consists in this: that someone applies something which bears the appearance of the matter and form of a sacrament, or of either one, and this for the end that he may be judged to confect a sacrament.

From every simulated administration there differs the dissimulation of a denied sacrament, which has place when someone applies something which bears the appearance of the matter and form, or of either one, for the end that he may hide the denial of the sacrament; for example, if someone gives a blessing instead of absolution to one who is indisposed, lest the denial of absolution be disclosed to others (St. Alphonsus, VI, 59).

18 **II. Morality.** 1. Simulation of a sacrament, accepted in the full sense, is gravely evil, because it contains a sacrilegious lie, that is, a lie which, as having been committed through a sacramental rite, redounds upon the sacrament itself and inflicts grave injury upon it. Add that the said lie will often be gravely harmful. There is added proposition 29 condemned by Innocent XI: "Urgent grave fear is a cause for simulating the administration of the sacraments";¹ concerning which note: 1. by that proposition at least the simulation of a sacrament accepted in the full sense is condemned; 2. the authors of the said proposition understood it of material simulation (St. Alphonsus, VI, 59); hence formal simulation is to be rejected *a fortiori*.

2. Simulation of a sacrament accepted in the less full sense likewise seems gravely illicit, because the argument just brought forward also has force if the lie is committed through the partial rite of a sacrament.²
3. Simulation of a sacrament taken improperly of itself is quite probably not gravely illicit; for since the rite of the sacrament is applied neither wholly nor partially, the injury inflicted on the sacrament seems to be lacking, so that only a lie remains. I said of itself, because grave sin can be committed from another source, for example against charity or even against justice with respect to the subject to whom the sacrament, owed by charity or by justice, is thus denied.
4. The dissimulation of a denied sacrament, when there is a just cause, is of itself licit. For in the case neither is injury inflicted on the sacrament, nor is a lie committed, but only the truth is hidden (St. Alphonsus, VI, 59). I said of itself, because again grave sin can be had from another source, for example with respect to the subject, who can have a grave right that the truth not be hidden from him.

And these things which we have said concerning simulated administration of a sacrament, with the necessary adjustments, should also be applied to simulated reception.

Corollary I. It is neither simulation of a sacrament nor sin:

1. To place the matter and form for the sake of practice, because it is not signified that the sacrament is being confected, and therefore a lie is lacking; nor does the placing of the rite for the sake of practice inflict any injury upon the sacrament.
2. For the sake of avoiding infamy, to pronounce the customary words before one pretending to receive Communion, while not handing over the host but replacing it in the ciborium (St. Alphonsus, VI, 61). Nevertheless the case is little practical.
3. To enter the confessional and there speak to the confessor about some business. "For since matter and form are lacking there, I do not know how to understand where there is simulation of a sacrament" (St. Alphonsus, VI, 60). Nor is there a lie, unless someone "approached with the intention that bystanders believe that he is confessing" (St. Alphonsus, loc. cit.); otherwise if he did it in order to hide from others the fact that he was not confessing.
4. In contracting Matrimony, to which someone is compelled, to simulate consent; since consent of this kind is invalid, so that the matter and form of the sacrament are lacking. Nor is there sin because consent is simulated, since, on account of the opposing impediment, the words of consent can be uttered with a restriction that is not purely mental, so that a lie also is lacking (St. Alphonsus, VI, 62).

Corollary II. It is simulation of a sacrament, or at least grave sin:

1. To pronounce without intention the words of absolution over one who is indisposed, or the words of consecration over bread, or in the celebration of Mass to omit the words of consecration; indeed, also from chapter *De homine*, 7, *de celebratione missarum*, the priest who in Mass did not consecrate would sin more gravely than one who consecrated and communicated sacrilegiously (St. Alphonsus, VI, 59, 61).
2. To hand over a non-consecrated host as consecrated; here indeed there is not simulation of a sacrament, but cooperation in idolatry, at least material idolatry (St. Thomas, III, q. 80, a. 6, ad 2; St. Alphonsus, VI, 61).

¹ Denzinger-Bannwart, n. 1179.

² Cf. Holy Office, 6 September 1625 (Denzinger-Bannwart, n. 1489).

Chapter II. On the Other Requisites

In order that a sacrament be validly confected, besides intention these things are required:

19 I. The minister must place the external rite in a human manner, or by a human act. For it cannot be admitted that Christ instituted a sacrament in such a way that it can be confected by an act which is not human; as if someone wholly drunk or sleeping were to baptize. For the rest, in the case, at least practically, the required intention will also be lacking (St. Alphonsus, VI, 16).

20 II. The same minister must apply the matter and pronounce the form. If there is discussion of Baptism, this seems certain, both because otherwise the words of the form are not verified, and because the Sacred Congregation of the Discipline of the Sacraments¹ declared Baptism conferred in another way invalid, adding these words: Catholic doctrine holds most certainly that the matter must be placed by one and the same minister and at the same time the form of Baptism must be uttered; otherwise the form *I baptize you, I wash you* would labor under falsity (St. Thomas, III, q. 67, a. 6, ad 3). The same seems almost certain with regard to Confirmation, Extreme Unction, and Order, considering namely both the analogy with Baptism and the doctrine of theologians and the practice of the Church. There is added that otherwise the moral union in the sacrament does not seem to be sufficiently preserved. Except the sacrament of Penance, whose nature requires the contrary. With regard to the sacrament of the Eucharist, the question cannot be posed. For the rest, note:

1. Different ministers can validly minister a sacrament which consists of parts, if you grant that this occurs; concerning which consult the treatise on Extreme Unction, provided that the individual parts are placed whole by one and the same minister, that is, with their own matter and form. This is clear from what will be said in the treatise on Extreme Unction. Nevertheless, since that is gravely contrary to the rite, it is forbidden under grave obligation outside a case of necessity.
2. Even if a sacrament does not consist of parts, nevertheless several ministers can validly confect one and the same sacrament, provided that each places everything which is required for the sacrament. This is urged first, with regard to other sacraments, from the analogy with the sacrament of the Eucharist, which can certainly be confected by several at the same time. The reason is that the individual ministers do not confect the sacrament except in the person of Christ, and therefore in and with Christ they are one. Then, since the individuals, as we suppose,

possess the power of confecting the sacrament and exhibit all the requisites, it does not appear that anything is lacking to the conferral of the individuals (cf. St. Thomas, III, q. 67, a. 6; q. 82, a. 2, ad 2; St. Alphonsus, VI, 120, 232; can. 803). But this also is gravely illicit, except the consecration in the ordination of priests and the consecration of Bishops.

Even if several confect a sacrament, nevertheless it will be one sacrament, because Christ, who is the one principal minister, effects one thing through several (St. Thomas, III, q. 67, a. 6).

3. Finally, one and the same person can confer a sacrament on several at the same time, for example baptize or absolve several. Yet this too is illicit outside a case of necessity (St. Alphonsus, VI, 29).

¹ 17 November 1916 (A.A.S. 1916, p. 479); cf. Roman Ritual, title 2, chapter 1, n. 10.

21 III. The minister must confer the sacrament on a subject distinct from himself. This is drawn both from the common doctrine of theologians and the constant practice of the Church, and from the form of several sacraments. There is added that Innocent III declared null the Baptism which a certain Jew had ministered to himself in danger of death, adding this reason: "Since there ought to be a distinction between the one baptizing and the one baptized, as is clearly gathered from the words of the Lord, saying to the Apostles: Go, baptize all nations in the name, etc." (St. Thomas, q. 66, a. 5, ad 4; q. 82, a. 4, ad 2).¹ Except the Most Holy Eucharist and Matrimony.

¹ Cf. Decretals, IV, III, 42.

22 IV. The minister must duly unite matter and form, because they must constitute one sign. A moral union suffices, or rather that union by which the words of the form, according to common estimation, affect the matter and so constitute one thing with it (St. Alphonsus, VI, 9). Now:

1. In Baptism, Confirmation, Order, and Extreme Unction it certainly suffices that matter and form coexist in some part of themselves, or that one be begun before the other is completed. Likewise, it seems to suffice that the form be pronounced immediately before or immediately after the application of the matter. The reason is that even on this supposition the words "I baptize you," etc., "I sign you," etc., still seem to signify the actual application of the matter. There is added that the Holy Office several times resolved that the sacrament of the priesthood was not to be repeated in the case in which the Bishop had had his extended hand over the ordinands immediately before the prayer *Oremus*;¹ likewise in the case in which the ordinand had touched the instruments after the form had been uttered.² These resolutions seem also to be applicable to Baptism, Confirmation, and Extreme Unction. Nevertheless, the reason for doubting with regard to these three sacraments, especially with regard to Baptism, is taken from the fact that the Holy Office on 2 May 1858 declared that Baptism is always to be repeated under condition whenever "after the washing has been wholly completed, the form is pronounced, or conversely, when the pronouncing of the form has been completed, one proceeds to the washing."³ For the rest, a very brief delay would render the sacrament doubtful, but the delay of one *Our Father* would render it null (St. Alphonsus, loc. cit.). For liceity it is required that matter and form perfectly coexist.⁴
2. In Penance, because it was instituted after the manner of a judgment, a greater interval can intervene.
3. In Matrimony there is always had union of matter and form when the consent of one is placed, the consent of the other not having been retracted; for it has and follows the nature of a contract

(St. Alphonsus, VI, 9).

4. In the Eucharist there is discussion rather of the presence of the matter than of its union with the form; here, however, it is required that the matter be physically present, because otherwise the words "this" and "here" are not verified (St. Alphonsus, VI, 9).

¹ 12 September 1877; 30 November 1898; 14 December 1898.

² 17 March 1897.

³ Note, however, that at the time the response was given, the value of Baptism conferred in this way was doubted more than today. Considering this together with the declarations afterwards issued concerning Order, it is permissible to doubt whether the Sacred Congregation, if again consulted, would give the same response.

⁴ Roman Ritual, title 2, chapter 1, n. 8; title 5, chapter 1, n. 18.

23 V. The minister must use neither matter nor form substantially vitiated. Now:

1. A substantial change of matter is had when a thing is used which, according to common estimation, differs from the thing which the Church uses, as if in Baptism you should use wine instead of water. If, however, the matter is the same thing in reality, either wholly or as to the greater quantity, but is called by a different name and is used for a different use, it is rather doubtfully valid than certainly invalid, as if someone were to baptize with moisture flowing from a vine (St. Alphonsus, VI, 11).
2. A substantial change of form is had when the words, according to common estimation, have a meaning different from that which must be expressed according to the mind of Christ (St. Alphonsus, VI, 11, 221). If the change is made into words which can be taken in a twofold sense, namely a sacramental one and a foreign one, the change is substantial or accidental according as the minister intends the foreign or the sacramental sense; since even in the common intercourse of men an ambiguous sense must be determined by the speaker himself. Besides, it can happen that a change which, considering only the grammatical sense, is substantial, is in fact accidental or substantial according as it proceeds from inadvertence or ignorance, or from a heretical mind. Thus if someone in consecration, from inadvertence, were to say, "Here" in place of "This is My Body," the consecration would be valid; otherwise if he intended the word "here" in the sense of Luther, or adverbially (St. Alphonsus, VI, 110). For the rest, a change of form can occur:
 - a) By substitution of words, as if in Baptism it were said: I wash you, etc. But it is accidental or substantial according as the substituted words are synonymous or not synonymous.
 - b) By transposition, as if someone says: I baptize you, etc. This will generally be accidental.
 - c) By omission, as if in consecration the word *for* is omitted. It must be seen whether or not an essential word is omitted, namely one by which the due sense is taken away.
 - d) By corruption, as can happen because of stammering, haste, or inexperience, as if someone says: This is my *boby*. In the case the change is generally accidental.
 - e) By addition, as if in Baptism it is said: I baptize you in the name of the Father, who created you, etc. Further, a change of this kind is more easily substantial if what is false is added than if what is true is added; likewise if the change is made with a heretical mind than otherwise.
 - f) By interruption. Further:

a) Interruption of the words of the form is substantial or accidental according as it is or is not so great that the words before those hearing no longer effect the complete sense intended by Christ.

b) Interruption of the syllables of the same word, if it occurs by the interposition of several words or of one word, as if it were said: I bap- (be silent) -tize you, etc., renders the value doubtful. Otherwise if it occurs by a cough or a similar way and is very brief (St. Alphonsus, VI, 11, 221).

3. A substantial change, as one which renders the sacrament invalid, is a grave sin; an accidental change is gravely or lightly forbidden according as it greatly or lightly opposes the use and precept of the Church.

24 VI. The minister must utter the sacramental form by voice, that is, by the organs ordered to speaking. Therefore vocal pronunciation is required. Besides, at least practically, the pronunciation ought to be audible of itself, because it is doubtful whether pronunciation which of itself is not audible can be called vocal (St. Alphonsus, VI, 414).

Section II. On the Requisites for Licit Ministration

In order that the minister of a sacrament proceed licitly, first indeed he must minister validly; concerning this there has already been discussion. Then it is required that he minister legitimately, holily, according to the rite, to the worthy, and absolutely or under condition according to the circumstances.

25 I. Legitimately; namely, it is required that the minister have received from the Church a mission or some jurisdiction, in other words authorization, and that he not have contracted a penalty which deprives him of the use of order. Concerning the jurisdiction required there will be fuller discussion in the treatise on the individual sacraments.

26 II. Holily, that is, in the state of grace. Now:

1. The obligation of ministering the sacraments in the state of grace is clear from the reverence due to an action so holy. Nevertheless, a necessity excuses which is so urgent that not even an act of contrition can be elicited, for example if absolution must be granted immediately to one dying. For since the sacraments are for men, the harm of one's neighbor to be averted prevails over the reverence due of itself to the sacrament, and thus, when the higher law of charity urges, the irreverence is taken away.

Here, however, it is asked by some whether the minister also is excused who cannot elicit an act of contrition in time without danger of infamy or scandal. Further, theoretically this must be affirmed, because, granted the good will of the minister and his moral inability to repent in time, even the right of preserving reputation and, *a fortiori*, the obligation of avoiding scandal prevail over the reverence due of itself to the sacrament. But since practically sufficient time for eliciting an act of contrition is available, it can be said that the said excusing cause in fact scarcely exists (St. Alphonsus, VI, 33).

2. As regards the gravity of the obligation, receive the following:

a) The obligation of the state of grace is certainly grave if these three things occur, namely if: 1. the minister is consecrated; 2. he confects the sacrament; and 3. he does this by office, or as consecrated, or solemnly.¹ This is clear from the Roman Ritual, which declares: "Those ministering these things impurely and unworthily incur the guilt of eternal death";² and these words must at least be applied

to those of whom we are speaking. So also the Roman Catechism.³ The reason is that grave irreverence is had in this, that someone exercises an act so holy in a state so foul, whether as consecrated and furnished with sacramental grace, or as acting as minister and instrument of Christ and in His name, or with the said titles considered together (cf. St. Thomas, III, q. 64, a. 5, ad 3 and a. 6; St. Alphonsus, VI, 31, 32, 884).

b) It is disputed whether the following sin gravely: 1. a non-consecrated minister who confects a sacrament in mortal sin, namely a layman baptizing and those contracting Matrimony;⁴ 2. a consecrated minister who confects a sacrament, but not by office or not as consecrated, namely a deacon or priest baptizing in a case of necessity. Some affirm, because there is grave irreverence in this, that someone, whether he is consecrated or is not consecrated, whether he acts as consecrated or does not act as such, performs such sublime things in the name of and as an instrument of Christ. Others deny it, and judge that for grave irreverence it is required that someone act by office, and therefore confect the sacrament as public minister of Christ and of the Church. Thus St. Thomas teaches (loc. cit.), nor does St. Alphonsus seem to reject this for practice (VI, 32; *Homo Apostolicus*, tract 14, n. 6); all things considered, it can be held as practically safe. Likewise, a priest does not sin gravely who, while in mortal sin, only hears confession, yet in such a way that he resolves to elicit an act of contrition before absolution is to be given (St. Alphonsus, VI, 36).

c) It is further disputed whether a priest or deacon sins gravely who, while in mortal sin, does not confect, but only administers a sacrament. This question regards only the distribution of the Holy Eucharist. Further, St. Alphonsus, against many, affirms it, "because," he says, "a priest ministering the Eucharist in mortal sin inflicts grave injury on this sacrament, because, as a minister consecrated for dispensing it, he ministers it unworthily (cf. can. 845). And just as in the other sacraments the minister proximately concurs in the sanctification of those receiving through confection, so here he proximately concurs through dispensation, since the minister of the Eucharist cannot exhibit himself as minister otherwise than through dispensation" (VI, 35). There is added that Nicholas II compares a dispenser in the state of sin to a burning torch, which, while it illuminates others, consumes itself.⁵ Finally, the Roman Catechism favors this opinion.⁶

d) He does not sin gravely who, while in mortal sin, exercises other sacred functions, for example: 1. one who performs the functions of the Diaconate, Subdiaconate, or minor Orders; 2. one who performs consecrations, for example of Sacred Oil, and blessings; 3. one who touches or carries the Holy Eucharist or gives Benediction with the Most Holy Sacrament; 4. a priest who assists at Matrimony; 5. finally, one who preaches while in mortal sin does not sin gravely (St. Alphonsus, VI, 37-40).

Corollary. A minister who in mortal sin confects several sacraments in one continuous act commits as many sins as the sacraments he confects. The contrary must be said of him who by one moral action distributes the Holy Eucharist to several. Finally, he who celebrates while in mortal sin more probably commits four sins, namely he unworthily confects the sacrament, unworthily receives the sacrament, unworthily administers the sacrament to himself, and administers the sacrament to an unworthy person, again to himself (St. Alphonsus, VI, 35; vol. I, p. 201).

3. As regards the mode of recovering lost grace, one about to confect or administer a sacrament while constituted in mortal sin can recover grace either by an act of perfect contrition or by confession. If, however, there is question of confecting the Holy Eucharist, Confession is required

of itself; this is clear from canon 807, to be explained later. Besides, the confectio of this sacrament has its reception annexed to it. Further, he who has sinned mortally cannot receive the Holy Eucharist unless he has first received the sacrament of Penance (n. 179). With regard to the confectio of the other sacraments, it is indeed fitting to confess,⁷ but there is no obligation.

¹ The word *solemnly*, which in the case is commonly used, does not regard external rites, but signifies the same as *by office*.

² Title I, single chapter, n. 4.

³ Part 2, chapter 1, q. 17.

⁴ Nevertheless, they sin gravely insofar as they receive Matrimony in mortal sin.

⁵ Chapter 5, cause 15, question 8.

⁶ Part 2, chapter 1, question 17.

⁷ Roman Ritual, title I, n. 4.

27 III. According to the rite, that is, according to the rites prescribed by the Church. Rites, however, are customarily distinguished as essential and accidental, according as they belong to the essence of the sacraments or do not belong to it. Concerning the essential rite, that is, concerning the use of matter and form, there has already been discussion, so that it remains to speak only of the accidental rite. Concerning this, let these things be observed:

1. That there is an obligation of observing the rites is of faith from these words of the Council of Trent: "If anyone shall say that the received and approved rites of the Catholic Church, customarily used in the solemn administration of the sacraments, can either be contemned, or omitted by the ministers at their pleasure without sin, or changed into other new rites by any pastor of churches whatsoever, let him be anathema."¹ The obligation is likewise drawn from the Constitution *Apostolicae Sedi* of Paul V,² placed at the head of the Roman Ritual; likewise from canon 733, § 1, which establishes: "In confecting, administering, and receiving the sacraments, the rites and ceremonies which are prescribed in the ritual books approved by the Church are to be accurately observed." Yet this does not prevent certain rites from being called directive rather than preceptive; this is drawn both from the words of the Ritual and from the thing itself, as will be noted in its place.
2. The obligation of observing the rites is grave by its genus, so that he sins gravely who neglects the law in grave matter; this is drawn both from the importance of the matter being treated and from the penalties to be inflicted on incorrigible transgressors (cf. can. 2378).
3. Each person is bound to follow his own rite (can. 733, § 2). Now the rite to be observed in the Latin Church is contained in the Missal and Roman Ritual, the Roman Pontifical, the Ceremonial of Bishops, and the *Memoriale Rituum*.³

Note 1. The sacred oils which serve for administering certain sacraments must have been blessed by the Bishop on the most recent Thursday in the Lord's Supper; and old oils are not to be used unless necessity urges. When the blessed oil is nearly lacking, other unblessed olive oil is to be added, even repeatedly, but in a smaller quantity (can. 734). The pastor must request the sacred oils from his Ordinary and diligently preserve them in the church in safe and decent custody under key; nor is he

to retain them at home, unless because of necessity or another reasonable cause, with the permission of the Ordinary (can. 735).

Note 2. The reverence due to the sacraments also requires that they be conferred with the decency which the nature of the sacrament demands; to this also belongs due attention. Nevertheless, voluntary distraction is only venial, unless there is added danger of a substantial or at least notable defect. Yet voluntary distraction of a priest during consecration and communion is held by many as grave irreverence, namely because of the eminent dignity of the Sacrifice (cf. St. Alphonsus, VI, 14, 224, 410, dub. 5).

¹ Session 7, On the Sacraments in general, canon 13.

² 17 June 1614.

³ The *Memoriale Rituum* is a small book of rites given for the City by Benedict XIII (1723) and promulgated for the whole world by Pius VII (1827).

28 IV. To the worthy. The sacraments can be ministered only to the worthy, at least of themselves. But it suffices that worthiness be established as will be explained below. I said:

1. **They can be ministered only to the worthy.** He who ministers them to an unworthy person commits: 1. the sin of sacrilege, on account of the irreverent treatment of a sacred thing, that is, of a sacrament; 2. the sin of scandal, on account of cooperation in the sin of one's neighbor (St. Alphonsus, VI, 43).

2. **At least of themselves;** because, as if accidentally, the sacraments can be ministered to an unworthy person if there is present a cause by which both the irreverence which is contained of itself in ministration to the unworthy is removed, and cooperation in the sin of one's neighbor is made honorable. Causes of this kind are: violation of the sacramental seal, infamy, scandal, and other inconveniences to be avoided. From these things follow:

a) A sacrament must be ministered to an unworthy person if his unworthiness is known only by sacramental knowledge. For the rest, the following rules hold:

b) The sacraments are to be denied to a public sinner whether he asks secretly or publicly. The reason is that neither scandal nor infamy to be avoided makes the ministration honorable¹ (can. 855, § 1; St. Thomas, III, q. 80, a. 6; St. Alphonsus, VI, 44). A public sinner, however, is one whose crime is notorious either by fact, by law, or by reputation; he is occult as long as there is hope that the crime can be hidden.

c) The sacraments are to be denied to an occult sinner if he asks for them secretly, that is, before the priest alone, or before a few others who do not understand what is being done and will not spread the matter; they are not to be denied if he asks for them publicly. It is said:

a) They are to be denied if he asks for them secretly (can. 855, § 2; Roman Ritual):² the reason is that from denial there does not follow the inconvenience mentioned above (St. Thomas, loc. cit.; St. Alphonsus, VI, 44). Except if the priest knew the state of the sinner from confession alone; for he cannot use knowledge from confession with the burden of the penitent (St. Alphonsus, VI, 51, 658).

b) They are not to be denied if he asks for them publicly (can. 855, § 2; Roman Ritual).³ The reason is that from the fact that a minister could publicly deny the sacraments from private knowledge, the

greatest inconveniences would follow: namely, not only the loss of the reputation⁴ of the one asking, but especially disputes, disturbances, scandals, and the danger that many would abstain from the sacraments, namely from fear lest they be kept away by an imprudent or malicious minister (St. Thomas, loc. cit.; St. Alphonsus, VI, 49). Except, however, the sacrament of Order, from which even one occultly unworthy must be kept away (Council of Trent;⁵ can. 970). "The reason is certain, because he who thrusts himself into public offices for which he is not suitable must be repelled, even with infamy, on account of the public good to be preferred to the private good" (St. Alphonsus, VI, 52; cf. St. Thomas, Supplement, q. 36, a. 4). Besides, "it must be noted that in that case the Bishop is not bound to manifest the cause why he repels him from ordination; according to the declarations of the Sacred Congregation of the Council issued on 21 March 1643 and on 21 April 1668, which the Supreme Pontiff Benedict XIV brings forward at length"⁶ (St. Alphonsus, loc. cit.).

If the crime is public in another place, but occult in the place where the sacrament is asked, the sacrament should not be denied unless knowledge of the crime will easily reach there (St. Alphonsus, VI, 46; cf. can. 855, § 2).

d) It is forbidden to minister the sacraments of the Church to heretics, even those erring in good faith and asking for them, unless first, having rejected their errors, they have been reconciled to the Church (can. 731, § 2). It is forbidden both because the sacraments generally cannot be ministered to heretics and schismatics without scandal,⁷ and because ministration of the sacraments to non-Catholics fosters indifferentism.

Insofar as these things are also to be applied to the dying, see in the treatise on Penance and on Extreme Unction.

3. It suffices that worthiness be established as follows:

a) With regard to Baptism of adults, Penance, Order, and Matrimony, the worthiness of the recipient must be established more or less positively, and therefore inquiry must be made into it, as will be explained more fully in the treatise on the said sacraments. Meanwhile consult, with regard to Baptism, canon 752, § 1; with regard to Penance, canons 886 and 888; with regard to Order, canon 973, § 3; with regard to Matrimony, canons 1020, 1021, § 1, and 1033.

b) With regard to the other sacraments, worthiness must be presumed, while unworthiness must be proven in some measure, so that in doubt the sacraments ought rather to be granted. The reason is that all the faithful have a right to these other sacraments, and ministers are not judges but dispensers; whence in these cases they do not have the right of inquiring, but only the duty of dispensing to all who ask, provided that they are not positively unworthy (St. Alphonsus, VI, 43). If, however, unworthiness has been established, amendment must be proven, and sometimes, besides, the satisfaction performed must be established. Concerning this the Roman Ritual has these words: "All the faithful are to be admitted to sacred Communion, except those who are prohibited for a just reason. But the publicly unworthy are to be kept away, such as the excommunicated, the interdicted, and the manifestly infamous: as prostitutes, concubinarians, usurers,⁸ magicians,⁹ sorcerers, blasphemers,¹⁰ and other public sinners of that kind, unless their penitence and amendment are established, and they have first satisfied for public scandal."¹¹ Canon 855, § 1, inculcates the same for the same reason. With these things considered, the following can be drawn:

¹ Roman Ritual, title IV, chapter 2, n. 3.

² Title IV, chapter 1, n. 9.

³ Title IV, chapter 1, n. 9.

⁴ This reason is not adequate, because the reverence to be shown of itself to the sacrament prevails over the private good of the reputation of the sinner, who, as is supposed, is not of good will; but it does not prevail over the common good.

⁵ Session 14, on reform, chapter 1; Session 23, chapters 5 and 7.

⁶ *De Synodo*, book 12, chapter 8, n. 2.

⁷ Holy Office, 20 July 1898 (*Collectanea*, n. 2012).

⁸ That is, those judicially convicted as such.

⁹ That is, those who publicly practice true and certain magic.

¹⁰ That is, those who from a spirit of impiety are accustomed by mouth or writing to utter injurious things against God, against the Saints, or against the Church.

¹¹ Title IV, chapter 1, n. 8.

29 Corollary I. If unworthiness arises from sin alone, generally it suffices that the sinner has confessed publicly; indeed, the very approach to the Holy Eucharist seems generally to suffice that he be judged amended. If, however, a public sinner of this kind, notwithstanding confessions and communions, does not cease falling back into the same habit, and the relapse is notorious, then the ministration of the sacraments should be deferred for some time, so that amendment may be sufficiently proven, unless now particular signs of amendment appear, as can occur especially on the occasion of a Mission.

Corollary II. If someone has publicly lived in a proximate occasion; likewise, if some resignation of office, or retraction, or satisfaction must be imposed, for example if someone has performed a wicked office, or has publicly enrolled in a wicked society, or has spread pernicious errors, or has publicly and unjustly stripped another of reputation, generally the occasion must be abandoned or the other obligation fulfilled before the sinner is publicly¹ admitted to the sacraments.

Corollary III. If someone has been publicly excommunicated, or has notoriously adhered to a heretical sect, before he communicates he must be reconciled with the Church in the external forum and absolved from the censure.

Corollary IV. If the crime is doubtful, the sacrament should not be denied, unless nevertheless someone is so suspected that by charity he is bound to remove the suspicion. If the crime is certain, but penitence doubtful, the sacrament should be denied, because penitence is not established; which the Roman Ritual cited above and canon 855 require (cf. St. Alphonsus, VI, 48).

Corollary V. If a doubt remains whether the sacraments must be denied to someone, the Ordinary should be consulted; or, if there is not time, after the sacrament has been granted, recourse should be had to him for the future.

For the rest, if the sacraments are to be denied, one should proceed most prudently. As far as can be done, the sinner should be warned in time, so that the request itself may be forestalled. If the matter does not succeed, the denial should be made without disturbance. The ordinary circumstances are especially regarded by the things said above; concerning the things to be observed in urgent danger of death there will be discussion in its own place.

Finally, here it is customary to ask whether the minister can administer a sacrament to an unworthy person in order to avoid harm threatening himself, for example death. Some affirm, provided that the one asking can here and now validly receive the sacrament and does not ask for it in contempt of God or of religion. They affirm this because there is had only material cooperation, which is licit for a cause of this kind. But with St. Alphonsus (VI, 49) it seems it must be denied; since the conferral of a sacrament on an unworthy person, and this in the supposed circumstances, carries with it so great an injury to the sacrament that it does not seem it can be admitted for averting private harm from the minister, but only for preventing inconveniences that would follow for the community from the denial (St. Alphonsus, VI, 49). As we already noted above, the adequate reason why it is permitted to confer a sacrament on an occult sinner is not the avoidance of infamy for a contumacious sinner, but the inconveniences which would arise for the community from the denial (St. Alphonsus, loc. cit.).

¹ Of themselves, the sacraments can be ministered at least secretly to all who are truly penitent, but according to the Sacred Penitentiary (1856) it is not fitting "to admit to secret participation in the sacraments those who have not made retraction, on account of the scandal of the weak, who can believe that the penitent has persevered in obstinate pertinacity."

30 V. Absolutely or conditionally, according to the circumstances. The sacraments are to be conferred absolutely if there is no serious doubt about validity; otherwise under condition. Yet he who, being certain of validity, places a condition, seems of himself to sin only lightly, because grave irreverence is not evident.

Scholion I. On the Ministration of a Doubtfully Valid Sacrament

31 I. The morality of doubtfully valid ministration. 1. Of itself it is illicit to minister a sacrament with doubt about its validity; in other words, moral certainty about the validity of the sacrament is required of itself. The reason is that of itself it is injurious to Christ, the Author of the sacraments, to place the external rite instituted by Him, wholly or at least partially, and indeed in order to constitute a sacrament, with grave danger of not truly constituting the sacrament. There is added proposition 1 condemned by Innocent XI: "It is not illicit in conferring the sacraments to follow a probable opinion about the validity of the sacrament, the safer one being left aside, unless law, agreement, or danger of incurring grave harm forbids it. Hence one must not use only a probable opinion in the conferral of Baptism, priestly Order, or episcopal Order."¹ Therefore of itself it is illicit: 1. to use doubtful matter or form; 2. to minister a sacrament in doubt whether another requisite for validity is present, for example the presence of the penitent due in the sacrament of Penance. Consequently, of itself it is also not licit to minister a sacrament under a condition which, according to what was said in n. 32, renders the validity of the sacrament doubtful (St. Alphonsus, VI, 28, 46).

Note. The moral certainty about validity which is required must be taken more strictly or more broadly according to the diversity of the sacraments; more broadly, for example, for the sacrament of Penance, as will be explained in its place.

2. Accidentally, a sacrament can sometimes, or even must, be conferred with doubt about its validity, namely if on the one hand it cannot certainly be conferred validly, and on the other hand there is a grave reason for conferring it. For since the sacraments are for men, the salvation of men to be procured prevails over the obligation of taking care lest the sacrament be exposed to

the danger of nullity. A sufficient reason is present the more easily in proportion as the sacrament is more necessary (St. Alphonsus, VI, 28, 29).

Corollary I. A doubtfully valid sacrament can be conferred if the validity is at least probable and, from the sacrament not being conferred, grave spiritual harm threatens someone. Hence, for example, one doubtfully disposed can be absolved if there is fear lest otherwise he be alienated from the sacraments. But scarcely ever is it licit to consecrate doubtful matter (St. Alphonsus, VI, 28, 29, 432).

Corollary II. In danger of death, even with slight probability about validity, the necessary sacraments must be conferred, namely Baptism and Penance; likewise Extreme Unction, at least if Penance certainly cannot be conferred validly (St. Alphonsus, VI, 103).

¹ Denzinger-Bannwart, n. 1151.

32 II. The mode of doubtfully valid ministration. If a sacrament is ministered with doubt about validity, it must be conferred under condition; namely, the reverence due to the sacrament requires that the minister, in a doubt of this kind, protest that he does not will to confer the sacrament if the necessary condition is lacking.¹ Besides, observe:

1. Let the condition be placed on which validity depends, not that on which only the fruit depends. The reason is that a sacrament conferred under a condition on which only the fruit depends, for example, if you are disposed to receive grace, cannot revive; for if the condition is verified, the sacrament is immediately received validly and fruitfully; if it is not verified, it is not even validly received, and therefore cannot revive (n. 11). On the contrary, a sacrament conferred under a condition on which validity depends, for example, if you are capable of receiving the sacrament, is validly conferred if the condition is verified; and if perhaps it is now received without fruit, afterwards, when the due disposition is added, it can revive.
2. It is not required that the condition be expressed by mouth, but it suffices that it be expressed mentally, except in the cases in which, according to the Roman Ritual,² it must be expressed by mouth, namely: 1. in doubt whether the one to be baptized has already been baptized, or whether that which has been born is a human being; 2. in doubt whether the one to be anointed is still living (St. Alphonsus, VI, 29). The reason is that a condition placed mentally suffices for the sacrament truly to be conferred conditionally, in other words, for the intention to be restricted to the case of valid confectio. This is confirmed by these words of the Roman Missal: "If he doubts very probably that he has omitted something essentially in the consecration, let him repeat the form at least under a tacit condition."³ Indeed, it is enough to place the condition, whether by mouth or only mentally, implicitly; for example by ministering the sacrament according to the institution of Christ or the intention of the Church.

¹ If doubt about validity is removed by the Church supplying the defect, if it exists, the sacrament must be conferred absolutely. If someone places the condition: if you are disposed, it can seem doubtful whether there is intended a disposition required for the fruit alone or, at least confusedly or predominately, for validity. Hence it is safer not to express the condition in this way.

² Title 2, chapter 1, nn. 9, 22; title 5, chapter 1, n. 14.

³ *De defectibus*, title 5, n. 2.

Scholion II. On the Repetition of a Sacrament Doubtfully or Doubtfully Validly Conferred

33 We speak of the repetition of a sacrament which is done under this condition, or an equivalent one: If the former sacrament was not conferred, or was not validly conferred; and which therefore effects nothing if the former sacrament was validly conferred. Now:

I. It is illicit to repeat a sacrament under condition if the doubt about the ministration or its valid ministration lacks reasonable foundation. In the case, repetition is gravely illicit, because it is grave irreverence to repeat the sacramental rite without reason. Nevertheless, the scrupulous are excused from sin, at least grave sin; yet they must be seriously admonished to abstain from repeating the form. Likewise, it is venial uselessly to repeat the same word, by which manner of acting Christ is introduced as speaking ridiculously. Stammerers, however, are excused, provided that, as far as can be done, they try to pronounce the words rightly the first time.

II. It is licit to repeat the sacraments under condition if both a prudent doubt about ministration, or about valid ministration, exists, and the usefulness of one's neighbor recommends reception of the sacrament.

III. A sacrament must be repeated under condition if there is prudent doubt about the ministration or its validity, and reception of the sacrament is necessary by necessity of means or of precept; even more if the common good requires that the sacrament be certainly conferred validly. Moreover, the more necessary the sacrament is, the more easily a sufficient doubt is present.

Corollary I. The sacraments of Baptism, Confirmation, and Order are to be repeated under condition if a prudent doubt exists whether they were really conferred or whether they were validly conferred (can. 732, § 1). If it is prudently doubted whether absolution was imparted or rightly pronounced, and the penitent is still sufficiently present, absolution must be repeated if there is question of a penitent constituted in mortal sin; otherwise it can at least be repeated.

Corollary II. Baptism, Order, absolution of one dying, and Extreme Unction conferred on one deprived of the senses must be repeated, even if the reason for doubting the validity of the former sacrament is slight.

Corollary III. It can happen that doubt about the ministration or the valid ministration of a sacrament, even a necessary one, is so slight that it can indeed be repeated, but need not be repeated. Thus, for example, to quiet anxiety Order could be repeated if the words of the form had been uttered immediately after the matter was placed.

Corollary IV. Finally, it can happen that a sacrament can and must be repeated several times under condition, for example that an infant must first be baptized while still existing in the womb; then, when some member has emerged, be rebaptized under condition; finally, once brought into the light, be rebaptized again under condition (n. 93; cf. can. 746, § 3).

Section III. On the Obligation of Ministering

34 **I. Bishops and pastors are bound in this way:**

1. They must, by justice, minister the sacraments to their subjects; and indeed not only in true necessity, but as often as they reasonably ask for this. They are bound by justice because, in accepting their office, they entered into a tacit contract. There is added the reason of salary or

honorable support accruing to them by reason of their office (St. Alphonsus, VI, 58; cf. vol. I, n. 572; canons 464, § 1; 467, § 1; 785; 892, § 1; 939).

2. The aforesaid obligation is grave by its genus, namely so that they would sin gravely: 1. if they did not aid a subject constituted in grave or extreme necessity; 2. if by custom they showed themselves difficult or slow, for example if they heard confessions only on a few days in the month, or assigned notably inconvenient times for the distribution of the Holy Eucharist.
3. If the necessity is grave or extreme, grave inconvenience does not excuse, indeed not even danger on the way (cf. vol. I, n. 572). Nevertheless, concerning the obligation of ministering the sacraments with danger to life, let these things be noted:

a) The obligation regards only the sacraments necessary for salvation according to the circumstances, namely Baptism, Penance, and, if the sick person were deprived of the senses before he could have been absolved, Extreme Unction.

b) In order that the said obligation exist, it is required: 1. that there be no other who will certainly minister the sacraments; 2. that there be hope of fruit; 3. that from the sacrament ministered with danger to life there not threaten a greater harm, for example a common harm or the harm of many for whom the minister is necessary.

Corollary I. Pastors can provide many things through others, unless nevertheless they are requested by name. Bishops, however, can, at least today, fulfill ordinary offices entirely through others.

Corollary II. Benedict XIV concludes from rescripts of the Sacred Congregation of the Council that a pastor cannot withdraw in time of plague, even if he leaves behind a suitable vicar; nevertheless he can reserve to himself the care of the healthy if the vicar is ready to provide for the sick, lest the healthy, from fear of infection, flee both of them.¹ The same Sacred Congregation declared that this prohibition has much more force for Bishops.² Moreover, the things said about time of plague are certainly to be applied generally to a time of common danger, such as war or any contagious disease. Finally, pastors and bishops in a time of common danger cannot resign unless someone else can be substituted into their office.

¹ *De Synodo dioecessana*, book 13, chapter 19, n. 2.

² 18 December 1576.

35 II. Assistants who by reason of office supply the place of the pastor are held by almost the same obligation as pastors (cf. can. 476, § 6).

36 III. Other priests are obliged by charity alone (cf. can. 892, § 2; 939). They are bound under grave obligation if their neighbor is in extreme or grave necessity. If there is question of grave necessity, grave inconvenience excuses. If there is discussion of extreme necessity, or of grave common necessity, not even danger of life excuses. But concerning the obligation of ministering the sacraments with danger to life, let the things noted above concerning it be noted (St. Alphonsus, VI, 624; II, 27; *Homo Apostolicus*, tract 4, n. 14; tract 16, n. 125).

Corollary. If the people, because of a scarcity of ministers, are in grave necessity, a simple priest cannot abstain from hearing confessions and administering the Holy Eucharist; and if he is not suitable for hearing confessions, he is bound, if he can, to render himself suitable (St. Alphonsus, VI, 625).

37 **IV. Superiors of religious, toward their subjects, are held by an equally grave obligation as pastors** (cf. can. 514, § 1); nevertheless practically they are not held by justice, because there is no established tacit contract, nor is a salary assigned. There is added an obligation of religion, because superiors seem to be obliged from this motive.

Dissertation III. On the Reception of the Sacraments

We must speak first of the person receiving, then of the mode of receiving a sacrament.

Part I. On the Person Receiving

38 I. Only man as a wayfarer is capable of receiving the sacraments. Therefore angels and the dead are excluded. Nevertheless not every wayfaring man is capable of receiving all the sacraments; namely:

1. Every man not yet baptized is capable of Baptism (can. 745, § 1).
2. Every baptized person is capable of Confirmation and the Eucharist (canons 786, 853).
3. Every baptized male is capable of Order (can. 968).
4. Every baptized person who has fallen after Baptism is capable of Penance (can. 902).
5. Every baptized person able to enter into a contract is capable of Matrimony (cf. can. 1035).
6. Every baptized person who, after having attained the use of reason, is in danger of death because of illness or old age is capable of Extreme Unction (can. 940, § 1).

Part II. On the Mode of Receiving a Sacrament

In order that the sacraments produce the twofold effect concerning which there was discussion (n. 5), namely character and grace, they must be received validly and licitly. I said "in order that they produce the twofold effect," since valid reception suffices for producing character alone. In order, moreover, that grace be received, valid and licit reception is required.

Section I. On the Requisites for Valid Reception

39 For validly receiving a sacrament neither faith nor uprightness is required, as is clear from the sense and practice of the Church, which has always held as valid a sacrament received according to the rite of the Church in heresy. Penance is excepted, for which the good acts of the penitent are required, as will be explained in its own place.

Baptism, however, is required for the other sacraments. This is established, namely, from tradition, that the other sacraments were instituted only for those who through Baptism have been made members of the Church (St. Alphonsus, VI, 79).

Finally, for the valid reception of all the sacraments there is required, at least in adults, intention, that is, the will of receiving the sacrament; concerning which intention we must speak more fully (St. Alphonsus, VI, 80, 139).

40 **I. Necessity of intention.** 1. In little children and in the perpetually insane, that is, in those who have never enjoyed the use of reason, no intention is required, but the will of the Church supplies. This is of faith with regard to Baptism,¹ certain with regard to Confirmation and the Holy Eucharist, namely from the most ancient practice of the Church; likewise with regard to Order from the Constitution *Eo quamvis tempore* of Benedict XIV² (St. Thomas, III, q. 68, a. 9; a. 12, ad 1; St. Alphonsus, VI, 80, 139). Further, little children and the perpetually insane are capable of the sacraments which we have indicated, but incapable of the others (St. Alphonsus, loc. cit.).

2. In adults intention is required, as follows:

a) He who both internally resists the reception of the sacrament and is forced to the external rite, by the consent of all, does not receive the sacrament.

b) He who internally resists the reception of the sacrament, but voluntarily admits the external rite, does not receive the sacraments which do not imprint character. Thus authors commonly teach, relying on this reason: that it is not fitting that the gifts of God be conferred on one who positively does not will to receive them. There is some dispute about those sacraments which confer character, that is, Baptism, Confirmation, and Order. Those few who judge that the latter sacraments are received in the case rely especially on the fact that Innocent III³ declares that it is not absurd to teach that he who fictitiously approaches Baptism, that is, externally consenting but dissenting in heart, receives the impressed character of Christianity. Nevertheless, the more common opinion teaches that even the sacraments which imprint character are not received by one who internally dissents, although he externally consents. The reason alleged is that it seems especially unfitting that sacraments which carry special burdens with them should be received by a subject who does not will to receive them. For the rest, the words of Innocent III, considering their tenor, are of a kind to move anyone little.

c) He who neither consents nor dissents, but holds himself merely passively, much more probably does not receive the sacraments any more than one who positively resists reception; because it is not fitting that the gifts of God be conferred on one who does not positively will to receive them (St. Thomas, III, q. 68, a. 7; St. Alphonsus, VI, 81).

St. Thomas says thus in the cited place: "I answer that through Baptism someone dies to the old life of sin and begins a certain newness of life ... And therefore, just as in order that a man die to the old life there is required, according to Augustine, in one having the use of free will, the will by which he repents of the old life; so there is required the will by which he intends newness of life, whose beginning is the very reception of the sacrament; and therefore on the part of the one baptized there is required the will or intention of receiving the sacrament." And again: "If in an adult the intention of receiving the sacrament were lacking, he would have to be rebaptized; if however this were not established, it would have to be said: If you are not baptized, I baptize you."

With this doctrine of St. Thomas there cannot be reconciled the opinion of those who teach that the will which is required in the recipient is rather that of one not placing an obstacle than of one positively consenting.⁴

Corollary I. He validly receives a sacrament who, from fear, consents to reception; for fear does not take away freedom. Except Matrimony, which is invalid if consent has been extorted by grave fear, as will be explained in its own place.

Corollary II. The question treated concerning the intention of one receiving a sacrament does not regard the Holy Eucharist; concerning this, namely, it is not asked whether it is valid without the intention of the recipient, but whether without the said intention it is received sacramentally, or only materially, so that it does not produce fruit.⁵

¹ Council of Trent, Session 7, canon 13 on Baptism.

² 4 May 1745, article 1.

³ Chapter 3, *De Baptismo* (III, 42).

⁴ Cf. also, with regard to Baptism, canons 745, § 2, and 752; Roman Ritual, title 2, chapter 3, n. 1; with regard to Penance, Roman Ritual, title 3, chapter 1, n. 24; with regard to Extreme Unction, canon 943; Roman Ritual, title 5, chapter 1, n. 6.

⁵ Cf. the treatise on the Holy Eucharist.

41 II. Nature of the required intention. 1. In itself actual intention is not required, nor virtual intention, but even habitual intention suffices; interpretative intention does not suffice. I said:

a) Habitual intention suffices, in other words, it suffices that someone positively had it and has not retracted it.¹ The reason is that intention is required in the recipient only so that he may not be said to be sanctified against his will. But this cannot be said of one who enjoys habitual intention. Others except Penance and Matrimony. But as regards Penance, habitual intention suffices insofar as there is question of receiving absolution. It is another question, however, whether the acts of the penitent must be placed from an at least virtual intention, that is, by force of the intention of receiving the sacrament, in other words, whether they must be referred by the penitent, actually or virtually, to absolution.² With regard to Matrimony, which the recipients themselves minister, actual or virtual

intention is necessary to this extent: that it is required that consent begin to exist from an actual or virtual intention of contracting Matrimony (St. Alphonsus, VI, 81, 82, 139).

b) Interpretative intention does not suffice, because intention of this kind, at least as it is understood by us (n. 15), in reality has not existed.³

Objection. The Roman Ritual⁴ and canon 943 establish that Extreme Unction is to be conferred absolutely on the sick who, when they were in possession of their mind, at least implicitly asked for it or probably would have asked for it. Therefore with regard to Extreme Unction interpretative intention suffices, or rather a mind inclined toward the said sacrament, which interpretative intention indicates.

Response. I deny the consequence. And indeed the Roman Ritual and canon 943 do not speak of sick persons, faithful, who would probably have willed Extreme Unction, but who would probably have asked for it. But a faithful person who, while master of himself, would probably ask for Extreme Unction also, with sufficient certainty, willed the said sacrament more or less explicitly, just as the request which probably would have place indicates with sufficient certainty a mind inclined toward the sacrament.

2. With regard to the object, the intention of receiving such a sacrament is required, or of receiving what the Church intends through such a rite. But an intention more or less explicit of receiving such a sacrament suffices. A merely implicit intention, as for example the will of using the means of salvation, does not suffice if there is an explicit contrary intention; if no such contrary intention is had, the matter seems doubtful. With these things noted in general, receive the following in particular:

a) With regard to Baptism, the will of embracing the Christian religion suffices for receiving it, at least in danger of death. It is disputed whether the same can be said of the will of using the means of salvation, likewise of attrition or contrition. Many hold this as probable, because there is an implicit intention. But we judge that one must speak thus:

a) It seems it must be denied if there is question of those who reject Baptism at least more or less explicitly; of this kind are Jews, Mohammedans, and many Protestants today. But it seems it must be denied because, besides the fact that it is not proven that implicit intention suffices, explicit rejection seems to prevail over implicit admission.⁵ There is added that the Holy Office on 30 March 1898 declared: "Concerning dying Mohammedans deprived of the senses, one must respond as in the decree of the Holy Office of 18 September 1850 to the Bishop of Perth, that is: If previously they had given signs of wishing to be baptized, or in their present state either by nod or in another way have shown the same disposition, they can be baptized under condition, insofar nevertheless as the Missionary, having inspected all the circumstances of things, has so prudently judged"; which at least proves that it is illicit to confer Baptism on those who reject it, and suggests that such conferral is invalid, because, if validity were posited, at least in extremis it does not seem it should be excluded. There are added canons 752, § 3, and 754, § 3, compared with the Holy Office of 30 March 1898, which seem to require a more or less explicit will. There is added finally that a practice conforming to the contrary doctrine never seems to have existed in the Church (St. Alphonsus, VI, 82; cf. VI, 483). Practically, the contrary opinion can be called licit, but not obligatory.

b) If there is discussion of those who do not explicitly reject Baptism, the probability of the opinion which teaches that the general will of admitting the means of salvation suffices, likewise attrition and contrition, the probability of that opinion, I say, seems rather slight: both because, as we said, canons 752, § 3, and 754, § 3, compared with the Holy Office of 30 March 1898, seem to require that the one to be baptized have signified an intention more or less explicit of receiving Baptism; and because the practice of baptizing those who enjoy only an implicit intention seems truly new in the Church. Practically, however, the contrary opinion seems licit, and, according to circumstances, obligatory.

b) With regard to Extreme Unction, likewise for receiving Viaticum sacramentally, the will of dying Christianly suffices; the same will in danger of death suffices for Confirmation; likewise for receiving sacramental absolution, at least considered by itself alone.

The will of dying Christianly, likewise the will of using the means of salvation, or contrition or attrition, according to the things explained above, do not seem to suffice in those who reject the mentioned sacraments more or less explicitly. With regard to non-Catholics who do not explicitly reject the said sacraments, it is not so proven that the will of dying Christianly, etc., does not suffice for valid reception.

c) With regard to Matrimony and Order, explicit intention is required; since, at least practically, there will not be had an implicit intention which includes the will of entering Matrimony or of receiving Order. There is added that the said sacraments carry special burdens with them, so that for that reason also a general will does not sufficiently contain the will of receiving them (St. Alphonsus, VI, 82).

Question. Whether the conceived intention of receiving a sacrament effects that it is validly received, even if it is ministered to one not master of himself, for example sleeping, drunk, or fallen into insanity.

Response. A few deny it;⁶ but it seems it must entirely be affirmed, both because Innocent III teaches thus with regard to Baptism,⁷ likewise Benedict XIV;⁸ and because intention is not judged restricted unless a restriction is expressly placed, or is drawn from a contrary will once had (St. Thomas, In IV, dist. 6, q. 1, a. 2, sol. 3, ad 2; St. Alphonsus, VI, 81).

¹ Innocent III, chapter *Maiores*, § *Item quaeritur, de baptismo*; Instruction of Benedict XIV, *Postremo mense*, n. 46.

² Cf. the treatise on Penance.

³ St. Alphonsus (VI, 82) and others teach that interpretative intention suffices; but they understand that intention which others call implicit habitual intention. The holy Doctor indeed calls it interpretative intention which was never had; but he intends the one which was never had explicitly, as follows from the context, namely both from the fact that he also calls interpretative intention general, that is, such by which someone implicitly wills the sacrament, and from the fact that he opposes interpretative intention to explicit intention.

⁴ Title V, chapter 1, n. 6.

⁵ It seems to others that in the will of using the means of salvation there is not included the implicit will of receiving the sacrament, but rather a merely conditioned will; in other words, he would will to receive it if he recognized it as a means of salvation; but this condition not being fulfilled, he in no way wills it (cf. Ter Haar, *De occasionariis et recidivis*, n. 503).

⁶ Roncaglia, *De Sacramentis in genere*, chapter 5, question 2, response 2; Billuart, *De Sacramentis in communi*, dissertation VI, article I; Lehmkühl (II, 65 note) doubts.

⁷ Book 3 of the Decretals, title 42, chapter 3, *Maiores*.

⁸ Instruction *Postremo mense*, n. 46.

Section II. On the Requisites for Licit Reception

42 In little children and the perpetually insane no disposition is required. In adults these things are required:

43 **I. They must have the disposition by which they become proximately capable of the effect to which the sacrament is of itself ordered.** Hence:

1. For the sacraments of the dead, that is, for Baptism and Penance, besides acts, at least implicit, of faith and hope, at least attrition is required.¹ That attrition suffices is clear from the fact that those sacraments are of themselves ordered to remitting mortal sins, and therefore cannot demand a disposition which already of itself remits mortal sins (St. Alphonsus, VI, 440). He who receives the sacrament of Penance without attrition sins gravely, because the sacrament is rendered invalid. Likewise, he sins gravely who, guilty of personal mortal sin, receives Baptism without attrition; for he inflicts grave injury on the sacrament who receives it in such a way that it is frustrated of its grave end, that is, the remission of mortal sins. If one guilty only of personal venial sin receives Baptism without attrition, he indeed effects that Baptism does not remit the venial sin; but only venial sin is committed.

2. For the sacraments of the living, the state of grace is required.

a) The existence of the obligation is clear from the fact that those sacraments are ordered to increasing grace; hence grace must already be present. Nevertheless, as was said concerning the minister, a necessity excuses which is so urgent that not even an act of contrition can be elicited; for example, "if a consecrated host were about to be profaned by heretics and someone, because of that sudden incursion, could not be contrite so quickly"; or if "a layman were reclining at the communion rail who remembered a mortal sin and could not elicit contrition because of the narrowness of time" (St. Alphonsus, VI, 86).

b) Gravity of the obligation. He who receives a sacrament of the living in mortal sin sins gravely, because he is guilty of grave injury who receives a sacrament of this kind without the disposition which its nature demands, or without the disposition required for the end or fruit to which it is of itself ordered, which is the increase of grace. There is added that a sacrament of the living received in mortal sin, even with attrition, according to some produces no fruit at all except character (n. 6; St. Alphonsus, VI, 86).

c) The certainty required concerning the state of grace. In order that someone licitly receive a sacrament of the living, at least broad moral certainty concerning the state of grace is required; but this also suffices. It is required because otherwise the one receiving exposes the sacrament to grave danger that it be received without the disposition which its nature demands, or without the disposition required for the fruit to which it is of itself ordered, to pass over the danger that it be received without any fruit at all; and this contains grave irreverence (St. Alphonsus, *Homo Apostolicus*, tract 15, n. 34). There is added that most authors, especially the more distinguished, adhere to this opinion. It suffices because these things must be taken in a human manner.

Objection. In order that someone who has sinned gravely be morally, although broadly, certain of the state of grace, he must either confess or elicit contrition with exquisite diligence. But the reverence due to the sacrament cannot oblige to so great a burden.

Response. I deny the assertion. Namely, in order that someone acquire broad moral certainty concerning the state of grace, it suffices that he either confess or elicit an act of contrition with moral diligence. God Almighty will not deny His help to one applying serious effort. For the rest, granted, though not conceded, the assertion of the adversaries, the burden set forth does not seem so great that, in order to avoid it, it would be licit to expose the sacrament to grave danger that it be received without the disposition required for the fruit to which it is of itself ordered, to say nothing of the danger that it be received without any fruit at all.

d) The mode of recovering lost grace. He who, constituted in mortal sin, wishes to receive a sacrament, can recover grace through an act of perfect contrition or through confession. If, however, there is question of receiving the Holy Eucharist, confession is required of itself; this obligation will be explained more fully in the treatise on the Eucharist. With regard to receiving the other sacraments, it is indeed fitting to confess, but there is no obligation.

Note. Besides the state of grace, the reverence due to the sacraments requires that the sacraments be received according to the rite perhaps prescribed in reception, and with that decency which the nature of the sacrament demands. To this especially belongs due attention, neglect of which nevertheless is only venial.

¹ Council of Trent, On Justification, Session 6, chapter 6; On Penance, Session 14, chapter 4.

44 **II. They must ask for the sacrament from a minister:** 1. enjoying legitimate faculty; 2. not censured, that is, not excommunicated, interdicted, or suspended, not irregular, or not canonically simply impeded; and 3. worthy, that is, living in the state of grace. Observe, however, that every minister is presumed suitable unless the contrary is established. But in order that the contrary be established, rumors do not suffice; indeed, one who has been a sinner is generally presumed amended, unless the contrary is evident, for example from a manifest voluntary proximate occasion not left behind. For the rest, receive these things:

1. It is a grave sin to ask for a sacrament from a minister here and now lacking legitimate faculty.
2. Of itself it is a grave sin to ask for a sacrament from a minister who is censured, irregular, canonically simply impeded, or unworthy because of grave sin, because it is proximate cooperation in the grave sin of the minister. Accidentally it is licit when a cause proportionate to the case and circumstances is present. This is clear from the things said concerning cooperation (n. 556) and from the canons soon to be cited. Hence:

a) From excommunicates to be avoided, and also from other censured persons after a condemnatory or declaratory sentence has intervened, the faithful can ask, in danger of death alone, both sacramental absolution according to the norm of canons 882 and 2252,¹ and also, if other ministers are lacking, the other sacraments and sacramentals (can. 2261, § 3; 2275, 2; 2284).

b) From tolerated excommunicates, and also from other censured persons before a condemnatory or declaratory sentence has intervened, the faithful can ask for the sacraments and sacramentals for any just cause, especially if other ministers are lacking; and then the censured person who is requested

can minister the same and is held by no obligation to inquire of the requester about the cause (can. 2261, § 2; 2275, 2; 2284).

c) Concerning irregular persons and those canonically simply impeded, almost the same seems to have to be said as concerning excommunicates to be avoided (cf. can. 968, § 2).

d) Sacraments can be asked from a minister unworthy because of sin: 1. if the precept of confession or communion urges; 2. "if from delaying reception there threatens danger of a fall; 3. if you must fulfill the precept of hearing Mass; 4. if one is in mortal sin and does not wish to wait even an hour, because it is not a small usefulness to be freed from sin as soon as possible; 5. if you would have to lack, at least for a long time, communion or the fruit of confession, even if you do not have mortal sin; 6. if otherwise you cannot gain a jubilee; 7. if you need a skilled director and do not have another; 8. if you wish to apply Mass for a deceased friend" (St. Alphonsus, VI, 89). Indeed, for any just cause a sacrament can be asked from one whose office it is to administer such a sacrament, for example from one's own pastor (St. Alphonsus, loc. cit.).

¹ The cited canons will be explained in their own place.

45 Note. It is pleasing to explain briefly how far the sacraments can be ministered to little children, the insane, and the partially insane, and received by the aforesaid.

I. Little children and the perpetually insane, as was already said (n. 38), are capable of receiving Baptism, Confirmation, the Holy Eucharist, and Order. Yet not all are conferred on them.

II. To the insane who previously possessed the use of reason, those things must be applied which we said generally concerning adults. Hence, for example, for valid reception it is required that before insanity they had the intention and did not retract it. For the rest, consult what is to be said concerning the individual sacraments.

III. The partially insane are not of themselves to be kept away from the sacraments. Namely:

1. Baptism must be conferred on them even outside danger of death; nor is so much instruction prerequired in them as in others.
2. Confirmation can be conferred, even if they have been instructed less than others.
3. Absolution should be granted, in doubt about sufficient use of reason or disposition under condition: 1. in danger of death; 2. at Easter; 3. as often as they have confessed a doubtfully grave sin; indeed, 4. several times, even if they have declared only light sins (St. Alphonsus, VI, 432; IV, 3).
4. The Holy Eucharist should be conferred: 1. in danger of death; 2. at Easter; 3. several times, if they show devotion (St. Alphonsus, VI, 303).
5. Extreme Unction should be furnished to those lying dangerously ill; under condition if there is doubt about the use of reason had both now and previously.
6. Order is not to be administered to them.
7. They can indeed enter Matrimony if they understand the substance of the contract; nevertheless they are generally to be turned away from it.

Appendix. On Sacramentals

46 **I. Notion.** Sacramentals are things or actions which the Church, in some imitation of the sacraments, is accustomed to use for obtaining from her own impetration effects, especially spiritual effects (can. 1144). This notion handed down by the Code will become clearer from what is to be said. Sacramentals are, for example, consecrations and blessings to be performed in the name of the Church, exorcisms, prayers prescribed by the Church and to be recited in her name, such as the breviary, and blessed things, such as water, Agnus Dei, ashes, palms, etc.

47 **II. Institution.** With regard to the institution of sacramentals, it seems more probable that one must speak thus: most derive their origin from ecclesiastical institution; but certain ones of them, such as exorcisms and blessings, were instituted by Christ at least in a general way and entrusted to the Church, yet in such a way that afterwards they were more determinately circumscribed by the Church both as to mode and as to effect.¹ To add new things to the sacramentals, or to change anything in them, belongs to the Apostolic See alone, as is clear from canon 1145. The reason is that sacramentals draw their force from the impetration of the Church alone. Therefore it belongs to the Head of the Church alone to constitute or change them.

¹ Cf. Schmid, *Die Sacramentalien der Katholischen Kirche*, p. 149.

48 **III. Effects.** 1. The effects of sacramentals are either the special deputation of some person or thing to divine worship, as, for example, the blessing of an abbot or the administration of minor orders, supposing that these do not enjoy the character of a sacrament, and the consecration of a church or chalice; or the attainment of some good, whether spiritual, such as actual grace, the removal of venial guilt and temporal punishment, or bodily, such as health of body or immunity from calamity by which the person himself or his goods can be affected. Special deputation to divine worship is the effect of those sacramentals which consist in consecrations and constitutive blessings; the attainment of a good, whether spiritual or bodily, is obtained by the sacramentals of exorcism, prayer, and blessed objects.

2. As regards the mode by which diverse sacramentals produce their diverse effects, it can generally be established that they produce them by way of impetration, as if *ex opere operato*, that is, from the work of the working or praying Church, and this independently of the disposition either of the minister or of the subject, and indeed with that infallibility by which God promised to hear the prayer of His most beloved spouse, namely the Church. Some effects, however, are received immediately, others mediately through the sacramentals; wherefore concerning the individual effects in species one can speak thus:

- a) The special deputation of some person or thing to divine worship is obtained by way of impetration *ex opere operato*, infallibly and immediately.
- b) Actual graces are obtained in the same way, and through acts placed by means of these graces, the remission of sins and other goods which the just man can acquire for himself supernaturally.
- c) The expulsion and restraint of demons is obtained both by way of impetration and by way of adjuration or command.
- d) Finally, temporal goods, such as health, fertility of the earth, and the removal of threatening evil, are obtained both by way of impetration and by way of adjuration directed against demons.

49 **IV. Ministration or use.** 1. In general, the legitimate minister of sacramentals is a cleric to whom power has been granted for this and who has not been prohibited by competent ecclesiastical authority from exercising the same power (can. 1146). In species, with regard to legitimate ministers, the following are established:

a) No one who lacks the episcopal character can validly perform consecrations unless this is permitted to him either by law or by apostolic indult (can. 1147, § 1).¹

b) Any priest can impart blessings, except those which are reserved to the Roman Pontiff or to Bishops or others.² A reserved blessing which is given by a priest without the necessary permission is illicit but valid, unless in the reservation the Apostolic See has expressed otherwise (can. 1147, §§ 2 and 3). Deacons and lectors can validly and licitly give only those blessings which are expressly permitted to them by law (can. 1147, § 4).

c) With regard to exorcisms, see vol. I, n. 700.

2. In confecting or administering sacramentals, the rites approved by the Church are to be accurately observed (can. 1148, § 1). Consecrations,³ and blessings whether constitutive or invocative,⁴ are invalid if the formula prescribed by the Church has not been used (can. 1148, § 2).

3. Blessings, which are chiefly to be imparted to Catholics, can also be given to catechumens, indeed, unless a prohibition of the Church stands in the way, even to non-Catholics, for obtaining the light of faith or, together with it, health of body (can. 1149).

4. Things consecrated or blessed with a constitutive blessing are to be treated reverently and not applied to profane or improper use, even if they are in the ownership of private persons (can. 1150).

Note. Let the ministers of the Church explain to the faithful the nature and efficacy of sacramentals. Moreover, let the ministers of the Church show themselves ready in ministering sacramentals, and prudently accustom the faithful who neglect sacramentals to the use of them. Yet let them beware lest they apply ecclesiastical blessings, under whatever pretext, to ends other than those for which they were instituted by the Church, and lest by an imprudent use of them they expose this most holy institution to contempt, or stain it with the reputation of superstition or of dishonest gain.

¹ That law permits this to Cardinals (can. 239, § 1, n. 20); Vicars and Prefects Apostolic (can. 294, § 2); Pro-vicars and Pro-prefects (can. 310, § 2); Abbots and Prelates nullius (can. 383, § 2), according to the norm of the cited canons.

² Cf. with regard to blessings reserved to the pastor, can. 462, 6 and 7; with regard to sacred furnishings to be blessed, can. 1304; with regard to exorcisms to be pronounced, vol. I, n. 700.

³ Consecrations are made by anointing with chrism or sacred oil.

⁴ A constitutive blessing is one which orders a person or thing to divine worship, and so constitutes it sacred; an invocative blessing regards things, for example a ship, destined for profane use.

Treatise V. On Penance

(St. Thomas, part 3, questions 84-90; Supplement, questions 1-28; St. Alphonsus, *Theologia moralis*, book VI, nn. 425-705; *Homo Apostolicus*, treatise 16.)

Before we discuss the sacrament of Penance, we shall undertake a discourse on the act itself of doing penance: both because the act of doing penance and the sacrament are intimately connected, indeed in such a way that the act of doing penance constitutes a part of the sacrament; and because, once the very act of doing penance has been explained, many things to be said about the sacrament are perceived better. Hence:

Dissertation I. On the Act of Doing Penance

(St. Thomas, part 3, question 85; St. Alphonsus, *Theologia moralis*, book VI, nn. 433-442.)

We shall speak of the notion, necessity, and effects of the act of doing penance; namely, of the salutary act, with which alone we are concerned.

Part I. On the Notion of the Act of Doing Penance

275 The act of doing penance consists essentially in detestation and sorrow concerning a committed sin, insofar as it is an offense against God, with the purpose of no longer sinning, or, in other words, in contrition.¹ Therefore the act of doing penance requires:

I. Detestation and sorrow. This is laid down against Luther, who taught that penance consists in recognition of one's former error and a change of purpose, with detestation and sorrow excluded. But the doctrine stated is clear:

1. From Sacred Scripture, which, besides amendment of life, requires detestation and sorrow concerning sin: "Be converted to me with all your heart, in fasting and in weeping and in mourning, and rend your hearts."² Again: "Now I rejoice, not because you were made sorrowful, but because you were made sorrowful unto penance."³
2. From the testimonies of the Fathers. Thus Tertullian,⁴ St. Cyprian,⁵ St. Augustine,⁶ St. Ambrose.⁷
3. From reason. By sinning, a man has inflicted injury upon God. But one who has inflicted injury upon God cannot expect pardon unless he repairs the injury, at least by detesting it and sorrowing over it.

II. Concerning the sin committed, insofar as it is an offense against God, or, in other words, concerning sin taken formally, so that the offense against God is the object which the sinner detests. And indeed, in order that penance be salutary, that is, that it help to reconcile man with God, the sinner must detest his very aversion from God, or sin taken formally.

III. The purpose of no longer sinning. That this is required is clear both from Sacred Scripture,⁸ and from the fact that no one can be reconciled with God unless the will is simply opposed to offense against God. But such a will involves the purpose, at least implicit, of no longer sinning.

Corollary I. The act of doing penance can proceed from the motive both of the virtue of penance and of another virtue to which sin is opposed. Moreover, to some virtues, for example charity, religion, gratitude toward God - which are called universal - all sins are opposed; hence from the motive of these virtues we can repent of all sins. But to others, which are called particular, only particular sins are opposed, for example lust to chastity; hence from the motive of those virtues an act of doing penance cannot be elicited except concerning a particular sin.

Corollary II. The act of doing penance concerning sin considered under the aspect of an offense against God is simply an act of the virtue of penance. But if the said act is elicited under the influence of the motive of another virtue, there is an act elicited by the virtue of penance, but commanded by that virtue whose motive is specifically proper. The reason for the former is that an act is specified from the formal object *which*; but in this case sin is considered under the aspect of offense against God, which is the formal object *which* of the virtue of penance. The latter is set forth by St. Thomas in these words: "This is the difference between eliciting an act and commanding: that a habit or power elicits that act which it produces with no intermediary; but it commands an act which is produced by means of an inferior power or habit concerning the object of that power" (3, distinction 27, question 2, article 4, solution 3).

¹ Cf. Council of Trent, session 14, chapter 4.

² Joel 2:12.

³ 2 Corinthians 7:9.

⁴ *De Poenitentia*, chapter 9.

⁵ *De lapsis*, n. 35 (Migne, *Patrologia Latina*, vol. 4, col. 492).

⁶ Sermon 351, chapter 5, n. 12 (ed. Gaume, vol. 5, col. 2019).

⁷ *De Poenitentia*, book II, chapter 10.

⁸ Cf. Ezekiel 18:31 sq.

Scholion. On the Virtue of Penance

276 The virtue of penance is a habit inclining man to the destruction of his own past sin, insofar as it is an offense against God (St. Thomas, part 3, question 85, article 2). Moreover:

The remote material object is every personal sin, even one remitted. The proximate material object is its acts, whether elicited or commanded. The chief elicited acts are detestation, sorrow, and the purpose of not sinning further; the commanded acts are all those acts of other virtues which the penitent performs from the motive of penance, or which he directs to expiating the offense.

The remote formal object is the violated divine right as to be repaired by satisfaction; but the proximate formal object is the special moral goodness shining forth in repairing, by satisfaction, the violated divine right.

Corollary I. Penance is a special virtue. "The species of habits," says Aquinas, "are distinguished according to the species of acts; and therefore, where a special praiseworthy act occurs, there it is necessary to posit a special habit of virtue. But it is manifest that in penance there is found a special aspect of a praiseworthy act, namely, to work for the destruction of past sin, insofar as it is an offense against God, which does not belong to the aspect of another virtue. Hence it is necessary to posit that penance is a special virtue" (part 3, question 85, article 2).

Corollary II. The special virtue of penance is a potential part of the cardinal virtue of justice; or, in other words, it participates in the nature of justice, yet is not perfect justice. The former is clear from the fact that justice regards those things which are owed to another (vol. I, n. 755). But penance regards the reparation of an offense owed to another, that is, to God. The latter follows from the fact that perfect justice renders what is owed according to equality (vol. I, n. 755). But man cannot render according to equality the reparation of the offense owed to God.

Part II. On the Necessity of the Act of Doing Penance

The act of doing penance is necessary by necessity both of means and of precept.

277 I. Necessity of means. We are not asking whether God, absolutely speaking, can remit sin to one who does not repent - concerning which there is dispute - but we are asking whether, in the present order of Providence, penance is necessary for the sinner. Now then: some penance¹ is necessary by necessity of means for those fallen into mortal sin. This is clear:

1. From Sacred Scripture, which presents penance as a necessary condition for obtaining remission.²
2. From the Council of Trent: "Penance was indeed necessary at all times for all men who had defiled themselves by some mortal sin, in order to obtain grace and justice, even for those who had sought to be washed by the sacrament of Baptism, so that, perversity having been cast off and amended, they might detest so great an offense of God with hatred of sin and pious sorrow of soul."³
3. From the holy Fathers. Thus teach, for example, St. Ambrose,⁴ St. Augustine,⁵ St. Jerome.⁶
4. From the reason of fittingness. For it is not fitting that sin, that is, an injury inflicted upon God, be remitted unless the sinner repairs it - which is done by detesting it - and now wills not to afflict God with a new injury (St. Thomas, 3, question 86, article 2).

In what way the proposition proved can be reconciled with the certain doctrine which teaches that an act of charity justifies is explained in n. 282.

¹ Namely, perfect contrition, or imperfect contrition together with the sacrament, or - as others add - together with martyrdom.

² Cf. Sirach 2:22; Ezekiel 18:21-32; Luke 13:5; Matthew 3:7; Acts 3:19.

³ Session 14, chapter 1.

⁴ Letter 51, n. 11 (Migne, *Patrologia Latina*, vol. 16, col. 1162).

⁵ Letter 93, chapter 13, n. 53 (ed. Gaume, vol. 2, col. 377).

⁶ Commentary on Ecclesiastes 8:12 (Migne, *Patrologia Latina*, vol. 23, col. 1077 C).

278 II. Necessity of precept. This brings it about that he who neglects the act of doing penance not only does not obtain justification, but also commits a new sin.

1. **The existence of the precept** is clear from the fact that penance is prescribed in the Scriptures by imperative words.¹ Next, every act necessary by necessity of means is also prescribed. Finally, reason dictates that an injury inflicted upon God must be repaired.
2. **The object of the precept.** The precept obliges either to an act of perfect contrition in the absence of the sacrament, or at least to attrition with the sacrament of Penance (or of Baptism as regards an unbeliever); likewise to undergoing the punishments inflicted by God because of sin. It seems that, in itself, no special precept is given of taking away or lessening the debts of temporal punishment, so that in itself the sinner does not sin who defers the expiation of the temporal punishment owed into the other life. I said in itself, because often from elsewhere there is an obligation of doing works which in fact diminish temporal punishment.

3. **The time of the obligation.** The precept of doing penance obliges the sinner:

a) **In itself**, that is, by reason of penance itself: 1. in danger of death or madness, because one who then neglects penance is judged in no way to will it. 2. It is disputed whether, in itself, there is an obligation not to defer penance for a long time after sin has been committed. St. Alphonsus rightly holds the negative opinion as sufficiently probable (VI, 437); for if a long delay of reparation owed to God is injurious, it seems that the same, by the same right, must be said of every delay. But no one admits that.

b) **By accident**, that is, by reason of another virtue: 1. when someone must or wishes to confect a sacrament; 2. when someone must or wishes to receive a sacrament of the living; 3. when someone would suffer grave temptations which he believed he could not resist unless he elicits an act of contrition; likewise, 4. when generally the delay of penance would expose someone to grave danger of sinning gravely. Concerning this, note these words of St. Thomas: without sanctifying grace, "that one remain for a long time without mortal sin is not possible" (1-2, question 109, article 8); likewise these words of St. Gregory: "Sin... which penance does not quickly wash away... by its own weight soon draws one to another";² 5. when the precept of charity toward God urges, and the memory of sin occurs to the sinner (St. Alphonsus, VI, 437). "Nevertheless, I do not deny that sinners, especially the rude, can for the most part, indeed almost always, be excused from this sin of delayed penance by reason of lack of advertence" (St. Alphonsus, loc. cit., doubt 1).

¹ Matthew 4:17; Acts 2:38.

² *Moralia*, book 25, chapter 9, n. 22; in Migne, *Patrologia Latina*, vol. 76, col. 334. St. Alphonsus, having considered this cause, judges a delay for the space of one year excessive (VI, 437, doubt 1).

279 **Corollary I.** One who neglects penance obligatory from the virtue of penance commits the sin of impenitence; one who omits penance prescribed from another source sins against that virtue from which penance is prescribed.

Corollary II. The faithful can indeed be taught the obligation of not deferring penance for a long time; nevertheless no statement should be made about a span of time which would constitute grave sin. Besides this, they should be stirred up to elicit perfect contrition every morning and evening, and also soon after committing a grave sin.

Part III. On the Effects of the Act of Doing Penance

After we have explained that the act of doing penance is necessary for the remission of any sin whatever, or, in other words, that sins are not remitted without penance, it must be seen whether and to what extent the very act of doing penance remits sins, both mortal and venial; likewise whether and to what extent it produces other effects, for example the remission of remaining temporal punishment, etc. For the sake of completeness and clarity, we shall treat the individual effects in distinct sections, and we shall explain all the things which regard each effect.

Section I. On the Remission of Mortal Sins

280 I. Mortal sins can be remitted without the remission of venial sins. The reason is that one can detest mortal sins without detesting venial sins, and the formal cause of the remission of mortal sin, which is sanctifying grace, is not opposed to venial sin.

281 II. One mortal sin cannot be remitted without another. For a mortal sin is formally remitted through the infusion of grace, or at least in this order of Providence it is not remitted without that infusion. But sanctifying grace does not exist with any mortal sin.

282 III. The following proximately dispose for the infusion of sanctifying grace, and in this sense remit mortal sins:

- 1. Formal contrition, perfected by charity.** This is clear: 1. from Sacred Scripture;¹ 2. from the Council of Trent;² 3. from the condemned proposition 71 of Baius.³ But the arguments proposed also prove that no certain degree of intensity is required in order that perfect contrition proximately dispose for justification. For the documents adduced teach absolutely, with no mention made of a degree of intensity, that perfect contrition justifies.
- 2. An act of charity, even without formal detestation of sin.** This is proved: 1. from Sacred Scripture;⁴ 2. from the condemned propositions 31, 32, and 70 of Baius;⁵ 3. by theological reason. For an act of charity explicitly contains that whole motive on which the dignity of perfect contrition depends, which, as was said under 1, proximately disposes for justification.

It is disputed in what way the efficacy of perfect charity must be reconciled with the necessity of penance. Moreover, some say that charity does not justify except dependently on formal penance, or except insofar as it contains the desire of formal penance. That this desire is contained at least implicitly in the act of charity is clear from the fact that one who loves God wills the things which God wills. But God wills or commands formal penance. Others judge that charity justifies because it is virtually formal penance. For it is the perfect conversion of the soul to God loved above all things, and therefore a true detestation of sin, though virtual, from the most perfect motive. Whatever the case may be, it is certain that a baptized sinner is not justified, either by perfect contrition or by charity, except dependently on the sacrament of Penance, or except insofar as these involve the reception of the sacrament in desire; but reception of the sacrament does not take place without formal penance.

- 3. Imperfect contrition together with the sacrament,** whether of Baptism (n. 61), or of Penance (n. 357),⁶ or, as others add, together with martyrdom (vol. I, n. 418).

¹ Ezekiel 18:21; 33:14 sq.

² Session 14, chapter 4.

³ Denzinger-Bannwart, n. 1071.

⁴ 1 John 4:7.

⁵ Denzinger-Bannwart, nn. 1031, 1032, 1070.

⁶ As regards the sacraments of the living, cf. the treatise on the sacraments in general (n. 6).

Section II. On the Conferral of Sanctifying Grace

283 That sanctifying grace is conferred upon the penitent follows from the fact that the remission of mortal sins formally takes place through the infusion of grace, or at least in this order does not take place without that infusion.

But supernatural virtues and the gifts of the Holy Spirit accompany sanctifying grace.

Section III. On the Remission of Venial Sins

284 **I. No venial sin is remitted while mortal sin remains.** For one who remains in divine enmity and does not offer fitting compensation for the grave injury inflicted upon God is unworthy for pardon of a lighter injury to be granted to him (St. Thomas, 3, question 87, article 4).

II. One venial sin can be remitted without another being remitted. The reason is that one can detest one venial sin, namely because of its greater malice or from its own proper motive, without detesting another.

III. Venial sins are remitted by:

1. **An act of perfect contrition**, according to some, remits the venial sins to which it extends formally or virtually. But others say better that perfect contrition concerning one venial sin necessarily extends itself to all, and therefore remits all. For just as in relation to mortal sins contrition is detestation and sorrow concerning sin insofar as it is an offense against God loved above all things, and therefore necessarily extends itself to all mortal sins, so also in relation to venial sins, which are offenses against God in a qualified sense, contrition is detestation and sorrow concerning venial sin insofar as it is an offense in a qualified sense against God loved above all things, and therefore necessarily extends itself to all venial sins.¹
2. **An act of perfect charity** remits venial sins, of which it involves virtual penance. Hence all venial sins are pardoned by charity "when someone is borne in affection toward God and divine things in such a way that whatever should occur to him which would hinder him from this movement would displease him, and he would sorrow that he had committed it, even if he is not actually thinking about it" (St. Thomas, part 3, question 87, article 1).
3. **Any attrition, whether formal or virtual**,² seems to suffice for the remission of certain venial sins (St. Thomas, 3, question 87, article 2 and ad 3, and article 3): both because the light offenses of friends are more easily pardoned than the grave injuries of enemies, so that perfect contrition does not seem to be required for the remission of venial sins as it is - at least in the absence of the sacrament - for the remission of mortal sins; and because this attrition, as a meritorious act of a friend and son, has a greater proportion to pardon than the act of an unjust man attrite concerning mortal sins. Nevertheless, it is disputed whether any attrition suffices to destroy all

venial sins to which it extends formally or virtually, or whether a more perfect attrition is required if the matter concerns a graver venial sin.³

4. **The sacraments.** Concerning these, note:

a) It is certain that Baptism, Extreme Unction, Penance, and the Holy Eucharist, at least in some sense, remit venial sins. For Baptism is a perfect washing; absolution extends itself to all things which are subjected to the keys; and the form of Extreme Unction is universal. As regards the Holy Eucharist, this is established from Trent.⁴ The same is taught rather commonly concerning the three other sacraments (St. Thomas, part 3, question 87, article 2).

b) The sacraments certainly remit venial sins insofar as they move one to the acts explained under 1, 2, and 3, that is, to perfect contrition, to perfect charity, and to attrition.

It is disputed whether, besides this, the sacraments remit venial sins in another way. Moreover, some who deny that outside the sacrament any attrition suffices for destroying the venial sins to which it extends judge that in the sacrament any attrition suffices for the sacraments directly to remit the venial sins to which the attrition extends. Others - such as Suarez and many of those who teach that any attrition of itself alone suffices for the remission of venial sins - think that in the sacraments, at least in the Holy Eucharist, it is enough that "a man approach without actual complacency in venial sin and with the desire of receiving the sacrament and its fruit."⁵ Finally, others teach that venial sins are never remitted immediately through the sacraments, but only by means of pious movements which are opposed to venial sin either explicitly or implicitly; concerning these see pp. 209-210, under 1, 2, and 3.

5. **Sacramentals.** Of these, some remit venial sins because and insofar as they have joined to them an act remissive of venial sins, for example attrition, as the striking of the breast, the *Confiteor*. Others conduce to their remission insofar as, from the impetration of the Church, God often - not infallibly - confers some pious movement upon those using them, for example blessed water.

Note. It is disputed in what way venial sins are remitted in those who have departed this life with the guilt of venial fault. St. Thomas, to whom St. Alphonsus adheres (*Opera dogmatica*, vol. I, p. 675), says as follows: "Venial sins are remitted in them after this life even as regards guilt by an act of charity toward God, repugnant to the venial sins committed in this life. Yet because after this life there is not the state of meriting, that movement of love in them indeed removes the impediment of venial fault, but does not merit absolution or diminution of punishment, as in this life" (*De Malo*, question 7, article 11).

IV. Venial sins are formally remitted by a contrary act, not by the infusion of grace, although this remission does not take place without a concomitant infusion or increase of grace, or at least without a right to this increase. The reason for the former is that no degree of sanctifying grace is incompatible with venial sin; this is clear from the fact that a man having however much grace can sin venially without losing anything of sanctifying grace. Therefore no degree of grace formally expels venial sins. The latter is clear from the fact that no venial sin is remitted without some penance, and therefore without a work meritorious of an increase of grace, or of a right to this increase.

¹ Cf. the Salmanticenses, Commentary on part 3, question 87, article 1, nn. 3-4, and *De sacramentis in communi*, disputation 10, doubt 2, n. 11.

² Virtual attrition is involved, for example, by a petition for pardon from God, the purpose of not committing such a sin again, an act of the opposite virtue, and any meritorious act referred to obtaining pardon (cf. St. Thomas, part 3, question 87, article 3).

³ There are also some, though few, who require an act of formal penance for the remission of venial sins. Thus, for example, Durandus (IV Sentences, distinction 16, question 2).

⁴ Session 13, on the Eucharist, chapter 2.

⁵ Suarez, disputation 12, section 1, n. 9.

Section IV. On the Remission of Punishment

285 I. By sinning, man contracts: 1. the guilt of fault, by which he is formally constituted a sinner; 2. the guilt of punishment, by which, because of the guilt of fault, he becomes liable to punishments to be undergone. Moreover, while the fault remains, the punishment which follows the fault cannot be taken away. But when the fault has been removed, the guilt of eternal punishment is necessarily taken away, but not the guilt of temporal punishment. For the former cannot consist with the friendship of God and a right to eternal beatitude; but the latter must be spoken of otherwise. Indeed:

II. In fact, the whole temporal punishment is not always remitted with the fault. This is of faith from the Council of Trent.¹ It is also clear from Sacred Scripture.²

III. The punishment remaining after the remission of fault is remitted, or at least diminished, by:

1. **Ex opere operato:** the sacraments, the sacrifice, indulgences, and sacramental satisfaction, each of which applies the satisfaction of Christ.
2. **Ex opere operantis:** satisfaction and satisfaction. Satisfaction consists in this, that someone suffers the punishments which God of himself has appointed for sin. Satisfaction is situated in this, that someone performs a penal work or works which God accepts in compensation for the punishment appointed of itself. Satisfaction, however, can be offered through all good works, because all are penal to some extent. Besides this, one just person can satisfy for another just person,³ as is deduced: 1. from the fact that we can satisfy for the souls in purgatory; 2. from the communion of Saints, by which it comes about that the members of the Church can aid one another. Nevertheless, it is not altogether certain that God always accepts satisfaction of this kind for others.
3. It is disputed whether the remission of temporal punishment can also be obtained by impetration. It seems that it must be answered affirmatively, because the Church herself in the office of the dead asks God that through the intercession of the Blessed Virgin Mary and of the other Saints he free the souls from purgatory; but it is clear that the works of those Saints are not penal.

Corollary. Sins are remitted through penance in such a way that they do not return in any way on account of a subsequent sin, neither as regards the guilt of fault nor as regards the guilt of punishment. The guilt of fault does not return; this is clear: 1. from Sacred Scripture;⁴ 2. from the fact that through justification sin is truly remitted and destroyed; but what has truly been destroyed cannot be imputed again. Nor does the guilt of punishment return; for this cannot return unless the guilt of fault returns.

¹ Session 14, on Penance, canon 12.

² Numbers 12:14 sq.; 20:1 sq.; 27:12 sq.; Deuteronomy 34:1 sq.; 2 Samuel 12:13 sq.

³ It is required that each be in the state of grace: the one satisfying, so that his work may be satisfactory; the one for whom satisfaction is made, so that the punishment can be remitted.

⁴ Isaiah 1:18; Ezekiel 33:12, 16; Micah 7:19.

Section V. On the Reviviscence of Merits

286 I. Works are distinguished into living, death-bearing, dead, and mortified. Living works are those which are done in the state of grace, and therefore proceed from a living principle, and merit eternal life. Those are called death-bearing which deprive man of the life of grace and of the right to eternal life, or, in other words, mortal sins; likewise - others add - venial sins, since they lead to mortal sins. Dead works are called good works which are done in the state of sin, and therefore do not proceed from a living principle, nor merit eternal life. Mortified works are those which were done in the state of grace, and therefore proceeded from a living principle and merited eternal life, but because of a supervening sin have been deprived of vital force, or of value for eternal life. Moreover:

II. Mortified works, once sin has been remitted through penance, revive, or recover the value for eternal life which they had lost. This is deduced: 1. from Sacred Scripture;¹ 2. from the Council of Trent;² and it is affirmed by St. Thomas (3, question 89, article 5), who teaches that mortified merits remain so far as they are in themselves, and in fact do not efficaciously lead to eternal life because of the impediment of supervening sin; but this impediment is supposed to be set aside through penance.

III. As regards the mode or degree of reviviscence, it must be said that the justified person immediately receives a right to all grace previously possessed and to the total essential reward. It is disputed, however, whether the grace previously possessed is immediately infused into the soul - and indeed either all of it, or, as others wish, according to the measure of the present disposition - or only in the first instant after death. Moreover, the preferred opinion is that which teaches that all the grace possessed is immediately infused. For this alone sufficiently preserves the reviviscence of merits such as seems to be deduced from the arguments, and this alone agrees with the proper notion of reviviscence, according to which penance seems to have itself toward reviviscence as removing what prohibits, not by way of disposition.

¹ Ezekiel 33:12.

² Session 6, on Justification, canon 32.

³ Other opinions seem less probable.

Dissertation II. On the Sacrament of Penance

(St. Thomas, part 3, questions 84-90; Supplement, questions 1-28; St. Alphonsus, *Theologia moralis*, book VI, nn. 425-705; *Homo Apostolicus*, treatise 16.)

287 Before we speak of the sacrament of Penance, it is pleasing to premise certain things concerning the power of the Church to remit sins. And we do this both for the sake of completeness, and so that the connection of the whole theological doctrine on this matter may be clear; since the very use of the power to be explained constitutes the form of the sacrament, so that, once that power has been explained, we shall pass by a natural path to explaining the sacrament of Penance itself. Therefore let these points be set down:

I. Christ granted to the Apostles the power of remitting sins. This is of faith from these words of the Council of Trent: "If anyone says that those words of the Lord Savior, 'Receive the Holy Spirit; whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained,' are not to be understood of the power of forgiving and retaining sins in the sacrament of Penance, as the Catholic Church has always understood from the beginning, but twists them, contrary to the institution of this sacrament, to the authority of preaching the Gospel: let him be anathema."¹

II. The power of remitting and retaining sins differs from the power of baptizing. For the former, as we shall immediately say, is judicial, and therefore does not regard any except subjects, that is, the baptized, or those upon whom the power of baptizing has already been exercised. It is added that the power of baptizing cannot be exercised again upon the same person; otherwise than the power of remitting sins.

III. The power of remitting sins is judicial. This is of faith from the Council of Trent: "If anyone says that the sacramental absolution of the priest is not a judicial act, but a bare ministry of pronouncing and declaring that sins have been forgiven to the one confessing... let him be anathema."² And indeed three things are required for judicial power: 1. that the power be instituted by the supreme prince of the society; 2. that through it the application of law to a particular case be made; 3. that the application be made according to the merit of the cause. And all these things concur in the power of remitting and retaining sins. For: 1. the said power was instituted by Christ, the Prince of the Church (n. I); 2. through it the application of the divine law to a particular case is made, by which God has established that through his ministers he at one time remits, at another time retains, the sins of the baptized; 3. this application is made according to the merit of the cause, namely in such a way that the ministers remit or retain sins not according to their own whim, but according to the conditions required by Christ.

IV. The power of remitting sins extends itself to all sins of the baptized. This is clear from the breadth of Christ's words which were cited above. I said, however, of the baptized, because this power, as judicial, can be exercised upon subjects alone, that is, the baptized. For the rest, it is clear from elsewhere that sins committed before Baptism are remitted through Baptism (n. 61).

V. The power of remitting and retaining sins is perpetual in the Church. This is clear: 1. from the immutability with which Christ willed his Church to be furnished; 2. from the fact that until the end of the world there will exist sinners to be reconciled in the Church.

VI. The Church is bound to use the power explained, so that it is not lawful arbitrarily to repel anyone rightly disposed from the benefit of pardon to be obtained through the power of the keys. Theologians dispute concerning the right, for the public good, of repelling certain sinners in determinate cases; just as there also exists a controversy among dogmatic-historical writers concerning the existence of a universal discipline of excluding certain kinds of sin from pardon to be obtained through the ministry of the keys.³

With these points premised, we shall speak first of the sacrament of Penance considered in itself, then of the ministration, and then of the reception of the sacrament of Penance.

¹ Session 14, canon 3.

² Session 14, canon 9.

³ *Ned. Kath. Stemmen*, 1909, p. 304 sq.

Part I. On the Sacrament of Penance Considered in Itself

288 Penance is the sacrament in which, through judicial absolution imparted by a legitimate minister, sins committed after Baptism are remitted to a rightly disposed member of the faithful (canon 870).

Once this definition has been handed down, we must treat first of the existence, then of the essence, then of the effects, and finally of the necessity of the sacrament of Penance.

Section I. On the Existence of the Sacrament of Penance

289 **I. Penance is a true sacrament of the New Law;** this proposition is of faith from the Council of Trent: "If anyone says that in the Catholic Church Penance is not truly and properly a sacrament... instituted by Christ our Lord, let him be anathema."¹

Note. As regards the time of institution of this sacrament, the Council of Trent teaches:² "But the Lord instituted the sacrament of Penance especially³ then, when, raised from the dead, he breathed upon his disciples, saying: 'Receive the Holy Spirit; whose sins you shall forgive...' By so signal a deed and by words so clear, the consensus of all the Fathers has always understood that the power of remitting and retaining sins, for reconciling the faithful fallen after Baptism, was communicated to the Apostles and to their legitimate successors."

II. Penance is a sacrament really distinct from the sacrament of Baptism; this proposition likewise is of faith from the Council of Trent: "If anyone, confounding the sacraments, says that Baptism itself is the sacrament of Penance... let him be anathema."⁴

¹ Session 14, canon 1.

² Session 14, chapter 1.

³ It is said "especially" because Christ had already promised the sacrament earlier (Matthew 16:19 and 18:18).

⁴ Session 14, canon 2.

Section II. On the Essence of the Sacrament of Penance

The sacrament of Penance supposes remote matter; and once that has been posited, it is integrally constituted by proximate matter, form, and an integrating part. Now then:

290 **I. The remote matter of Penance,** that is, that around which the sacramental action can be concerned, is all sins committed after Baptism (n. 293; canon 902).¹

¹ Roman Ritual, title III, chapter 1, n. 1.

291 **II. Proximate matter.**

1. **Proximate matter strictly so called** - that is, that which with absolution constitutes the essence of the sacrament - is the contrition and confession of the penitent. Thus St. Thomas (part 3, question 84, article 2), St. Bonaventure,¹ St. Alphonsus (VI, 425), the Thomists, some Scotists, and most more recent authors. But Scotus² and most Scotists teach that contrition and confession, externally manifested nevertheless, are only conditions required for the validity of the sacrament. Finally, some³ hold as probable that internal contrition or attrition alone is the condition necessary for the validity of the sacrament; for the rest, that the essence of the sacrament is completed by the form alone, which, insofar as it is an external ceremony,

constitutes the matter, and insofar as it has the power of signifying, constitutes the form. This opinion is almost commonly rejected. Of the opinions explained, the first is much more common and more probable; and the Roman Ritual⁴ and the Roman Catechism⁵ favor it. For the rest, note:

a) Contrition and confession become the matter of the sacrament insofar as by the minister, through absolution, they are assumed or elevated into parts or matter. But it is disputed whether and to what extent the aforesaid acts must be referred to the sacrament by the penitent himself; concerning this dispute there will be discussion later.

b) Contrition, which in itself is internal and spiritual, is not an essential part of the sacrament, that is, of the external sign, except insofar as it becomes sensible through confession or through the petition for or expectation of absolution (St. Alphonsus, VI, 445, 459).

c) It is disputed whether satisfaction in purpose, or the will of fulfilling the imposed satisfaction, is an essential element, or, in other words, whether it pertains to proximate matter strictly so called. Many affirm this, because the Council of Florence and the Council of Trent speak in the same way about satisfaction as about contrition and confession, so that satisfaction must be called, at least in some sense, an essential element. But satisfaction actually performed certainly is not an essential element. It remains, therefore, that we say it is essential at least in purpose. Others deny this, because ecclesiastical documents - besides the fact that they do not settle the controversy about the proximate matter of Penance⁶ - understand by the word satisfaction, in the obvious sense, satisfaction actually performed, just as by the words contrition and confession they designate contrition and confession actually exhibited. Therefore from the aforesaid documents nothing can be drawn as regards satisfaction in desire.

2. Proximate matter taken more broadly - that is, that which, informed by absolution, constitutes the complete sacrament - is satisfaction actually performed. The said satisfaction is not an essential part of the sacrament of Penance, because it is not ordered to its primary effect, that is, to the remission of fault; nevertheless, it is an integrating part of it, insofar as it brings it about that the sacrament can fully attain its effect, which is the remission not only of fault, but also of punishment.

Corollary I. Contrition, confession, and satisfaction are not only the proximate matter of the sacrament of Penance, but also, together with absolution, produce the effect of the sacrament. The contrary is taught not only by many Scotists, but also by some of those who hold the acts of the penitent to be essential parts of the sacrament; and St. Thomas also at one time taught that (distinction 22, question 2, article 1, solution 1, ad 2 and 3); afterward, however, he expressly corrected that opinion (part 3, question 86, article 6). The proposition is especially supported by the fact that according to the Council of Trent⁷ the force of the sacrament is situated in absolution as the form "principally" (therefore not totally, as the adversaries wish). It is added that, just as in physical things, so also in moral things, the effect must be attributed not to the form alone, but also to the matter, or, in other words, to the whole.

Corollary II. Practically it does not matter whether the acts of the penitent are called parts of the sacrament or merely conditions required for validity;⁸ nor whether the effect of the sacrament is ascribed also to the aforesaid acts or to absolution alone. But it does matter somewhat, as will be

clear from what is to be said later, whether or not internal contrition or attrition alone is the condition required for validity, as Ballerini teaches.

¹ IV Sentences, distinction 17, part 2, article 1, conclusion 3; distinction 22, article 2, question 1, conclusion.

² Disputation XVI, question 1, n. 5 sq.

³ For example, Ballerini, *Opus theologicum de Poenitentia*, n. 4 sq.

⁴ Title III, chapter 1, n. 1.

⁵ Part 2, chapter 5, question 12.

⁶ Pallavicini, *Historia Concilii Tridentini*, book 12, chapter 16.

⁷ Session 14, chapter 3.

⁸ Many Scotists indeed do not require of itself that contrition be external; but because they also hold confession as a necessary condition, and confession in fact manifests contrition, practically the matter comes back to the same thing.

292 III. The form of Penance is the words of absolution, as the Decree of Eugene IV for the Armenians and the Council of Trent expressly teach.¹

And thus, once the summary notion of the sacrament of Penance has been handed down, we shall explain the essence of this sacrament more fully, speaking distinctly first of remote matter, then of proximate matter, then of form, and finally of the integrating part, or satisfaction. Hence:

¹ Session 14, chapter 3; Roman Ritual, title III, chapter 1, n. 1.

Chapter I. On Remote Matter

293 I. Object. Remote matter, or that around which the sacramental action is concerned, is sins committed after Baptism, and these alone and all of them (n. 287).

Question 1. Whether the sacrilegious reception of Baptism is remote matter of Penance.

Response. Most affirm it, because the reception is sacrilegious insofar as it places an obstacle to the infusion of grace. But what here and now prevents the sacrament from infusing grace seems to be posterior to the sacrament. Others deny or doubt, because the argument adduced does not convince them (St. Alphonsus, VI, 427). The same seems to have to be said of other sins, such as hatred or lust, if perhaps they are committed in the very reception. For the rest, it is certain that both sacrilegious reception and other sins are matter of penance insofar as, as usually happens, after Baptism has been received the will actually continues to adhere to them. If you posit that sacrilegious reception or other sins are at least by nature prior to Baptism itself, it must be said that they are remitted by the force of Baptism afterward reviving.

Question 2. Whether sins committed after doubtfully valid Baptism, but before the sacrament has been repeated under condition, are remote matter of Penance.

Response. They are or are not remote matter according as Baptism was in fact valid or not valid. But it is another question whether there is an obligation of confessing such sins; concerning this, later.

294 II. Division. Remote matter is chiefly distinguished into necessary and free.

1. **Necessary matter** is called that which must be confessed by divine precept. This is constituted by mortal sins committed after Baptism, but not yet duly submitted to the keys, or not yet

directly remitted by absolution.

Moreover, a sin directly remitted is called that which - whether completely or not completely¹ - has been subjected to the keys and remitted by absolution. A sin indirectly remitted is one which was not subjected to the keys, but nevertheless was remitted by absolution insofar as the infusion of grace also carries with it the expulsion of mortal sins which are not subject to the power of the keys.

Therefore necessary matter is:

1. Mortal sins not yet submitted to the keys; and it is the same whether they have been omitted culpably or inculpably,² and likewise whether they have already been remitted (namely through perfect contrition or through attrition together with a sacrament of the living) or have not been remitted.
2. Mortal sins submitted to the keys, but not completely declared, as can happen, for example, in a case of necessity.
3. Mortal sins submitted to the keys, and indeed completely, but not remitted by the judge, for example because of omission of absolution, or because of defect of contrition (St. Alphonsus, VI, 425, 480).

2. **Free matter** is that which can, but need not, be subjected to the keys. This is constituted by:

- a) Mortal sins committed after Baptism, and both duly submitted to the keys and remitted by absolution. That these can again be remitted by absolution is clear both from tradition, from the consensus of theologians and the practice of the faithful, and from canon 902. Some deduce this from the fact that the total remission of punishment is not established, and therefore the sin can again be subjected to the keys; others from the fact that one can again and again remit an injury inflicted (St. Alphonsus, VI, 425, 427, doubt 2); these things will be explained more fully in their own place.
- b) Any venial sins whatever, whether already declared and remitted, or not yet declared or not yet remitted. That venial sins also are matter of Penance is clear: 1. from the Council of Trent³ and from canon 902; 2. from the consensus of theologians and the practice of the faithful (St. Alphonsus, VI, 425).

Corollary I. Sufficient matter is any sin whatever committed after Baptism, whether remitted or not yet remitted (canon 902).

Corollary II. Not sufficient matter are moral defects which lack the nature of sin. Nevertheless, "confessors should not be rebuked because they do not hinder penitents in saying these things; both because many of those things which seem mere imperfections are not done without some venial fault, and also because it is not necessary that all the things which the penitent says in confession be determinately and absolutely matter of absolution. For many things are said because it belongs more to the confessor to discern what is and what is not matter of absolution, and so that the confessor may have a clearer view of the penitent's conscience and be able to judge better concerning his whole state, in order to apply the due remedy."⁴

¹ For example, if some sin (for instance, in a case of necessity) is declared only generically. Nevertheless, according to some authors, in that case absolution falls directly upon the generic aspect, but not upon the specific aspect of the sin, and therefore it is not called directly remitted by them.

² The following proposition was condemned by Alexander VII: "Sins omitted in confession or forgotten because of imminent danger of life or because of another cause, we are not bound in the following confession to subject to the absolution of the priest" (Denzinger-Bannwart, n. 1111).

³ Session 14, chapter 5 and chapter 7.

⁴ De Lugo, Disputation XVI, Section II, n. 103.

Chapter II. On Proximate Matter

Proximate matter is constituted by contrition and confession or accusation of the penitent (n. 291). Hence:

Article I. On Contrition

Contrition taken integrally comprises detestation, sorrow concerning sin, and purpose. We shall treat first of contrition taken integrally, then of purpose specifically.

§ I. On Contrition Taken Integrally

295 **I. Notion.** Contrition is "sorrow of soul and detestation concerning a committed sin, with the purpose of not sinning for the future."¹ It is said concerning a committed sin, so that sorrow over the fact that one does not sorrow over sin does not suffice; in which case not sin, but the defect of sorrow, is the object of sorrow. Nevertheless, one who sorrows over the defect of sorrow is commonly to be judged also to sorrow over the sin itself. Contrition comprises three things, namely detestation, sorrow, and purpose. Moreover:

1. **Detestation** is the act by which the will abhors the committed sin, turns itself away from the committed sin, and expels every affection for sin; this act of the will is expressed in this way: I would wish not to have sinned; it displeases me that I committed sin. Detestation pertains to the essence of contrition. For contrition must formally be opposed to sin; this happens through detestation, by which the sinner now does not will what he previously willed (St. Alphonsus, VI, 435).
2. **Sorrow** is a certain sadness of the will arising from the fact that the evil of sin is apprehended as present (St. Thomas, 1-2, question 35, article 8; question 36, article 1). In man as wayfarer sorrow necessarily follows detestation, so that it must at least be called a necessary element of contrition. But it is disputed whether sorrow pertains to the very essence of contrition. Whatever the case may be, at least this must be admitted: contrition consists principally in detestation, which is the cause of sorrow and specifies sorrow, which of itself is indifferent, and renders it morally good (St. Alphonsus, VI, 435).

The acts of detestation and sorrow, although they are distinguished from one another, nevertheless are morally so conjoined in man as wayfarer that they are regarded after the manner of one.

3. What purpose is will be explained in n. 301.

¹ Council of Trent, session 14, chapter 4.

296 **II. Division.** Contrition is distinguished into perfect and imperfect.

1. **Perfect contrition** is that which is conceived from the motive of charity. Moreover:

a) It is certainly conceived from the motive of charity if it is elicited from love of God loved above all things because of the divine goodness or perfection, insofar as this comprises the essence of God with all the attributes. But note that from love of this kind there is also elicited contrition which is conceived from the desire of possessing God, not insofar as this possession is good for the penitent, but insofar as it is pleasing to God, who is most perfectly loved in possession (St. Alphonsus, II, 24, doubt 1).

b) It is not conceived from the motive of charity if it is elicited from love of God loved because of some relative attribute, for example beneficence, as such, or insofar as it is not considered as a divine perfection pertaining to God.

c) It is disputed whether it is conceived from the motive of charity if it is elicited from love of God loved because of some divine attribute, whether absolute or relative, provided this is considered as a divine perfection pertaining to God, considered separately through formal abstraction. Many affirm this: 1. because Sacred Scripture stirs us up to charity by the motive of God's goodness toward us: "Let us therefore love God, because God first loved us";¹ therefore because of an attribute of God, a relative one; 2. because the divine attributes are not really distinguished from his essence, nor can they be conceived by us with objective precision from the other perfections and the essence of God; 3. because preachers commonly exhort the faithful to charity by unfolding the relative attribute, namely God's goodness toward us. Others, whose opinion St. Alphonsus holds as more probable, teach that some divine attribute taken separately is not sufficient for eliciting an act of perfect contrition from love of God, but that the formal object of love is constituted from the essence of God together with all his attributes. For in order that someone love God as the supreme good - which is required for an act of charity - he must antecedently conceive God thus by an act of the intellect, according to the familiar saying: nothing is willed unless known. Moreover, in the concept of one attribute taken separately, for example wisdom, God as the supreme good is contained only virtually and implicitly; but what is known only virtually and implicitly is not yet known in relation to reducing the will to act. It is added that, according to the truer opinion, the act of charity of the homeland and of the way is specifically the same; but it is established that the act of charity of the homeland subjectively has the whole divine goodness as its formal motive. Therefore it follows that this whole goodness is also subjectively required for the formal object of the act of charity of the way (St. Alphonsus, VI, 436). Nevertheless, the controversy is not practical, because commonly the case supposed does not occur except in appearance; in other words, God sometimes seems to be loved because of an attribute considered separately, but in reality he is loved because of the supreme goodness. Hence preachers do not take account of this controversy.

Corollary I. It was formerly disputed whether perfect contrition is that which is elicited from the motive of some moral virtue which has an order to God, for example gratitude, religion, obedience, penance. But this opinion is now very commonly denied, and it is taught that contrition elicited from the motives of those virtues is not that which proximately disposes for justification, that is, perfect contrition.²

Corollary II. Someone can elicit perfect contrition even if he does not explicitly add that he loves God for God's sake or because of his infinite perfection; in other words, even if he does not say, for example: My God, I detest my sins because I love Thee because of Thy infinite goodness; but only: I detest my sins, the offenses against Thee, because Thou art supreme goodness. Nor is it required for

an act of perfect contrition that one attend to the meaning of the individual words of the formula; it suffices that he grasp with the intellect and will in the soul the general sense of the formula.

Corollary III. Besides this, for perfect contrition it is not required that one detest sin from fear of hell or another inferior motive.

2. **Imperfect contrition, which commonly is called attrition**, is that which is conceived from an honorable motive distinct from the motive of charity, for example from the motive of hope, gratitude, penance, etc.

¹ 1 John 4:19.

² Council of Trent, session 14, chapter 4.

297 **III. Required contrition.** Not only perfect contrition, concerning which there is no doubt, but also imperfect contrition or attrition suffices for rightly receiving the sacrament of Penance. This opinion, which today is almost commonly admitted,¹ is proved by these arguments:

1. The Council of Trent calls contrition taken generically a part and quasi-matter of the sacrament,² and thus sufficiently indicates that it - whether or not it is called proximate matter - suffices for the sacrament of Penance. But imperfect contrition also is contained as a species under generic contrition as circumscribed by the Council.
2. The same Council says this about imperfect contrition: "Although without the sacrament of Penance it cannot of itself lead the sinner to justification, nevertheless it disposes him to obtain the grace of God in the sacrament of Penance."³ Therefore, according to these words of the Council, attrition disposes to justification in one way within the sacrament and in another way outside the sacrament. Now outside the sacrament it disposes remotely to justification. It remains, therefore, that we say that within the sacrament it disposes proximately to it.
3. Then it is wholly improbable that the power of remitting sins is in act never exercised upon sin not yet remitted. But this would happen if in the sacrament of Penance attrition did not suffice, but perfect contrition were required, that is, a disposition which of itself would already bring with it the remission of sin before absolution.
4. Finally, since the more benign opinion has now for many centuries been almost common, it is hard to understand why it has not been reprobated by the Church, if it were not safe; especially since this sacrament is of such frequent use.

Objection. The Council of Trent, among those things which are required for receiving justification in Baptism, lists: "and they begin to love Him as the font of all justice";⁴ these words you may deservedly apply also to the sacrament of Penance.

Response 1. It cannot be admitted that an act of true charity is required by the Council for receiving justification in Baptism; for the contrary opinion as regards Baptism was almost common both before the Council (cf. St. Thomas, 4 Distinction 6, question 1, article 3) and after the Council.

Response 2. Initial love can well be understood of some good affection toward God, who is the font of our justice; one who is affected by this good affection toward God is deservedly said to begin to love God, according to these words of St. Thomas, whose doctrine the Council of Trent so greatly attended to: "Insofar as hope regards him through whom something becomes possible for us, love is

caused by hope, and not conversely. For from the fact that through someone we hope goods can come to us, we are moved toward him as toward our good; and thus we begin to love him" (1-2, question 40, article 7; St. Alphonsus, VI, 442). Others explain the words of the Council differently.

¹ Otherwise Périnelle, O.P., *L'attrition d'après le Concile de Trente et S. Thomas d'Aquin*.

² Session 14, chapter 3 and canon 4.

³ Session 14, chapter 4.

⁴ Session 6, chapter 6.

298 Corollary I. From what has been said, it is gathered in what sense the solemn expression is true: the attrite, by the power of the keys, becomes contrite. Namely, he becomes equivalently contrite, insofar as the attrite person with the sacrament passes from the state of the attrite to the state of the contrite, that is, he is justified equally as one perfectly contrite. Others explain it otherwise.

Corollary II.

It is useful, in order that what has been said about imperfect contrition may be unfolded more fully, to assign the diverse motives from which it can be elicited. Moreover, the Council of Trent teaches that "attrition is commonly conceived from consideration of the baseness of sin, or from fear of hell and of punishments."¹ Now, by adding "commonly," it sufficiently indicates that, besides the motives enumerated, others are given; or it can also be said that all motives are implicitly contained in the motives assigned by the Council. Namely, the motive of the baseness of sin contains all motives of the virtues distinct from charity. Besides, the motive of hope is contained in the motive of fear of punishments, because it is equivalent whether someone detests sin from hope of eternal life or from fear of hell, that is, of losing eternal life. All these things will be clearer from what is to be said. Therefore contrition conceived, for example, from the following motives suffices:

1. From the motive of obedience: "I detest my sins because by sinning I have transgressed Thy law."
2. From the motive of special penance: "because by sinning I have injured Thy right"; "that I may compensate Thy injured right."
3. From the motive of religion: "because by sinning I denied Thee the worship owed."
4. From the motive of gratitude: "because by sinning I have shown myself so ungrateful toward Thee"; "because Thou hast heaped benefits upon me."
5. From the motive of hope, for example:
 - a) From hope of eternal beatitude: "I grieve concerning my sins because by sinning I have lost the right to eternal beatitude"; "that I may recover the right to eternal beatitude."
 - b) From hope of justification: "because by sinning I have lost sanctifying grace"; "that I may recover sanctifying grace."
 - c) From hope of a temporal supernatural good: "that I may embrace a salutary state of life."

Here also belongs contrition conceived:

6. From fear, simply servile,² of punishments. Namely:

a) From fear of hell, for example: "because by sinning I have deserved eternal punishments"; or: "lest I be eternally damned." That this motive suffices is expressly taught by the Council of Trent in the place cited. The same must be said of fear of purgatory.

b) From fear of temporal punishments of this life, as the same Council seems to signify by saying "from fear of hell and of punishments"; for these words seem to be taken not in a composite sense, as some wish, but in a divided sense, because the Council, in the place cited, adduces the example of the Ninevites, who were being struck by a temporal punishment, namely the destruction of the city. For the rest, temporal punishments must be viewed as inflicted by God, and insofar as they in some way begin the divine punishment, unless we amend ourselves. Otherwise they cannot ground contrition that is estimatively highest (n. 299). Nor then is the matter outside every controversy (St. Alphonsus, VI, 443).

7. From the motive precisely of that virtue to which the committed sin is opposed, for example: "I detest the sin of lust because chastity is so beautiful." Here also belongs attrition conceived:

8. From the special baseness of the sin committed, for example: I detest the sin of lust because lust is so foul. Likewise attrition elicited from the general baseness of sin suffices, for example: "I detest sin because it has deprived me of supernatural brightness; because my soul has been so greatly defiled through it."

Corollary III. Salutory attrition is not so difficultly resolved into perfect contrition. For the attrite person is already tending toward God; hence he easily apprehends sin as an evil to God, or as injurious to infinite Goodness, and detests it also under this respect. These things especially hold for attrition conceived from the motive of a virtue which is referred to God, namely religion, obedience, penance, and gratitude. But they hold most of all for the motive of gratitude; since one who is grateful easily wills good to his benefactor, and consequently grieves over sin insofar as it is an evil to God. But since gratitude is especially stirred up by considering the incarnation, passion, and death of Christ, and his presence in the Holy Eucharist, he who is also himself God, therefore meditation on those mysteries is the easiest way of arriving at perfect contrition.

Corollary IV. Let confessors indeed commonly exhort penitents who are not sufficiently disposed to attrition, for motives of this kind especially move such men. Nevertheless, generally let them not omit at the end, and in some way, to propose to them and also to others the motives of perfect contrition.

¹ Session 14, chapter 4.

² Attrition from fear or dread is twofold: attrition from filial fear and attrition from servile fear. Attrition from filial fear is had when someone detests sin because it is an offense against God, the best Father; from servile fear, when someone detests sin because of fear of punishment. Attrition from servile fear is likewise twofold: attrition from fear simply servile, and attrition from fear servilely servile. The former is detestation of sin because of fear of punishment, born from ordered love of one's own good, that is, from love subordinated, or at least subordinable, to the divine good or to our last end. The latter is detestation of sin because of fear of punishment, born from disordered love of one's own good, that is, born from love not subordinated to the divine good or to our last end; in other words, born from love of one's own good as the last end. The former is honorable; the latter is dishonorable.

299 IV. Properties of contrition. The summary of the doctrine is this: 1. For the sacrament of Penance to be received validly and fruitfully there is required contrition: a) true, b) internal, c) formal, d) supernatural, e) estimatively highest, f) universal as regards mortal sins, g) external; 2. for

the sacrament of Penance to be received validly there is likewise required contrition: a) true, b) internal, c) formal, d) supernatural, e) external; but it is disputed whether, considering only validity, contrition estimatively highest and universal is required. We shall weigh the individual points.

1. **True**, or not merely thought to exist. Several of the ancients taught that contrition merely thought to exist, but in good faith, suffices for the validity - though not for the fruit - of the sacrament. But that opinion today is commonly and deservedly rejected. For the Council of Trent teaches that contrition is required for the essence of the sacrament (n. 297). But doctrine of this kind must manifestly be understood of true contrition, not of that which is present merely putatively (St. Alphonsus, VI, 433, 2). Note, however, that most of those who think they grieve over sins also truly grieve over them.
2. **Internal**; for contrition, which by Trent is called a part and quasi-matter of the sacrament, is defined by the same Council as "sorrow of soul."
3. **Formal**, so that virtual contrition does not suffice, that is, that which is contained especially in an act of charity. Several older authors judged that virtual contrition sufficed for the validity and fruit of the sacrament. But: 1. this opinion is now almost commonly rejected; 2. the Council of Trent teaches that contrition is a part and quasi-matter of the sacrament. Moreover, that word in its obvious sense signifies formal contrition, not virtual contrition (St. Alphonsus, VI, 449).

Note, however: 1. Formal contrition can well be conceived in the very recollection or confession of sins; hence it is not required that someone has used a formula of contrition. 2. It will scarcely happen that someone about to receive the sacrament of Penance, and therefore thinking about his sins, elicits an act of perfect charity without formally grieving over his offenses against God.

4. **Supernatural**. Now:

a) Certainly it must be supernatural by reason of the eliciting principle; in other words, it must be elicited through the help of grace, which elevates the act above the order of nature. This is clear: 1. from the Council of Trent;¹ 2. it is established that no salutary act can be done by man, that is, one positively conducive to salvation, without the help of grace. Therefore neither can man salutarily repent without the help of grace.

b) It is disputed whether contrition must be supernatural by reason of the motive; in other words, whether it must be conceived from a motive apprehended through faith. For the rest, the controversy is less practical; since it is certain that for the genesis of contrition which prepares for justification, faith and hope are required,² although it is not required that someone reflexively elicit an act of faith and hope, but it suffices that he perform it in act exercised, as they say (St. Alphonsus, VI, 439). Moreover, it can scarcely happen that one who believes and hopes, and fulfills the other conditions required for salutary contrition, does not grieve from a motive apprehended through faith.

5. **Estimatively highest**. Contrition estimatively or appreciatively highest consists in this: that the penitent detests sin from a motive which, while it persists, he cannot be induced to sin; or - as others state the doctrine - in this: that the penitent detests sin more than any evil by fear of which he can be induced to sin. Moreover:

a) By the consent of all, it is required for the fruit of the sacrament. For in order that the sinner be reconciled with God, there is required a will which perfectly efficaciously, or absolutely, or with

respect to every possible hypothesis, turns away from sin. But a will of this kind is lacking in one who lacks contrition estimatively highest. For the will extends itself no further than the motive on which it rests. Now one who lacks contrition estimatively highest lacks a motive which, while it persists, he cannot be induced to sin. Therefore he lacks a will which absolutely turns away from sin.

b) It is disputed whether it is required for the validity of the sacrament. Many authors deny this, or at least hold the negative opinion as probable; but the affirmative seems to be held. For: 1. the Council of Trent defines contrition, which it proposes as necessary for the existence or validity of the sacrament,³ in this way: "sorrow of soul and detestation concerning a committed sin, with the purpose of not sinning for the future."⁴ But these words in their obvious sense signify a will which absolutely detests the committed sin and absolutely purposes to abstain from sin; in other words, contrition estimatively highest. Therefore this is required for validity. 2. Contrition which is presented by the Council of Trent as necessary for validity, from the same Council, suffices with the sacrament⁵ for justification or for the fruit of the sacrament. But only contrition estimatively highest suffices for justification or for the fruit of the sacrament. Therefore it is also required for validity (cf. St. Thomas, Supplement, question 29, article 8).⁶ 3. True contrition is certainly required for the validity of the sacrament. But contrition which is not appreciatively highest is not true contrition. The minor is proved from the fact that true contrition consists in the act of turning oneself away from every habitual attachment to mortal sin. But contrition which is not appreciatively highest does not involve aversion from every habitual attachment to mortal sin except conditionally, or aversion under some respect.

For the will turns itself away from something insofar as the motive by which it is moved objectively excludes turning toward that thing. Hence, if the motive is only of such objective power that, while it stands, the will can still be joined with mortal sin, there is no aversion except conditionally, or aversion under some respect. But contrition not appreciatively highest has a motive which is only of such objective power that, while it stands, the will can still be joined with sin. Therefore the will in contrition not appreciatively highest is not properly an aversion from mortal sin, or is not true contrition, but only aversion or contrition conditionally or under some respect (St. Alphonsus, VI, 433, 7).

Objection 1. Contrition is matter of the sacrament only insofar as it is sensible or is manifested. But contrition is not manifested insofar as it is estimatively highest. Therefore as such it is not matter of the sacrament.

Response. I distinguish the major: contrition is matter of the sacrament only insofar as it is sensible or manifested, according to itself, I concede; according to its qualities, I deny; otherwise it would also have to be manifested as supernatural.

Objection 2. Only that penance is the object of judgment in the sacramental forum which can be known sufficiently certainly through an external act of the penitent. But this cannot be said of contrition estimatively highest.

Response. I deny the minor; for of itself confession suffices so that the contrition required for receiving the sacrament rightly may be sufficiently certainly admitted. But for receiving the sacrament rightly, contrition estimatively highest is demanded.

Corollary I. From the fact that contrition estimatively highest is required, do not infer that contrition highest intensively, that is, highest in degree of vehemence, is also required. For this does not pertain to the substance of contrition, which it is established from the Council of Trent suffices.

Corollary II. Nor is it required that a comparison be instituted between sin and temporal evils; indeed, commonly this is not even expedient, and it is dangerous (St. Thomas, Quodlibet 1, article 9; St. Alphonsus, VI, at the cited place).

6. **Universal.** The universality of contrition consists in this: that it extends itself to all committed sins. This takes place: 1. when someone grieves from a universal motive, even if the penitent does not recall individual sins; 2. when he grieves from particular motives which comprehend all committed sins. Now the universality of contrition:

a) As regards committed mortal sins, is certainly required for the fruit of the sacrament, since one mortal sin is not remitted without another. Hence, if contrition is lacking as regards one mortal sin, none would be remitted.

It is disputed whether universality is required for the validity of the sacrament. Some affirm this, and their principal reason seems to us to be that which we have already alleged on p. 226: "Contrition which by the Council of Trent is called the quasi-matter of the sacrament, and therefore is required for validity and suffices for it, from the same Council seems also to suffice, at least with the sacrament, for justification."⁷ But particular contrition does not suffice for justification. Therefore neither does it seem to suffice for validity. St. Alphonsus (VI, 444) and most other authors deny this, and judge that particular sorrow - that is, sorrow which does not extend itself to other mortal sins, but to one only or to certain sins from those committed - suffices for the validity of the sacrament. The reason alleged is that in the case there is true contrition, so that all things required for validity seem to be present. The case would be if someone, in good faith, grieved solely from the special baseness of some sin; but this will happen very rarely, because commonly penitents grieve either from a universal motive alone, or also from one.

Finally note: if a penitent, questioned by the confessor, states sins about which he did not previously think, it is indeed useful, but not necessary, to stir him up to a new act of sorrow, because an act elicited from a universal motive is presumed to have been conceived.

b) As regards venial sins, universal contrition is required only insofar as a venial sin is not remitted to which sorrow does not extend itself. For the rest, cf. the Scholion on contrition and purpose as regards venial sins.

Corollary. From what has been said it is gathered how far the sacrament of Penance can be *informe*, that is, valid but not fruitful. Many deny this, but St. Alphonsus (VI, 444) and most more recent authors affirm it, namely in the case in which someone grieves solely from a particular motive concerning one or some mortal sins.⁸ Others add the case in which the sinner lacks contrition estimatively highest (p. 226). But the sacrament of Penance, though *informe*, probably revives when the obstacle has been removed (n. 11).

7. **External**, that is, manifested or sensible in some way. For contrition more probably is an essential part of the sacramental sign itself; but it cannot be this unless in some way it is externally disclosed or manifested. It can be manifested, for example, by oral recitation of

contrition, by confession either actually instituted or - if it has followed confession - morally enduring, or by expectation of absolution.

¹ Session 14, chapter 4; session 6, canon 3.

² Council of Trent, session 6, chapter 6.

³ Session 14, chapter 3.

⁴ Session 14, chapter 4.

⁵ Session 14, chapter 4.

⁶ On the opinion of St. Thomas, see Ter Haar, *De occasionariis et recidivis*, n. 237 sq.

⁷ Session 14, chapters 3 and 4.

⁸ Some judge that the sacrament, even in this case, is valid and fruitful, because, when the sinner grieves in order that he may receive grace, his sorrow, although in appearance particular, in reality virtually extends itself to all sins. They add that particular sorrow does not suffice without a universal purpose. But a universal purpose will scarcely be present without universal sorrow.

300 V. Relation between contrition and the other parts of the sacrament. Here note:

1. Contrition or detestation of sins must, as is clear, precede absolution from them; but it makes no difference whether it precedes or follows the act of confessing, although it is better to elicit it before confession and repeat it after confession (St. Alphonsus, VI, 445).¹
2. It is disputed whether contrition must be referred by the penitent to absolution. Some deny this, both because it belongs to the minister, not the penitent, to refer the matter of the sacrament to the form; and because from Trent² attrition, which excludes the will to sin, suffices in the sacrament for justification, without there being any mention of some relation to be made by the penitent. Others affirm it, because the minister cannot assume the acts of the penitent as matter unless they have been referred by the penitent to the sacrament. Others add that, just as one receiving, for example, Orders must order the touching of the matter to the sacrament, so also one receiving the sacrament of Penance must refer contrition to it. Nor should it be objected that sometimes those can be absolved who are ignorant of the sacrament, and therefore do not refer contrition to absolution. For they can, with the necessary conditions posited, be absolved conditionally, because the opinion of which we are speaking is not certain. St. Thomas seems to adhere to the affirmative opinion (3 p., question 86, article 6). Whatever the case may be, in practice you should follow the safer part (St. Alphonsus, VI, 447); but the question itself does not seem practical, because contrition, by the very fact that someone wishes to be absolved, seems sufficiently ordered to absolution.
3. It is not required that contrition actually or virtually endure until absolution, but it suffices that it persist habitually, that is, that it has not been retracted, with the things to be observed nevertheless observed, that is, those to be set forth under 4. The reason is that the penitent - although his acts are the matter of the sacrament - nevertheless is not the minister of the sacrament. Many indeed seem to require that contrition persevere actually or virtually, that is, in some effect; but in reality - many of them at least - do not speak of virtual perseverance properly so called (cf. St. Alphonsus, VI, 446). For the rest, it is difficult to determine how long contrition virtually endures. St. Alphonsus says this: "I, however... do not hesitate to assert that whenever

confession derives from sorrow for sins, sorrow always virtually perseveres at least for one or another day, while that confession is the effect of sorrow. It is otherwise, however, if someone should confess from mere devotion, or to fulfill a vow, or a penance" (*Homo Apostolicus*, tract 16, n. 20).

4. As regards the space of time which can intervene between contrition actually elicited, likewise between confession, and absolution, some judge that only so much can intervene as can intervene between the parts of a civil judgment, because the sacrament of Penance was instituted after the manner of a judgment. But most reject that, nor does the reason alleged settle the question, because from elsewhere it is clear that a sacramental judgment is a judgment of its own kind (St. Alphonsus, VI, 446); for the rest, the space of time of which we are speaking cannot be determined. In practice, however, there will be no difficulty, since one who is absolved a rather long time after contrition has been elicited and confession instituted will commonly repeat both contrition and, at least in some way, confession before absolution.

Question. Whether a new absolution requires a new act of contrition, so that one who, after receiving absolution, declares a sin inculpably omitted, or again confesses sins already declared, must, I say, in order to be absolved again, elicit a new act of sorrow.

Response. Most more recent authors, against St. Alphonsus (VI, 448) and others, hold the negative opinion as morally certain; but undeservedly. The reason for doubting is this: just as a new act of confessing is required for a new judgment, so also, at least probably, a new act of contrition is required. Nevertheless, commonly there is no obligation of imposing a new penance; but it suffices that the imposed penance, insofar as it regards sins previously declared, be commuted, and insofar as it ought to regard the sins now declared, be left unchanged.

Objection. Even if a new act of contrition is not elicited, all things necessary for the sacrament are had, namely absolution, confession, and contrition morally persevering.

Response. It is doubtful whether contrition morally persevering suffices; since probably, as we have proved, a new act of contrition is required.

For the rest, the controversy seems less practical, because the penitent, by confessing the omitted sin or by again confessing sins already declared, commonly, at least in act exercised, will elicit a new act of contrition.

¹ Some older authors taught the contrary, relying on nearly these reasons:

1. Contrition must be manifested through confession, and therefore must be prior to it. Response: contrition can also be manifested in other ways, for instance by oral recitation. Besides, contrition elicited after confession is well manifested through confession, insofar as this morally perseveres, or at least through the petition or expectation of absolution.
2. Confession must not be a mere narration of sins, but a sacramental accusation; hence let it be informed by sorrow. Response: besides the fact that confession, insofar as it morally perseveres after contrition has been elicited, is informed by sorrow, it becomes sacramental by the fact that it is instituted in order to absolution.

² Session 14, on Penance, chapter 4.

§ II. On Purpose Specifically

301 **I. Notion.** Purpose here is understood as the deliberate will of not sinning in the future. Purpose differs: 1. from a promise strictly so called, by which we intend to contract an obligation of furnishing the promised thing at its proper time, while by purpose we show only the present disposition of the soul for doing or omitting something; 2. from a vow, which is a promise strictly so called made to God. Yet this does not prevent both confessor and penitent from using the words promising and promise, namely in a broad sense, without a new obligation arising from a promise of this kind. Hence also the sinner is said only in a broad sense to have broken or violated his promises.

302 **II. Division.** Purpose is twofold, explicit and implicit. Implicit purpose is that which is contained in detestation and sorrow concerning committed sins. For one who truly detests the sin committed implicitly wills to abstain from sin in the future.

303 **III. Necessity of some purpose** for receiving the sacrament of Penance is clear from the fact that without purpose there is no contrition, since contrition is defined by the Council of Trent as "sorrow of soul and detestation concerning a committed sin, with the purpose of not sinning for the future."¹

¹ Session 14, on Penance, chapter 4.

304 **IV. Required purpose.** An explicit purpose seems to be required¹ in the case in which the sinner grieves only from a particular motive; otherwise there is no universal purpose, not even implicit, for sorrow from a particular motive implicitly contains only a purpose of abstaining from those sins concerning which one grieves. Authors add the case in which the penitent thinks about future life, since in this case it can scarcely happen that one who truly grieves does not elicit an explicit purpose, so that the defect of a formal purpose would show a defect of true sorrow.

Besides the cases alleged, it is disputed what sort of purpose is required. Moreover, most authors hold as morally certain that explicit purpose is not demanded, but that implicit purpose suffices. But St. Alphonsus (VI, 450, question 1) and others deservedly teach that the opinion which teaches that explicit purpose is required is not lacking in probability. To prove this, we first note these things: 1. The question is not settled by an *a priori* argument, since the whole matter at last depends upon the positive institution of Christ; 2. the Council of Trent - which certainly does not intend to impose an end on this controversy - uses terms which are sufficiently explained in either opinion, so that a strict argument cannot be deduced from it. With these things posited, we reason thus: contrition consists of three elements, namely detestation, sorrow, and purpose, of which the first two regard past life and the third regards future life. Moreover, the first two must be explicit, and implicit ones do not suffice. This admitted, I do not see by what right it is said: the third, which touches future life, certainly does not have to be explicit, but an implicit one suffices. Thus, besides St. Alphonsus, among older authors especially Suarez² and St. Bellarmine,³ and among more recent authors Haine⁴ and Augustinis.⁵

Objection. The Council of Trent teaches that attrition disposes for justification in the sacrament when it "excludes the will of sinning."⁶ But detestation of committed sin, conceived from a universal motive, does this even without an explicit purpose.

Response. The words of Trent certainly signify the same thing as those which occur in its description of contrition: "with the purpose of not sinning for the future."⁷ But by these words the Council -

which does not intend to settle the controversy - leaves in the middle whether or not an explicit or implicit purpose or will is required.

For the rest, let confessors commonly stir up penitents to explicit purpose, at least that they may perceive richer fruit from confession; but after the fact, in doubt they rightly presume that a sufficiently explicit purpose was not lacking.

¹ I say "seems" on account of what was said on p. 228, note 1.

² Disputation 20, section 4, nn. 32 and 33.

³ *De Poenitentia*, book 2, chapters 6 and 7.

⁴ *Theologia Moralis*, III, p. 242.

⁵ *De re sacramentaria*, II, p. 253 sq.

⁶ Session 14, on Penance, chapter 4.

⁷ Session 14, on Penance, chapter 4.

305 **V. Properties of purpose.** Purpose must be:

1. **Firm**, that is, of such a kind that the penitent wills not to sin in the future, at least not mortally, for the sake of obtaining any advantage or avoiding any evil. Moreover, firmness of purpose is not opposed by: 1. the fact that someone is not certain that he will not sin any more; 2. the fact that someone gravely fears that he is going to relapse; indeed, 3. of itself and speaking speculatively, even the fact that someone judges certainly that he will sin again is not opposed to it. Namely, the present will of not sinning can be combined not only with fear but even with certainty of relapse or of a change of will. Nevertheless, if the penitent is certain of relapse, in practice it must be feared that he lacks firm purpose, and his will must be strengthened. I said if he is certain, because these and similar expressions commonly signify fear rather than true certainty. Hence if the penitent, otherwise of good will, says: "I do not wish to sin any more, but I foresee that I am going to relapse," the confessor, after strengthening the faint-hearted person's spirit, should commonly impart absolution. But true despair is opposed to firmness of purpose; one who despairs must be disposed so that he may hope (St. Alphonsus, VI, 451).
2. **Efficacious**, that is, of such a kind that the penitent also wills to employ the means necessary for avoiding sins, for example to remove voluntary proximate occasions.
3. **Universal**, namely as regards mortal sins, not only as regards those which have been committed, but as regards all. For the Council of Trent demands a purpose "of not sinning for the future"; likewise contrition which "excludes the will of sinning."¹

¹ Session 14, on Penance, chapter 4.

Scholion. Sorrow and Purpose Regarding Venial Sins

306 **I.** If someone confesses venial sins together with a mortal sin, he receives the sacrament validly and fruitfully, even if sorrow and purpose comprehend only the mortal sin.

II. If someone confesses only venial sins, sorrow and purpose must enjoy the same properties as sorrow and purpose concerning mortal sins, except the property of universality (St. Thomas, 3 p.,

question 87, article 1, ad 1; St. Alphonsus, VI, 449, 451). This is not required, because one venial sin can be remitted without another. Therefore sorrow and purpose suffice:

1. Concerning all the venial sins which someone confesses.
2. Concerning some or one of those which he confesses, as follows:
 - a) Concerning only those fully deliberate, because someone can detest the greater malice without detesting the lesser (St. Thomas, at the cited place; St. Alphonsus, at the cited place).
 - b) Concerning only venial sins of a determined species, because we can detest one baseness without detesting another different from it (St. Thomas, at the cited place; St. Alphonsus, at the cited place).
3. Concerning the multitude or frequency of venial sins. Some teach absolutely that this suffices, but they suppose that then one grieves concerning determined sins, namely at least concerning the later ones, which constitute the multitude. Finally, others admit this as regards semi-deliberate sins, but not as regards fully deliberate sins (cf. St. Alphonsus, VI, at the cited place, and *Praxis Confessarii*, n. 71). St. Thomas declares that the purpose "of preparing oneself for diminishing venial sins" suffices (3 p., question 87, article 1, ad 1).

III. Sorrow - which I note for the sake of completeness - which according to what has just been explained does not extend itself to all venial sins, cannot be perfect contrition concerning some venial sin, because perfect contrition concerning one venial sin necessarily extends itself to all venial sins, as was explained in n. 284.

Corollary I. One who confesses only venial sins concerning which he does not grieve sins gravely, because the sacrament is rendered invalid. But one who, with the value of the sacrament preserved, confesses venial sins without sorrow sins only venially; for grave irreverence is not found in this (St. Alphonsus, VI, 449, doubt 1).

Corollary II. Penitents who are accustomed to commit only venial sins should be advised to add a mortal sin, if they have committed one before, or a more serious venial sin of their past life (St. Alphonsus, *Praxis Confessarii*, nn. 71, 99, 188).

Article II. On Confession

We shall speak first of confession considered in itself, then of the qualities of confession generally, and then of the quality of integrity specifically.

§ I. On Confession Considered in Itself

307 **I. Notion.** Confession, insofar as it pertains to the sacrament, can be defined: The accusation of one's sins committed after Baptism, made to a priest having jurisdiction and - most add - in order to sacramental absolution. I said insofar as it pertains to the sacrament, for something slightly different must be said if the matter concerns confession insofar as it obliges to the seal; what things are required and suffice for confession considered in that way will be said later.

308 **II. Division.** Confession is distinguished:

1. By reason of mode, into secret or auricular and public, insofar as it is made to the priest alone or before a multitude.

2. By reason of object, into distinct and generic, insofar as someone confesses sin according to its lowest species, or only the genus of sins. Generic confession can be subdivided three ways, namely: 1. into confession of the proximate genus, that is, of the genus which has the lowest species under itself, for example, "I accuse myself of sins of lust against nature." To this is almost equivalent confession of the less proximate genus, that is, of that which contains several proximate genera, for example, "I accuse myself of sins of lust"; 2. into confession of the remote genus, that is, of that which contains proximate and less proximate genera, for example, "I accuse myself of mortal sins"; 3. into confession of the highest genus, that is, of that which contains all sins, for example, "I accuse myself of my sins." Confession of this kind, which is also called wholly generic, can also be made by a sign, for instance by sighs, striking of the breast, inclination of the head, etc.

309 **III. Necessity of confession** is clear first from the Council of Trent, which expressly teaches the necessity of confession.¹ Next, it is elicited from the fact that the sacrament of Penance was instituted after the manner of a judgment, and therefore, in order that it be rightly exercised, it requires in the judge knowledge of the matter with which it is concerned, that is, of sins. But this knowledge must be supplied by the penitent himself, since he alone is a suitable witness, namely of internal acts, of many external acts, and at least of culpability.

Corollary. Confession is necessary by necessity of means. For it is necessary, as follows from what has been said, from the fact that the sacrament of Penance was instituted by Christ after the manner of a judgment. But what is required because of the nature of the sacrament is necessary by necessity of means, because the sacrament itself is required by necessity of means (n. 358).

¹ Session 14, chapter 5 and canon 7.

310 **Question.** How far generic confession suffices.

Response 1. Confession, even wholly generic confession, suffices both for validity and for liceity: 1. in a case of necessity, that is, when someone cannot confess otherwise, whether because of defect in the use of the senses, for instance in one dying, or because of lack of time, for instance when shipwreck or battle is imminent;¹ 2. when someone knows that he has sinned gravely, but remembers neither the species nor the proximate or less proximate genus; 3. when someone is so uneducated that no distinct accusation can be drawn out.

As regards one dying, this is clear from the Roman Ritual,² from the First Council of Orange,³ from the Third⁴ and Fourth⁵ Councils of Carthage; namely, the cited documents declare that one deprived of the senses is to be absolved, although in the case there can be question only of wholly generic confession (St. Thomas, *Opusculum* 65, § on the Sacrament of Anointing; St. Alphonsus, VI, 481).

As regards the other cases enumerated, the same reason holds as in one dying, namely inability to confess distinctly.

Response 2. Outside the cases just assigned, confession, even wholly generic confession, suffices for validity if someone does not have necessary matter, but only, for example, venial sins or mortal sins already distinctly confessed and remitted.⁶ For: 1. that which in a case of necessity suffices for the essence of the sacrament, with the necessary conditions posited,⁷ is deservedly presumed also to suffice outside a case of necessity; 2. by the consent of all, a confession generic in some degree, that is, of the proximate and even the remote genus, suffices for validity, so that formally distinct

confession is not required. But if we posit that formally distinct confession is not required, but a generic confession in some degree suffices, it is no longer apparent why a more generic confession does not suffice, especially because the arguments which are brought against wholly generic confession seem also to militate against generic confession in some degree, that is, of the proximate and less proximate genus, and therefore to prove less (cf. St. Alphonsus, VI, 502, doubt 3).

It is disputed whether wholly generic confession in the case of which we are speaking is also licit. Those who deny this argue from the nature of a judgment, which of itself must be instituted concerning determined matter; likewise from the practice of the faithful; likewise from the inconveniences that would follow from admitted liceity. The sacrament would be exposed to danger of nullity because of defect of sorrow; penitents would lack admonitions and counsels, etc. But since all admit that confession of the lowest species, or even of the proximate genus, is not prescribed if the matter is free, it is no longer clear that wholly generic knowledge does not suffice. Next, the practice of the faithful proves an obligation in this matter no more than, for example, as regards the accusation of doubtful sins. Finally, the confessor must watch lest the assigned danger persist; and the admonitions and counsels of which there is question here pertain to perfection, not to necessity. Nevertheless, because of the reasons alleged, it is better to accuse oneself more determinately, and that custom should be promoted.

Objection 1. From the fact that wholly generic confession is valid in a case of necessity, it does not necessarily follow that it is also valid outside a case of necessity; this is clear from the fact that confession made through a messenger in the article of death is valid, but otherwise is not valid.

Response. I deny that confession made through a messenger in the article of death is valid; you may see that it is not valid proved in n. 312.

Objection 2. The sacrament of Penance is a moral institution, namely it has itself after the manner of a judgment. But a moral institution accommodates itself to the condition of things and persons, or according to circumstances now requires these things, now those, for validity. Hence from the fact that wholly generic confession sometimes suffices for validity, it is undeservedly deduced that it always suffices.

Response. The sacrament of Penance certainly was instituted after the manner of a judgment; nevertheless, of a judgment which is of its own kind, that is, primarily reconciliatory. Moreover, I concede that even from such a moral institution, from such a judgment, now these things and now those are required so that it may be exercised prudently. But that for validity also now these things and now those are required needs proof; until it is proved, it is permitted to presume the contrary. It is added that the contrary can also be demonstrated positively. Namely, from the fact that confession of the proximate and even of the remote genus, in other words quasi-generic confession, suffices for validity even when the circumstances bear a more determined confession, from this, I say, it is rightly deduced that by no means, according to the circumstances, now these things and now those are required for the validity of this moral institution.

Objection 3. More distinct knowledge is required for the validity of a judgment; therefore also for the validity of Penance, which was instituted after the manner of a judgment.

Response. I distinguish the major: more distinct knowledge is required for the validity of a secular judgment, I concede; for the validity of a sacramental judgment, which is primarily reconciliatory,

more distinct knowledge is required, I deny, because of the arguments alleged.

Objection 4. According to the Council of Trent,⁸ a sacramental judgment cannot be instituted when the case is unknown.

Response. The Council treats of the prudent institution of this judgment, not of its valid institution. For it speaks of wholly distinct knowledge, that is, knowledge of sins according to their lowest species; but no one admits that this is required for validity.

¹ In circumstances of this kind let the confessor stir all to elicit a brief act of contrition and to repeat mentally what he himself is about to say; 2. to signify by a sign, for example by inclination of the head, the will of receiving absolution. Then let him say: I absolve you from all your censures and sins; in the name of the Father, and of the Son, and of the Holy Spirit. Amen.

² Title 3, chapter 1, n. 24.

³ Chapter 12, in Labbe, t. 4, col. 703 and following; cf. Decretum Gratiani, canon *Qui recedunt* 7, cause 26, question 6.

⁴ Chapter 34, in Labbe, t. 2, col. 1404.

⁵ Chapter 76, in Labbe, at the cited place, col. 1443; cf. canon *Is qui* 8, cause 26, question 6.

⁶ If someone has necessary matter, he is bound under grave obligation to confess distinctly, and therefore, if he confessed only generically, he would receive the sacrament invalidly because of defect of disposition. Except if he proceeded in good faith.

⁷ With the necessary conditions posited, namely that the penitent has sufficient sorrow and purpose.

⁸ Session 14, on Penance, chapter 5.

§ II. On the Qualities of Confession Generally

Confession must be made: 1. to a priest as judge; 2. to a present priest; 3. secretly; and 4. vocally. Let it be made, I say:

311 **I. To a priest as judge**, so that, for example, confession, or rather a narration of sins, made to a priest as friend does not suffice. For the word "confession," which the Council of Trent uses, considering both its obvious sense and the very matter treated there,¹ signifies the exposition of sins made in sacramental judgment. Nevertheless, it suffices for validity if someone, after a friendly narration has been made, says: "I accuse myself of the sins just narrated."

Question. Whether an accusation of this kind also suffices for liceity.

Response 1. Affirmatively, if the confessor has retained a distinct memory of the sins narrated. The reason is that then the subsequent accusation, although in appearance indistinct, is in reality distinct (St. Alphonsus, *Homo Apostolicus*, tract 16, n. 44).

Response 2. Otherwise it is disputed. Now with St. Alphonsus (VI, 502, doubt 1) it seems it must be said that this manner of acting does not suffice for liceity. For the Council of Trent declares that confession is required,² and that, in order that judgment be exercised prudently, it is required according to species and number.³ But in the hypothesis posited there is no confession according to species and number: the prior narration is not such, since it was not confession; nor is the general accusation that follows such, since it was not confession according to species and number. It is added that the confessor, before he gives sentence, must have had distinct judicial knowledge. But this is not had in our case: neither by force of the prior narration, since it was made before the confessor

could exercise the office of judge in relation to this person; nor by force of the subsequent confession, since it was not distinct and therefore did not supply distinct judicial knowledge. Some indeed judge that judicial knowledge is present if the priest, as friend receiving the narration of sins, already suspected in some degree that he could lead the man, who then was thinking nothing of confession, to sacramental confession. But a suspicion, or even persuasion, of this kind does not suffice for the confessor to be constituted here and now as the judge of this man.

¹ Session 14, on Penance, chapters 3 and 5.

² Session 14, on Penance, chapter 3.

³ Session 14, on Penance, chapter 5.

312 II. To a present priest. For Clement VIII¹ condemned the proposition: "that it is licit, by letters or by an intermediary, to confess sins sacramentally to an absent confessor and to obtain absolution from the same while absent"; and at the same time he prohibited that "it ever be defended as probable in any case, printed, or in any way brought into practice." Moreover, from the fact that this opinion can never be brought into practice, not even in a case of necessity, it is deservedly deduced that confession of this kind is invalid; for no other reason can be assigned for that absolute prohibition. Nor should it be said that the particle "and" in the condemned proposition is to be taken in a copulative sense, not in a disjunctive one; since the Holy Office² declared: "The Most Holy One, namely Paul V, decreed that the said interpretation does not stand and therefore must be removed from his [Suarez's] books" (St. Alphonsus, VI, 428).

Nor from the fact that one dying, deprived of the senses, who before deprivation of the senses manifested a desire of confessing while the priest was absent, can afterward be absolved by a present priest, nor, I say, from that fact should you deduce that confession made to an absent priest in the article of death is valid. For one dying in this way can be absolved either because the testimony of the said desire, brought forward by a witness, is judged to be the confession of the dying person himself; or because the confession of the dying person, made while the priest was absent, morally perseveres when the priest is present, and as such is made here and now to the present priest; or because the dying person, with the priest present, perhaps expresses by some sign the desire of absolution. This suspicion suffices so that absolution may at least be granted conditionally (St. Alphonsus, VI, 481). From these things it is clear that our case is not comprehended by the condemnation of Clement VIII, namely because there is not, or at least probably there is not, confession made to an absent priest.

¹ July 20, 1602 (Denzinger-Bannwart, n. 1088).

² July 14, 1605; likewise June 7, 1603 and January 24, 1632 (Denzinger-Bannwart, n. 1089).

313 III. Secretly, that is, let confession be made to the priest alone, considering a usage which is not destitute of force.¹ Nevertheless, those who cannot confess otherwise are not prohibited, if they wish, from confessing through an interpreter, with abuses and scandals guarded against (canon 903). For the rest, confession through an interpreter can be made in such a way that the interpreter does not know the responses given by the penitent; for instance, if the confessor questions the penitent, the interpreter repeats the questions in the language of the penitent, and the penitent responds to them by signs perceived by the confessor alone.

¹ Cf. Council of Trent, session 14, on Penance, canon 6; response of the Sacred Congregation of the Council, January 10, 1920 (A.A.S. 1920, p. 43); likewise Lateran Council, chapter *Omnis utriusque sexus*.

314 **IV. Vocally.** The precept of confessing vocally was introduced by custom beyond the law,¹ and therefore is judged to persist.² It is also more commonly taught that the precept obliges at least under grave obligation insofar as one who, without an excusing cause, does not make the whole confession vocally sins mortally. A moderate cause suffices so that it is licit to confess by nods, signs, or writing, for example if someone because of shame cannot express a sin by mouth, or because of an impediment of the tongue confesses with difficulty by mouth; if the confessor is somewhat deaf, so that confession made by mouth could be heard by others (St. Alphonsus, VI, 493). Indeed, a just cause seems to suffice so that someone, after handing over a written confession and after it has been read by the confessor, may add: "I accuse myself of the sins read by you." Nor in practice should those who confess in writing be disturbed, nor should the confessor inquire why they proceed in that way.

¹ "Unless," as in the Extravagant *Inter cunctas*, on privileges, "an article of necessity occurs, oral confession is to be made to a priest."

² Cf. response of the Sacred Congregation of the Council, January 10, 1920 (A.A.S. 1920, p. 43).

§ III. On the Quality of Integrity Specifically

We shall treat first of the notion, division, and necessity of integrity; then of the scope of material integrity; then of the causes excusing from material integrity; finally of the means of procuring integrity, or of the examination of conscience.

Point I. On the Notion, Division, and Necessity of Integrity

315 **I. Notion.** Integrity consists in this: that in confession someone declares those things which must be declared by him.

316 **II. Division.** Integrity is distinguished as twofold, material and formal. Material integrity is had when someone declares those things which of themselves must be declared; in other words, all mortal sins committed after Baptism and not yet duly declared and directly remitted (n. 294). Formal integrity is when someone declares those things which he is bound to declare here and now.

317 **III. Necessity.** 1. Material integrity is required of itself. This is clear first from these words of the Council of Trent: "From the already explained institution of the sacrament of Penance, the universal Church has always understood that the complete confession of sins was also instituted by the Lord, and that it exists as necessary by divine right for all who have fallen after Baptism"¹ (cf. canon 901). Next, it is deduced from the fact that the sacrament of Penance was instituted after the manner of a judgment. But it belongs to a judge to have distinct knowledge of the matter - in the case, of sins - concerning which sentence is to be given; both lest he be constituted a blind instrument, and so that he can impose an equitable punishment.

Corollary. Material integrity is necessary by necessity of means. For, to apply to integral confession what we said of confession as such, it is necessary, as follows from what has been said, from the fact that the sacrament of Penance was instituted by Christ after the manner of a judgment. But what is required because of the nature of a sacrament instituted by Christ is necessary by necessity of means, because the sacrament itself is required by necessity of means.

2. Accidentally, material integrity sometimes is not required in reality, namely if it is physically or morally impossible; in that case material integrity in desire, or formal integrity, suffices. This is deduced from the fact that otherwise the sacrament of Penance would have been instituted

unfittingly. Hence the Council of Trent: "For it is established that nothing else is required in the Church from penitents than that, after each one has examined himself more diligently and has explored all the folds and hidden places of his conscience, he confess those sins by which he remembers that he mortally offended his Lord and God; but the remaining sins which do not occur to one thinking diligently are understood to be included universally in the same confession."² And again: "If anyone shall say that in the sacrament of Penance for the remission of sins it is not necessary by divine right to confess all and individual mortal sins, of which memory is had with due and diligent premeditation... let him be anathema."³

¹ Session 14, chapter 5.

² Session 14, chapter 5.

³ Session 14, canon 7.

Point II. On the Scope of Material Integrity

318 We set forth first the principal ecclesiastical documents which pertain here. Moreover, the Council of Trent says this: "For it is established that priests could not have exercised this judgment with the case unknown, nor indeed could they have preserved equity in imposing punishments, if they had declared their sins only in genus and not rather in species and individually. From these things it is gathered that all mortal sins must be recounted by penitents in confession... even if they are most hidden, and committed only against the last two precepts." Besides: "It is further gathered that those circumstances must also be explained in confession which change the species of sin, because without them the sins themselves are neither integrally exposed by penitents nor made known to the judges, and it cannot happen that they can judge rightly concerning the gravity of the crimes and impose on those penitents the punishment which is fitting."¹ Finally: "If anyone shall say that in the sacrament of Penance for the remission of sins it is not necessary by divine right to confess all and individual mortal sins... even hidden ones, and those which are against the last two precepts of the Decalogue, and circumstances which change the species of sin... let him be anathema."² Canon 901 teaches the same: one who after Baptism has perpetrated mortal sins which have not yet been directly remitted through the keys of the Church must confess all of which, after diligent discussion of himself, he has consciousness, and explain in confession the circumstances which change the species of sin.

With these things set forth, we conclude:

¹ Session 14, chapter 5.

² At the cited place; session 14, chapter 5, canon 7.

319 I. Mortal sins committed after Baptism and not yet directly remitted must be confessed. This follows from the cited documents.

Disputation 1. Whether a sin must be confessed: a) in doubt whether it was committed; b) in doubt whether it was grave.

Response 1. One who opines either that a sin was committed or that the sin which was committed was grave is bound to confess it. For according to the Council of Trent¹ and canon 901 penitents must confess mortal sins "of which, after diligent discussion of themselves, they have consciousness." But one who opines that he sinned has in some way consciousness or knowledge of the sin

committed (t. I, n. 215). It is added that each person is bound to observe a law if he opines that the fact founding the law has taken place (t. I, nn. 232 and 233 at the end). But one who opines that he has sinned gravely opines that the fact, that is, sin, founding the law, namely of confessing, has taken place. Finally, one who opines that he has sinned gravely opines that he is liable to the ordinary means for obtaining remission of sin, that is, to the sacrament of Penance. But one who opines in this way seems to be bound to apply that means, with liberty excluded of using only the supplying means, that is, perfect contrition or charity.

Response 2. One who strictly doubts is bound in this way:

1. If he strictly doubts about the commission of sin, he is not bound to confess it. For, as we just noted, the Council of Trent and canon 901 teach that mortal sins of which consciousness is had must be confessed, so that a further obligation should at least practically be excluded. But in strict doubt there is not consciousness or knowledge of a committed sin. The reason seems to be this: one who strictly doubts about a committed sin is only doubtfully liable to the ordinary means for obtaining remission of sin, in the case, to Penance; indeed he is only doubtfully capable of that means in relation to that sin. But such a one, sufficiently probably, is not bound to apply that means, but enjoys liberty of using either the ordinary means or the extraordinary or supplying means, that is, perfect contrition or charity. In the case, if the sin truly took place, it is not remitted independently of the sacrament of Penance.

2. If he strictly doubts about the gravity of the committed sin, these things hold:

a) One who doubts about the gravity of the matter is bound to expose his doubt to the confessor, unless he himself is versed in moral matters.

b) One who doubts about full consent in a grave sin must confess it if he has been accustomed to consent fully, because he is presumed to have consented fully. Otherwise it must be said of the fearful and scrupulous. The former are only to be exhorted to expose doubts of this kind; the latter are to be prohibited from doing so (St. Alphonsus, VI, 473-476; *Istruzione e Pratica*, chapter 16, n. 30).

Disputation 2. Whether grave sins committed after Baptism doubtfully validly conferred must be confessed.

Response. It seems that this must be affirmed. For first the Holy Office, to the question whether Carolus Wippermann, doubtfully validly baptized, "is to be rebaptized; and insofar as affirmatively, whether confession is to be placed before or after Baptism to be conferred under condition," to that question, I say, responded:² "The Most Holy One, after the votes of the Most Eminent Fathers had been heard, said: Carolus Ferdinandus is to be rebaptized under condition, and, after Baptism has been conferred, let him confess the sins of his past life, and let him be absolved from them under condition." Besides, the same Congregation, to the request of the bishops of England, "whether sacramental confession must be required from neo-converts in England, and whether it must be integral," responded:³ "Affirmatively, and let the decree of June 14, 1715 be given." Moreover, the Holy Office seems to signify that obligation to be universal not only by responding the same thing, but also by referring to the first response. This is confirmed by the fact that the Prefect of the Sacred Congregation of Propaganda Fide, in a response to the Archbishop of Quebec,⁴ declared that the decree of the year 1868 contains a universal law, and therefore obliges not only in England but also in other regions. Nor is it an obstacle that that response lacked explicit promulgation; for according to

jurisprudence, especially that in force before the Code, it sufficed that such decisions were known.⁵ Besides, the Holy Office, in assigning the norm for reconciling heretics, seems to suppose the affirmative opinion.⁶ Next, one who certainly sinned gravely - which we now suppose to have been done by one doubtfully validly baptized after doubtful Baptism - is bound, if he can, to use at least with moral certainty some ordinary means for obtaining remission of that sin. But by receiving Baptism conditionally he uses only probably the ordinary means for obtaining remission of that sin, because that sin was probably committed after valid Baptism, and therefore probably must be remitted by Penance. Therefore it remains that he receive not only Baptism conditionally, but also conditionally Penance in relation to that sin.

Corollary I. The law explained is divine, as is clear from the intrinsic reason alleged; besides, *a priori* it is hard to admit that the Church has made a law of confessing sins to the confession of which Christ does not oblige.

Corollary II. What has been said about those doubtfully validly baptized must also be applied to those doubtfully baptized, since the same formal reason subsists.

Corollary III. Sins committed before the first doubtfully valid Baptism are not to be confessed; for if Baptism truly was valid, the aforesaid sins were remitted by the first Baptism; but if it was invalid, they are remitted by the second Baptism. Nor must sins committed and sacramentally declared after the first doubtfully valid Baptism be confessed again; for if the first Baptism was valid, the aforesaid sins were remitted through absolution; but if it was invalid, they will be remitted through the second Baptism.

¹ Session 14, on Penance, chapter 5.

² June 14, 1715 (*Collectanea*, n. 286).

³ December 17, 1868 (*Collectanea*, n. 1338).

⁴ July 12, 1869 (*Collectanea*, n. 1338, in note).

⁵ The Cardinal Secretary of the Holy Office indeed in 1898, in the customary conference of cases of conscience at St. Apollinaris, declared that the response of December 17, 1868 was not general. But the authority of the said Secretary - since he was another than the one who was secretary in 1868, and since he put forth his opinion 30 years after the decree had been issued - is not greater than another private authority. The same must be said of D'Annibale, who was Assessor of the Holy Office after the decree had been issued, and who holds the more benign opinion as probable.

⁶ July 20, 1859 (*Collectanea*, n. 1178); December 2, 1874 (*Collectanea*, n. 1426).

320 II. Sins to be confessed must be declared according to: 1. the lowest moral species, at least known confusedly; 2. number; 3. certain circumstances; 4. the external act; 5. the effect, as will be explained.

1. **The lowest moral species, at least known confusedly.** This follows from the Council of Trent,¹ which declares that sins must be declared "in species," which words in their obvious sense signify the lowest moral species. The reason is clear from what has been said about the necessity of integrity (n. 317). It is said:

a) **Moral species;** since it is not necessary to declare the physical species, so that one who has stolen, for example, 100 florins and a cow satisfies by confessing that he committed two grave thefts.

- b) **Lowest species**, so that it does not suffice to confess, for example, the proximate genus of the sin, for instance by declaring: "I committed a sin of lust" or "of lust against nature."
- c) **At least known confusedly**; for a species wholly unknown is not contracted.

Question. What must one confess who knows that he has sinned gravely but does not remember the lowest species?

Response. He is bound to confess the sin according to its generic aspect; for one who cannot integrally satisfy the precept is bound to satisfy it insofar as he can do that, unless the reason of the precept is not found in the defective fulfillment (St. Alphonsus, VI, 480).

2. **Number.** For the Council of Trent² declares that sins must be confessed "individually." For the rest, this is elicited also from the fact that all mortal sins must be confessed (n. 319; canon 901), which does not take place if the number is not assigned. Moreover:

- a) If the true number is established, this must be declared.
- b) If the true number is not established, but some number is established, for example, if someone certainly sinned eight times but doubts whether he sinned more often, say twelve times, let him either confess only the certain number or declare a truly approximate number, adding "about" or "more or less," saying, for example, in the case alleged, "about ten times I committed this or that sin." Now by an approximate number a moderate excess is comprehended, but not a notable one. And the greater the number expressed, the greater the excess comprehended. Thus, for example, by saying "three times more or less," up to 4 can be understood; by saying "ten times more or less," up to 12; by saying "thirty times more or less," up to 33; by saying "a hundred times more or less," up to 105 (St. Alphonsus, VI, 466).
- c) If not even an approximate number can be assigned, let the habit of sinning be declared, the time through which it persevered, and, as far as possible, the frequency of falls in a day, week, or month (St. Alphonsus, VI, 466). But if not even that can be done at all, or not without great danger of erring, it suffices, after the time of the habit has been declared, to add that he sinned "as often as the occasion was given" or "as often as that desire occurred" (St. Alphonsus, VI, 466). Hence a prostitute commonly satisfies by declaring that she was given over to prostitution for such a time, and that as often as there was occasion she afforded the use of her body both to married and unmarried men. Nevertheless, she should determine more exactly the number of less usual species, if they occurred, for instance sins committed with clerics. Indeed, if she can, she must manifest the number more accurately. One who is accustomed to desire any women he meets satisfies by declaring that habit and the time through which he persists in it; let him add whether often married women, whether sometimes relatives, or sacred persons. One who is accustomed on any occasion to speak about shameful matters likewise satisfies by manifesting the time of a habit of this kind.

Corollary. One who has confessed an approximate number, adding "more or less" or "about," is not bound to supplement if afterward he certainly learns of a moderate excess above the number expressed. The reason is that the sacrament of Penance was instituted after the manner of a judgment to be exercised in a human way. But, considering the human manner of proceeding, in the case posited the case to be judged seems to have been so declared and judged that, if the penitent proceeded in good faith, the obligation of supplementing seems to be denied (St. Alphonsus, VI,

466). For the same reason the same seems to be said of one who, having confessed more generally and confusedly, afterward remembers the number more distinctly, unless afterward so great a multitude of sins comes to mind that they were not comprehended in the general and confused confession. Finally, it is clear that one who in good faith manifested too great a number is not bound to confess again, since the true number was included in the greater.

Question. Whether one who by one physical act committed several sins numerically, for instance by killing three men by one act, can confess thus: "I killed three men."

Response. It seems this must be affirmed, because he truly confesses the number of sins.

Objection. In the case posited the confessor is led into error as regards the number of acts; which is opposed to integrity.

Response. The confessor is led into error as regards the number of physical acts, let that pass; as regards the number of sins or malices, I deny it; namely, that act, physically one, is morally threefold. But an error induced as regards the number of physical acts is not opposed to integrity.

3. Circumstances of sin. The following must be declared:

a) A circumstance changing the theological species, as it is called, that is, one which makes a venial sin mortal or conversely; at least insofar as this is required lest the confessor take as light what was grave, or as grave what was light. Hence, for example, the circumstance of grave matter in theft must be declared, and the circumstance of half-full consent in an act gravely evil, if the penitent - to which in the case he is not bound - wishes to confess the consent.

b) A circumstance adding a new species of grave sin, or, to use the terminology of the Council of Trent³ and of the Code (canon 901), changing the species of sin, as if someone were to kill a sacred person. Thus the Council of Trent at the cited place and the cited canon of the Code; and it follows from what has been said about the obligation of confessing sins according to the lowest species.

Question. Whether one who by one physical act committed several sins in species, for instance if one bound by a vow of chastity pollutes himself, can confess thus: "I gravely transgressed a vow and perpetrated pollution."

Response. It seems this must be affirmed, provided he truly declares the lowest species, as in the example alleged; for nothing seems lacking to integrity. But if it is objected that the circumstance of the sin must be declared which changes its species or which adds a new species to it, whereas in the case the sin against the vow is not declared as a circumstance of the sin of lust, I respond that by objecting in this way one insists too much, as it seems, on the letter of the law.

c) Circumstances about which the confessor asks, so that he may judge better concerning the disposition and obligations of the penitent, and which especially regard habit, relapse, and proximate occasions. Hence Innocent XI condemned proposition 58: "We are not bound, when the confessor asks, to confess the habit of some sin."⁴

d) Accidentally, the circumstances must be declared on which a censure or reservation of sin depends.

Question. Whether a circumstance which notably aggravates a grave sin in the same species must be declared. I said notably, because no one teaches that a lightly aggravating circumstance must be

manifested.

Response. Some affirm simply; others affirm as regards the circumstance "what," or of the object, or which regards the quantity of the thing, as in excessive theft, in incest in a very near degree. Others deny absolutely; with St. Alphonsus (VI, 468) we hold this opinion as sufficiently probable. For: 1. the Council of Trent,⁵ as also canon 901, speaks only of circumstances changing the species, so that a further obligation seems at least practically to be excluded; 2. a further obligation would impose a nearly intolerable burden and would be a source of scruples and difficulties. St. Antoninus,⁶ St. Bonaventure,⁷ St. Thomas, as it seems (4, distinction 16, question 3, article 2, solution 5; opusculum 12 to the reader of Besancon), and all more recent authors also adhere to the more benign opinion.

Corollary. Let the confessor generally not inquire into aggravating circumstances, but let him permit the faithful, for the tranquility of conscience, to manifest them. I said generally; for: 1. as regards sins against chastity, not only should he not inquire into circumstances not to be exposed, but generally he should also advise penitents not to expose anything besides that which must be exposed; 2. as regards sins of injustice, he should for the most part inquire into the gravity of the thing taken or of the damage inflicted, both because the faithful often do not know what matter is grave, and so that he can judge about the obligation of restoring and can teach the faithful about it.

4. **External act**, whether committed, as fornication, or omitted, as omission of Mass. Moreover, an external act which completes the internal act in the character of sin must be declared; for it comes under the name of sin and in reality is contrary to the law. But of itself an external act which is merely the manifestation of a sin that is properly internal, for example of heresy, need not be declared. Except if it introduces a new species, for example of scandal, or if a censure or reservation of sin depends on it (St. Alphonsus, V, 42).

5. **Effect.** The discussion concerns grave effects which were foreseen in the cause and either intended or permitted without sufficient reason. Effects of this kind can be, for example, blasphemies uttered in drunkenness, pollution, the death of an enemy following from the giving of poison, etc. Now:

a) The effect must be declared: 1. if the confessor asks about it so that he may judge better concerning the obligation of the penitent; 2. accidentally, if a censure or reservation of sin depends on it. Otherwise:

b) The effect need not be declared if the evil will was sincerely retracted before the event; for when that has been retracted, there is no source from which true morality can accrue to the effect, so that it cannot come under the name of sin (tom. I, n. 10). If the evil will has not been retracted, it is disputed. Moreover, it seems it must be said thus: the effect must be declared which is the complement or consummation of the internal sin, or the external execution, as foreseen blasphemies uttered in drunkenness. The reason is that an effect of this kind, as an act infected by the malice of the will (t. I, n. 60), comes under the name of sin (St. Alphonsus, IV, 149; V, 10). Otherwise it must be said of an effect which cannot be called the consummation or external execution of the internal sin, as the death of an enemy following from the giving of poison.

Question 1. Whether one satisfies integrity who declares a sin not yet confessed as confessed.

Response. It seems this must be wholly denied, because by declaring necessary matter as free, he does not subject it to the judgment of the confessor, but only to repeated absolution, or at least deceives the confessor as regards the obligation of judging the sin; and that deception is grave. Namely, necessary matter must be subjected to the judgment of the confessor and judged by him, because judgment concerning it has not yet taken place; free matter is only subjected again to absolution, although it is licit to subject it to judgment again.

Question 2. Whether one satisfies integrity who, with the confessor aware, for example in a general confession, omits to distinguish between sins confessed and not confessed.

Response. Affirmatively, because it is licit to subject sins already confessed together with those not yet confessed again to the judgment of the confessor, and not only to absolution, as happens if the whole confession is made concerning free matter. In the case, however, the confessor must judge concerning each sin, and therefore also investigate the species and number of old sins, namely lest some sin which has not yet been judged be left unjudged.

Question 3. Whether one satisfies integrity who declares a confessed sin as not yet confessed.

Response. Affirmatively, because it is licit to submit free matter again to the judgment of the confessor. Nevertheless he would commit a lie and a light sacrilege, and so would sin venially (n. 324).

Question 4. Whether one satisfies integrity who falsely declares the time of the committed sin, for instance by declaring a sin recently committed as committed long ago.

Response. Some deny this, because an act recently posited is not an act posited long ago, so that in the case the act posited is not declared. But it seems this must be affirmed, provided he does not proceed for this reason, that he confesses a not-yet-confessed sin as confessed. The reason is that the act is declared primarily as posited, so that it is undeservedly said that the act posited is not declared. I said "provided he does not proceed for this reason, that he confesses a not-yet-confessed sin as confessed"; this he would do if he accused himself of a sin not yet confessed in this way: "Besides, I accuse myself of this or that sin of my past life." Besides, a penitent rightly questioned about the time is bound to open the truth.

Corollary. The penitent has satisfied the precept of integrity only when he has exposed his sins in such a way that he can prudently judge that the confessor sufficiently perceived the things to be exposed. Hence: 1. one who notices that certain grave matters were either not heard by the confessor or were wrongly understood is bound to supplement; 2. *a fortiori* he is bound to this, indeed he confesses sacrilegiously, who deliberately chooses a somewhat deaf confessor lest the things to be exposed be duly perceived. On the other hand, however, the penitent can presume that the confessor sufficiently perceived the things exposed, until the contrary is established.

¹ Session 14, on Penance, chapter 5.

² Session 14, chapter 5.

³ Session 14, chapter 5.

⁴ Denzinger-Bannwart, n. 1208.

⁵ Session 14, on Penance, chapter 5.

⁶ *Summa Theologica*, part 3, title 14, chapter 19, § 7.

⁷ 4, distinction 17, part 3, article, question 3.

321 **III. One who culpably did not satisfy integrity** is bound as is explained in n. 332 sq. One who inculpably did not satisfy is bound to supplement, and indeed in the first following confession, because every confession of itself must be materially integral. Nevertheless, it is not required that confession therefore be anticipated, nor that meanwhile he abstain from the Holy Eucharist (n. 179).

Question 1. Whether one who confessed a sin as doubtful, and afterward recognizes it as certain, is bound to repeat it as certain.

Response. Most more recent authors deny this; but with the older authors and St. Alphonsus (VI, 478), it seems this must be affirmed. The reason is that the declaration of the case which is to be judged as doubtfully existing, and likewise the judgment resting on a declaration of this kind, were notably defective; this seems clear of itself, and is confirmed by the fact that that declaration and judgment did not suffice for imposing a fitting penance, that is, a grave one; for in doubt whether someone sinned gravely, a grave penance is not to be imposed.

Objection 1. One who confessed, for example, "I did that about ten times," and afterward certainly knew that he had sinned eleven times, is not bound to confess that eleventh sin again. But there is complete parity with the case just discussed.

Response. I distinguish the minor: the prior case, namely of a moderate doubtful excess, is equal to the case just discussed if the doubtful excess is considered in itself, I concede; if it is considered as part of the whole case to be judged, I deny. For the human manner in which one must proceed also in sacramental judgment brings with it that one who in good faith declared, for example, that he consented to an evil desire about ten times, is immune from the obligation of supplementing, even if afterward he knows that he consented eleven times; but the same cannot with equal right be said of one who consented once and declared it as doubtful. In conformity with this doctrine, the former according to common estimation is said to have confessed morally integrally; not so the latter (St. Alphonsus, at the cited place).

Objection 2. There is no obligation of confessing what has already been directly remitted. But the sin of which we speak has already been directly remitted.

Response. There is no obligation of confessing what has already been directly remitted if it has also been rightly declared, I concede; otherwise I deny. But the sin of which we speak was not rightly declared. Nor, in order to reject the distinction, should you appeal to canon 901, since it is not judged to settle a controversy among theologians about divine law.¹

Objection 3. It suffices to have declared the sin as it was in conscience; which took place in the case posited.

Response. It suffices to have declared the sin as it was in a right conscience, I concede; as it was in a very defective conscience, so that a sufficiently right judgment about the existence of the case could not be formed, I deny. But the latter took place in the case posited.

Objection 4. It suffices to have declared sins according to species, number, and circumstances as explained above; this is posited as having been done.

Response. It suffices to have declared sins according to species, etc., provided the very commission of the sin has been duly declared. But that did not take place.

Question 2. Whether one who omitted a circumstance to be declared is afterward bound to repeat the whole sin.

Response. It suffices to expose the omitted circumstance, if the sin arising from the circumstance can be explained in its lowest species without the whole sin being exposed. Hence one bound by a vow of chastity who confessed fornication but omitted the circumstance of the vow satisfies afterward by confessing that he injured the vow; otherwise the whole sin must be repeated. Thus, for example, a married person who confessed mere fornication does not satisfy afterward by adding that he inflicted a grave injury on his spouse, because by this explanation the malice of the injury contained in adultery is not sufficiently exposed.

Note. One who, after receiving absolution, confesses an omitted grave sin is to be absolved again in this very confession. As regards the penance to be imposed, what was said on p. 229 can be observed.

¹ Code of Canon Law, Preface.

322 IV. One who doubts whether he has confessed a grave sin, in other words, whether he has fulfilled the precept of integrity, is bound in this way:

1. If he opines that he declared the sin, he is not bound to confess it again (t. I, n. 229). Moreover, one who has diligently received the sacrament can, in doubt, commonly presume or opine that he confessed integrally.
2. If, all things considered, he strictly doubts, he is bound to declare the sin again (St. Alphonsus, VI, 477). This follows from what has been said about doubtful fulfillment of a law (t. I, n. 229). Except, however, the scrupulous, of whom in n. 327.

Scholion. On Injury to Truth in Confessing

323 I. Truth, as it is taken here, consists in this: that the penitent declares those things which regard sacramental judgment as they are in conscience. To truth is opposed a lie, by which the penitent, in matter pertaining to sacramental judgment, denies those things which he holds as true or affirms those things which he holds as false.

1. He does not sin against truth, as it is understood here: 1. who lies about those things which do not pertain to sacramental judgment, for example, if someone falsely says that he is from this or that parish; if he falsely responds about those things concerning which the confessor lacks the right of questioning; 2. who confesses light sins to his usual confessor, but as often as he has committed a grave sin goes to another confessor. If he does this lest he expose himself to danger of keeping back the sin, he acts rightly; but badly, if it happens for this end, that he may sin more freely.
2. He sins against truth: 1. who confesses sins which he did not commit, or denies those which he perpetrated; 2. who responds falsely about those things concerning which he is rightly questioned by the confessor.

324 II. As regards the malice of a lie in confession, take these things: a lie in a matter pertaining to sacramental judgment involves a twofold malice, one of lying, the other of sacrilege; of sacrilege

indeed, because it inflicts injury on the sacrament. The malice of lying is light. But the malice of sacrilege is grave or light according as the penitent deceives the confessor in a grave or light matter. Hence it is grave, for example, if he confesses a mortal sin not committed as committed, or a certainly committed sin as doubtfully committed, or a doubtfully committed sin as certain, although the latter is rather done from simplicity for greater tranquility and therefore subjectively is excused from grave sin; likewise if he declares a sin not confessed as confessed; likewise if, rightly questioned about a grave matter, he says what is false; if he falsely asserts that he grieves over the sins which he has confessed, even if he has declared only one venial sin, because it concerns a matter, that is, contrition, pertaining to validity, and therefore grave. It is light if the penitent, for example, declares a confessed mortal sin as not yet confessed (St. Alphonsus, VI, 495-497, who nevertheless does not agree as regards the malice of lying).

Question. Whether it is ever licit to use in confession a restriction that is not purely mental.

Response. Negatively, if it concerns a matter about which the confessor rightly questions. Otherwise it must be affirmed: and so if the confessor undeservedly asks, for example, whether the penitent has confessed elsewhere, the penitent can respond "Negatively," understanding underneath, for example, "so that I am bound to tell you that."

Point III. On the Causes Excusing from Material Integrity

An intrinsic inconvenience does not excuse, as, for example, shame (t. I, n. 169). Concerning extraordinary shame, confer n. 327. The following excuse:

325 I. Ignorance of the law and forgetfulness of sin, provided it is here and now inculpable or at most lightly culpable, for instance when someone after an examination made without grave negligence does not remember some sin. I said "without grave negligence," because light negligence can be combined with ordinary diligence.

326 II. Physical inability. 1. The dying and the sick who, even if helped by the confessor, cannot confess integrally at all or can do so only with great difficulty, are excused.

2. The mute and the deaf, who are bound to confess integrally insofar as they can morally do that by words or signs. It is disputed whether the mute are bound to use writing if otherwise they cannot satisfy the precept. Moreover, most more recent authors deny this. But with St. Thomas (In 4, distinction 17, question 3, article 4, solution 3, ad 2) and St. Alphonsus (VI, 479), it seems this must be affirmed. For only a grave inconvenience, or one extraordinary or unusual with respect to the penitent, excuses from a grave divine precept. But the use of writing neither involves grave inconvenience nor is judged an extraordinary or unusual means of communicating with others with respect to the mute.

Objection. No one is bound to use a means which introduces danger of revelation. But writing is of this kind, since by some accident it can come into the hands of others.

Response. No one is bound to use a means which brings with it danger of revelation worthy of note, I concede; otherwise I deny. But in the case, the danger of revelation attached to writing is not worthy of note, so that not even the burden of undergoing it deserves to be noted. Therefore it does not excuse from fulfilling a grave precept.

A somewhat deaf person should be led into a remote place, unless it is to be feared that bystanders would suspect that he sinned gravely. But this does not take place if deafness is noticed at the beginning of confession; otherwise, for the most part, if it is noticed in the course of confession (St. Alphonsus, *Homo Apostolicus*, tract 16, n. 35).

3. Those ignorant of the language of the confessor are excused if another confessor cannot be had shortly and conveniently. If the confessor does not know only the dialect of the penitent, so that, at least after asking for explanation, he understands several or even many things, it is licit for a lesser cause to hear the confession of the penitent. For the rest, the penitent is not bound to use an interpreter (canon 903), and this holds even if he can easily declare one or another sin through an interpreter, for instance a sin which is already known to the interpreter from elsewhere (St. Alphonsus, VI, 479).
4. Those lacking opportunity of time, for instance when battle or shipwreck is imminent. The same can happen in a hospital, if all, because of the multitude of the dying, cannot confess integrally in time. Likewise the penitent is excused if it is to be feared that the confessor may die or that something grave may happen to him before confession has been integrally completed, and another cannot be approached conveniently and shortly.

A great concourse of penitents does not excuse, as follows from proposition 59 condemned by Innocent XI:¹ "It is licit sacramentally to absolve those who have confessed only by half, by reason of a great concourse of penitents, such as, for example, can happen on the day of some great feast or indulgence."

¹ Denzinger-Bannwart, n. 1209.

327 **III. Moral inability**, which is had when the penitent cannot confess integrally without probable damage, whether spiritual or temporal, extrinsic to confession and proportionate to the gravity of the precept. It is said without probable damage; certain damage is not required, because it is already a grave inconvenience to expose oneself to grave danger. Here are referred:

1. Danger of infamy, for instance if a sick person, for example in a hospital, cannot confess sins without others hearing them; or if someone cannot omit or defer Holy Communion or Mass without notice or scandal, and has committed so many sins that he cannot confess integrally without others suspecting his evil state. Outside this case a lengthy confession rarely brings with it danger of infamy, because all know that confession is often prolonged not at all because of many grave sins to be confessed, but in order to seek counsels, etc.
2. Danger that the confessor will violate the seal; likewise if the penitent by confessing integrally would violate the seal. These will scarcely take place.
3. Danger of a fall arising from diligent examination and recollection of sins.
4. Danger of damage to be feared for a scrupulous person from integral confession (St. Alphonsus, VI, 484-488).

Question. Whether extraordinary shame excuses.

Response. All concede: 1. that those who are more ashamed than others are not excused; 2. that shame which arises from a circumstance commonly occurring does not excuse. But some judge that

shame arising from an extraordinary circumstance excuses, for instance if someone had to confess a very disgraceful sin to his nephew. But this opinion seems wholly to be rejected, according to what was said on p. 135.

328 IV. Damage of the confessor or of a third party to be prevented, for instance if the penitent is infected with plague, and integral confession would expose the confessor to danger of contagion; or if the penitent fears that by confessing integrally he would create danger of a fall for a confessor inclined to lust (St. Alphonsus, VI, 479; 484-488).

Question. Whether there is an obligation of confessing a sin which cannot be manifested without infamy of the accomplice or of any third party.

Response 1. It must be affirmed if the penitent, independently of the precept of integrity, enjoys the right of bringing infamy on the accomplice or third party, for instance if the accomplice, as regards the crime of which there is question, has been condemned by a judge. The reason is that in the case the natural law of preserving reputation is not opposed to the precept of integrity.

Response 2. Outside the hypothesis posited, it is disputed. Some deny. Others not only deny, but also teach that under light obligation¹ it is illicit to confess a sin of this kind, because the natural law of preserving the reputation of one's neighbor prevails over the law of integrity. Others, whose opinion we embrace, affirm, and judge that the law of integrity, according to the mind of Christ, prevails. For: 1. if the opinion of the adversaries is admitted, provision often would not be made for the prudent ministration of the sacrament. For prudent ministration commonly, as is clear from Trent,² requires the manifestation of all sins according to species, number, and circumstances changing the species. 2. If that opinion is admitted, the law of integrity would not rarely become illusory, since especially in smaller places the confessor can easily suspect who the accomplice is, and another confessor cannot conveniently be approached. Add that in antiquity there was the custom, and of itself the obligation, of confessing to the parish priest, who was accustomed to know his subjects and their circumstances. 3. Authors both more numerous and more outstanding in authority adhere to the stricter opinion, for example St. Thomas (in 4, distinction 16, question 3, article 2), St. Alphonsus (VI, 489), St. Bernard,³ St. Antoninus,⁴ St. Bonaventure,⁵ Cajetan,⁶ Suarez,⁷ Lugo.⁸

Nevertheless, the penitent is bound under light obligation,⁹ if it can be done conveniently, to approach a confessor to whom the accomplice is unknown. But a just cause excuses from this obligation, as if otherwise the penitent would remain for some time in the state of mortal sin, or would have to abstain from Communion or celebration which he was accustomed to institute daily; if this confessor would be especially useful to the penitent, for instance by affording him greater quiet or consolation; if the penitent would confess with more difficulty to another than to his usual confessor, etc. (St. Alphonsus, VI, 490). Besides, in practice the confessor can commonly permit penitents to expose sins, and ask them about occasions and circumstances to be confessed, even if from that accidentally he comes to knowledge of the accomplice. Nevertheless, let him generally take care that penitents expose their own sins rather than the sins of others, for example of husband or wife.

Corollary I. In order that it be licit, because of the excusing causes explained above, not to confess integrally, it is required:

1. That there be some necessity or at least a moderate cause of confessing, for instance the precept of annual Communion or confession, or if someone could not omit Communion without notice; likewise the inconvenience of remaining, for instance for a day, in sin, or of omitting Communion which he was accustomed to receive daily (St. Alphonsus, VI, 487).
2. That another confessor cannot be had without grave inconvenience, to whom integral confession can be made without the inconvenience which the penitent intends to avoid.

Corollary II. It is clear: 1. that only that sin can be kept back to the declaring of which the excusing inconvenience is attached;¹⁰ 2. that sins kept back are afterward to be declared if the excusing inconvenience has ceased.

¹ Under light obligation only, because the manifestation of a sin to one man who will keep the secret is light, unless it concerns an enormous crime; or unless the sin is manifested to one from whom it is especially in the sinner's interest that it be hidden, for example to his superior.

² Session 14, chapter 5.

³ *Varia et brevia documenta*, n. 1.

⁴ Part 3, title 14, chapter 19, § 11.

⁵ In 4, distinction 21, part 2, article 1, question 3.

⁶ *Summa*, word *Confessio*, condition 3.

⁷ Disputation 34, section 2, assertion 2.

⁸ Disputation 16, section 7, n. 394.

⁹ Under light obligation, because infamy before one trustworthy man is of itself venially evil.

¹⁰ But it is disputed whether the whole sin or only the circumstance can be kept back if the inconvenience is attached only to the circumstance to be declared. Some teach that only the circumstance can be kept back; others judge that in the case the whole sin can be kept back when afterward the circumstance to be kept back cannot be supplied without the whole sin being exposed. Otherwise, they say, there would be an obligation of confessing the same thing twice. But the controversy is of little practical importance.

Point IV. On the Means of Procuring Integrity, or on the Examination of Conscience

329 I. The obligation of examining conscience exists insofar as it is required for confessing integrally. This is clear both from the Council of Trent¹ and canon 901, and from the fact that one who is bound to the end is also bound to the means.

¹ Session 14, chapter 5 and canon 7.

330 II. Required diligence. Ordinary or moderate diligence suffices, that is, such as a prudent man is accustomed to employ in a serious matter. It suffices even if someone judges that by examining conscience longer and more diligently he would remember more sins. Nevertheless, diligence depends on the capacity of the penitent, on the moral state of the soul, on the time concerning which the examination must be instituted, etc. (St. Alphonsus, VI, 471).

Question. Whether the penitent is bound to write down sins if otherwise he is exposed to grave danger of not confessing integrally.

Response. Negatively, because ordinary or moderate diligence suffices for knowing and retaining sins in memory. But writing exceeds the limits of ordinary diligence. Besides, very many men who confess

rarely are in the said danger, and therefore, if the stricter opinion is admitted, they would be bound to writing. Now, from frequent use of that means so many inconveniences would follow - especially the manifestation of written confessions, which from carelessness, etc., would fall into others' hands - that that use cannot be held as prescribed.

331 III. Causes excusing from diligent, or at least from more accurate, examination of conscience are sufficiently clear from what has been said about the causes excusing from integrity. Thus, for example, the same examination is not required for the sick as for the healthy (St. Alphonsus, VI, 471). Add that one who arranges with the confessor about questioning can lessen diligence in examining, because examination is required only as a means.

Corollary I. Writing is generally also to be discouraged, except sometimes once or twice in life, when someone is about to institute a general confession.

Corollary II. One who is morally certain that he does not have necessary matter is not bound to examination; nevertheless it is advised, namely so that he may better know and uproot venial defects. Besides, let penitents not examine themselves longer either about doubtful sins or about temptations against chastity; it is better, with further examination omitted, to confess doubtful sins as doubtful.

Corollary III. One who is bound under grave obligation to diligent examination, and, after neglecting it, confesses, receives the sacrament invalidly and sacrilegiously if he sufficiently adverts to the grave defect; this rarely happens, so that confessions are rarely to be repeated precisely for that reason.

Corollary IV. Uneducated penitents who in confession are found to have examined their conscience negligently should commonly not be sent away so that they may examine themselves more diligently; rather the confessor himself should examine them (St. Alphonsus, VI, 471). The same holds concerning penitents who are found by the confessor to have kept back sins and not to have examined themselves regarding past sins.

Scholion I. On Repeating Confessions in General

332 Preliminary I. The obligation of repeating confessions in which necessary matter is involved can arise from a defect either of validity or of integrity, for instance if someone previously confessed sins without species and number, or if the confessor, because of deafness or sleep, did not hear or understand the things confessed.¹ But an invalid confession can be either simply invalid, or invalid and sacrilegious. It is also sacrilegious at the same time when the penitent sinned gravely in the very reception of the sacrament.

Preliminary II. Defect of validity can come:

1. From the confessor, for example if he lacked jurisdiction, if he omitted the form or changed it substantially.
2. From the penitent, for example if he was ignorant of things to be known and believed by necessity of means, if he lacked contrition or purpose, if in bad faith he kept back a grave sin.

¹ In the case, for the most part at least generic confession is had, so that one cannot seriously doubt about validity.

333 I. The obligation of repeating confessions is had:

1. If someone confessed very incompletely, that is, without species and number. Nevertheless, this is not presumed, since the confessor must be presumed to have helped the penitent sufficiently.
2. If it is morally certain that someone confessed invalidly, as if someone continually and in the same way relapsed into a habit.

3. **Disputation 1.** Whether one who doubts whether he confessed invalidly is bound to repeat confessions. Moreover, it seems it must be said thus:

a) If the doubt about validity comes from doubt about the way in which someone confessed, for example whether with true contrition, the penitent is not bound to repeat the confessions, because he can presume that he confessed rightly according to that principle: in doubt, what has been done is presumed to have been rightly done (St. Alphonsus, VI, 505).

b) If the doubt does not come from doubt about the way in which someone confessed, but from the fact that it is doubted whether confession instituted in that way is valid,¹ the penitent seems to be bound to repeat the confession. For then there is no reason for presuming that the confession was valid, so that it is truly doubtfully valid and remains so. But one who, all things considered, seriously doubts whether he confessed validly seems to be bound to repetition. For one who certainly sinned gravely must take care that he enjoys, at least with moral certainty, the means prescribed of itself for obtaining pardon, that is, direct absolution from sin, or such an absolution as the sacrament of Penance confers by reason of itself, not merely insofar as remission of one mortal sin necessarily brings with it the expulsion of the others. But in the hypothesis posited direct absolution from sins is uncertain and remains uncertain until the sins are again subjected to the keys (St. Alphonsus, II, 2; VI, 450).² Whether in a following confession the sins must again be declared distinctly, or whether it suffices to confess them generally, draw from what is to be said in n. 334.

4. **Disputation 2.** How far there is an obligation of repeating confession if the confessor, because of deafness or sleep, understood the things confessed only in part. Now:

a) if the penitent knows which sins were not understood, he is bound to repeat these (n. 397).

b) if the penitent does not know that, he is bound to repeat the confession if it was brief, because as regards the individual sins he doubts whether they were understood; nor is there an inconvenience which excuses. But if the confession was long, the inconvenience of repeating it and consequently many sins already confessed and understood seems to excuse from integrity, or from renewing a distinct confession; and it suffices that the penitent declare in general that there are certain sins which the confessor did not perceive (St. Alphonsus, VI, 499).

¹ For instance, if someone, having confessed two sins, was contrite solely from a particular motive of one sin; or if he confessed while ignorant of the mysteries which probably must be known by necessity of means.

² What St. Alphonsus teaches here coheres very well with what is said in book VI, n. 595, where he teaches that the faithful are not to be compelled to repeat confessions unless it is morally established that they were invalid. The latter is generally true, and therefore can be stated in that way; but in the exceptional case discussed by the Holy Doctor in book II, n. 2, the principle cannot be applied, as otherwise it commonly can: in doubt one must stand for the validity of the act. "If," Gaude adds, "there were a contradiction between the two places, those things which are handed down in the present place would certainly seem to be preferred, and it is clear that the Holy Doctor changed his opinion on this matter. For what is here asserted about necessarily repeating confession is absent in the first five editions of the *Theologia Moralis*, and is first found in the sixth edition printed in 1767; whereas, on the contrary, the doctrine taken

from the tract on Penance had already obtained a place in the earlier editions of the *Theologia Moralis*" (note in this place). But, as I noted, there is no contradiction.

334 II. The manner of repeating confessions. 1. If the repetition is made before the same confessor before whom the invalid confessions were made, then:

a) If the confessor has retained at least confused knowledge of the state of the penitent, it suffices, as regards the sins confessed, that these be subjected to the keys by a general accusation. For in the case there are had, or rather previously were had, confession and distinct judicial knowledge; besides, here and now there are had confession at least generic and confused judicial knowledge. That more is required is commonly and quite soundly denied. Note also that confused knowledge can sometimes be gathered from the penance itself imposed and retained in memory (St. Alphonsus, VI, 502).

b) If the confessor has not retained even confused knowledge, nor can gather it from the penance imposed and known, it suffices, but more probably is also required, that he resume confused knowledge; or that the penitent again expose in a confused way the sins previously confessed, for example by saying that he sinned against chastity, temperance, justice, religion. That this suffices is clear from what was said under a). That this is required, with St. Alphonsus (VI, 502) against several more recent authors,¹ we hold as more probable, and indeed: 1. because sentence does not seem to be pronounced unless the judge has at least confused knowledge of the state of the penitent, that is, has retained it or now resumes it; 2. because otherwise a sufficiently fitting penance cannot be imposed.

2. If the repetition is made before a different confessor, the confessions must be repeated integrally.

The reason is that the confessor who pronounces sentence must have or have had distinct judicial knowledge of the sins. Nevertheless, sometimes it will suffice to question the penitent, for example, about the last year; namely if, because of a uniform manner of life, a sufficient judgment can at the same time be formed about the preceding years - that is, one equal to what would be obtained by a repetition of the confessions. The same is to be applied if the confessor, after hearing the confession of the last year, detects a defect of past confessions; in which case it suffices that the confessor has retained knowledge of the sins heard, and from that knowledge forms a sufficient judgment about the past years. In either case, however, let the penitent accuse himself in a general way concerning the preceding years (St. Alphonsus, VI, 504).

Corollary I. Whether the repetition is made before the same confessor or before a different confessor, those things which perhaps were lacking to integrity in the prior confessions must always be added by the penitent. Besides, if the prior confessions were sacrilegious, let the penitent declare how often he received the sacrament of Penance and Holy Communion, likewise whether he received other sacraments, namely Confirmation, Matrimony, Extreme Unction; finally whether and how often he injured the precepts of annual Confession and Communion, whether by neglecting them or by receiving the sacraments sacrilegiously.²

Corollary II. It sometimes happens that prior confessions were invalid, but not later ones; for instance if the penitent at first confessed without contrition but in good faith, and afterward with due disposition; likewise if at first sacrilegiously, but afterward, having forgotten the sacrilege, he validly received the sacrament. Now it is clear that these things are to be attended to in the repetition of confessions.

¹ They say that it suffices that the confessor remember that this penitent had confessed and been judged.

² Many, however, are ignorant that by sacrilegiously receiving the sacraments they injure that twofold precept.

Scholion II. On General Confession

335 I. Notion. General confession is that by which several confessions previously instituted are repeated. It can comprehend either one's whole life or a notable part of it.

336 II. How far is it to be instituted? 1. It is necessary for those who have confessed either invalidly, whether simply invalidly or at the same time sacrilegiously, or very incompletely (n. 332); likewise in the doubt about the validity of confession discussed in n. 333.

2. It must be prohibited to the scrupulous, and to those for whom the recollection of sins would become a danger of relapse or of grave temptations. If, however, the necessity of general confession were established, let it be prudently instituted. Cf. nevertheless, as regards the scrupulous, what was said in n. 327.

3. It is useful: 1. in doubt about the nullity of confessions; 2. on the occasion a) of solemn First Communion; b) of the choice of a state of life, whether conjugal, religious, or clerical through Major Orders; c) of spiritual exercises or a Mission,¹ at least from the last general confession; 3. in dangerous illness. But the choice of a new confessor commonly is not a reason for instituting a general confession. Besides, it can easily be permitted that sins of past life be repeated summarily.

¹ Postulants, before they begin the novitiate, "according to the prudent judgment of the confessor, should premise a general confession of their past life" (canon 541).

337 III. The manner of receiving it. 1. **Things to be premised.** First let the confessor inquire whether or not general confession is necessary,¹ and therefore in a friendly way ask the penitent for what reason he desires to institute a general confession. Next, let him inquire into the age and state of the penitent, especially whether he is married, whether he is being courted or seeking marriage; likewise sometimes about satisfactions fulfilled. Finally, let him ask whether the penitent would prefer to make the confession himself or to be questioned.

2. **Things to be observed in confession.** First let inquiry be made into sins committed after the last confession. When this has been done:

a) According to some, it is better to divide life into diverse epochs, for instance from infancy up to the choice of a state of life, etc., and to question separately about the individual epochs. According to others, it is more expedient, or equally expedient, to question about sins in one continuous course, meanwhile taking account of the diverse epochs. According to others, the questioning should be made about the sixth precept according to the diverse epochs, and about other sins in one continuous course.

b) In questioning, let a definite order be observed, for instance by successively inquiring into sins against: 1. the precepts of the Decalogue; 2. the precepts of the Church; 3. the duties of one's state. Others refer all sins to the Decalogue. If, however, it is clear that the penitent has kept back some sin, let him first be questioned about this. Besides, it is generally better at the beginning of confession to inquire into sins against the sixth precept, especially if the confessor suspects that the penitent has not led a chaste life.

For the rest, let each confessor set before himself a definite order which he will observe. The questions to be proposed can be compared in Aertnys.²

3. Things to be added. At the end let him ask the penitent whether any anxiety of conscience remains, and let him render him entirely at peace.

¹ If general confession is not necessary, the confessor can moderate the questions; but let him proceed in such a way that the penitent does not notice this; hence let him not strive to finish everything very quickly, lest he leave the penitent anxious and not content.

² *Theologia pastoralis*, nn. 247-256.

Scholion III. On Venial Sins to Be Confessed and on Doubtful Matter Alone Confessed

338 **I.** Since venial sins indeed can be declared (n. 294), but do not necessarily have to be declared, there is no obligation of declaring them according to species and number. Nevertheless, that they be manifested at least according to species is greatly to be advised because of the reasons alleged in n. 310. Indeed, it can happen that the confessor must ask about species and number, namely so that he may judge concerning the disposition of the penitent, or so that he may know whether, because of coalescing matter, a grave sin has been committed or a grave obligation of restoring has arisen. But the penitent, rightly questioned, is bound to respond.

339 **II.** A penitent who confesses only doubtful matter or doubtful mortal sins, after certain and more or less determined matter has been sought, is absolved absolutely. If matter more or less determined cannot be obtained, let the penitent, after a generic confession of all sins has been sought, be given absolution (n. 310).

Chapter III. On the Form, or on Absolution

340 The form of the sacrament of Penance is: I absolve thee from thy sins in the name of the Father, and of the Son, and of the Holy Spirit. Amen. This, however, together with the things to be added, is related thus by the Roman Ritual:¹

"May almighty God have mercy on thee, and having forgiven thy sins, bring thee to eternal life. Amen.

Then, with the right hand raised toward the penitent, he says: May the almighty and merciful Lord grant thee indulgence, absolution, and remission of thy sins. Amen. May our Lord Jesus Christ absolve thee, and I by his authority absolve thee from every bond of excommunication, suspension, and interdict, insofar as I can and thou needest.

Then I absolve thee from thy sins, in the name of the Father, and of the Son, and of the Holy Spirit. Amen.

If the penitent is a layman, the word suspension is omitted. But a bishop in absolving the faithful makes the sign of the cross three times.

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

For a just cause the *Misereatur*, etc., can be omitted, and it is enough to say: May our Lord Jesus Christ, etc., as above, up to that part: May the Passion of our Lord, etc.

But when some grave necessity presses in danger of death, the priest will be able to say briefly: I absolve thee from all censures and sins, in the name of the Father, and of the Son, and of the Holy Spirit. Amen."

As regards the prayers attached to the formula of absolution, canon 885 says this: "Although the prayers attached by the Church to the formula of absolution are not necessary for obtaining absolution itself, nevertheless, unless for a just cause, let them not be omitted."

¹ Title III, chapter 2.

341 I. The essentials of the form. 1. Certainly these suffice for validity: I absolve thee from sins. It is disputed whether these suffice: I absolve thee; and: I absolve from thy sins. The words *I, in the name of the Father and of the Son and of the Holy Spirit*, and *Amen* oblige, but only under venial sin.

2. The formula by which the form is uttered must be formally, or as regards sense, indicative, and not only formally deprecative; in other words, the priest must manifest that by ministerial power he imparts remission to the penitent, and not only signify that he prays for remission from God for the penitent. The reason is that absolution is a judicial act; a mere prayer is not of this kind.

Question. Whether a formula grammatically, that is, considering the words alone, deprecative can be valid.

Response. Affirmatively; for: 1. A formula of this kind can, from the circumstances - others say, from use approved by the Church - have an indicative sense, or exhibit a judicial sentence; for instance, if there is a use of uttering the said formula with the intention of remitting sins. But from no head is it clear that more is required; in other words, that a formula is required which is also grammatically indicative. 2. A formula grammatically deprecative was used quite commonly in the Eastern Church, and is even now used; and the same use flourished for centuries in the Latin Church.

In the Latin Church the indicative formula has been prescribed; hence a formula grammatically deprecative is illicit. Whether it is also invalid is not clear from what has been said above.

3. The sense of the form or of absolution is presented in different ways by different authors. Some state the sense thus: I remit sins to thee. But the sense must, if the sacrament is received validly, always be verified. But the aforesaid sense is not verified: 1. if the sacrament remains *informe*; 2. if absolution regards sins already remitted. For it is repugnant that sins already remitted or deleted be remitted or deleted again. This cannot happen except in appearance. Indeed, it is objected that a father can say to his son: "Again I remit everything to thee." But the said words effect nothing, and are merely a new sign of a remission already carried out; and if the matter concerns the form of a sacrament, this does not suffice. Others present the sense of absolution with these words: I confer upon thee grace of itself remissive of sin. But this sense also is not verified in an *informe* sacrament. Others speak thus: I bestow upon thee the sacramental title of absolution. But this opinion rests on the doctrine of intentional causality, which is less pleasing according to what was said in the treatise on the sacraments in general. Therefore the sense seems to be: I confer upon thee, as much as is on the part of the sacrament, absolution from sin; or: I confer upon thee a sacrament of itself absolving from sin; or, as St. Thomas speaks: I "bestow upon thee the

sacrament, understand: of itself, of absolution" (3 p., question 84, article 3, ad 5). This sense is verified even in an *informe* sacrament; likewise if the matter concerns sin already remitted. For the sacrament can be of itself absolving from sin, even if sin is not actually remitted, as in an *informe* sacrament, or when it has already been remitted.

342 **II. The accidentals of the form.** 1. The words *Misereatur*, etc., *Indulgentiam*, etc., and *Passio Domini*, etc., according to the Roman Ritual cited above and canon 885, can be omitted for a just cause, for instance, as earlier editions of the Ritual have it, if confessions are more frequent and briefer; indeed, from the fact that Trent¹ says that prayers are laudably added, they can quite probably always be omitted without sin (St. Alphonsus, VI, 430, doubt 3). The same can be said of the raising of the hand, to be continued from the word *Indulgentiam* up to *Passio Domini*, and of the sign of the cross. Nevertheless, commonly one should not depart from the rubric.

2. Absolution from censures must be premised to absolution from sins; and indeed under grave obligation if the confessor holds at least as probable that the penitent is bound by a censure which prohibits reception of the sacrament. One who by a single formula absolved from censures and from sins would sin only lightly, provided he intended to absolve first, in order, from censures; indeed, quite probably he would not sin if no probable suspicion is present that the penitent has incurred some censure (St. Alphonsus, VI, 430, doubt 4).
3. The word *suspension* should be omitted if the penitent is a layman. The word *then*, previously printed in authentic editions sometimes in red, sometimes in black type, in later editions is printed in black type, so that now it cannot be held as a mere rubric, but must be expressed. To omit it is venial, just as to omit the words *in the name of the Father, and of the Son, and of the Holy Spirit. Amen.* The words *whatever good thou hast done*, etc., *may it be unto thee for remission of sins*, according to St. Thomas (Quodlibet 3, article 28) and others, while others contradict, elevate all the good works of the penitent to sacramental satisfaction, provided the confessor intends this, at least implicitly, by intending to benefit the penitent as much as he can.
4. Where there is a custom that the penitent before confession asks for a blessing, let the confessor impart it, saying: May the Lord be in thy heart and on thy lips, that thou mayest rightly confess thy sins.

¹ Session 14, on Penance, chapter 3.

343 **III. The manner of uttering the form.** It is required:

1. For validity, that the form be uttered: 1. by voice; 2. upon one physically or corporally present.
- a) **By voice.** "The form of this sacrament," says the Synod of Florence, "is the words of absolution which the priest utters when he says..." Universal Tradition is added. Therefore absolution given by letters or by a nod is not valid.
 - b) **Upon one physically present.** For from the decrees of Clement VIII and Paul V, of which we spoke in n. 312, it is licit in no case to give absolution to one absent; the sole reason of which absolute prohibition can be that absolution of this kind is invalid. It is added that sacramental judgment is judged to have been instituted as human judgments were and are accustomed to be exercised, and as it is fitting that they be exercised. But human judgments were and are accustomed to be exercised among those physically present, and it is fitting that they be exercised thus.

Moreover, the physical presence which is required must be taken morally, so that that presence suffices within which men can speak with one another in a common voice, even if a louder one. A distance of about twenty paces, considering distance alone, according to St. Alphonsus, is not opposed to validity. For the rest, note: 1. It very probably does not suffice that the penitent be seen by the confessor, because from that he is not constituted present; 2. if the penitent and confessor are in different rooms, absolution will more easily be invalid; 3. in order that absolution not be certainly invalid, such presence suffices that, if there were no impediment, the penitent could be perceived by some sense; 4. if the required presence is present, it is not required that the confessor actually see the penitent or perceive him by some sense (St. Alphonsus, VI, 428, 429); 5. if the discussion concerns absolution of a continuous multitude, presence can be taken in a broader sense; indeed, in the case nothing seems to prevent many from being far off, provided the multitude as such is near.

Corollary I. If a penitent not yet absolved has departed from the confessional, let him be absolved if he is seen nearby or is known not to be far away. Nevertheless, it is better that he be recalled, if it can conveniently be done. If the confessor because of danger of infection or another cause cannot enter the room of the sick person, let him absolve him from the doorway. If someone seems to be falling from a roof or into a river, let him be absolved under condition (St. Alphonsus, VI, 429).

Corollary II. Absolution given by telephone is very probably invalid. For truly and according to common estimation there is speech between those physically absent. This is confirmed by the fact that not even that is present which according to some constitutes sufficient presence; in other words, not even the voice itself, but, as in the phonograph, only a reproduction of the voice is heard. Nevertheless, until the authority of the Church has settled the question,¹ I would not condemn one who in a case of necessity absolves under condition by means of the telephone.

Corollary III. Absolution given through an ear-tube is commonly doubtfully valid. In the case the human voice indeed is heard; but it is doubtful whether conjunction through an ear-tube and the human voice renders persons staying in different rooms or places of the house sufficiently present. Hence in a case of necessity absolution should be granted under condition.

¹ The Sacred Penitentiary, to the question "whether in a case of extreme necessity absolution can be given by telephone," on July 1, 1884, responded: "nothing is to be answered."

344 **2. For liceity**, it is required that absolution be conferred: 1. only upon those who enjoy the right of receiving it, as will be explained afterward; 2. absolutely or under condition, as follows:

a) Absolution, if it is conferred, must be conferred absolutely when it is at least morally certain that the requisites for the validity of the sacrament are present. Broader moral certainty suffices (n. 398).

b) Absolution can and must be conferred under condition if it is seriously doubted whether it can be conferred validly, but grave damage threatens the penitent if it is denied; if lesser damage threatens, absolution can be given but need not be given (St. Alphonsus, VI, 431).

c) The sacrament should be conferred under the condition *if thou art capable* rather than under the condition *if thou art disposed*.¹ The reason alleged is that in this way better provision is made for the validity and reviviscence of the sacrament. For according to many, less is required for capacity of receiving the sacrament than for the required disposition by which it is fruitfully received (n. 299). And so it can happen that the sacrament conferred under the condition *if thou art capable* is validly ministered, and afterward, when the required disposition arrives, revives; the sacrament, I say, which,

conferred under the condition *if thou art disposed*, would be conferred invalidly and therefore could not revive. Moreover, these things are true if by the condition *if thou art disposed* is understood: if thou art disposed to receive the sacrament fruitfully. For the rest, it also suffices to confer the sacrament "according to the mind of Christ or of the Church"; nor is it required that the condition be stated in words, but it suffices to have conceived it mentally.

Corollary I. Absolution under condition can and must be conferred:

1. If the confessor doubts whether he absolved a penitent who confessed a grave or doubtfully grave sin. If the penitent confessed only venial sins, the confessor can, but need not, absolve him under condition; in other words, he can prefer either the convenience of the penitent or the reverence of himself belonging to the sacrament. For the rest, in doubt about absolution having been given, it can commonly be presumed that it was granted.
2. In doubt whether the penitent still lives; whether the dying person, deprived of the senses, is Catholic, or at least enrolled in a sect which admits the sacrament of Penance.
3. In doubt about sufficient use of reason in children and in the half-witted, if they have probably sinned gravely. If this is not probable, absolution should at least sometimes be conferred.
4. In doubt about necessary remote matter, for example if the penitent has confessed only a doubtfully grave sin and certain matter cannot easily be obtained. If there is doubt about free remote matter, in other words, if the penitent has confessed only a doubtfully sinful act and certain matter can be had with difficulty, absolution should be granted at least sometimes. But these things are almost merely theoretical, since, at least by means of generic confession, matter sufficiently certain can commonly be obtained.
5. In doubt whether the penitent who confessed mortal sins is disposed, let him be absolved, as will be explained afterward.
6. In doubt about the required presence (St. Alphonsus, VI, 432; *Homo Apostolicus*, tract XVI, n. 9).
7. In doubt whether the confessor enjoys jurisdiction over the penitent, according to what is to be said afterward.

Question 1. Whether a penitent absolved under condition must be warned about repeating confession.

Response. Affirmatively, if it can be done prudently. But commonly an admonition of this kind will give occasion to anxieties of the penitent and perplexities of the confessor. But sins perhaps not remitted will be remitted in the following valid confession. Sometimes, however, it can be done prudently if the penitent is absolved under condition because of doubtful jurisdiction of the confessor.

Question 2. Whether a penitent absolved under condition can be admitted to Holy Communion.

Response. Strictly speaking, he cannot be admitted to Holy Communion, because he probably remains in a mortal state. Nevertheless, prudence will commonly advise that the confessor be silent (St. Alphonsus, I, 51).

¹ Formerly some taught that absolution conferred under the condition *if thou art disposed* is always invalid. But this opinion is now commonly rejected (St. Alphonsus, VI, 432).

Chapter IV. On the Integral Part, or on Satisfaction

We shall speak first of the notion and efficacy of satisfaction, then of the power and obligation of imposing satisfaction, and then of the obligation of accepting and fulfilling satisfaction.

Article I. On the Notion and Efficacy of Satisfaction

The discussion concerns actual satisfaction, not satisfaction insofar as it is only in purpose.

345 **I. Notion.** What satisfaction generically taken is has been said in t. I, n. 979. But sacramental satisfaction is compensation for temporal punishment owed because of sins, through an afflictive work. Therefore sacramental satisfaction is not a prayer which someone says in place of a penance he has forgotten. Nor does it suffice that the confessor afterward ratify that prayer, because satisfaction must be imposed before it is performed.

346 **II. Efficacy.** Sacramental satisfaction compensates for, and thus removes, temporal punishment not only *ex opere operantis* but also *ex opere operato*. The reason is that the said satisfaction is not only a salutary and meritorious act, satisfying *de condigno* for some remaining punishment, but also an integral part of the sacrament; in other words, satisfaction effects that the sacrament be an efficacious sign of integral, or more perfect, remission, or remission extending itself to the debt of remaining punishment. But through sacramental satisfaction so much punishment is removed as corresponds to the satisfaction performed, so that by a heavier penance more, and by a lighter penance less, of the punishment owed is remitted.

It is disputed whether actual satisfaction also increases sanctifying grace *ex opere operato* (cf. St. Thomas, 3 p., question 90, article 2, ad 2).

Article II. On the Power and Obligation of Imposing Satisfaction

347 **I. Power and obligation of imposing satisfaction.** The ministers of the sacrament of Penance can and of themselves must impose satisfaction. This is clear: 1. from the Council of Trent¹ and from canon 887; 2. from the universal and constant practice of the Church, which is shown in penitential books, rituals, and testimonies of Councils² and of the Holy Fathers;³ 3. from theological reasons. For the confessor must, as judge, punish the accused, and, as physician, provide medicine to him; these things are done through the imposition of vindicative and medicinal satisfaction⁴ (St. Alphonsus, VI, 506).

I said that the confessor of himself must impose satisfaction, because accidentally he is not bound when the penitent cannot perform any satisfaction; this, however, scarcely happens except in one dying, deprived of the senses, or lacking mental power. Those gravely sick commonly can fulfill at least a very slight satisfaction, so that very rarely is there a cause excusing from all satisfaction (St. Alphonsus, VI, 507).

¹ Session 14, canon 15 and chapter 8.

² Cf. Council of Laodicea (372), canon 2 (Harduin, t. 1, col. 1531); Third Council of Carthage (397), canon 31 (Harduin, t. 2, col. 1404).

³ Cf. dogmatic theologians.

⁴ Council of Trent, at the cited place.

348 **II. How much satisfaction is to be imposed?** This can be deduced from these words of the Council of Trent: "Therefore the priests of the Lord, so far as spirit and prudence shall suggest, ought, according to the quality of the crimes and the capacity of the penitents, to enjoin salutary and fitting satisfactions, lest, if perhaps they connive at sins and deal too indulgently with penitents by enjoining certain very light works for very grave offenses, they become participants in others' sins."¹ These words of canon 887 correspond to them: "According to the quality and number of sins and the condition of the penitent, let the confessor enjoin salutary and fitting satisfactions." Therefore satisfaction must be in some way proportioned to sins. Hence:

1. Let a light satisfaction be imposed for free matter, that is, for venial sins and for mortal sins already declared;² a grave satisfaction for necessary matter, that is, for a mortal sin not yet declared. Thus at least generally: since, if a penitent who confessed a mortal sin omitted a grave sin because of forgetfulness, it seems that a light satisfaction can be imposed afterward on one confessing the omitted sin. Besides, for a greater number and gravity of sins let the satisfaction be increased, but not arithmetically.

A work is judged grave which, if it were commanded by the Church, would oblige under grave obligation, for example hearing Mass, a rosary of five decades, the Litany of All Saints, abstinence or fasting of one day. Some judge that grave satisfaction is already contained in a prayer which is equivalent to a Little Hour of the divine office, because sacramental satisfaction has greater dignity and force by reason of the sacrament of which it is an integral part. But that greater force and dignity does not seem to be considered, because satisfaction must primarily compensate for the injury inflicted on God, or primarily be vindicative or punitive, so that the punitive force must primarily be regarded, not the force that deletes punishment. It is added that almost all authors require heavier matter for grave satisfaction.

2. As regards the gravity of the obligation of imposing proportionate satisfaction, take these things:

- a) By the consent of all, one who imposed no satisfaction, or a very slight satisfaction, for very grave sins would sin gravely. The reason is that proportion is notably lacking.
- b) According to most authors, one who enjoined no satisfaction for a mortal sin would sin gravely. The reason is that also in this case proportion is notably lacking. It is added that the sacrament is deprived of an integral part, and a grave one.
- c) It is more disputed whether one who enjoined a light satisfaction for a grave sin would sin gravely. Moreover, it seems this must be affirmed, because also in this case proportion is notably lacking; indeed, morally speaking, it is equally or almost equally absent as in the case in which no satisfaction is imposed for a grave sin.

Objection. The more benign opinion is more conformable to the words of Trent cited above, which indicate that one sins gravely only when a very slight satisfaction is imposed for very grave sins.

Response. The words of Trent can well be taken by way of example.

- d) Besides, it is asked whether a confessor who imposes no satisfaction for light matter sins gravely. Some affirm, because he deprives the sacrament of an integral part, which seems grave. Others sufficiently probably deny this, because it does not seem grave to deprive the sacrament of a complement or light integral part.

e) Finally, of itself, one who imposes a simply grave satisfaction for very grave sins sins lightly.

¹ Session 14, chapter 8.

² It is disputed whether the confessor can sometimes impose grave satisfaction for light sins which strongly dispose to mortal sin; likewise for mortal sins already remitted, for which worthy penance has not been performed (cf. St. Alphonsus, VI, 517). Whatever the case may be, certainly from elsewhere there is an obligation of employing the means necessary for avoiding mortal sin.

349 III. What kind of satisfaction is to be imposed? The Council of Trent¹ teaches thus: "Let them have before their eyes that the satisfaction which they impose be not only for the protection of new life and as a remedy of infirmity, but also for the vengeance and chastisement of past sins." Add canon 887 cited in n. 348. Therefore satisfaction vindicative, medicinal, and fitting for the penitent must be imposed; in other words, such as is punitive as regards committed sins, preservative as regards future ones, and congruous to the state and circumstances of the penitent. For the rest:

1. All good works can be imposed, even:

a) Internal works, since by the imposition of the confessor and the acceptance of the penitent they are sufficiently sensible so that they can be an integral part of the sacrament (St. Alphonsus, VI, 514, doubt 1). Nevertheless, meditation should not be imposed on those little accustomed to it, because it is too difficult and would give occasion to scruples.

b) Works to be applied for the dead or for others; in which case the satisfactory force which belongs to the said works *ex opere operantis* is granted to the dead or to others; that which belongs to them *ex opere operato* comes to the penitent (St. Alphonsus, VI, 514, doubt 2).

c) Works owed from elsewhere; for nothing prevents them from being elevated by absolution to sacramental satisfaction. Nevertheless, it is not expedient to impose works of this kind except because of the fragility of the penitent. Besides, an intention of imposing a voluntary work is presumed in the confessor, unless the contrary is understood from the circumstances (St. Alphonsus, VI, 513, doubt 1).

d) Abstinence from some good work, because abstinence can become an act of obedience or of another virtue (St. Alphonsus, VI, 514, doubt 3). Nevertheless, abstinence from Communion should not be imposed, both lest someone be impeded from frequent Communion, and because the fruit of the sacrament is to be preferred to the said acts of virtues.

e) Whether a work to be fulfilled if the penitent relapses can be imposed as the only satisfaction is disputed. With St. Alphonsus (VI, 524) and others, it seems this must be denied, because satisfaction must be performed certainly or absolutely. The adversaries indeed say that in the case the greater effort itself to guard against relapse is for satisfaction. But it is supposed that a work to be fulfilled if the penitent relapses is imposed; not, however, that greater effort, so that this cannot be for satisfaction. Nevertheless, St. Alphonsus grants with others that to proportionate satisfaction there can be added the precept of fulfilling some work if the penitent relapses.

f) Whether a work to be fulfilled only by counsel can be validly² imposed is likewise disputed. But with St. Alphonsus (VI, 518) we have denied it, because the act of imposing satisfaction is primarily a punitive or vindicative act. But the nature of a punitive act implies that punishment is truly imposed, not merely counseled. The adversaries object that the act of designating a punishment and

elevating it to sacramental dignity is an act of jurisdiction. Let that pass; but, as follows from what has been said, it is not an act of jurisdiction such as the imposition of satisfaction requires, that is, a punitive act.

2. Certain works cannot be imposed, or at least should not be imposed, as follows:

a) A public work which suggests suspicion of a grave sin committed cannot be imposed for hidden sins; both because the Roman Ritual prohibits it,³ and because it harms the reputation of the penitent. But a public work can be imposed for public sins, as Trent⁴ and chapter 1, *De poenitentibus et remissionibus*, teach. Nor should it be objected that a public work could suggest suspicion of a confessed sin and therefore violation of the seal. For observance of the seal forbids only an act of the confessor which suggests suspicion of a confessed sin, not cooperation in an act of the penitent which brings with it the said suspicion and, as posited by the penitent himself, cannot be opposed to the seal (St. Thomas, in 4, distinction 14, question 1, article 5, solution 1; St. Alphonsus, VI, 511, 521). "For the rest, if public penance is not so necessary, they rightly say... that the confessor should not impose it on one resisting, since otherwise the salvation of the penitent and the repair of scandal can be obtained, namely through public frequenting of the sacraments, visitation of churches, hearing of Masses, entrance into some Congregation where works of piety are exercised, and similar things" (St. Alphonsus, VI, 512).

b) The religious state and matrimony cannot be imposed, because they require complete freedom. Besides, to impose the religious state can be dangerous for the penitent. Nevertheless, matrimony is very much to be counseled to many (St. Alphonsus, VI, 511).

c) Works to which the penitent is opposed, or which there is danger of omitting; hence, for example, it should commonly not be imposed on children that they ask pardon from their parents (St. Alphonsus, *Homo Apostolicus*, tract 16, 52-54).

d) Longer works, for example for two months, or complicated works, or uncertain and not sufficiently defined works, such as to tolerate adversities patiently (St. Alphonsus, at the cited place).

3. The following can opportunely be imposed, for example: 1. "Hearing Mass, the Rosary, the Way of the Cross, though the latter two should not be enjoined on those to whom they are unfamiliar, almsgiving, Penitential Psalms, Litanies, meditations, pious readings, etc. 2. On individual days through one or another week, or through a month, to pay certain prayers, for example, the Angelic Salutation three times morning and evening. St. Alphonsus was accustomed generally to enjoin, or at least to counsel, this penance with the invocation: 'Through thy Immaculate Conception, O Mary, make my body pure and my soul holy,' to those who were not accustomed to frequent those prayers. Besides, 3. for a fixed time every evening to elicit an act of sorrow and every morning to renew the purpose of abstaining from such a sin. 4. Besides the satisfaction imposed absolutely, to fulfill some penance as often as the penitent has relapsed into some sin, for example, the Litany of the Blessed Virgin Mary, five Our Fathers and Hail Marys, some alms; for it helps much toward restraining an evil habit. Nevertheless, this penance is to be enjoined only for a brief time, because of danger of neglect, for instance for a month, until the next confession. 5. Within a determined time to confess again, and, if it is expedient, to communicate; unless, however, danger of omission stands in the way, as will not rarely happen; then it is better to exhort urgently to frequenting the sacraments. Wherefore it must be kept before the eyes that,

although of itself it would be greatly advantageous to enjoin frequenting of the sacraments and alms, experience nevertheless teaches that this becomes harmful to those who rarely exercise these good works."⁵

¹ Session 14, chapter 8.

² That this is done illicitly follows from the fact that confessors according to Trent (session 14, chapter 8) and canon 887 must enjoin - not merely counsel - satisfaction.

³ Title III, chapter 1, n. 22.

⁴ Session 24, chapter 8, on reform.

⁵ Aertnys-Damen, II, n. 322.

350 IV. Causes excusing from imposing satisfaction owed of itself. Moreover:

1. The causes because of which it is licit to impose satisfaction less proportionate to the gravity or frequency of offenses, though not light satisfaction, are:

a) Vehement contrition, even if not most vehement.

b) The occasion of a jubilee or plenary indulgence which the penitent intends to gain (St. Alphonsus, VI, 510; *Homo Apostolicus*, tract 16, n. 49).

c) Fear lest the penitent, because of the proportionate penance to be fulfilled, will seek laxer confessors or will omit the sufficiently proportionate satisfaction itself; nevertheless, these dangers can commonly be forestalled by adding a work or works already owed from elsewhere (St. Alphonsus, VI, 509, 513; *Homo Apostolicus*, tract 16, n. 50; cf. St. Thomas, Supplement, question 18, article 4).

d) Hope of enticing the penitent to more frequent confession by a lesser satisfaction (St. Alphonsus, VI, 510).

e) The will of the confessor to take upon himself part of the satisfaction. For it is established from the doctrine on the communion of Saints that one can satisfy for another. I said part, because if he were to take upon himself the whole satisfaction, the sacramental action to be performed by the penitent himself would be lacking. Besides, note that proposition 15, "that a penitent can by his own authority substitute another for himself, who will fulfill the penance in his place," was condemned by Alexander VII.¹ Nevertheless, the confessor can grant to the penitent that another pay the enjoined satisfaction for him, in which case the satisfaction is not the work performed by another, but the procuring of this work (St. Alphonsus, VI, 526).

f) Whether the words *whatever good thou hast done*, etc., are a cause because of which satisfaction can be lessened is disputed. A few affirm, because, they say, by those words the confessor probably elevates all the good works of the penitent to sacramental satisfaction, at least if he explicitly or implicitly intends to do that (n. 342). But even if that opinion is admitted, it nevertheless does not seem to be a reason for lessening satisfaction; since Trent, although it knew that the aforesaid formula was used by confessors, nevertheless seriously admonishes them to impose satisfaction fitting for sins.²

2. The causes because of which it is licit to impose light satisfaction for grave faults are:

a) Most vehement contrition.

b) Great satisfaction already performed.

c) Fear lest the penitent, because of the grave penance to be fulfilled, will seek laxer confessors, or will omit the grave penance itself; nevertheless, these dangers again can commonly be avoided by imposing a work already owed from elsewhere (cf. St. Alphonsus, VI, 509, 513; *Homo Apostolicus*, tract 16, n. 50; cf. St. Thomas, Supplement, question 18, article 4).

3. A cause because of which it is licit to absolve without satisfaction imposed scarcely occurs except in one lacking mental power or in one dying, deprived of the senses. That this is licit because of a plenary indulgence Benedict XIV reprobates in the Constitution *Inter praeteritos*.³ Note, however:

a) A very slight satisfaction, for example a very brief act of charity, invocation at least mentally of the names of Jesus and Mary, should be imposed in urgent danger of death (St. Alphonsus, *Homo Apostolicus*, tract 16, n. 49).

b) As regards the sick, the Roman Ritual⁴ admonishes that "a grave or laborious penance is not to be enjoined on them; but only that is to be indicated which, if they recover, they may perform at a suitable time. Meanwhile, according to the gravity of the illness, with some prayer or light satisfaction imposed and accepted, let them be absolved, as there will be need."

Finally, if the penitent after absolution confesses a sin omitted because of forgetfulness, the confessor indeed must impose a new satisfaction; but commonly he can satisfy this obligation by lessening the satisfaction imposed insofar as it regards the former confession, and leaving it unchanged insofar as it pertains to the later one. Some indeed judge that in the case a new satisfaction need not be imposed; but just as for a new absolution, at least practically, a new act of sorrow and a new confession are required, so also a new satisfaction must be imposed (St. Alphonsus, VI, 513). This opinion must be followed in practice, because otherwise the new absolution would be exposed to the danger of being deprived of an integral part.

Note. If satisfaction is diminished, it is sometimes useful to admonish the penitent about the smallness of the satisfaction imposed and to stir him up to supply voluntarily.

¹ Denzinger-Bannwart, n. 1115.

² Session 14, chapter 8.

³ December 3, 1749.

⁴ Title 3, chapter 1, n. 25.

351 V. Time of imposing satisfaction. Satisfaction can be imposed validly both before and after absolution; if it is imposed after absolution, let it not be enjoined too long after it, so that the moral unity of the judgment be preserved (p. 271). But it is expedient that it be imposed before absolution, both because this is conformable to the Roman Ritual,¹ and because the order of judgment counsels that satisfaction be enjoined and accepted before the penitent is absolved (St. Alphonsus, VI, 514).

¹ Title III, chapter 2, n. 1.

Scholion. On Commutation of Satisfaction

352 I. Nature of sacramental commutation. Commutation of satisfaction is a certain retraction or correction of the judgment, insofar as it imposed punishment; and just as in other judgments, so also in sacramental judgment it can be made by a competent judge.

353 **II. The persons who can commute** are confessors: both the one who imposed the satisfaction and another of the same jurisdiction. Those who are not confessors cannot commute, because commutation is a judicial act to be posited by virtue of the keys. I said "another of the same jurisdiction," for it is disputed whether a simple confessor can commute satisfaction imposed for a reserved sin. With St. Alphonsus (VI, 529, doubt 2), it seems this must be denied, because the confessor lacks power over a judgment instituted concerning a case whose treatment had been withdrawn from him. The adversaries object that reservation was removed by absolution, so that the simple confessor now has power over the aforesaid case or over those sins. I respond by conceding the assertion, but he lacks power over the judgment instituted concerning that case, so that he cannot moderate it; in other words, he cannot commute the enjoined satisfaction. Note, however, that the confessor has power over reserved matters, and therefore can commute satisfaction, in the case in which the Superior cannot conveniently be approached.

354 **III. The manner of commuting.** 1. For validity it is required that commutation be made in the sacramental tribunal, or in such a way that with the absolution given or to be given by the one commuting, it constitutes at least morally one thing. The reason is that satisfaction must become sacramental by force of absolution; this cannot take place unless it is united with it. Moreover, as regards the union with absolution required, take these things:

a) The commutation is certainly valid which is made either during the course of confession, or immediately after absolution, or at least while the penitent is still in the confessional. The reason is that the judgment still morally endures, so that the act of commuting morally constitutes one thing with the absolution.

b) It is disputed whether a greater space of time, and how much, can intervene between confession and the act of commuting. Now some extend the faculty of commuting to one or another day after the confession has been completed. Others judge that no space of time stands in the way of the required conjunction. Others, with St. Alphonsus (VI, 529), judge that commutation must be made immediately after absolution, or at least while the penitent is still in the confessional. As soon as, after receiving absolution, he has departed, the judicial process is finished, so that the judicial act, in the case the act of commuting, which afterward is instituted cannot constitute one thing with it, but must be directed to a new judicial process. I said that the process is finished as soon as the penitent, after receiving absolution, has departed. This indeed is pleasing in itself, and is confirmed by the fact that in the case the confessor could no longer speak with the penitent about the confession made without violating the sacramental seal.

Objection. Just as satisfaction fulfilled after a long time, so also the commutation of the same satisfaction not yet performed will always make one moral thing with the preceding confession.

Response. I deny the parity; namely, satisfaction is not a judicial action, as commutation is. But a judicial action, in order to constitute at least morally one thing with the judicial process, must be posited before the process is finished. It is added that, if the objection is admitted, commutation can be separated from absolution by as long a time as satisfaction; which few admit. For the rest, in doubt the opinion of St. Alphonsus is to be followed, lest the validity of the commutation be exposed to danger.

2. As regards liceity, a just cause is certainly required. It is not necessary for the penitent to repeat the sins, whether he confesses to the same or to another confessor. The reason is that the one commuting must not judge about sins already judged, but only about the reason for commuting. Nevertheless, a certain confused knowledge of the state of the penitent is required, because also the penance to be imposed by the confessor commuting must be, at least of itself, in some degree proportioned to the sins; likewise medicinal. But for the said ends the knowledge suffices which the confessor can gather from the very penance to be commuted; according to it and the disposition of the penitent let him direct himself in commuting (St. Alphonsus, *Homo Apostolicus*, tract 16, n. 61; *Theologia moralis*, VI, 529, doubt 1).

Corollary I. The confessor, even when not asked, can commute satisfaction (St. Alphonsus, VI, 529, doubt 1).

Corollary II. Let commutation be made into a work more or less equally grave, unless according to what was explained above (n. 350) there is a cause for lessening satisfaction.

Corollary III. It is disputed whether the penitent after a commutation has been made can return to the former satisfaction, or whether this must be held as retracted. More commonly it is affirmed that the faculty of choosing either satisfaction remains to the penitent. Nevertheless, the matter is doubtful, because it is not clear that the confessor can proceed in such a way that it depends on the choice of the penitent which act will constitute the integral part of the sacrament.

Article III. On the Obligation of Accepting and Fulfilling Satisfaction

355 I. Obligation of accepting satisfaction. The penitent is bound, considering present discipline, to accept an equitable satisfaction (canon 887). This follows from the right and obligation of the confessor to impose it. Moreover:

1. The obligation of accepting satisfaction seems grave if the satisfaction imposed is grave. Nor should it be objected that the penitent can depart without grave fault, because he is not bound under grave obligation to complete the sacrament, or because it is not grave to posit only part of the rite. For even if that is conceded, nevertheless a grave obligation of accepting seems to follow from the right and grave obligation of the confessor to impose grave satisfaction.
2. The obligation of accepting satisfaction seems only light if the satisfaction imposed is light. The reason is that in the case a grave obligation of not departing is not clear.
3. Likewise the penitent is bound under grave obligation to have the will of fulfilling the satisfaction imposed, if the matter concerns grave satisfaction. If the satisfaction is light, some require under grave obligation the will of fulfilling it, because according to them the will of fulfilling pertains to the essence of the sacrament (n. 291). Others demand the said will only under light obligation, because of the contrary reason. Because the former opinion is probable, in practice it must be said that the will of fulfilling a light satisfaction is required under grave obligation, namely lest the sacrament be exposed to danger of nullity.
4. Of itself the penitent does not sin by accepting satisfaction with the intention of asking commutation from another, because a petition for commutation of itself involves nothing evil.

Corollary I. If satisfaction manifestly greater than just is imposed, the penitent can ask for diminution and, if this is denied, depart (St. Alphonsus, VI, 516). If he does not depart and receives absolution, which is also licit for him, according to some he is bound to fulfill the satisfaction, lest the sacrament be deprived of an integral part; according to others, he is not bound to fulfill the satisfaction, and it must be imputed to the confessor that the sacrament lacks an integral part. But he seems to be bound, if the matter of penance is well divisible, to fulfill the part equal to the sins.

Corollary II. Let the confessor easily acquiesce to one asking a lesser or another satisfaction and prepared to fulfill a grave one (St. Alphonsus, VI, 516).

356 II. Obligation of fulfilling satisfaction. 1. Person obligated. The penitent, as canon 887 declares, "must fulfill satisfaction himself personally." This, however, as we noted, does not prevent the confessor from granting the penitent the faculty of substituting another for himself, who will fulfill the satisfaction (n. 350).

2. Gravity of the obligation. The obligation of fulfilling satisfaction is grave if: 1. it was imposed for necessary matter; 2. it is grave; and 3. it was enjoined under grave obligation. When these conditions have been fulfilled, it is also grave to omit a grave part; nevertheless, this for the most part does not take place if the satisfaction has a successive extension, in which case, therefore, commonly it is not grave to omit once or twice what, for example, was enjoined for the individual days of some week. If one of the enumerated conditions is lacking, the obligation of fulfilling the satisfaction is light; and in the case in which the confession was invalid, the satisfaction does not oblige. I said:

a) If it was imposed for necessary matter, because for free matter grave satisfaction cannot, at least of itself, be imposed (n. 348; St. Alphonsus, VI, 517).

b) If it is grave, because light satisfaction cannot be enjoined under grave obligation.

c) If it was enjoined under grave obligation, which it is altogether expedient to do, and is presumed to have been done. Indeed there are those who judge that grave satisfaction cannot be enjoined under light obligation, because although a legislator can oblige only lightly in grave matter, nevertheless in this sacrament the confessor is not regarded as a legislator, but as a simple minister, since there he acts in the name of God. Hence he cannot impose matter of itself grave under light obligation. Others, however, admit the contrary, relying on this reason: "The confessor in this sacrament not only performs the office of Christ, but also has been constituted by Christ as true judge and legislator, who from the power handed over to him looses by remitting sins, and binds by imposing precepts concerning the obligation of fulfilling satisfaction" (St. Alphonsus, VI, 118).

A circumstance of satisfaction, for example the Way of the Cross to be performed by the penitent on bent knee, obliges under grave obligation if either in itself or with respect to the penance it is grave and - which, once the first condition has been fulfilled, is presumed - it was imposed under grave obligation (St. Alphonsus, VI, 517).

3. Time of fulfilling satisfaction. First note that imposed satisfaction can be fulfilled both before and after absolution. That it can be fulfilled after absolution is clear both from the practice now commonly in force and in force through so many centuries, and from the contrary doctrine condemned.¹ Nevertheless, it can also be fulfilled before absolution. A reason for doubting could

arise from the fact that the penitent before absolution is easily in the state of mortal sin, and therefore satisfaction, that is, the integral part of the sacrament, cannot yet obtain its effect, that is, remission of punishment, so that, until the state of grace is recovered, it would remain *informe*. But satisfaction becomes an integral part only when it is conjoined with absolution, and at that very moment obtains its effect, so that satisfaction as an integral part was not *informe*. For the rest, observe:

a) If a time has been set by the confessor, this must be observed. Once the time has passed, the obligation does not cease; both because the confessor principally intends the work and accessorially the time, and because it is not licit for the sacrament to be deprived of an integral part (St. Alphonsus, VI, 525). If a time has not been set, satisfaction should not be delayed longer, and, in conformity with the mind of the confessor, should be fulfilled as soon as it can conveniently be fulfilled (St. Alphonsus, VI, 521).

b) Delay of grave satisfaction is a grave sin: 1. if it brings with it grave danger of forgetfulness or of inability that will follow; 2. if it frustrates or notably lessens the end of the satisfaction, for example if a confession to be instituted after a month is delayed beyond a week. It is disputed whether delay of itself is ever a grave sin. Moreover, with St. Alphonsus (VI, 521), it seems this must be affirmed, because a lengthy delay, for instance of six months, of a grave obligation to be fulfilled of itself at the first moral opportunity seems to involve grave disorder.

4. Manner of fulfilling satisfaction. a) The intention of satisfying seems to be required, or of performing the imposed work for satisfaction. For just as the intention of receiving the sacrament is required as regards the essentials, so also it is required as regards the integral parts, so that the sacrament may be received integrally. But it suffices that the penitent had and did not retract the intention of receiving the sacrament, since this intention regards the whole sacrament. The said intention indeed probably comprehends a work enjoined by the confessor which someone, forgetful of the satisfaction owed, has posited (cf. St. Alphonsus, III, 700, question 2); but since the matter concerns the validity of an integral part, the work seems to have to be performed again (cf. St. Alphonsus, II, 2).

Objection. The intention of satisfying is not required, since it suffices to have posited the act imposed by the confessor.

Response. From what has been said it follows that this does not suffice for the act posited to be an integral part of the sacrament.

b) Satisfaction seems to have to be fulfilled in the state of grace if it is fulfilled after absolution; for it is illicit to place an obstacle to the effect, even secondary, of a sacrament (St. Alphonsus, VI, 523).

Objection 1. The end of the precept, in the case remission of remaining punishment, does not fall under the precept.

Response. Let that pass; but the end of the sacrament falls under the precept.

Objection 2. Satisfaction will afterward revive once the obstacle has been removed.

Response. Besides the fact that this opinion is doubtful, and therefore does not hold for practice because the danger remains lest the sacrament be deprived of its secondary effect, it is illicit to fulfill satisfaction *informiter*, just as it is illicit to receive the sacrament as regards the essentials *informiter*.

If satisfaction is fulfilled before absolution, it is not required that it be done in the state of grace; for then, as we have already noted, it does not become an integral part before absolution is conferred and therefore, as is supposed, before the state of grace is recovered by the penitent. This posited, the integral part does not remain *informe*, but immediately obtains its effect.

c) Satisfaction can be fulfilled with another if prayers were imposed which are customarily recited with others.

5. Cessation of the obligation can come either from supervening inability or from forgetfulness.

One who has forgotten the satisfaction imposed and cannot gather it from the confessor's custom of imposing this or that penance is bound to approach the confessor, if it can conveniently be done and the confessor is presumed to have retained it in memory. Otherwise the obligation ceases. Nor should you say: he is bound to return so that the confessor, if he has forgotten the penance imposed, may impose a new one. For, since the completed judicial process has been finished, the confessor cannot impose a new penance unless the penitent institutes a new confession; he is not bound to this burden (St. Alphonsus, VI, 520).

What if the confessor omitted to impose satisfaction?

Response. In the case the penitent is bound to return, if he conveniently can, lest the sacrament be deprived of an integral part; for since the judicial process remained incomplete, it seems morally to persevere, even if the penitent has left the confessional.

¹ Denzinger-Bannwart, nn. 728, 1306, 1437, 1535.

Section III. On the Effects of the Sacrament of Penance

357 The effects of the sacrament of Penance are:

1. Sanctifying grace, whether first grace, or, if the penitent is already in the state of grace, second grace.
2. Sacramental grace. This consists in the fact that the sanctifying grace which the sacrament of Penance confers gives a right to actual graces by which past sins are entirely taken away and future sins are guarded against.
3. Remission of eternal punishment and the reviviscence of merits.
4. Remission of temporal punishment, proportioned to the disposition of the penitent;¹ likewise by the power of sacramental satisfaction.
5. Peace and serenity of conscience, according to these words of the Council of Trent: "Indeed the reality and effect of this sacrament, so far as its force and efficacy are concerned, is reconciliation with God, which sometimes, in devout men who receive this sacrament with devotion, is wont to be followed by peace and serenity of conscience with vehement consolation of spirit."²

¹ Cf. Council of Trent, Session 14, chapter 2.

² Session 14, chapter 3.

Section IV. On the Necessity of the Sacrament of Penance

The necessity both of means and of precept must be examined; nevertheless only that of the divine precept, because the ecclesiastical precept has been discussed in volume I, n. 1104.

358 I. Necessity of means. The sacrament of Penance is necessary for salvation by necessity of means for those who have sinned gravely after Baptism. This is clear: 1. from these words of the Council of Trent: "This sacrament of Penance is necessary for salvation for those fallen after Baptism, just as Baptism itself is for those not yet regenerated";¹ 2. from Sacred Scripture. For Christ declared that sins are retained for those for whom they are retained by the judges constituted by him.² But sins would not truly be retained if another means of obtaining pardon were available to the sinner apart from those judges. There are added: 3. the testimonies of the Holy Fathers; and 4. the argument of prescription. These, together with other arguments, you may compare in the Dogmatic theologians.

Corollary. From what has been said it follows that perfect contrition and the act of charity do not justify the sinner except insofar as they are at the same time a recourse to the sacrament of Penance in desire, or insofar as they at the same time include the purpose of submitting oneself to the judges constituted by Christ. Hence, for one thus justified there remains the obligation afterward of having recourse to the judge.

¹ Session 14, chapter 2.

² John 20:23.

359 II. Necessity by force of divine precept. 1. The existence of the precept follows from the necessity of means.

2. The time for fulfilling the precept. The precept obliges:

a) **Of itself:** 1. in the article of death; for one who then does not fulfill the divine law rashly exposes himself to the danger of never fulfilling it; 2. it is disputed whether it obliges at some times in life, but the affirmative seems to have to be held, because it is difficult to admit that Christ instituted a tribunal by which the sinner is reconciled with God, and at the same time granted the sinner the faculty of avoiding that tribunal until the end of life (St. Alphonsus, VI, 662, 663, 665). For the rest, it is certain: 1. that the divine precept does not oblige immediately after a sin has been committed; 2. that satisfaction is made to the said precept by fulfilling the ecclesiastical precept (St. Alphonsus, VI, 663).

b) **Accidentally:** 1. if confession is held to be a morally necessary means of avoiding sin (St. Thomas, Supplement, q. 6, art. 5); 2. according to many, before the reception of the Eucharist, if one has sinned gravely (n. 179), in which case there is certainly an obligation, whether from divine law or from ecclesiastical law.

Part II. On the Ministration of the Sacrament of Penance

360 The minister of the sacrament of Penance is the priest alone; this is clear both from the Council of Trent and from canon 871. The Council of Trent declared: "If anyone shall say ... that priests alone are not the ministers of absolution ... let him be anathema."¹

Having set these things down, we shall treat first of the ministration of the sacrament of Penance generally, then of its ministration to some persons specifically.

¹ Session 14, canon 10.

Section I. On the Ministration of the Sacrament of Penance Generally

We shall speak first of the power required for ministering the sacrament of Penance, then of the right use of that power.

Chapter I. On the Required Power

In the minister of Penance a twofold power is required, namely the power of order and the power of jurisdiction (can. 872). That the power of order is required follows from the fact that, as was proved above, the priest alone is the minister of this sacrament. The power of jurisdiction, that is, sacramental jurisdiction, must be treated more fully: first, sacramental jurisdiction generally; then jurisdiction over some classes of persons specifically; finally, the limitation of jurisdiction with respect to sins, or the reservation of sins.

Article I. On Sacramental Jurisdiction Generally

361 **I. Notion.** Sacramental jurisdiction is the power of hearing judicially the confessions of the faithful, and of absolving or binding them. In the new Code, the conferral of sacramental jurisdiction is called approval (cf. canons 872, 881, 882), so that that word no longer signifies an authentic testimony concerning someone's fitness to hear confessions.

362 **II. Necessity** is taught by Trent¹ and by the Code of Canon Law (can. 872), and follows from the fact that absolution is not only a sacramental action, but also a judicial one, and therefore must be exercised upon a subject.² But someone is constituted a subject through jurisdiction over him.³ Hence the opinion of some who taught that jurisdiction is not required for absolving from venial sins and from mortal sins already directly remitted must be rejected, and it is commonly rejected.

¹ Session 14, chapter 7.

² To the question how a confessor can have jurisdiction over his superior, this answer must be given: the superior, through the jurisdiction of the external forum which he has received from Christ as Pope, or from another, confers jurisdiction of the internal forum on the confessor, who then, by this jurisdiction, by which he acts in the name of Christ, absolves the superior as a private man.

³ The local Ordinary, although he enjoys ordinary jurisdiction over exempt religious and over travelers staying in the diocese, since the faculty of absolving them is attached to his office by the law itself, nevertheless cannot absolve the aforesaid outside the diocese, because they are not his subjects simply speaking. I said "simply speaking," because as long as they are staying in the diocese, they are subject to him in the order of absolution. Others call the jurisdiction of the local Ordinary over exempt religious and travelers staying in the diocese delegated by law, precisely because it does

not extend to the same persons when they are staying outside the diocese. He can absolve everywhere non-exempt religious who dwell in the diocese, because they are his subjects.

363 III. Division. Sacramental jurisdiction is divided into ordinary and delegated, according as it is attached to an office by the law itself or committed to a person (can. 197, § 1; vol. I, n. 97).

364 IV. Ordinary jurisdiction. 1. It belongs, for the universal Church, to the Supreme Pontiff and to the Cardinals of the Holy Roman Church; for his own territory, to the local Ordinary, to the parish priest, and to others who take the place of the parish priest;¹ likewise to the penitentiary canon of a cathedral or collegiate church, for all diocesan persons, even outside the diocese, and for outsiders who are staying in the diocese. All these he can absolve even from sins and censures reserved to the Bishop. Finally it belongs to exempt religious superiors for their subjects, according to the norm of the constitutions (can. 873, §§ 1 and 2).

2. It can be exercised over subjects wherever they are, so that, for example, a parish priest can absolve his parishioners even outside the parish or diocese (can. 873, § 2). In addition, parish priests commonly receive delegated jurisdiction for the whole diocese.

3. It ceases by loss of office and, after a condemnatory or declaratory sentence, by excommunication, suspension from office, and interdict (can. 873, § 3).

¹ Who are meant by the name of local Ordinary and parish priest is set forth at length in the treatise on Matrimony. Those who are in the place of the parish priest are parochial vicars who are endowed with full parochial power; who these are, see the cited place.

365 V. Delegated jurisdiction. 1. The persons who delegate are:

a) The local Ordinary in whose place confessions are heard confers jurisdiction on priests, both secular and religious, even exempt, for hearing the confessions both of secular persons¹ and of religious, even exempt; religious priests, however, are not to use that same jurisdiction without at least the presumed permission of their superior (can. 874, § 1).

b) In an exempt clerical religion,² delegated jurisdiction for receiving the confessions of the professed, novices, and others of the household³ is also conferred by their Superior, according to the norm of the constitutions; he is permitted to grant it even to priests from the secular clergy or from another religion (can. 875, § 1). In an exempt lay religion,⁴ the Superior proposes the confessor, who nevertheless must obtain jurisdiction from the local Ordinary in whose place the religious house is found (can. 875, § 2).

c) For receiving validly and licitly the confessions of any religious women and novices, a special jurisdiction is required, any contrary particular law or privilege being revoked. This jurisdiction is conferred by the local Ordinary where the house of the religious women is situated (can. 876). More will be said about that special jurisdiction in n. 373.⁵

Corollary I. A Cardinal, a penitentiary canon, and a parish priest cannot delegate the ordinary sacramental jurisdiction which belongs to them by common law. For they are not enumerated in canons 874-876, in which the legislator manifestly intends to list all those who can delegate sacramental jurisdiction. Moreover, as regards the penitentiary canon this is established from canon 401, § 1, and as regards the parish priest from a response of the Pontifical Commission.⁶

Corollary II. One who has delegated sacramental jurisdiction from the Apostolic See can subdelegate it, unless the personal industry of the person was chosen or subdelegation was prohibited (can. 199, § 2). But one who has delegated sacramental jurisdiction from another than the Apostolic See cannot subdelegate it, unless by express concession (can. 199, § 4).

¹ Many thought that Regulars received from the Supreme Pontiff, through their Superiors, jurisdiction over secular persons. If that privilege ever existed, it can no longer be maintained.

² A clerical religion is one whose members for the most part are promoted to the priesthood (can. 488, 4).

³ That is, of those staying day and night in the religious house by reason of service, education, hospitality, or infirm health (can. 514, § 1).

⁴ A lay religion is one whose members for the most part are not promoted to the priesthood (can. 488, 4).

⁵ Canon 525 states: "If the house of religious women is immediately subject to the Apostolic See or to the local Ordinary, he chooses both ordinary and extraordinary priests for confessions; if it is subject to a regular Superior, he presents confessors to the Ordinary, whose duty it is to approve them for hearing the confessions of those nuns and, if need be, to supply for the Superior's negligence."

⁶ October 16, 1919, to 3 (A.A.S. 1919, p. 476).

366 2. The manner of delegating. For hearing confessions validly, jurisdiction expressly granted in writing or by words is necessary (can. 879, § 1). Therefore, for validity it is required that the jurisdiction be: 1. truly granted. Hence it is not enough that it has been requested, nor that the one delegating is presumed to be about to grant it; 2. expressly granted in writing or by words. This, however, has place sufficiently when the one delegating uses a telephone or telegraph. It is not required that the concession of jurisdiction be notified, because the conferral of jurisdiction is a favor made, or a favor which is granted without an intervening executor. Concessions of this kind have effect from the moment at which the letters are issued (can. 38). Hence a priest absolves validly after the Ordinary has signed the letters or has signified the concession by a mandatary; he absolves validly and licitly after he has in some true way been made certain of the concession, although outside a case of necessity it is expedient to await authentic notification.

We said that jurisdiction must be expressly granted in writing or by words. Yet this probably does not prevent a custom known to the Ordinary and tacitly approved by him from sufficing. For tacitly granted jurisdiction, which is disapproved by law, is one thing; a tacitly approved custom is another, so that in the case jurisdiction is at least probable and is supplied by the Church.

For the rest, the one delegating should observe these things:

a) Local Ordinaries should not habitually grant jurisdiction for hearing confessions to religious who are not presented by their own Superior; but they should not deny it without grave cause to those who are presented by their own Superior, with the prescription of canon 874, § 2 remaining firm. That canon is now set forth.

b) Neither local Ordinaries in granting jurisdiction nor religious Superiors in granting jurisdiction or permission for hearing confessions should grant it except to those who have been found fit by examination, unless the case concerns a priest whose theological doctrine they have ascertained from another source. If, after jurisdiction or permission has been granted, they prudently doubt whether a priest previously approved by them still continues to be fit, they should compel him to a new test of doctrine, even if the case concerns a parish priest or a penitentiary canon (can. 877). Hence, for

someone licitly to be compelled to a new examination before his jurisdiction has elapsed, a founded doubt about his fitness is required.

c) Delegated jurisdiction or permission to hear confessions can be granted as circumscribed by certain limits (can. 878, § 1), for example for a definite time, or for men only. Nevertheless, local Ordinaries and religious Superiors should take care not to restrict jurisdiction or permission without reasonable cause too narrowly (can. 878, § 2). It would be unreasonable to except some time, for example the Easter season;¹ likewise the sick.²

d) The local Ordinary or religious Superior should not revoke or suspend jurisdiction or permission to hear confessions except for a grave cause. But for grave causes the Ordinary can forbid even a parish priest or penitentiary confessor to exercise his function, with recourse in devolutive effect to the Apostolic See preserved. Nevertheless it is not lawful for a Bishop, without consulting the Apostolic See, if the case concerns a formed house, to take away jurisdiction all at once from all the confessors of some religious house (can. 880). It is otherwise if it is taken away from individuals successively.

e) An Ordinary who revokes jurisdiction without just cause indeed acts illicitly, but he does not seem to act invalidly; for against a revocation notified to a parish priest or penitentiary, who have ordinary jurisdiction, only recourse in devolutive effect is granted (can. 880); a fortiori for those who possess only delegated jurisdiction.

Corollary I. Some formerly taught that jurisdiction over venial sins and over mortal sins already directly remitted is conferred by Christ in ordination itself. But this opinion, which rests on no solid foundation, has long since been commonly rejected. Nor can the opinion formerly admitted by some any longer be maintained, according to which the aforesaid jurisdiction would be granted by the Church in ordination itself.³ The Code is silent about such a disposition, nor is the custom still in force to which some appealed (St. Alphonsus, VI, 543, 582).

Corollary II. Religious who have received jurisdiction from the local Ordinary should not use it without at least the presumed permission of the Superior (can. 519).

¹ Cf. decree of the Sacred Congregation of the Council, September 22, 1668; Sacred Congregation of Bishops, April 3, 1584.

² Cf. Constitution *Superna* of Clement X, September 13, 1641; Sacred Congregation of Bishops and Regulars, September 22, 1645; Sacred Congregation of the Council, December 14, 1658.

³ Innocent XI, by decree of February 12, 1679, prescribed: "Let them not permit [the bishops] that confession of venial sins be made to a simple priest not approved by the Bishop or Ordinary." And the Council of Trent absolutely, without excepting confession of venial sins, established that no one can hear confessions unless he has obtained a parochial benefice or approval (St. Alphonsus, *Homo Apostolicus*, tract 16, n. 77).

367 3. Cessation of delegation. Delegated sacramental jurisdiction ceases in the ways set forth in volume I, n. 101, where jurisdiction generally was discussed. Note also that of itself it does not cease by a mere change of domicile. If, however, jurisdiction was conferred because of an office, for example that of chaplain, which the confessor performed as a subject in some diocese, it is not judged to continue after he has resigned the office, unless the Ordinary's contrary intention is established. In addition, provincial and diocesan statutes should be attended to. Finally, observe that by force of

canon 207, § 2, absolutions granted through inadvertence after the time has elapsed or after the number of cases has been exhausted are valid.

Note. Superiors should take care that religious subjects designated by them, especially in the diocese in which they dwell, when their ministry is required by local Ordinaries or parish priests for providing for the necessity of the people, both within and outside their own churches or public oratories, offer that ministry willingly, while religious discipline is preserved. Conversely, local Ordinaries and parish priests should willingly use the work of religious, especially those dwelling in the diocese, in the sacred ministry and especially in administering the sacrament of Penance (can. 608).

Article II. On Sacramental Jurisdiction Over Some Classes of Persons Specifically

368 I. Jurisdiction over soldiers. 1. It is clear that soldiers can confess to a priest who has jurisdiction from the local Ordinary in whose place the confessions are instituted. What military chaplains can do independently of the local Ordinary depends on the special prescriptions of the Holy See (cf. can. 451, § 3). Namely, if a military bishop has been constituted, or at least if a chief chaplain has been placed over the whole army, the faculty of conferring jurisdiction over soldiers on other priests is easily granted to these.¹

2. Soldiers called to war, or mobilized as it is said, are equated with those constituted in danger of death; hence for them there hold the things which we shall say about jurisdiction over the dying (n. 370).²

¹ Cf. A.A.S. 1915, p. 217.

² Sacred Penitentiary, March 18, 1912; May 29, 1915 (A.A.S. 1915, p. 282); cf. Sacred Penitentiary, December 18, 1914 (A.A.S. 1914, p. 712); December 4, 1915 (A.A.S. 1915, p. 526).

369 II. Jurisdiction over those sailing. All priests undertaking a sea voyage, provided they have duly received the faculty of hearing confessions either from their own Ordinary, or from the Ordinary of the port in which they board the ship, or even from the Ordinary of any intermediate port through which they pass on the journey, can throughout the whole journey receive on board the ship the confessions of any of the faithful sailing with them, even though the ship on the journey passes through, or even remains for some time in, various places subject to the jurisdiction of different Ordinaries. Whenever the ship stops on the journey, they can receive the confessions both of the faithful who for any reason come to the ship and of those who, while the priests are briefly calling at land, ask to confess, and can validly and licitly absolve them even from cases reserved to the local Ordinary (can. 883). Therefore observe:

1. The proper Ordinary of a secular priest and of a non-exempt religious is the local Ordinary in whose place the aforesaid have domicile or quasi-domicile up to the undertaking of the journey. It is disputed whether jurisdiction can also be conferred on an exempt religious by his own major Superior. Some affirm this, because the Code speaks of the Ordinary, not of the local Ordinary. But under the name Ordinary there also comes a major Superior. Nevertheless, it seems this must be denied, considering the character of both the ancient¹ and the new legislation, which continually assigns the conferral of jurisdiction over secular persons and non-exempt religious to

the local Ordinary. There is added the fact that in doubt one must not depart from the old law (can. 6, 4).

2. Jurisdiction is had throughout the whole journey. The journey, however, is judged to begin when the ship first leaves the port. The journey and the jurisdiction continue until the priest, having left the ship, has definitively landed.
3. The word *briefly* comprehends three whole days, not more. This also holds in the case in which, to continue the same journey, the confessor must leave one ship in order to board another, if he must wait so long for this ship in port.²

¹ Holy Office, August 23, 1905 (*Collectanea*, n. 2244).

² Pontifical Commission, May 20, 1923 (A.A.S. 1923, p. 112).

370 III. Jurisdiction over the dying. In danger of death all priests, even those not approved for confessions, validly and licitly absolve any penitents from any sins or censures whatsoever, however reserved and notorious, even if an approved priest is present, with the prescription of canons 884 and 2252 preserved (can. 882). It is said:

1. **In danger of death.** The article of death is not required, but grave danger of death suffices, and indeed whether truly existing or prudently, though falsely, thought to exist, whether already arisen or soon to arise. Therefore the case is present: 1. in a dangerous illness; 2. in a very difficult childbirth, or a little before it; 3. before a dangerous surgical operation; 4. before a voyage full of danger; 5. in time of plague; 6. in battle or a little before it (St. Alphonsus, VI, 561). With those constituted in danger of death are equated: 1. soldiers called to war or mobilized;¹ 2. all men and women, not excluding religious sisters, who in some way belong to mobilized armies and are staying in camps.² These, however, regard only kingdoms which are waging war or are in imminent danger of war, as seems to be deduced from the words "called to war" and "staying in camps."³
2. **All priests, even those not approved for confessions;** even public heretics or schismatics; likewise excommunicates, both tolerated and to be avoided (cf. can. 2261, § 3).
3. **Even if an approved priest is present;** hence as regards validity no priest is now excluded. Nevertheless, of itself it is illicit to receive absolution from a heretic or schismatic if another is present.
4. **With the prescription of canon 884 preserved;** considering that canon, absolution of an accomplice in danger of death is indeed valid, but outside a case of necessity is illicit.
5. **With the prescription of canon 2252 preserved;** that canon treats of the recourse sometimes to be made after recovery; this will be discussed later. In addition, note:
 - a) Absolution in danger of death, as regards censure, is limited to the internal forum;⁴ hence for all penal effects, for example for ecclesiastical burial, recourse must be had to the ecclesiastical judge.
 - b) Absolution, although valid, can nevertheless be illicit because the priest acts imprudently, for example because he is not sufficiently versed in Moral Theology and another more learned one is present. In the case, an excusing cause is required, for example if the dying person desires to be absolved by such a determinate confessor.

¹ Sacred Penitentiary, March 18, 1912.

² Sacred Penitentiary, December 21, 1914; May 29, 1915.

³ Sacred Penitentiary, March 11, 1915; May 25, 1915.

⁴ Pontifical Commission, December 28, 1927, to II (A.A.S. 1928, p. 61).

371 IV. Jurisdiction over travelers and those without a domicile. All priests of either clergy approved for hearing confessions in some place, whether instructed with ordinary or delegated jurisdiction, can also validly and licitly absolve persons without a domicile and travelers from another diocese or parish who come to them, and likewise Catholics of any Oriental rite (can. 881, § 1). From these things it is deduced, as is also clear from canon 874, § 1 and from a response of the Pontifical Commission,¹ that jurisdiction over travelers is obtained from the local Ordinary. To what extent travelers can be absolved from reserved cases will be discussed later.

¹ November 24, 1920 (A.A.S. 1920, p. 575).

372 V. Jurisdiction over exempt religious. We speak only of exempt religious, because non-exempt religious, as regards jurisdiction over them, are equated with the other faithful. Over exempt religious, however, jurisdiction is possessed by:

1. Over religious of an exempt clerical religion:

a) The proper Superior of the religious, who indeed enjoys ordinary jurisdiction over them (can. 875, § 1).

b) The local Ordinary in whose place they are staying (can. 519). His jurisdiction over them seems to be delegated by law rather than ordinary, because it extends only to those who are staying in his territory (n. 362). Nevertheless, he can absolve them even from sins and censures reserved in the religion (can. 519).

c) Those to whom the Superior or local Ordinary has delegated jurisdiction (can. 519 and 875, § 1). Jurisdiction delegated by the Superior is personal, so that it can be exercised everywhere; but jurisdiction granted by the local Ordinary does not extend to religious staying outside the Ordinary's territory. With respect to those who are staying in the Ordinary's territory, however, the granted jurisdiction also includes sins and censures reserved in the religion (can. 519).

What has been said about exempt religious also holds for their novices, students, boarders, and others of whom n. 164 speaks (can. 874, § 1; 875, § 1). It can nevertheless be disputed whether the religious Superior and those delegated by him retain jurisdiction over students during holidays while they are staying outside the religious house. This seems to have to be denied, because at that time the students are not subject to the Superior's power. Otherwise one should speak if during school time they go out, for example for the purpose of making a pilgrimage.

Exempt religious staying outside their own house can confess as follows:

a) Those actually traveling can confess, just as those dwelling at home can, to one approved either by the local Ordinary in whose place the confession is made, or by their own Superior; but not to a companion or another who has been approved by neither. That jurisdiction must be received from one or the other follows from canons 519, 874, § 1, and 875, § 1, so that the contrary doctrine, formerly admitted by many, must be rejected.

b) Travelers who are staying in some convent of their own order can confess: 1. to those approved by the local Ordinary; 2. to those approved by their own Superior; 3. to the Prelate of that convent and to those approved by him, namely by custom.

2. **Over members of an exempt lay religion**, jurisdiction is possessed by the local Ordinary in whose place they are staying and by those to whom the local Ordinary has granted it (can. 519 and 875, § 2).

3. If a religious, even an exempt one, for the quiet of his conscience approaches a confessor approved by the local Ordinary, even though not listed among those designated, the confession, any contrary privilege being revoked, is valid and licit; and the confessor can absolve the religious even from sins and censures reserved in the religion (can. 519). Moreover:

a) A confession is made for quiet of conscience whenever from a confession made in this way greater quiet of conscience is hoped for, whether because of a more candid accusation, or because of a nearer occasion of confessing, for example if the ordinary confessor is absent. The causes assigned are of themselves accidental, and in such a case the religious would not have to approach the ordinary confessor again on that occasion, which is nowhere imposed. Besides, if a permanent cause were present, a permanent exception would also be permitted. Nevertheless, then it would be better to seek from the Superior, with permission, that different confessor who would become habitual.

b) The condition set forth under a) is not judged to pertain to validity, both because a condition so intimate is not presumed by the legislator to be intended for validity, and because that would provide occasion for doubts and anxieties. Nevertheless, to approach a non-designated confessor merely at one's own pleasure is illicit.

c) It is not lawful for a religious, if the constitutions forbid it, to leave the house without the Superior's permission for the purpose of confessing.

373 VI. Jurisdiction over religious women. Priests, both secular and religious, of whatever rank or office, need special jurisdiction for validly and licitly receiving the confessions of any religious women and novices, with the privilege of Cardinals preserved,¹ and with the cases assigned by law excepted (can. 876, § 1). This jurisdiction is conferred by the local Ordinary where the house of the religious women is situated (can. 876, § 2). Moreover:

1. The special jurisdiction of which the canon speaks is required even for validity, as authors now commonly admit and as they deduce from the very word jurisdiction, which imports power, and from the Code itself, where it is distinguished from permission (cf. for example can. 877). Special jurisdiction is required for women religious and their novices, but not for their postulants, since these are not named. It can be disputed whether it is required for women living in common without vows. The reason for doubting is drawn from the fact that canon 675, to which some appeal, indeed refers to canons 499-530, but not to canon 876, which establishes the necessity of special jurisdiction.

2. **The cases in which common law confers jurisdiction over religious women are:**

a) If some religious woman, for the tranquility of her conscience, approaches a confessor approved by the local Ordinary for women, the confession, made in any church or even semi-public oratory, is valid and licit, any contrary privilege being revoked; nor can the Superior forbid it or inquire about

the matter, not even indirectly; and the religious women are bound to report nothing to the Superior (can. 522). It is said:

1. **For the tranquility of her conscience;** this is not required for validity, as has already been explained in n. 372.
2. **Approaches,** that is, has recourse to him. This can be done both inside and outside the house; hence it is not required that the religious woman be staying outside her own house, but she can also call the confessor.²
3. **A confessor approved for women,** that is, approved for women, whether secular or religious.³
4. **In any church or even semi-public oratory;** to these the Pontifical Commission added: or in a place lawfully designated for hearing the confessions of women⁴ or of religious women.⁵ Moreover, the circumstance of place is required not only for liceity but also for validity.⁶

It is disputed whether among places lawfully designated there also belongs a place in which, according to canon 910, § 1,⁷ the confessions of women are sometimes licitly heard, namely by reason of sickness or another true necessity. Now although the obvious sense of the law, "in a place lawfully designated for hearing confessions of women or of religious women," seems to favor the negative opinion, nevertheless it is difficult to admit that a means of absolution of this kind is excluded for religious women, for example religious women who have difficulty approaching the place habitually designated for hearing the confessions of women or religious women. Hence jurisdiction is probably had, and certainly had when the Church supplies.

5. **Nor can the Superior forbid it,** that is, she cannot forbid precisely that the religious woman confess to such a confessor, although it is not lawful to leave the house without permission.

Question. Can a confessor lacking special jurisdiction, by force of canon 522, validly absolve an entire community, for example in the absence of the ordinary confessor?

Response. It must be denied, because canon 522 supposes that the case is particular, since it grants jurisdiction for the case in which some religious woman approaches or calls such a confessor.

b) All religious women, when they are gravely ill, even though danger of death is absent, can call any priest approved for receiving the confessions of women, even if he is not designated for religious women, and can confess to him as often as they wish while the grave infirmity continues; nor can the Superior prohibit them either directly or indirectly (can. 523). A grave illness is one which notably weakens health; such an illness easily becomes dangerous. Since the canon declares "any priest approved for receiving the confessions of women," according to some it is not required that he be approved by the local Ordinary in whose place the confession is made, but it suffices that he has received jurisdiction over women from some local Ordinary and still enjoys it now. This opinion, however, although the letter favors it, does not seem admissible, namely considering the character of the whole legislation, which continually requires jurisdiction conferred by the local Ordinary in whose place the confession is instituted.

c) In danger of death, for religious women as for the other faithful, canon 882 holds, as explained in n. 370.

¹ Cardinals enjoy the faculty of hearing confessions everywhere on earth, even of religious of either sex (can. 239, § 1, 1).

² Pontifical Commission, December 28, 1927 (A.A.S. 1928, p. 61).

³ Pontifical Commission, December 28, 1927 (A.A.S. 1928, p. 61).

⁴ November 24, 1920 (A.A.S. 1920, p. 573).

⁵ December 28, 1927 (A.A.S. 1928, p. 61).

⁶ Pontifical Commission, December 28, 1927 (A.A.S. 1928, p. 61).

⁷ Canon 910, § 1 states: the confessions of women are not to be heard outside the confessional seat except by reason of sickness or another true necessity and with the precautions which the local Ordinary has judged opportune.

Scholion. On Confessors to Be Deputed for Religious

I. Clerical Religion of Men

374 **I.** In individual houses of a clerical religion, several confessors legitimately approved should be deputed in proportion to the number of members, with the power, if the case concerns an exempt religion, of absolving even in cases reserved in the religion (can. 518, § 1).

Note 1. Religious Superiors having the power of hearing confessions can, with the things to be observed by law observed, hear the confessions of subjects who spontaneously and of their own motion ask this from them, but they should not do this habitually without grave cause (can. 518, § 2). Grave causes are, for example, a shortage of confessors, an anxious state of conscience in a subject, and the like. But a petition made spontaneously and of one's own motion suffices for the Superior to hear confessions by way of an act.

Note 2. Superiors should take care not to induce any subject, either personally or through another, by force, fear, importunate persuasions, or in any other way, to confess sins to them (can. 518, § 3). Simple counsel or persuasion in a particular case is not excluded.

II. With the constitutions remaining firm which command or counsel confession to be made at stated times with determinate confessors, if a religious, even an exempt one, for the quiet of his conscience, approaches a confessor approved by the local Ordinary, even though not listed among those designated, the confession, any contrary privilege being revoked, is valid and licit; and the confessor can absolve the religious even from sins and censures reserved in the religion (can. 519). These things were explained in n. 372.

III. As regards novices, these things hold:

1. In proportion to the number of novices, one or more ordinary confessors should be had (can. 566, § 2, 1); these should stay in the novitiate house itself (can. 566, § 2, 2).
2. Besides ordinary confessors, some confessors should be designated whom the novices can freely approach in particular cases, and the Master should not show that he takes this ill (can. 566, § 2, 3).
3. At least four times a year an extraordinary confessor should be given to the novices, to whom all should approach at least to receive a blessing (can. 566, § 2, 4).
4. Also for novices the things said in n. 374, II hold.

Note 1. The master of novices and his associate, and the Superior of a Seminary or college, should not hear the sacramental confessions of their students staying with them in the same house, unless the students ask this spontaneously from a grave and urgent cause in particular cases (can. 891). Therefore novices cannot habitually confess to the master of novices even for a grave and urgent cause. It is not clear that the prohibition of confessing to the master of novices should also be extended to postulants, since the Master is not of himself set over postulants.

Note 2. Novices can confess to the Superior of the house for a just cause in particular cases; for a grave cause, habitually (cf. can. 518, § 2).

IV. As regards postulants, nothing special is established by the Code, so that they are subject only to the common governance of religious.

II. Lay Religion of Men

375 **I.** Also in lay religions of men an ordinary and extraordinary confessor should be deputed; and if a religious asks for some special confessor, the Superior should grant him, in no way inquiring into the reason for the petition nor showing that he takes it ill (can. 528).

Note. In an exempt lay religion, the Superior proposes the confessor, who nevertheless must obtain jurisdiction from the local Ordinary in whose place the religious house is found (can. 875, § 2).

II. Also for lay male religious the things said in n. 374, II hold.

III. As regards novices, the things said in n. 374, III hold. Their ordinary confessors, however, should either stay in the novitiate house itself or at least frequently come to the novitiate house to hear the confessions of the novices. Postulants are subject only to the common governance of religious.

III. Religion of Women

376 **I. Different confessors.** They are distinguished as ordinary, special, extraordinary, and particular.

1. **Ordinary confessor.** a) For each house of religious women only one ordinary confessor should be given, who receives the sacramental confessions of the whole community, unless because of their great number or another just cause there is need of another or of several (can. 520, § 1).¹

The words "who receives the sacramental confessions of the whole community" indicate the office of the confessor rather than an obligation of the religious women to approach him in the case in which, within the time established by the rule, they have confessed to another. Nevertheless, of itself it should be counseled that all be content with the ordinary confessor and ordinarily confess to him at the stated times.

A just cause for naming several ordinary confessors could be, for example, a plurality of national languages.

- b) For the office of ordinary confessor of religious women there should be deputed priests, whether from the secular clergy or religious with the permission of their Superiors, outstanding in integrity of morals and prudence. They should moreover be forty years of age, unless a just cause, in the judgment of the Ordinary, requires otherwise, and they should have no power in the external forum over those same religious women (can. 524, § 1).

If the house of religious women is immediately subject to the Apostolic See or to the local Ordinary, he chooses priests for confessions, both ordinary and extraordinary; if it is subject to a regular Superior, he presents confessors to the Ordinary, whose duty it is to approve the same for hearing the confessions of those nuns and, if need be, to supply for the Superior's negligence (can. 525).

The ordinary confessor of religious women should not exercise his office beyond three years. Nevertheless, the Ordinary can confirm him for a second, indeed even for a third, three-year period, if either because of a shortage of priests fit for this office he cannot provide otherwise, or if the greater part of the religious women, including those who in other matters do not have the right of casting a vote, has agreed by secret votes to the confirmation of the same confessor. Nevertheless, for those dissenting, if they wish, provision must be made otherwise (can. 526).² Outside the cases set forth, the ordinary confessor cannot again be deputed as ordinary in the same community except after a year from the completion of his office; but an extraordinary confessor can immediately be named as ordinary (can. 524, § 2).

2. **Special confessor.** If some religious woman, for the quiet of her soul and for greater progress in the way of God, asks for some special confessor or spiritual moderator, the Ordinary should readily grant him. Nevertheless, he should watch lest abuses creep in from this concession; but if they do creep in, he should eliminate them cautiously and prudently, with liberty of conscience preserved (can. 520, § 2). Therefore a special spiritual director could also be granted without the office of confessor.

a) A special confessor or spiritual moderator is to be granted not for a prefixed time, but as long as the just cause of necessity or spiritual utility of the religious woman who requested him endures.³

b) The ordinary confessor of the community can also be deputed as moderator of conscience for some religious woman.⁴

3. **Extraordinary confessor.** To each community of religious women there should be given an extraordinary confessor who at least four times a year comes to the religious house, and to whom all religious women must present themselves, at least to receive a blessing (can. 521, § 1). In an extraordinary confessor the same things are required as in an ordinary one (can. 524, § 1). The same things also hold as regards his selection (can. 525), but he can be named for an indefinite time. Finally, the mind of the legislator is judged to be that, as such, he should not come to the religious house more than four times a year without the authority of the Ordinary.

4. **Particular confessor.** The local Ordinaries in whose places communities of religious women exist should designate some priests for individual houses, to whom the religious women can easily have recourse for the sacrament of Penance in particular cases, without its being necessary to approach the Ordinary himself as often as the case arises (can. 521, § 2). It is said, 1. for the sacrament of Penance; therefore not only for seeking direction or counsel. It is said, 2. in particular cases; therefore not habitually after the manner of the special confessor of whom under 2.

Note. If some religious woman asks for one of those confessors, no Superior is permitted, either personally or through others, directly or indirectly, to inquire into the reason for the petition, to oppose the petition by words or deeds, or in any way to show that she takes it ill (can. 521, § 3). This paragraph seems to regard both the extraordinary confessor of paragraph 1 and the particular

confessor of paragraph 2. For first, canon 521 treats of both kinds of confessors, § 1 of the extraordinary confessor, § 2 of particular confessors; then § 3 says: "If some religious woman asks for one of those confessors," not "of these confessors." Then the distinct paragraph confirms this; for if this admonition regarded only particular confessors, it should have been stated in the same paragraph, not in a distinct paragraph of the same canon, which also treats of the extraordinary confessor.⁵

¹ The Sacred Congregation for Religious, July 3, 1916, declared that there was no obligation of naming an ordinary confessor for a community which did not contain at least six sisters. But the same Congregation several times, for example January 10, 1920 and January 18, 1921, ordered canon 520 to be observed even for small houses. But that canon supposes confessors who receive confessions in the house of the sisters itself. Therefore, if they are allowed to approach a church so that there they may confess in the manner of secular women, a confessor does not seem to have to be named (Vermeersch, *Epitome*, 4, n. 590).

² Sacred Congregation for Religious, April 20, 1913.

³ Sacred Congregation for Religious, April 20, 1913.

⁴ Sacred Congregation for Religious, April 20, 1913.

⁵ Vermeersch, *Periodica*, IX, p. (3).

377 **II.** As regards naming confessors of women novices, the things said about the religious women themselves hold (can. 566, § 1). Postulants, as regards this matter, are numbered among religious women, although it can be disputed whether special jurisdiction is required for hearing them validly (n. 373).

378 **III. Things to be observed by confessors and by religious women.** 1. The confessors of religious women, both ordinary and extraordinary, should in no way involve themselves in the internal or external governance of the community (can. 524, § 3). Special confessors called to the monastery or religious house, if they understand that the religious women approach them with no just cause either of necessity or of spiritual utility, should prudently dismiss them.¹

2. All religious women should in no way speak among themselves about the confessions of their companions, nor should they dare to criticize those sisters who make their confession to another than the deputed confessor.²

3. A Superior who acts against the prescriptions of canons 521, § 3,³ 522,⁴ and 523⁵ should be warned by the local Ordinary. If she offends again, she should be punished by him with deprivation of office, the Sacred Congregation of Religious being immediately informed (can. 2414).

¹ Decree *Cum de sacramentalibus*. The things said in the text, even if perhaps they can no longer be urged by force of the cited Decree, are nevertheless worthy of mention.

² Cf. p. 290.

³ Cf. p. 290.

⁴ Cf. p. 286.

⁵ Cf. p. 286.

IV. A Society, Whether of Men or Women, Living in Community without Vows

The things said about male religious also hold for societies of men living in community without vows; likewise the things said about women religious hold for societies of women living in common without vows (can. 675).

Article III. On the Limitation of Jurisdiction with Respect to Sins, or on the Reservation of Sins

379 **I. Notion of reservation.** Reservation is an act by which a Superior who by ordinary right can grant the power of hearing confessions or impose censures calls a case, that is, a sin or censure, to his own judgment, and thereby limits the power of the inferior judge (can. 893).

380 **II. The end of reservation** is the protection of ecclesiastical discipline,¹ both by calling some transgressions to a judge who can better guard against them, and, as others add, by making remission more difficult. The former is intended primarily (cf. can. 893, § 1 and can. 897); the latter, or the character of punishment, at most secondarily (St. Alphonsus, VI, 581, doubt 1).

¹ Session 14, chapter 7.

381 **III. Division of reservation.** Reservation of sins can be distinguished in three ways, according as it directly regards either the censure alone annexed to the sin, or the sin alone, or the sin and the censure. If it directly regards the censure alone, the sin is said to be reserved by reason of the censure, and once this is taken away, the reservation of the sin ceases. If it directly regards either the sin alone or the sin and the censure, the sin is said to be reserved by reason of itself (St. Alphonsus, VI, 580). We are treating of sins reserved by reason of themselves; concerning censures we shall speak in the treatise on ecclesiastical penalties.

382 **IV. The power of reserving.** 1. This is to be acknowledged in the Church, as is deduced from the Council of Trent,¹ from the Constitution *Auctorem fidei* of Pius VI,² from the usage prevailing from the earlier centuries, and from the fact that the Church, to whom the conferral of jurisdiction has been entrusted, can, just as secular power can, confer it with limitation.

2. It belongs to those who by ordinary right can confer sacramental jurisdiction or establish censures, except the Capitular Vicar and the Vicar General without a special mandate (can. 893, § 1). Among Superiors of an exempt clerical religion, only the Superior general and, in monasteries sui iuris, the Abbot, each with his proper Council, can reserve sins of subjects, as above (can. 896). Understand this of personal Superiors, lest the General Chapter, enjoying supreme authority, be excluded; by force of canon 893, § 1, it also can reserve sins.

3. It regards only subjects, that is, those over whom someone can confer on others the power of absolving or of striking with censure.

Corollary I. Those without a domicile are bound by the reservation of the local Ordinary in whose place they are staying, since they are subjects of that Ordinary (can. 94, § 2).

Corollary II. Travelers are not bound by the reservation of their own territory as long as they are absent from it; and this holds even if they have departed only to obtain absolution (can. 900, § 3). They are, however, bound by the reservation of the place in which they are dwelling. The reason for the former is that jurisdiction over travelers is not received from their own Ordinary (n. 371). The

latter was declared by the Pontifical Commission³ and is deduced from the fact that travelers are absolved by force of jurisdiction obtained from the local Ordinary in whose place they confess. But the local Ordinary, with respect to travelers just as with respect to diocesan persons, restricts jurisdiction. If a traveler confesses to his own parish priest, the latter can absolve him both from the reserved cases of his own territory, since he is not bound by that reservation outside his own territory, and from those of the place in which he is staying, because the parish priest does not receive jurisdiction over his own parishioner from the local Ordinary in whose place the traveler is staying.

Corollary III. Exempt religious are bound by the reservation of the local Ordinary when they confess to one approved by him. For he confers jurisdiction over them, and consequently can confer it as limited (can. 874, § 1). Hence one who absolves them by force of jurisdiction received from the local Ordinary should take account of the aforesaid reservation; but he can absolve them from sins and censures reserved in the Religion (can. 519). If they are absolved by force of jurisdiction granted by the regular Superior, no account must be taken of episcopal reservation.

¹ Session 14, chapter 7 and canon 11.

² August 28, 1794.

³ November 24, 1920 (A.A.S. 1920, p. 573).

383 V. Use of the power of reserving. 1. Local Ordinaries should not reserve sins unless, after the matter has been discussed in diocesan Synod, or outside Synod after the cathedral Chapter and some of the more prudent and more approved curators of souls of their diocese have been heard, the true necessity or utility of the reservation has been established (can. 895).

2. The cases to be reserved should be altogether few, namely three or at most four, only from the graver and more atrocious external crimes specifically determined. The reservation itself should not remain in force longer than is necessary for uprooting some public, deeply rooted vice and perhaps restoring collapsed Christian discipline (can. 897). All should entirely abstain from reserving to themselves those sins which are already reserved to the Apostolic See, even by reason of censure, and regularly from those also to which a censure, even one reserved to no one, has been imposed by law (can. 898).

3. Once reservations have been established which they have judged truly necessary or useful, local Ordinaries should take care that these be brought to the knowledge of subjects in the way that seems better to them, and they should not impart to just anyone and indiscriminately the faculty of absolving from reserved cases (can. 899, § 1).

4. The Supreme Pontiff reserved to himself only one sin, though with a censure (can. 2303), by reason of itself:¹ namely false denunciation by which an innocent priest is accused of the crime of solicitation before ecclesiastical judges (can. 894). This will be discussed later.

¹ A sin is said to be reserved by reason of itself when the reservation immediately affects the sin; by reason of censure, when the reservation immediately affects only the censure, so that the sin can indeed be remitted directly by a simple confessor, but the censure cannot be removed. While the censure remains, however, absolution from the sin is commonly gravely illicit. Finally, there is a sin reserved with censure when the sin is reserved by reason of itself and has an attached censure; in this case the reservation of the sin can be present even if the censure is not contracted or ceases.

384 **VI. Conditions of reservation.** It is required that the sin be:

1. **Mortal**, and indeed objectively, subjectively, and insofar as it is reserved. Objectively, and therefore not only by reason of an erroneous conscience; subjectively, so that, for example, an act posited with half-full advertence is not enough;¹ insofar as it is reserved, for example, if incest is reserved, it is not enough that someone has intercourse with a blood-relative, but it is also required that he know that that person is a blood-relative.
2. **External** and indeed externally mortal, because the Church has not been accustomed to reserve merely internal sins.² Nevertheless, it is sufficiently externally mortal if it manifests grave internal malice (St. Alphonsus, *Homo Apostolicus*, tract 16, n. 132).
3. **Complete according to the words of the law**, in other words, that it be that work which is circumscribed by the words of the law. Hence if the law, for example, declares that homicide is reserved, it is required that death has followed. It is otherwise if it is established that an attempt, machination, and so forth is reserved; in that case it suffices that those actions themselves have been posited (St. Alphonsus, VI, 582).
4. **Certain**. Hence reservation is judged to be absent: 1. in doubt about the act committed, likewise about the required conditions; 2. in doubt about grave subjective fault; 3. in a doubt of law concerning the law of reservation.

Question 1. Does ignorance excuse from the reservation of sin?

Response. Some affirm this, because they regard reservation as penal. But it seems this must be denied, because the character of punishment is intended at most secondarily. This also holds as regards the one sin reserved to the Holy See by reason of itself, whose reservation most authors judged to be penal, relying on these words of Benedict XIV in the Constitution *Sacramentum Poenitentiae*: "so that so detestable a crime may be restrained by fear of the greatness of the penalty," and so forth. But, considering the canons cited above, no reservation now seems to be penal, at least primarily (St. Alphonsus, VI, 581, doubt 1).

Question 2. Does grave fear excuse from the reservation of sin?

Response. Some affirm this, because a reserved sin is understood to have been committed as it is commonly accustomed to be committed, and therefore not from grave fear. But it must be denied, because the words of the law, as is supposed, are absolute and therefore also include a sin committed from fear, provided that fear does not take away full deliberation.

¹ Jurisdiction could nevertheless be limited by the Church also with respect to venial and merely internal sins, as is commonly taught against Vasquez (St. Alphonsus, VI, 582, doubts 1 and 2).

² See the preceding note.

385 **VII. Cessation of the reservation of sin.** Any reservation by which a sin is reserved by reason of itself ceases:

1. When confession is made either by the sick who cannot leave the house, or by betrothed persons for the purpose of entering marriage (can. 900, 1). Under the name of the sick, considering the mind of the legislator, there also seem to come all who because of a notable bodily injury cannot leave the house, such as the paralyzed, those detained in prison, and the aged. The disposition

holds even if the sick person is staying in the same house as the confessor. For betrothed persons the exception holds even if they confess several times in order to their approaching nuptials, for example by making a general confession some time before marriage, afterward making an ordinary confession; or by now confessing in the customary way in order to marriage, afterward confessing again in order to marriage, for example because something was omitted through forgetfulness or a new reserved sin was committed. Moreover, sacramental confession sometimes takes away reservation even if the confession was invalid, so that betrothed persons can be absolved from the reserved sin even after marriage; these things are more fully explained in n. 386.

2. As often as either the legitimate Superior has denied the faculty of absolving requested for some determinate case, or, in the prudent judgment of the confessor, the faculty of absolving cannot be requested from the legitimate Superior without grave inconvenience to the penitent or without danger of violating the sacramental seal (can. 900, 2). It is said:

a) **As often as the Superior has denied the faculty of absolving requested for some determinate case.** Reservation ceases even if the Superior has denied the faculty for a just cause, provided that the case is determinate; for the law does not distinguish.

b) **Or the faculty cannot be requested without grave inconvenience to the penitent,** for example if Communion or the celebration of Mass cannot be deferred without danger of scandal or infamy until the faculty has been obtained;¹ if the penitent can return only with difficulty to the confessor who will seek the permission; if it is hard for the penitent to remain in the state of grave sin during the time required for obtaining and using the faculty. For this reason St. Alphonsus observes: "It seems hard to me for one who is in mortal sin to remain without absolution even for a day" (IV, 490). It is sufficiently probable that founded fear lest the penitent, if absolution is delayed, be driven away from the sacraments, suffices.

c) **Or the faculty cannot be requested without danger of violating the sacramental seal,** that is, without danger that the Superior would recognize or suspect for what person the faculty of absolving is requested.

3. Outside the territory of the one reserving, even if the penitent has departed from it only to obtain absolution (can. 900, 3; n. 382).

Corollary I. Since canon 900 declares that any reservation ceases in the cases set forth, this must also be applied to the one sin reserved to the Holy See by reason of itself, of which canon 894 speaks, that is, false denunciation of a priest concerning the delict of solicitation. This is confirmed by a response of the Pontifical Commission.²

Corollary II. A penitent who has committed a reserved sin and is in circumstances in which reservation ceases is bound, if he wishes to communicate, to confess, and indeed integrally, that is, even sins reserved of themselves, even if only a simple confessor is present, because the latter can absolve him directly. For the same reason, he is not bound to confess to a privileged confessor who is present, but can also make confession to a simple confessor.

Corollary III. A penitent who has committed a reserved sin and is not in circumstances in which reservation ceases seems to be bound, if a privileged confessor is lacking, to defer confession and

Communion for a little while. He is bound to defer confession, because he can be absolved from the reserved sin only indirectly, which without a grave cause is gravely illicit. But a grave cause is lacking; for if it were present, reservation would cease and the penitent could be absolved even directly from the reserved sin. He is bound to defer Communion; for one who has sinned gravely cannot communicate without confession, unless a grave cause urges.

But if Corollary III is not admitted, there arises:

Question. Is one who has committed a reserved sin and is not in circumstances in which reservation ceases, if he wishes to communicate, bound, when a privileged confessor is lacking, to confess to a simple confessor?

Response 1. No, if he has only reserved sins, because with respect to this confessor these are not matter for absolution; hence there cannot be an obligation of confessing them. Accidentally he is bound to confess some venial sin or mortal sin already confessed, if he fears that he is not contrite.

Response 2. It is disputed if he also has non-reserved mortal sins. A few deny it, because there is no obligation of instituting a confession which, because of the confessor's lack of jurisdiction over the reserved sins, will necessarily lack integrity. Much more commonly it is affirmed, because the precept of putting confession before Communion prevails over the precept of material integrity. If he confesses, he is not bound to declare the reserved sins, unless he is a relapser into them or is in their proximate occasion, and is questioned about them by the confessor. The reason is that the confessor has the right and obligation of providing for the prudent ministration of the sacrament, and consequently of questioning about the aforesaid things; to this right there corresponds in the penitent an obligation of responding (St. Alphonsus, VI, 265, questions 1 and 2; 585, doubt 2 and 3).

Corollary IV. If the penitent confesses a reserved sin to a simple confessor and is not in circumstances in which reservation ceases, the confessor should either send the penitent to a privileged confessor or seek the faculty of absolving.

¹ It is not necessary, indeed it is not expedient, to seek the faculty by means of telegraph or telephone. "Considering," so the Letter of the Secretary of State, December 10, 1891, "the inconveniences that have actually arisen and easily will arise from the fact that written petitions are received by telegraphic route, the Holy Father prescribed that as an ordinary rule neither the Sacred Congregations nor other Roman Ecclesiastical Offices should henceforth receive petitions of this kind by the aforesaid route. Moreover, because the same reasons hold also for Episcopal Curias themselves, His Holiness willed that the Pastors of Dioceses also conform themselves to this prescription." And the Pontifical Commission answered on November 12, 1922, that the Ordinary must be judged unable to be approached if recourse to him can be had only by telegraph or telephone (A.A.S. 1922, p. 661).

² November 10, 1925 (A.A.S. 1925, p. 582).

386 VIII. Removal of the reservation of sin. Sometimes, as is commonly admitted, only the reservation of the sin is removed, whether by an inferior privileged confessor, or, as others who judge that this power is lacking to an inferior wish, by the Superior (St. Alphonsus, VI, 598, question 3). Once the reservation has been removed, however, a simple confessor can now absolve from the sin. Moreover, removal of the reservation alone has place in confession made to one having the faculty of absolving from reserved sins, in the following cases:

1. In an invalid confession, whether culpably or inculpably, in which the reserved sin was declared. The reason is that, once the end of reservation has been obtained, the reservation is judged to be

removed. But in the case posited, the end of reservation has been obtained; for this is obtained by the fact that the penitent submits the reserved sin to the judgment of a competent confessor, who assigns remedies and imposes penance (St. Alphonsus, VI, 598). Except the time of Jubilee, if the penitent confesses either invalidly, whether culpably or inculpably, or without the intention of fulfilling the works required for the Jubilee, and makes confession to a confessor who has the faculty of absolving from the reserved sin only on the occasion of the Jubilee. This is deduced from these words of the Constitution *Inter praeteritos* of Benedict XIV:¹ "Since all the faculties which are granted are directed to the obtaining of the Jubilee and are, as it were, preparation for it, it clearly follows from this that there is no place for the use of those faculties except with one who is both prepared to obtain the Jubilee and has a certain purpose of fulfilling the enjoined works"; add § 86 (St. Alphonsus, VI, 598).

2. In a valid confession in which the reserved sin was omitted inculpably; because "it can probably be presumed that the Superior consents that the reservation be removed whenever the penitent validly confesses to one having the faculty" (St. Alphonsus, VI, 597). Yet it stands in the way that the end of reservation has not been obtained. St. Alphonsus does not reprobate this opinion because of authority (2nd catalogue of reformed questions, question 18).
3. According to some, in an inculpably invalid confession in which the reserved sin was omitted; because the Superior probably consents to the removal of reservation whenever the penitent confesses to one having the faculty, provided the confession is not culpably invalid. Indeed, according to some, in a culpably invalid or sacrilegious confession, provided the defect of validity does not proceed precisely from the fact that the reserved sin was culpably omitted. But these opinions do not seem safe enough to most authors (St. Alphonsus, VI, 598).

¹ November 28, 1749, § 62.

387 IX. Absolution from a reserved sin. The general rule is this: the following can absolve: 1. the one reserving and his successor; 2. the Superior in the sacramental forum of the one reserving or of his successor; 3. those deputed or delegated either by law or by the aforesaid persons (St. Alphonsus, VI, 599). Specifically, note:

1. From the one sin and censure reserved by reason of itself to the Holy See, that is, from false denunciation of a priest concerning the delict of solicitation, the following can absolve: 1. Cardinals from the time of their promotion (can. 239, § 1, 1); 2. the priest whom a Cardinal or Bishop, whether residential or titular, has chosen for confessions for himself and his household, namely if the chosen priest receives the confessions of the aforesaid persons (can. 239, § 1, 2; 349, § 1, 1).
2. From sins and censures which local Ordinaries have in any way reserved to themselves, the following can absolve:
 - a) Cardinals, as above; likewise the priest chosen by a Bishop for confessions, as above.
 - b) The penitentiary canon (can. 899, § 2; 401, § 1).¹
 - c) Parish priests, or others who in law are judged under the name of parish priests, during the whole time useful for fulfilling the Easter precept; then individual missionaries during the time when missions to the people happen to be held (can. 899, § 3). Moreover:

a) The time useful for the Easter precept is that which has been established either by common law, or by particular law, or by a prorogation granted to someone. The faculty can also be used in a confession which is indeed instituted during the Easter season, but not in order to fulfill the Easter precept.

Under the name of missions, spiritual exercises instituted for the whole parish can also be taken, with sufficient probability.

Note. Local Ordinaries should not impart to just anyone and indiscriminately the faculty of absolving from reserved cases (can. 899, § 1), but it should be imparted habitually at least to vicars forane, with the faculty added, especially in places of the diocese more remote from the episcopal see, of subdelegating as often as confessors of their district have recourse to them for some more urgent determinate case (can. 899, § 2).

3. From sins and censures reserved by a regular Prelate, the following can absolve:

a) Cardinals, as above; likewise the priest whom a Bishop has chosen for confessions for himself and his household, namely if the chosen priest receives the confessions of the aforesaid persons, among whom perhaps a religious is found (can. 239, § 1, 1; 349, § 1, 1).

b) Those approved by the local Ordinary (can. 519).

Note. In individual houses of a clerical religion, several must be deputed with the power, if the case concerns an exempt religion, of absolving even from cases reserved in the religion (can. 518, § 1).

¹ This canon enjoys ordinary power, which, however, he cannot delegate (can. 401, § 1).

Scholion. On Supplied Sacramental Jurisdiction

388 Let the things said about supplied jurisdiction generally be compared (vol. I, n. 102 sq.).

Chapter II. On the Right Use of the Power

389 Before we speak of the use itself of the power, certain things must be noted about those things which are prerequisite to right use; these indeed are "goodness, knowledge, and prudence."¹ A few things concerning knowledge alone.

I. The necessity of knowledge needs no proof. It suffices to have noted with St. Alphonsus that "that confessor is in the state of damnation who exposes himself to receiving confessions without sufficient knowledge" (*Praxis Confessarii*, n. 18). That is, he is guilty of all the defects that follow from ignorance and that were foreseen at least confusedly.

II. Mediocre knowledge is required and suffices, greater or lesser, however, according to the diversity of places and penitents. In a word: it is required and suffices that the confessor know how to solve the cases commonly occurring in the place, and know how to doubt prudently about more difficult ones (St. Alphonsus, at the cited place and VI, 627). Nevertheless, greater knowledge is desired according to these words of the Roman Ritual: "That he may be able to judge rightly, distinguishing between leprosy and leprosy, and as a skilled physician prudently cure the diseases of souls, and know how to apply suitable remedies to each one, he should strive to acquire for himself as much knowledge and prudence as he can for this purpose."²

III. As regards the means of acquiring and preserving due knowledge, I note with St. Alphonsus:

"Those who desire this office of receiving confessions should not easily persuade themselves that they can render themselves sufficiently fit for so great an office without long study of moral science. For this, certainly, it is not enough to run through some little summary of those which are circulated; nor is it enough to know the general principles of this faculty, as some, who, despising casuists, arrogate to themselves the name of learned men, suppose. For moral science is not only very necessary to the Christian commonwealth, since the good governance of souls depends on it, but is also supremely difficult. First, because it requires a general knowledge of all the other sciences, offices, and arts; second, because it embraces so many diverse matters distant from one another; third, because in great part it consists of so many positive laws, which are found brought together only among the casuists, and especially among the more recent ones, since laws of this kind come forth day by day. Finally, it becomes most difficult because of the innumerable circumstances of cases, on which the variation of resolutions depends; for from the diversity of circumstances different principles must be applied, and in this consists the difficulty, since it cannot be done without great discussion or the careful reading of several books which examine and elucidate the matters" (VI, 628).

And in the *Praxis Confessarii* the Holy Doctor says thus: "No confessor should interrupt the study of moral theology; because from so many things so diverse and disparate among themselves which pertain to this science, many, although read, because they happen more rarely, fall from the mind with the progress of time. For this reason it is necessary always to recall them to memory by frequent study" (n. 18). In addition, all should prepare themselves well for the moral conferences, as they are called. Finally, especially new confessors, after a more difficult confession has been heard, should weigh whether they have acted rightly. If doubts occur, they should consult books or more learned persons, account nevertheless being taken of the sacramental seal.

Corollary I. One who doubts whether he enjoys due knowledge should acquiesce in the judgment of the Bishop or Superior (St. Alphonsus, *Praxis Confessarii*, n. 18).

Corollary II. One destitute of due knowledge, and a Bishop or Superior using him, are excused on account of grave cause. A grave cause is present in the article of death and generally if otherwise penitents would for a long time lack the faculty of confessing, as can happen, for example, among captives and in Missions because of a shortage of priests (St. Alphonsus, VI, 628).

Having noted these things, we shall speak first of the things to be observed in confession, then of the things to be avoided in it, finally of the things to be observed after confession.

¹ Roman Ritual, title III, chapter 1, n. 1.

² At the cited place, n. 3.

Article I. On the Things to Be Observed in Confession

The confessor has the office of questioning, instructing, judging sins, judging and promoting disposition, consulting for amendment of life, and rendering sentence. Each must be treated.

§ I. On the Office of Questioning

390 I. Existence of the obligation. The confessor is bound to question the penitent: 1. if he prudently fears that formal integrity is lacking, in other words, that the penitent has kept back things

which he knew had to be confessed by him; 2. if he prudently fears that material integrity is lacking, in other words, that the penitent in good faith is silent about things which of themselves are to be confessed.

The first is clear from the fact that the confessor cannot expose the sacrament to danger of nullity. Add the arguments to be brought for the second part.

The second is proved: 1. by the authority of Councils, Pontiffs, and the Roman Ritual.

The Fourth Lateran Council: "Let the priest be discreet and cautious ... diligently inquiring both into the circumstances of the sinner and of the sin."¹ Leo XII in the encyclical *Caritate Christi*² teaches that necessary diligence must be applied by the confessor in questioning penitents. Benedict XIV in the Constitution *Apostolica*:³ "In the first place we admonish them to remember that they do not fulfill the parts of the office they have undertaken, indeed rather all those are guilty of a graver crime who, when they sit in the sacred tribunal of Penance, listen to penitents touched by no solicitude, do not admonish, do not question, but when the enumeration of crimes has been completed, immediately pronounce the form of absolution." The Roman Ritual: "If the penitent has not expressed the number, species, and circumstances of sins necessary to be explained, let the priest prudently question him."⁴

2. The Doctors agree. St. Thomas: "It must be said that the priest ought to search out the conscience of the sinner as a physician searches a wound and a judge a cause; because frequently those things which the one confessing would keep silent through shame, when questioned he reveals" (*In IV Sentences*, distinction 19). St. Antoninus,⁵ St. Bonaventure,⁶ St. Bernardine of Siena,⁷ St. Charles Borromeo,⁸ and St. Alphonsus teach the same (VI, 607, 629).

3. There are added arguments from reason; namely, the obligation is deduced: a) from the fact that the confessor as minister of the sacrament must take care that all sins not yet directly remitted be directly remitted, in other words, that confession also be materially integral; b) from the fact that the character of judgment requires that the judge know the whole cause before he pronounces sentence. There is added c) that the confessor as physician must strive to detect all diseases and provide medicine for them (St. Alphonsus, VI, 629).

Question 1. Must the confessor question if he notices that the penitent, after sufficient diligence has been applied, omits some sin?

Response. Some formerly denied this, because formal integrity suffices, and in the case it is posited to be present. But with St. Alphonsus it is rightly affirmed, because the confessor, although formal integrity suffices for the penitent himself, is bound both as minister of the sacrament, and as judge, and as physician to consult, with ordinary diligence, for the integrity of the sacrament required of itself, that is, material integrity. There is added the fact that "otherwise, as Suarez says, confessors would almost never be bound to question rude and unlearned men, who, however much diligence they put forward, can never of themselves confess integrally by explaining the circumstances, species, and number of sins.... The consequence is against the practice of the Church and against the intention of the chapter *Omnis utriusque sexus*" (St. Alphonsus, VI, 629). Nor should you object that the confessor is not bound to greater diligence than the penitent himself, who is supposed already to have applied the required diligence. For I answer that the obligation of the confessor is one thing and the obligation of the penitent another: the latter is bound to examine himself properly, while the former must, if he prudently fears that something is lacking to integrity, supply for it; but in

supplying he is not bound to greater diligence than the penitent is in examining. I said: if he prudently fears that something is lacking to integrity. This commonly does not have place if the case concerns penitents who are both sufficiently instructed and diligent in examining and confessing sins; hence priests, religious, and pious persons commonly are not to be questioned (St. Alphonsus, VI, 607).

Question 2. To what extent is there an obligation of questioning if the confessor does not understand the penitent, because the latter, for example because of an organic defect or another reason, cannot express his thoughts in an intelligible way?

Response. In the proposed case it is for the most part expedient and sufficient, once the accusation is finished, to ask whether grave sins have been committed.

¹ Chapter 21, in chapter 12, *De poenitentia*.

² December 25, 1725.

³ June 26, 1749.

⁴ Title III, chapter 1, n. 16.

⁵ *Summa Theologica*, t. III, title 17, chapter 17, § 2.

⁶ *In IV Sentences*, distinction 19, doubt 5.

⁷ Tome II, sermon 27, article 2, chapter 3, p. 167.

⁸ *Instructio Poenit.*, in *Acta Ecclesiae Mediolanensis*, 1683, part IV, p. 431.

391 **II. Object of the obligation.** The obligation of questioning, as follows from what has been said above, commonly regards only those things which pertain to integrity, or which must be declared. Therefore commonly there is no obligation of questioning about species entirely unknown or not sufficiently attended to, and therefore not contracted, venial sins, mortal sins doubtfully committed, sins doubtfully mortal, and circumstances aggravating grave malice in the same species. Sometimes, however, there is an obligation so that a right judgment may be made about the required disposition or about the obligation of making restitution.¹

¹ Hence, for example, one should commonly inquire how great a sum a thief stole.

392 **III. Required diligence.** Mediocre diligence is required and suffices, as was said about the obligation of the penitent to examine conscience. For greater diligence cannot be demanded in the confessor, who is bound only secondarily, than in the penitent, who is bound primarily to procure integrity. For the rest, diligence should be proportioned both to the capacity of the penitent and to the character of the confession to be instituted. It is said:

1. **To the capacity of the penitent:** "Therefore the confessor," says Lugo, "ought to accommodate himself to the penitent and seek knowledge of sins from individual persons according to the capacity of each: subtler knowledge from the subtler, cruder from the cruder";¹ from which St. Alphonsus concludes: "When the penitent, although rude, seems sufficiently instructed and diligent in confessing sins with their circumstances according to his state and capacity, for a learned person is bound to examine himself in one way and a rude person in another, then the confessor is bound to ask nothing else" (*Homo Apostolicus*, tract 16, n. 103).

2. **To the character of the confession to be instituted;** thus, for example, a general confession requires relatively less diligence than a confession of one month.

¹ *De Poenitentia*, disputation 16, n. 594.

393 **IV. Gravity of the obligation.** The obligation of which we have spoken is grave, although the obligation of the penitent to consult for integrity is graver than the obligation of the confessor. The reason is that the matter is grave.

Question. Does a confessor sin gravely who advertently omits one or another necessary question about species, number, and so forth? It is said advertently, that is, from grave carelessness or negligence; for it is clear that smallness of matter can be had in the negligence itself, but the question is whether smallness of matter can be admitted in the matter itself, that is, in mortal sins to be investigated.

Response. Many judge that the aforesaid confessor does not sin gravely, at least if he acted thus in a long series of confessions. But the contrary seems to have to be admitted, because the confessor advertently fails in a grave matter. Nor should you object that by this opinion too grave a burden is imposed on the confessor, since the burden imposed by this opinion scarcely differs from the burden imposed by the adversaries. For they say that then only is sin not grave when, in a long series of confessions, one or another necessary question is omitted. But this kind of diminution of the burden scarcely deserves notice (St. Alphonsus, VI, 629).

Objection. The obligation of the penitent is greater than that of the confessor.

Response. Let that pass; but the argument proves that the obligation of the confessor also is grave.

394 **V. Manner of fulfilling the obligation.** The questions should be:

1. **Timely**, or made at an opportune time. Of itself, it is better to permit the penitent to explain himself, and not to interrupt him. Practically, one should proceed for the most part in this way. If the confession is foreseen to be brief, the confessor does not interrupt the penitent by questioning him, but waits for the end of the confession. If it concerns a long confession, the confessor will easily forget something necessary unless he mixes questions into the confession (St. Alphonsus, VI, 629).
2. **Apt**, that is, suited to the capacity, condition, and psychological state of the penitent. Generally questions should be brief, clear, and determinate, not negative ("Surely you did not consent?") nor disjunctive ("Did you sin by yourself or with others?"). A number greater rather than lesser should be proposed.
3. **Kind**. Therefore he should avoid harsh words ("Have you committed the most shameful sin of lust?"), likewise words which signify impatience ("What more? Have you finished? Hurry up and get yourself done"). If the confessor notices that the penitent has a sin which he declares with difficulty, let him say: Do not fear; I will gladly question you.
4. **Prudent**, or such that the penitent does not learn to sin from them (cf. can. 888, § 2).¹ But if this is feared, "the question ought to be made from afar, so that if the penitent committed it he may say so, and if he did not commit it he may not learn it" (St. Thomas, *In IV Sentences*, distinction 19, at the end).

5. **Chaste.** Generally the confessor should be mindful of this: in the matter of lust it is better to be deficient in many things than to abound in one; likewise of the admonition of St. Alphonsus: "Questions in the matter of chastity ought to be few and cautious" (St. Alphonsus, VI, 632). Specifically:

a) The confessor should not descend to particular modes or circumstances of the sin, nor to species which commonly do not occur. This is so that: 1. he may not be a cause of shameful temptation to the penitent or to himself; 2. he may not provide scandal to the penitent, as one who might suspect that the confessor is taking pleasure in the investigation of those things; 3. he may not bring confession into disrepute, namely, because there is danger lest some penitents narrate to others that matters of this kind were handled in this way (St. Alphonsus, at the cited place; cf. can. 888, § 2).

b) Let him use chaste terms, and such as do not teach sin to those who perhaps are ignorant of it. Hence, for example, he should not ask boys whether there was emission of seed, and so forth (St. Alphonsus, at the cited place). If a modest mode of questioning does not occur to his mind, let him rather abstain from the question.

¹ Cf. Roman Ritual, title III, chapter 1, n. 17.

395 VI. Excusing causes. The confessor is excused from questioning integrally:

1. As often as the penitent is excused from integrity, for example because of infirm health, scruples, and so forth.
2. When and insofar as the questions would be harmful, for example if they could not be made without danger being created for the penitent (St. Alphonsus, VI, 632).
3. When and insofar as the questions would be useless. Hence, for example, he should not commonly ask penitents whether they regarded this or that as a grave sin; nor should inquiry be made too much into the number, as was said in n. 320 (St. Alphonsus, *Praxis Confessarii*, n. 20).

Corollary. Just as a great number of penitents does not excuse the penitent from integrity, so neither does it excuse the confessor from the obligation of supplying the defect (n. 326).

§ II. On the Office of Instructing

396 I. If ignorance concerns either those things which certainly or probably must be known by necessity of means, or those things which are required for receiving the sacrament of Penance fruitfully, the confessor, before absolving the penitent, should instruct him or should take care that he first learn them (St. Alphonsus, VI, 608, 610). Commonly it will be better at once to instruct such a penitent summarily,¹ to stir him to an act of faith in the things to be known,² and to absolve him, with the obligation imposed of afterward learning more diligently the rudiments of the Christian faith.³

II. If ignorance concerns things to be known by necessity of precept, commonly he should absolve the penitent at once; nevertheless, he should be warned of the obligation of afterward obtaining fuller instruction.

III. If ignorance concerns an obligation of doing or omitting something, admonition of itself must always be made, because both ignorance of this kind and the material sins arising from it involve some evil and can become harmful. Practically, however, these rules are established:

1. Admonition must always be made if the common good or positive law requires it. I said "always," even if the penitent is foreseen as not going to obey the admonition. "Universally," so Benedict XIV in the Constitution *Apostolica*,⁴ "the penitent must be admonished when ... he is in those circumstances of fact which, if the confessor dissimulates, strengthen the sinner in a wicked work, not without the scandal of others, when someone observes that those things which are practiced with impunity by those who frequent the Sacraments of the Church are judged by him to be lawful for himself." The reason for this doctrine is handed down by St. Alphonsus in these words: "Although the confessor by reason of his office is principally bound to attend to the good of the penitent, nevertheless, since he is a part of the commonwealth and has been constituted minister for the good of the Christian commonwealth, he is bound to prefer the public good to the private good of the penitent. So commonly" (VI, 615; *Homo Apostolicus*, tract 16, n. 116). Hence generally the following must be admonished: 1. those who hold public offices, whether ecclesiastical or civil, and err concerning the duties of the office (St. Alphonsus, at the cited place); 2. those who have given their name to a harmful sect, for example socialism, liberalism, or the sect of Freemasons; 3. those who have been deputed by the party of liberals or socialists either to Legislative Assemblies or to Provincial or Municipal Administration; 4. those who are bound to denounce a confessor by reason of solicitation, as will be explained later.

2. Outside the case of the common good or of positive law, or considering only the good of the penitent, admonition is to be made as follows:

a) It must be made if it is judged that it will be useful or at least not harmful to the penitent. Hence it must be made: 1. if the penitent through ignorance regards as a sin what is not a sin, or as a grave sin what is light; 2. if the penitent actually doubts about liceity. Nevertheless, if the penitent asks the confessor, often "he ought not answer more than he is asked. For example, if someone bound by a vow of chastity asks whether the marriage was valid because of the vow, and whether he is bound to render the debt to his wife, the confessor should affirm both, saying nothing about the obligation of not asking, even if he knows that the marriage is null because of some diriment impediment" (St. Alphonsus, VI, 616); 3. if the ignorance is foreseen as soon going to cease, as if it concerns the first conclusions of the natural law, for example concerning the malice of pollution, the penitent should commonly be warned at once, and all the more because customs of this kind are rooted out with greater difficulty the longer they have been protracted (St. Alphonsus, III, 226); 4. if it concerns removing a proximate and voluntary occasion of sinning. Yet I would not deny that the penitent can be left in good faith in this case if it is truly feared that, after the admonition has been made and neglected, he will become wholly alienated from the sacraments; 5. if it concerns Prelates, Superiors, parish priests, or parents, both because ignorance is commonly not perfect and because the common good is involved (St. Alphonsus, VI, 615). Finally, if the penitent is judged not indeed immediately, but soon, to be going to obey the admonition, it should be deferred somewhat (St. Alphonsus, *Homo Apostolicus*, tract 16, n. 115).

b) It must be omitted if it is judged that it will be harmful to the penitent.

c) If it is doubtful whether the admonition will help or harm, "the confessor ought to weigh the harm and the useful result, likewise the degree of fear of harm and of hope of utility, and choose that which he judges to preponderate.... For the rest, in doubt it regularly seems to me that formal evils are to be avoided rather than material ones" (St. Alphonsus, VI, 616).

¹ Let him not always require that the proposed articles be held in memory.

² For example by asking: Do you believe that there is one God? and so forth.

³ Roman Ritual, title VII, chapter 1, n. 14.

⁴ June 26, 1749.

§ III. On the Office of Judging Sins

397 **I.** For the confessor to absolve validly, it suffices that he has apprehended the act of the penitent under the aspect of sin, even if he forms no judgment either about the gravity or about the species of the sin (St. Alphonsus, VI, 627).

II. For the confessor to absolve in such a way that there does not remain for the penitent the burden of afterwards confessing the sin again, it suffices that the penitent has declared the sin, as it was committed, to an attentive confessor, even if the confessor errs both as regards gravity and as regards species (St. Alphonsus, VI, 478).

III. For the confessor to absolve licitly, he generally ought to have judged whether the sins accused were grave or light, and of what species they were (St. Alphonsus, VI, 627). To explain these things more, observe that it suffices that the confessor: 1. habitually know the gravity and species of the more obvious sins;¹ 2. equipped with that knowledge, hear the sins, even if he does not form an entirely explicit judgment about gravity and species; 3. have judged about the sins in the way set forth at the moment when the penitent declares them, and pronounce sentence from the judgment previously had, even if, while he grants absolution, he does not remember the sins declared.

Corollary I. While the confessor imposes satisfaction, he ought to retain or reassume sufficient knowledge, which is easily present, for imposing a fitting satisfaction.

Corollary II. If absolution is deferred, for example for one or two weeks, it is required that in the following confession the confessor have retained, or now reassume, at least confused knowledge of the state of the penitent (n. 334).

¹ "Let him hear the rest and absolve" (St. Alphonsus, VI, 627).

§ IV. On the Office of Judging and Promoting Disposition

398 **I.** For the confessor to absolve licitly, of itself at least broad moral certitude about the due disposition of the penitent is required, but that also suffices. It is said:

1. **Of itself**, because sometimes absolution can be granted conditionally even if the confessor lacks broad moral certitude (n. 404).
2. **Broad moral certitude**, that is, one which excludes strict doubt or imports the state of one opining.
3. **That also suffices**, for the matter concerns an internal thing, especially the sorrow of the penitent, about which greater certitude is had with difficulty, so that, if greater were required, "the administration of the sacrament would become subject to excessive scruples and difficulties" (St. Alphonsus, VI, 57). Hence apply these words of St. Thomas: "Certitude is not to be sought in the same way in all things, but in each matter according to its proper mode" (II-II, q. 47, a. 9, ad 2).

Having noted these things, the necessity of broad moral certitude is proved by these arguments:

First, the Sacred Congregation of Propaganda Fide¹ has these words: "Confessors should deny absolution to those who provide either no signs or only signs of feigned penance; but they should defer absolution for those whose penance is uncertain and suspect."

Next, after the first proposition condemned by Innocent XI,² almost all, both older and more recent authors, admit and defend the doctrine stated, as Aertnys,³ Berardi,⁴ and especially Ter Haar⁵ prove by the testimonies they cite.

Finally, the reverence due to the sacrament forbids its being ministered with so great a danger of nullity as the defect of broad moral certitude imports. In the case the sacrament will indeed probably be valid and probably will grant pardon to the sinner; but it cannot be admitted that for that reason alone the reverence due of itself to the sacrament may be neglected, or that the sacrament may thus be subordinated to the good of the subject, especially because a sinner who is doubtfully disposed wholly lacks an unimpeded right to absolution, since he ought to take care that he is certainly or at least sufficiently certainly disposed (St. Alphonsus, VI, 461; *Homo Apostolicus*, tract 16, n. 117).

Objection 1. The Roman Catechism teaches: "For if the priest, after hearing the confession, has judged that diligence was not wholly lacking to the penitent in enumerating sins, nor sorrow in detesting them, he can be absolved."⁶ Therefore he to whom contrition seems not wholly lacking can be absolved; this is far different from saying that only one about whose contrition the confessor is morally certain can be absolved.

Response. The only sense corresponding to the words, or the natural sense, is this: the penitent can be absolved if the confessor has judged that some true sorrow is not lacking. But one who truly doubts whether sorrow is present does not judge that it is present (vol. I, n. 215). Therefore the Roman Catechism favors rather than opposes the opinion defended by us.

Objection 2. It suffices that the confessor administer the sacrament prudently and without rashness. But this has place when he imparts absolution to those who are probably contrite.

Response. I concede the major; I deny the minor. For he administers the sacrament imprudently and rashly when he exposes it to grave danger of nullity. But ministration made to those who are only probably attrite exposes the sacrament to grave danger of nullity.

Objection 3. In those who most need the sacrament of Penance, broad moral certitude about due disposition is scarcely had, so that, if the stricter opinion is admitted, absolution would of itself almost always have to be deferred for them.

Response. I deny the assertion, and that it must be denied will be clearer from what is to be said under II.

¹ August 1827.

² The said proposition is this: it is not illicit in conferring sacraments to follow a probable opinion about the validity of the sacrament, leaving aside the safer one, unless law or agreement or danger of incurring grave harm forbids it (Denzinger-Bannwart, n. 1151).

³ In *Nouvelle Revue Theologique*, 1900, pp. 283-536.

⁴ *De Recidivis*, n. 19 sq.

⁵ Cited work, n. 408 sq.

⁶ *De Poenitentia*, n. 60.

399 **II.** The very confession or assertion of the penitent provides sufficient certitude about due disposition, unless from some other source a positive prejudice against due disposition arises (St. Alphonsus, VI, 459). When such a prejudice has arisen, some other special sign of disposition should be added to the confession or assertion, by which the prejudice is removed or sufficiently weakened. It is said:

1. The confession itself provides sufficient certitude about due disposition. For no one is presumed evil or a hypocrite.
2. Unless from another source a prejudice against due disposition arises, for example from the fact that the penitent is a habituated relapser; likewise from the fact that the penitent, who several times promised that he would avoid an interrupted voluntary occasion, nevertheless has not ceased to approach it and to sin in it, even if he is not a habituated relapser. Each of these things will be developed more later.

400 **III.** Once a prejudice has arisen, another sign of disposition should be added by which the prejudice is removed or sufficiently weakened. Signs of this kind¹ are, for example: 1. confession following from an extraordinary motive, as from a sudden death or from a sermon; indeed a confession which is instituted neither from the precept of the Church, nor from the authority of others, nor from custom alone, can suffice, for example a confession instituted immediately or soon after a fall; 2. unusual good works, for example prayers, fasting, almsgiving, pilgrimage, performed before confession; 3. manifestation of a sin previously hidden; 4. sorrow expressed by sighs and tears, although these must not always be trusted; 5. words which signify a firmer purpose, although even these cannot always be trusted; 6. spontaneous request for means of amending oneself, and so forth (St. Alphonsus, VI, 460, 505).

¹ They are called extraordinary signs by many; but one must not insist on the character of the extraordinary.

401 **IV.** When a prejudice against the penitent's disposition has arisen, the confessor should try to dispose him and to elicit a sign by which the prejudice is removed. He is bound to these things under grave obligation, both because then the precept of fraternal correction is especially urgent, and because another practice is very harmful. "For if absolution is immediately denied or deferred for penitents of this kind, they will easily fall into despair or religious indifference."¹ Hence the Roman Ritual rightly says: "After hearing the confession ... he will apply opportune corrections and admonitions, as he judges there to be need, with fatherly charity, and he will try to lead the penitent to sorrow and contrition by efficacious words."²

Benedict XIV in the Constitution *Apostolica*³ has these words: "They should not cease to exhort especially those who are accustomed to approach the sacrament of Penance either rarely or not without many crimes; they should open to them the most wretched life which they have led under the yoke of sin; they should explain the baseness of their crimes, so that, namely, they may grieve from the heart and seriously propose that they will withdraw from sins in the future. For it is settled that solid and grave exhortations of confessors, given in the forum of Penance, are far more efficacious than the sacred sermons of preachers, so that the penitent may turn his soul away from vices.... Nor should confessors reply that this cannot be done if a more frequent number of penitents

suggests brevity; for that golden saying of St. Francis Xavier, in Fursellini's *Life* of him (book 6, chapter 17), has already solved the difficulty, conceived in these words: As for those confessing, he judged that care should be bestowed not hurriedly but diligently, admonishing that they should prefer to hear few confessions rightly made rather than many rashly hurried" (n. 22). Leo XII inculcates the same in the Constitution *Charitate Christi*.⁴

¹ Ter Haar, cited work, n. 351.

² Title III, chapter 1, n. 18.

³ June 26, 1749.

⁴ December 25, 1825.

§ V. On the Office of Consulting for Amendment of Life

402 After hearing confession, the confessor "will lead the penitent to amending and better ordering his life, and will hand down remedies for sins."¹ Hence he should inquire into the causes of sins, especially whether there was some occasion, and assign remedies. The general means are: 1. flight from occasions; 2. prayer, especially devotion toward the Blessed Virgin Mary; 3. frequency of the sacraments; 4. spiritual exercises instituted in some house of exercises. As regards particular means, compare what is to be said about the ministration of the sacrament to some persons specifically.

¹ Roman Ritual, title III, chapter 1, n. 18.

§ VI. On the Office of Rendering Sentence

One must distinguish between those certainly indisposed, those doubtfully disposed, and those sufficiently certainly disposed.

403 **I.** For those certainly indisposed, that is, after paternal admonition, absolution must be denied. Those certainly indisposed are those who manifestly lack contrition or purpose, or do not wish to fulfill a grave obligation. "Let him not absolve those," says the Roman Ritual, "who are incapable of such a benefit: such are those who give no signs of sorrow; who do not wish to put aside hatred and enmities, or to restore another's property if they can, or to leave a proximate occasion of sinning, or in another way to abandon sins and amend life for the better; or who have given public scandal, unless they publicly make satisfaction and remove the scandal."¹

¹ Title III, chapter 1, n. 23.

404 **II.** For those doubtfully disposed, absolution of itself must be deferred (n. 398); but for a grave reason it can or even must be granted, but only under condition.

1. Those are understood as doubtfully disposed who, after paternal admonition, are not indeed held as certainly indisposed, but nevertheless do not bring those signs of penance which found broad moral certitude about due disposition.
2. A grave reason is had: 1. if someone is in danger of death; 2. if the penitent judges that he is disposed and it is prudently feared that, if absolution is delayed, he will become alienated from the sacraments and waste away in sins, or, for example by communicating or entering marriage, will commit another sacrilege (St. Alphonsus, VI, 432, 4).

405 **III.** To those sufficiently certainly disposed, absolution must be granted from justice, and regularly indeed immediately. In some cases, however, it can or even must be deferred, unless a special reason is present for imparting absolution immediately even then. It is said:

1. **Absolution must be granted from justice and regularly immediately.** For a penitent rightly confessed and disposed has by tacit contract a right to be absolved at once. Hence canon 886: if the confessor cannot doubt about the dispositions of the penitent and the latter asks for absolution, absolution is neither to be denied nor deferred.

406 **2. In some cases, however, it can or even must be deferred,**¹ namely if the confessor judges delay to be necessary or more useful for the amendment of the penitent. This doctrine rests first on the almost common authority of theologians. Thus teach, for example, St. Antoninus, St. Francis Xavier, St. Charles Borromeo, St. Leonard of Port Maurice, St. Alphonsus, Venerable Segneri, Fessius, Suarez, Lugo, and others, whose testimonies you will find cited in Ter Haar.² There is added the theological reason: namely, the confessor must perform not only the office of judge, but also that of physician (can. 888, § 1), to each of which offices, as is clear, the penitent must submit himself. But it belongs to a physician to apply means which are judged necessary or more useful. Moreover, delay of absolution is sometimes necessary or at least more useful for the amendment of the penitent (St. Alphonsus, VI, 462-464). It is judged necessary if otherwise there is grave danger that the penitent will break his purpose; more useful, if delay of absolution will more efficaciously guard against relapse. "This is not to be understood as though delay of itself would effect this, that the strength of the penitent against future temptations and relapses would be increased, for that would be plainly absurd, but in the sense that the penitent, often struck with salutary fear on the occasion of the delay, is stirred up so that, aided by the actual grace of God, he may better apply other remedies, for example flight from occasions, prayer, and due vigilance, and thus also in the future avoid sins more efficaciously."³

Corollary. Attending to what has been set forth above, absolution of itself is usefully or necessarily deferred according to the circumstances:

1. For one who is held by a very difficult obligation, such as the obligation of restoring a thing of great value which he can restore; of denouncing a confessor who is guilty of solicitation; of reconciling himself with an enemy; of physically leaving a proximate, continuous, and voluntary occasion to which someone is greatly attached; of applying the prescribed means lest he relapse in a necessary proximate occasion. In these cases absolution is deferred until the obligation has been fulfilled or the prescribed means have been applied. The reason is that otherwise there is danger lest the penitent, after receiving absolution, break a purpose very difficult to fulfill (St. Alphonsus, III, 682; VI, 454, 456).
2. For a habituated relapser from occasion, that is, for one who has contracted a habit of some sin and, after being admonished by the confessor, continued the custom of sinning for the same reason, because of the occasion, but not for a relapser from internal frailty. The reason is that the will of the relapser, unless something stands in the way, must be strengthened by a stronger means, namely by delay of absolution. I said unless something stands in the way, for in a relapser from internal frailty courage must be given and the grace of the sacrament must be conferred (St. Alphonsus, VI, 456, 459, 463, 464).

Objection. Canon 886 declares: "If the confessor cannot doubt about the dispositions of the penitent and the latter asks for absolution, absolution is neither to be denied nor deferred." Therefore absolution, if it is asked by the penitent, can never be deferred for those sufficiently certainly disposed.

Response. The cited canon is not to be interpreted thus. For: 1. a priori it seems very improbable that the canon is opposed to the doctrine commonly admitted, even by the more benign authors. Now such is the doctrine according to which absolution sometimes can, or even must, be deferred for one disposed.

2. The canon can well be understood of the general norm, or the norm to be followed of itself; this does not prevent one from departing from it accidentally or because of special circumstances. And if that is less pleasing, observe: the canon speaks of dispositions, not of the disposition of the penitent, and for that reason perhaps signifies that absolution is then not to be deferred for a penitent asking it when the confessor does not doubt about the dispositions which seem to have to be required here and now by him not only as judge but also as physician, so that absolution can be granted without grave danger of breaking the purpose. Therefore it remains that we say that nothing new is contained in the cited canon. That the canon can be well harmonized with the common doctrine seems to be admitted sufficiently commonly.⁴ We said, however, that in the cases set forth absolution is to be deferred:

¹ As regards the origin of this practice, Ter Haar writes: "In antiquity, especially up to the thirteenth century, confessors generally followed the penitential books as the norm of acting.... But the more moral and pastoral Theology advanced, theologians, especially after the Council of Trent, established several rules of prudence and discretion concerning absolution to be conferred or deferred ... so that the twofold end of this sacrament, which is to remit past sins and to prevent future ones, would be obtained more efficaciously. Hence then they spoke more and more often expressly about the delay of absolution. There is added this reason indicated by Francolini (*De Poenitentiae disciplina*, book 3, chapter 10, nn. 5, 6), namely that in the Middle Ages sinners were accustomed to confess rarely and scarcely once a year; for these, therefore, if they were truly contrite, it was dangerous to defer absolution. Hence also the theologians of that time scarcely spoke about delay of absolution. But since from the sixteenth century the use of the sacraments had grown greatly, theologians repeatedly treated of this delay, so that the sacraments would be received with greater fruit and would serve more for the amendment of penitents. Finally, it must be noted that canonical and sacramental penances in antiquity were for the most part very grave; and therefore, if they were accepted, they were highly medicinal and very efficacious against relapse into sin. But with the progress of time, when, faith growing cold, medicinal penances were always imposed more mildly, theologians began to commend more expressly delay of absolution, even for those who were judged truly contrite, so that by this remedy, especially relapsers and occasionaries, would be incited to shake off spiritual sloth and to impose on themselves greater force, by which they would avoid occasions and apply other means" (*De conferenda absolutione sacramentali iuxta canonem 886*, n. 12).

² *De conferenda absolutione sacramentali iuxta can. 886*, n. 13 sq.

³ Ter Haar, *De occasionariis et recidivis*, n. 437.

⁴ Cf. Ter Haar, cited work, p. 63 sq.

407 **3. Unless a special reason is present for imparting it immediately even then.** Special reason is involved by: 1. danger of death, as is clear; 2. an extraordinary disposition of such a kind that it sufficiently guarantees future amendment. Such an extraordinary disposition, however, should not easily be presumed; 3. danger of alienation from the sacraments; 4. danger of infamy; 5. grave difficulty of returning to the same confessor, provided it is grave for the penitent to repeat the confession before another. The reason for 4 and 5 is that the very necessity of receiving absolution,

which is present in the said cases, founds the hope of acquiring more efficacious graces (St. Alphonsus, VI, 454, 456). There is added the fact that in the case delay of absolution will easily be borne with difficulty, and for that reason can carry with it alienation from the sacraments (St. Alphonsus, VI, 454, 456).

Corollary I. For those who are weak in faith or negligent in religious practice, if they are sufficiently certainly disposed, absolution should commonly not be deferred.

Corollary II. On the occasion of a mission or spiritual exercises, some one of the enumerated causes is commonly present, so that then, at least for the most part, absolution can be granted at once to those sufficiently certainly disposed, and almost must be.

Corollary III. If delay of absolution is applied: 1. it should not be made for a long time, more advisedly for only one week or at most another; 2. it should be signified in the most humane words, and in such a way that it is clear that absolution is deferred not from anger or hatred, but only for the good of the penitent (St. Alphonsus, VI, 463); 3. the confessor should take pains that the penitent grasp the usefulness of the delay and consent to it willingly; 4. it should be made together with the indication of means of amendment and with an exhortation that he return without fear.

Question. What sentence should be rendered by a confessor who prudently fears that the penitent is sacrilegiously keeping silent about, or denying, a committed sin? Moreover, in order that he sacrilegiously keep silent about or deny it, it is required that the penitent: 1. have sinned subjectively gravely; 2. not yet have confessed the sin; 3. now remember the sin; 4. judge that there is no cause excusing from integrity. With these things noted:

Response 1. If the confessor doubts, absolution should commonly be granted, and indeed absolutely, according to this principle: the penitent is to be believed whether he speaks for himself or against himself. If, however, all things considered, the doubt persists, one must distinguish. If it persists independently of the confession of another, for example from the report of others, let the penitent be absolved conditionally. If it persists dependently on the confession of another,¹ according to some the penitent is to be absolved, and indeed absolutely, because, they say, it is not licit to use that sacramental knowledge. According to others, he is to be absolved conditionally.

Response 2. If the confessor is certain, which, considering the state of the question, will scarcely have place, one must distinguish. If he is certain independently of the confession of another, absolution should be denied. If he is certain from the confession of another,¹ according to some the penitent must be absolved, and indeed absolutely, because, they say, it is illicit to use that sacramental knowledge. According to others, absolution must be denied; nevertheless, to conceal the denial, some prayer should be recited (St. Alphonsus, VI, 631).

¹ In this case he cannot question the penitent more or otherwise than he would do if he had not known it, unless he has received express permission. Sometimes it is expedient to ask permission to use sacramental knowledge for helping another penitent, for example an accomplice.

Article II. On Things to Be Avoided in Confession

Here especially these things must be treated: 1. inquiry into the name of an accomplice; 2. absolution of an accomplice; 3. solicitation to shameful acts.

§ I. On Inquiry into the Name of an Accomplice

408 Canon 888, § 2 establishes: "Let the confessor take care altogether not to inquire into the name of an accomplice." This canon takes the place of the ecclesiastical documents¹ which before the Code governed this matter. Therefore, of itself it is forbidden to induce the penitent to reveal the name of an accomplice, and indeed under grave sin or, as commonly happens, under light sin, according as, considering the rules on defamation of neighbor (vol. I, n. 1069), it is grave or light to reveal the sin of a third person to one upright man. Scandal can be added, and the danger that the penitent may be somewhat alienated from the sacrament. Moreover, of itself it is always a grave sin to inquire into the name of an accomplice under denial of absolution.

And so the matter stands of itself, since, when a proportionate cause is added, inquiry into the name becomes licit.

Corollary I. It is lawful for the confessor to inquire into the name of an accomplice if the penitent is bound from another source to denounce the accomplice, and either the confessor is the superior to whom the accomplice must be denounced, or the denunciation cannot conveniently be made except through the mediation of the confessor, who has been made certain of the accomplice's name. But commonly, even in these cases, it is better that the name be revealed outside confession. If it is done through the mediation of the confessor, it can commonly be done without the name of the accomplice being manifested to the confessor, namely by handing to him a closed note on which the name of the accomplice is written, or even by handing to the confessor a closed note which contains both the facts to be manifested and the name of the accomplice, and which is handed over by the confessor to the one to whom it belongs by law.

Corollary II. The confessor can and must question the penitent insofar as the integrity of confession and the prudent ministration of the sacrament require it, even if from this he comes to knowledge of the accomplice, as was explained in n. 328 (St. Alphonsus, VI, 491, 492).

¹ The documents were: the Constitutions *Suprema* of Benedict XIV, July 7, 1745; *Ubi primum*, June 2, 1746; *Ad eradicandum*, September 28, 1746; and the Constitution *Apostolicae Sedis* of Pius IX, October 12, 1869. The law, however, not only prohibited inquiry into the name of an accomplice, but also, when the conditions were posited, established penalties; these have now been removed.

§ II. On Absolution of an Accomplice

The principal documents pertaining here are: canon 884, which refers to the Apostolic Constitutions; the Constitution *Sacramentum Poenitentiae* of Benedict XIV;¹ the Brief *Apostoli muneris* of Benedict XIV;² the Constitution *Apostolicae Sedis* of Pius IX;³ canon 2367.

Moreover, considering the documents cited, two things must be distinguished here, namely a certain subtraction of jurisdiction and an excommunication reserved to the Apostolic See in the most special manner. The former is established against the confessor accomplice who absolves the other accomplice party.

¹ June 1, 1741.

² February 8, 1745.

³ October 12, 1869.

409 **1. Subtraction of jurisdiction.** Canon 884 establishes: "Absolution of an accomplice in a shameful sin is invalid except in danger of death; and even in danger of death, outside the case of necessity, it is illicit on the part of the confessor according to the norm of the Apostolic Constitutions and especially the Constitution *Sacramentum Poenitentiae* of Benedict XIV, June 1, 1741." We shall speak first of the requisites for subtraction of jurisdiction to have place; then of the way in which subtraction of jurisdiction must be understood; finally we shall assign exceptions to the general rule.

1. Requisites for subtraction of jurisdiction to have place. A sin is required:

a) **Against chastity.** It does not matter whether it is a sin of deed, of sight, or of speech² (St. Alphonsus, VI, 554).

b) **Committed with another**, whether with a male or with a female, whether with one mature or one immature, and, as the Sacred Penitentiary³ responded, whether before or after the priesthood was received. Nor does it stand in the way that in the latter case the danger of relapse has almost vanished; for a law which is founded on the presumption of common danger persists, even if in a particular case the danger has ceased. There is added the fact that, besides the danger of relapse to be avoided, other ends of the law are also assigned, such as the indecency of a confession of this kind.

c) **Grave**, and indeed subjectively and externally. It is nevertheless sufficiently externally grave if it shows grave internal malice (St. Alphonsus, VI, 554).

d) **As grave and known to the other party**, and indeed at the time when the sin is committed. Otherwise there is not complicity, or participation in the same grave external sin. Moreover, this condition is presumed to be present if the case concerns a mutual act of itself gravely influencing venereal commotion. But if the discussion is of an act not gravely influencing of itself, but posited with lustful intention or with venereal commotion, that intention or commotion must become known from the circumstances; otherwise the act is indeed common, but it is not common insofar as it involves grave sin.

e) **Such in both parties as has been described.** Hence the case is not present if the other party did not consent, or was ignorant of the malice, even if he or she was led into that error by the accomplice; nor is it present if the sin was committed with one sleeping, with one drunk, or with one not yet possessing the use of reason (St. Alphonsus, VI, 554).

f) **That the confessor and the penitent know themselves as accomplices**, whether previously, for example at the time of the sin, or now. This is required with sufficient probability, because otherwise it can happen that the confessor would have to defame himself before the penitent. Suppose some person presents herself to the confessor, ignorant that she has sinned with that priest, while the confessor notices that the person is present with whom he perpetrated lust. Otherwise one must speak if the confessor and penitent previously knew themselves as accomplices, and only the penitent did not notice that he or she was confessing to the confessor with whom he or she had sinned.

g) **That the aforesaid things are at least morally certain.** Doubt sometimes concerns the gravity of a touch, and so forth.

Corollary. When the conditions have been fulfilled, subtraction of jurisdiction has place:

a) Even if the confessor is ignorant of the law which establishes the subtraction of jurisdiction; for "ignorance of invalidating or inhabilitating laws does not excuse from them unless something else is

expressly said" (can. 16, § 1), or unless the incapacity is established only by way of penalty, which does not have place in the case, since the law was principally issued so that relapses might be guarded against.

b) Even if the confessor does not recognize the penitent; for if ignorance of an inhabilitating law does not excuse from it, still less does ignorance of the fact on which the application of the law depends. Nor should you object that Benedict XIV takes jurisdiction away from the confessor who "dares to receive the sacramental confession of the accomplice person," but that in our hypothesis rash daring is lacking. For the Supreme Pontiff subtracts jurisdiction from the confessor "lest he dare to receive the confession."

c) Even if the penitent does not notice that he or she is confessing to the confessor with whom he or she sinned, provided nevertheless that the confessor and penitent previously knew themselves as accomplices. For when this latter hypothesis has been fulfilled, the confessor admonishing the penitent does not defame himself.

¹ Cf. De Smet, *De absolutione complicitis et sollicitatione*, 2nd ed.

² Holy Office, May 28, 1873.

³ January 22, 1879.

410 2. The way in which subtraction of jurisdiction must be understood. a) The confessor certainly cannot directly absolve the accomplice from the sin of complicity as long as another confessor has not yet directly absolved him or her from it. After the sin has been directly remitted, even the confessor accomplice validly absolves directly from it (St. Alphonsus, VI, 555). I said validly, because commonly he acts illicitly; for the Holy See is accustomed to enjoin on one who, when the sin of complicity has not yet been directly remitted, absolves or feigns to absolve an accomplice, that he abstain in the future from hearing the confessions of the accomplice.

b) It is disputed whether jurisdiction has also been taken away with respect to other sins, or whether it persists with respect to them, so that the confessor can absolve directly from the others, and thus indirectly from the sin of complicity. Some affirm simply. Others affirm if the penitent declares the sin of complicity, otherwise they deny. Others simply deny, or judge that jurisdiction persists with respect to other sins. This opinion is sufficiently probable, both because the Constitution *Sacramentum Poenitentiae* declares that jurisdiction has been taken away "for absolving any person whatever from a fault of this kind; so indeed that absolution, if he shall have imparted any, is altogether null and void," namely absolution from that sin, since as not direct it is null as such, so that the sin must be confessed anew and remitted directly; and because the Sacred Penitentiary responded¹ that "privation of jurisdiction ... is in order to the shameful sin itself in which the same confessor was an accomplice." This opinion is at least probable, so that the Church supplies for caution.

¹ May 16, 1877.

411 3. Exceptions. a) The confessor validly absolves even from the sin of complicity in danger of death; likewise in the same danger he licitly absolves if necessity urges (the cited documents). It is said:

1. **In danger of death;** who are said to be in danger of death, see n. 370.

2. **In danger of death he also absolves licitly if necessity urges**, that is: 1. if another, even one not approved, cannot be used without danger of infamy or scandal (can. 2367, § 1).¹ Nevertheless, fear of infamy to be incurred before that one confessor, in the confession itself, does not excuse. Moreover, the priest accomplice is bound under grave obligation, if it can be done, to remove or anticipate the danger of infamy or scandal, for example by pretending illness or by going away for some time. Nevertheless, danger of infamy or scandal will easily be present if only one not approved can be called; still more, if only one suspended or excommunicated, known as such, remains. There are even those who judge that the obligation of calling the latter persons is simply absent. Necessity urges: 2. if another refuses to receive the confession; 3. if the penitent refuses to confess to another, for example to a blood-relative, or manifests grave repugnance to doing so, in which case there is danger of sacrilege (can. 2367, § 1). The reason for 2 and 3 is that then another priest is morally absent.

Corollary. One who has begun a confession licitly continues and directly absolves the accomplice from the sin of complicity, even if now another priest can receive the confession: 1. if he began licitly, that is, when another could not conveniently be present, even perhaps because of preceding culpable negligence by the one beginning; 2. with sufficient probability, if he began illicitly, that is, when another could be present. As regards excommunication, however, in the case one must speak thus: if he began licitly, he does not incur excommunication, and this is probable even if he culpably neglected to anticipate the danger which, when he began the confession, could no longer be anticipated. If he began illicitly, that is, when another could conveniently be present, he escapes or does not escape excommunication according as before absolution he repents or does not repent of the sin committed.

b) It is disputed whether the confessor ever validly absolves from the sin of complicity even outside danger of death, for example if the accomplice would for a long time, or at least for a very long time, lack the occasion of confessing to another. Now it seems this must be denied. For the law expressly and repeatedly declares that only danger of death is excepted. So also canon 884. Likewise the Holy Office declared² that jurisdiction is taken away "unless the most extreme necessity entirely urges, namely if in the very article of death another priest is lacking." Finally, the end of the law, which is that priests be turned away from sin and relapse, advises that the law be urged, even if the penitent sometimes suffers some harm from it. For the rest, that harm scarcely deserves notice, since the penitent in the cases here supposed can be absolved directly from other sins, and thus indirectly from the sin of complicity, as we shall now note.

c) As we said, the confessor enjoys jurisdiction over the other sins of the accomplice (n. 410). Moreover, if a truly grave reason is present and another cannot be approached without grave inconvenience, it is lawful to absolve the accomplice directly from other sins, indirectly from the sin of complicity. A truly grave reason, considering the most severe law which forbids absolution of an accomplice, is, for example, an annual confession to be made, Easter Communion, or another Communion which cannot be omitted without danger of infamy or scandal. Nevertheless, in the case the penitent can also be content with perfect contrition; indeed, this of itself is to be preferred. A grave cause on the part of the confessor is had if the penitent knows the confessor accomplice only by face, not by name, and denial of absolution perhaps brings danger that the name of the confessor will afterward be inquired into.

¹ Constitution *Apostolici muneris*, § 3.

² February 20, 1867.

412 II. Excommunication. Canon 2367 establishes: one absolving or feigning to absolve an accomplice in a shameful sin incurs by the very fact an excommunication reserved in a most special manner to the Apostolic See. And this also in the article of death, if another priest, even one not approved for confessions, can receive the confession of the dying person without some grave infamy and scandal going to arise, except the case in which the dying person refuses to confess to another (§ 1). The one absolving or feigning to absolve an accomplice who indeed does not confess the sin of complicity, from which he or she has not yet been absolved, does not escape the same excommunication if he or she conducts himself or herself in this way because he or she was induced to this either directly or indirectly by the accomplice confessor (§ 2). We shall speak of the requisites for excommunication to be incurred, and of absolution from it, with some things to be noted added.

413 1. Requisites for excommunication to be incurred. It is required:

a) That, as regards the sin, the things set forth above in n. 409, under I, 1 be present.
b) That the sin of complicity has not yet been directly remitted by another confessor (cf. can. 2367, § 2).

c) That the confessor either has directly absolved or feigned to absolve the accomplice from the sin of complicity, or has absolved or feigned to absolve the accomplice who keeps back the sin of complicity, but does so because he or she has been induced to this by the confessor, either directly or indirectly. It is said:

a) **Either has absolved or feigned to absolve;** hence it does not suffice that he only received the confession. The fiction, moreover, is required with respect to the penitent, in other words, it is required that with respect to the penitent he acted in such a way that the latter ought to judge that he or she was being absolved. It is not required, nor does it suffice, that only others ought to think that the penitent was being absolved. But it does not matter whether the confessor simulates absolution, that is, pronounces the form without the intention of absolving, or dissembles the denial of absolution by reciting some prayer, or by pronouncing other words, or even by keeping silence, yet in such a way that because of signs or gestures of the hands he seems truly to loose the penitent from sins.

b) **Or has directly absolved or feigned to absolve the accomplice from the sin of complicity.** Hence he does not incur excommunication who, after the sin of complicity has been declared by the penitent, signifies to the penitent that he can absolve only from other sins, but not from that sin. Nor does one incur excommunication who absolves or feigns to absolve an accomplice who keeps back the sin of complicity, except in the case now to be assigned.

c) **Or has absolved or feigned to absolve an accomplice who keeps back the sin of complicity, but does so because he or she has been induced to this by the confessor, either directly or indirectly;**¹ although in the case the confessor neither directly absolves nor feigns to absolve directly from the sin of complicity, nevertheless excommunication is contracted.

d) That the confessor, if he absolved the accomplice, has acted objectively illicitly. Moreover, it was set forth above when the confessor licitly absolves the accomplice.

e) That the confessor has both sinned subjectively gravely and known the censure and adverted to it. Defect of grave subjective fault can arise, for example, from ignorance of the law forbidding absolution, from the fact that he is ignorant that an unconsummated sin suffices, or does not know that the person confessing is an accomplice. Ignorance of the censure excuses, even if it is vincible, provided it is not affected, crass, or supine (can. 2229).

¹ "The confessor directly induces the penitent when he positively and explicitly forewarns him or her about keeping silent concerning the sin of complicity, because, for example, he already knows it and its declaration would be useless. But he induces indirectly when the confessor tries to persuade the penitent either that the shameful action committed with him is not a sin, or at least is not so grave that he or she ought to be disturbed about it; whence the penitent concludes that it is lawful for him or her not to declare such a sin, and really abstains from declaring it" (Sacred Penitentiary, February 19, 1896).

414 2. Absolution from the excommunication can be granted as follows:

a) In more urgent cases any confessor can absolve from this excommunication in the sacramental forum, with the burden enjoined of having recourse, under penalty of reincidence, within a month, at least by letter and through the confessor, if this can be done without grave inconvenience, the name being kept back, to the Sacred Penitentiary and of standing by its mandates (can. 2254, §§ 1 and 3). It is said:

a) **Confessor**, that is, every priest approved for hearing confessions.

b) **In more urgent cases**; a more urgent case is had if the censure cannot be observed externally without danger of grave scandal or infamy, or if it is hard for the penitent to remain in the state of grave sin for the time necessary for the competent Superior to provide (can. 2254, § 1).

c) The confessor must, under penalty of reincidence, impose the burden of having recourse to the Sacred Penitentiary within a month from the absolution received. Recourse is always necessary, so that the disposition of canon 2254, § 3, by force of which sometimes the penitent can be absolved without the burden of having recourse, cannot, as the cited canon adds, be applied to this excommunication. Therefore the obligation of having recourse urges until it has been fulfilled. The recourse is made with the name kept back, and can be made either through the confessor or by the penitent himself. If the penitent can conveniently approach the same confessor, it is better that the recourse be made through the confessor; otherwise let the penitent have recourse, unless he wishes to approach another confessor who is willing to have recourse. If the confessor refuses, the penitent is bound, unless however he is impeded by sickness or by inability to write; in that case he is excused until the impediment has ceased.

b) In danger of death any priest, even one not approved, can absolve from this excommunication, while there remains, however, for the sick person, under penalty of reincidence, the obligation of having recourse, after he has recovered, unless he has been absolved by one endowed with a special faculty, to the Sacred Penitentiary and of obeying its mandates (can. 882 compared with can. 2252). The obligation of having recourse urges from the time health has been recovered, so that recourse must be instituted as soon as possible. If it is delayed longer, the penitent falls back into the censure. For the rest, as regards recourse, the things said above under a) hold.

415 3. Things to be noted regard both the petition to be directed to the Sacred Penitentiary, and the execution of the rescript to be received, and the clauses contained in the rescript. To these we shall

add a formula for having recourse to the Sacred Penitentiary.

a) In the petition, with the assumed name of the penitent used, let there be set forth: 1. that the penitent has fallen into excommunication; 2. how many accomplice persons and how many times he absolved them; 3. whether and how many times he has been absolved from the same delict and excommunication; 4. whether he has contracted one or more irregularities from violation of the censure. This, however, can be omitted if he has already been dispensed from the irregularity by the confessor; 5. that the penitent has been absolved in danger of death, or in an urgent case, but now has recourse to the Sacred Penitentiary; 6. according to the circumstances it is laudably added that the sin of complicity was less grave, that the occasion of relapse has been removed, that a long time intervened between the grace obtained and the relapse, and that through the interval he conducted himself well.

b) If the rescript is granted in gracious form, it suffices that the penitent read it and fulfill the obligations imposed. If the confessor wrote, it is enough that the received rescript be communicated to the penitent, whether in confession or outside it. If the rescript is granted in commissory form, the execution is committed to the confessor chosen or to be chosen by the penitent, so that it can be carried out by any confessor whom the penitent has chosen. The execution must be done in sacramental confession, and indeed so that first absolution from the censure is given, then absolution from sins, finally dispensation is granted in the irregularity.

If the penitent can return to the confessor only with difficulty, it is better that the rescript be sought in gracious form.

c) Several clauses are commonly inserted into the rescript of the Sacred Penitentiary, for example:

1. The guilty person, if the penitent again approaches him, should admonish the penitent concerning the nullity of the past confessions.
2. Let him abstain, insofar as this can be done without grave scandal, from hearing the confessions of the accomplice person. This clause obliges under grave obligation.
3. Let the guilty person be warned that, if he commits another crime of absolution and obtains a similar favor from the Sacred Penitentiary, this favor will in no way profit him unless he has made mention of the present favor.
4. As regards the clause of giving up the office of confessor, if it is added, note these things:

This clause is imposed either absolutely, or with mitigation, namely insofar as, before the term fixed for giving up the office, a new recourse to the Sacred Penitentiary is permitted, if it is judged that grave causes stand in the way of resigning the office.

If it is imposed with mitigation, recourse can be had to the Sacred Penitentiary for the purpose of obtaining relaxation of the clause, after the reasons have been set forth and, according to the circumstances, also the good disposition of the penitent and the amendment of his morals have been invoked.

If it is imposed absolutely, nothing prevents the confessor from having recourse again and obtaining either relaxation of the clause or at least prorogation of the term.¹

d) **Formula for having recourse to the Sacred Penitentiary.**

Most Eminent Prince,

Titius, a priest, has incurred the excommunication reserved to the Supreme Pontiff in the most special manner, because once, or twice, or three times, he absolved an accomplice, or feigned to absolve an accomplice. Since he could not be dismissed without absolution, he received it. Now, however, through me he has recourse to the Holy See, prepared to execute the mandates which it may please Your Eminence to impose, in gracious form. Titius continued to celebrate before absolution. The office which he holds cannot be given up without grave inconvenience.

May Your Eminence deign to direct the response to me, the undersigned.

Reverently kissing the sacred purple, I subscribe with the greatest reverence which is fitting.

Your Eminence's most humble servant.

Notes. The name and domicile of the confessor should be clearly noted. The letter, however, should be addressed thus: *A sua Eminenza Reverendissima - Il Cardinale Penitenziere-Maggiore - Palazzo del S. Uffizio, Roma.*

¹ De Smet, *De absolutione complicitis et sollicitatione*, 2nd edition, n. 40.

§ III. On Solicitation to Shameful Things

416 The principal ecclesiastical documents which pertain here are:

I. The Constitution *Cum sicut nuper* of Pius IV;¹ the Constitution *Universi gregis* of Gregory XV,² to which the Holy Office added sixteen responses on February 11, 1661; the Constitution *Sacramentum Poenitentiae* of Benedict XIV,³ and *Etsi Pastoralis*, § 9, n. 5;⁴ the Instructions of the Holy Office.⁵

II. Canon 904 establishes as follows: "According to the norm of the apostolic constitutions, and especially of the Constitution *Sacramentum Poenitentiae* of Benedict XIV, June 1, 1741, a penitent must, within a month, denounce to the local Ordinary, or to the Sacred Congregation of the Holy Office, the priest guilty of the delict of solicitation in confession; and the confessor must, with the penitent's conscience gravely burdened, admonish the penitent concerning this obligation."

III. Canon 2368 declares that these penalties are to be decreed against those soliciting: "Whoever has committed the crime of solicitation of which canon 904 treats is to be suspended from the celebration of Mass and from hearing sacramental confessions, or even, according to the gravity of the delict, is to be declared incapable of receiving them; he is to be deprived of all benefices, dignities, active and passive voice, and is to be declared incapable of all these things; and in graver cases he is also to be subjected to degradation."

The law also affects the Eastern Church,⁶ not indeed by force of the Code (cf. can. 1), but by force of the earlier legislation, which the Code left in its vigor with respect to the Eastern Churches.

With these things premised, we shall speak first of those who must be denounced, then of those who must denounce, then of the manner of denouncing, finally of the obligation of the confessor with respect to the penitent who is bound to denounce; a scholion being added on the manner of receiving a denunciation.

¹ April 16 (17), 1561.

² August 30, 1622.

³ June 1, 1741.

⁴ May 26, 1742.

⁵ February 20, 1867, and July 20, 1890.

⁶ Holy Office, June 13, 1740; April 25, 1838 (*Collectanea*, n. 1282); Constitution *Etsi pastoralis* of Benedict XIV; Instruction of the Sacred Congregation of Propaganda Fide, August 26, 1775 (*Collectanea*, n. 1732).

Point I. On Those who Must Be Denounced

417 All and only priests must be denounced who themselves have provoked someone to shameful things, or who have had with someone illicit and dishonest conversations or dealings with rash daring in one of the circumstances soon to be set forth. It is said:

I. **All priests**, both seculars and regulars, both approved and not approved. It is disputed, however, whether even Bishops must be denounced. It seems that an affirmative answer must be given, because the Constitution *Sacramentum Poenitentiae* of Benedict XIV declares that "all priests ... of whatever dignity and preeminence" must be denounced (St. Alphonsus, VI, 685).

Objection. The denunciation must be made to the local Ordinary or to the Sacred Congregation of the Holy Office (can. 904). But criminal causes of Bishops, according to canon 1557, § 1, 3, and canon 2227, § 1, must be judged by the Supreme Pontiff.

Response. By establishing that all priests of whatever dignity must be denounced, the legislator seems to signify sufficiently that Bishops, as regards this cause, must be denounced to the Holy Office.

II. **And only priests**, so that laymen and lower clerics who solicit in confession while pretending to be confessors are excluded. Nevertheless, by receiving sacramental confession, according to canon 2322, 1, they contract an excommunication reserved in a special manner to the Apostolic See; moreover, the cleric is to be deposed, the layman is to be deprived of pension or ecclesiastical office, and punished with other penalties according to the gravity of the fault.

III. **Who themselves**, etc. Therefore neither those commanding or advising solicitation, nor interpreters, are to be denounced, since they act in the name of another.²

IV. **Someone**; it is the same whether the matter concerns a male or a female, and of whatever age the person may be.³

V. **They have provoked to shameful things**; wherefore observe:

1. A provocation to venereal matters is required, and therefore to grave sin, "since in venereal matters there is no smallness of matter."⁴ Moreover the provocation, as the Constitution *Sacramentum Poenitentiae* has it, can be made "whether by words, or by signs, or by nods, or by touch, or by writing." Nor does it stand in the way that the provocation is made by way of advice given.

The Sacred Penitentiary⁵ declared that the crime of solicitation is present in the following case. Tibullus, hearing the confessions of women whose husbands are often accustomed to be absent and who do not easily contain themselves, teaches and persuades these same women that they do not sin in the following cases: 1. if, by desiring their own absent husband, they suffer sensual commotion or pollution; 2. if they desire to experience this same pollution in themselves from burning love of the

absent husband; 3. if they excite pollution in themselves by touches performed with themselves, provided that they refer these acts to the absent husband. The Sacred Penitentiary adds that "this Holy Tribunal has already twice responded on this matter, and that acts of this kind are gravely illicit and that a confessor approving them must be denounced."

It is required, however, that the confessor have sinned gravely not only objectively but also subjectively. Still, subjective fault is commonly presumed to correspond to objective malice (St. Alphonsus, VI, 683).

2. It is the same whether the penitent is provoked to sin with the confessor, or with himself or herself, or with a third party. Likewise a confessor must be denounced who solicits the penitent to excite another to a sin of lust, whether to be perpetrated solitarily or with another (St. Alphonsus, VI, 691).

VI. Or they have had illicit and dishonest conversations or dealings with rash daring. Dealings, conversations, or words gravely dishonest are understood; and this even if explicit provocation to venereal matters is lacking, for conversations of this kind of themselves move toward shameful things (St. Alphonsus, VI, 680). Hence authors teach that a confessor must be denounced who would ask a married person, or one accusing himself or herself of a guilty carnal act, whether it would please him or her to be engaged in those things, what conversations the sinning person would have, what acts or motions the person would perform, and the like. If rash daring is lacking, there is no place for denunciation, when the confessor necessarily, usefully, or at least without grave fault asks about a shameful sin. Nevertheless, let him beware lest he inquire into circumstances of carnal sin which there is no obligation of declaring. For the rest, as regards V and VI, observe:

1. It is not required that the sinful act or conversation be consummated, but it suffices that it be begun, provided, however, that the confessor, when beginning these things, has the intention afterward of gravely delinquent conduct even externally and objectively. Thus, if a confessor asks the penitent where he or she lives with the intention of afterwards approaching and soliciting that person; if he hands to the penitent a paper to be read later, in which he solicits the person,⁶ or treats dishonest things (St. Alphonsus, VI, 676).
2. It is not required that the penitent consent to the provocation or shameful conversation; indeed, it is not even required that the penitent perceive the provocation or the shameful meaning of the conversation. Hence the Holy Office⁷ declared that "a girl situated in simplicity and without knowledge of the dishonesty is bound to denounce the soliciting confessor after she has become in possession of herself and has acquired knowledge of the past solicitation."
3. Finally, it is not required that the provocation or shameful conversation have been begun by the confessor; it suffices that they were begun by the penitent and that the confessor consented, provided however that he did or said something shameful, even if he immediately desists from it.⁸ Nor does it stand in the way that the confessor consented after being induced by fear.⁹

¹ Cf. De Smet, *De absolutione complicitis et sollicitatione*, 2nd ed., n. 40.

² Holy Office, February 11, 1661, responses 6 and 7.

³ Constitution *Cum sicut nuper*, § 4; Constitution *Sacramentum Poenitentiae*, § 1; Instruction of the Holy Office, February 20, 1867, response 1.

⁴ Holy Office, February 11, 1661, response 3.

⁵ September 2, 1904.

⁶ Constitution *Sacramentum Poenitentiae*, § 1; Holy Office, February 11, 1661, response 1; Proposition 6 condemned by Alexander VII (Denzinger-Bannwart, n. 1106).

⁷ May 11, 1707.

⁸ Holy Office, February 11, 1661, response 2; February 20, 1867, response 2 (*Collectanea*, n. 1282).

⁹ Holy Office, February 11, 1661, response 9.

418 VII. **In one of the circumstances soon to be set forth.** Namely, it is required that the solicitation or dishonest conversation have a connection with the sacrament of Penance, and indeed that they have place "either in the act of sacramental confession, or before or immediately after confession, or on the occasion or pretext of confession" ("even if confession itself has not followed," adds the Constitution *Cum sicut nuper*),¹ "or even outside the occasion of confession in the confessional, whether in another place destined or chosen for hearing confessions, with simulation of hearing confession there."² It is said:

1. **In the act of sacramental confession**, that is, once the accusation of the penitent has been begun, even if after the solicitation or shameful conversation the confession is not completed (St. Alphonsus, VI, 676).
2. **Before or immediately after confession.** The word "immediately" regards both before and after, so that the sense is "either immediately before or immediately after confession." This is clear both from the grammatical construction in the Constitution of Gregory XV, and from the fact that otherwise the time preceding confession would not be determined. Moreover the aforesaid word must be understood in a rather strict sense, so that no other serious action or grave business intervenes between confession and solicitation (St. Alphonsus, VI, 677).
3. **On the occasion of confession;** this has place: 1. if the confessor and the penitent are already actually prepared for confession, for example if the confessor is already seated and the penitent is already kneeling or about to kneel; 2. according to St. Alphonsus and others, with others contradicting, if the confessor invites someone to make confession immediately; if the penitent asks the confessor to hear his or her confession immediately; if the confessor, from the confession heard, for instance from the revealed frailty of the penitent, takes occasion afterward to solicit the penitent. The reason for all these is that in the cases enumerated the solicitation is rightly said to be made on the occasion of confession, since in the first two cases confession is proposed as immediately to be made, but in the later case³ confession furnished occasion or impulse for the solicitation (St. Alphonsus, VI, 678). Practically, however, a confessor who from a confession heard took occasion afterward to solicit the penitent will scarcely ever have to be denounced; both because it will not easily be clear that he was led to a gravely dishonest act from the knowledge received, for it could have happened that he sinned, or at least sinned gravely, from a conversation begun or from prolonged association; and because denunciation in the case can scarcely be made without defamation of the penitent himself or herself.

The case, at least practically, should not be judged to be present if the confessor invites, or the penitent asks, that confession be made not immediately but afterward.⁴

4. **On the pretext of confession;** this case is held, with sufficient probability, only when the confessor himself, with respect to the very person to be solicited, proposes confession with the intention of soliciting. The case is not held: 1. if the confessor, under pretext of hearing confession, obtains from the Superior permission to visit a person whom he then solicits to shameful things, because the pretext was not with respect to the solicited person; 2. if the confessor, lest household members accompany him, puts forward as a pretext that he is going to hear the confession of a sick woman, whom he afterward solicits. The reason again is that the pretext was only with respect to the household members; 3. if a woman under pretext of confession summons the confessor and afterward perpetrates sin with him, because the pretext did not arise from the confessor. But the case seems to be present "if the confessor were to solicit outside confession, and the woman refused, fearing defamation; and therefore the confessor persuaded her that, feigning herself sick, she should summon him for sinning. For then the confessor is rightly said to have solicited the woman under the pretext of confession to furnish consent" (St. Alphonsus, VI, 679).

5. **Outside the occasion of confession in the confessional, or in another place destined or chosen for hearing confessions, with simulation of hearing confession there.** In order that someone be denounced by force of this clause, it is required: 1. that he solicited or had a shameful conversation in the confessional, or in another place destined or chosen for hearing confessions; and 2. that he did these things while simulating confession. Moreover:

a) A place destined for hearing confessions is a place which, although it lacks the customary form of a confessional, is nevertheless stably destined for hearing confessions, as for example a cell in which there is a seat for the confessor and a kneeler for the penitent; or also, for instance in the sacristy or in the parlor, the very chair for the confessor together with a kneeler for the penitent.

A place chosen for hearing confessions is any other place, for instance the room of a sick person, provided however that at least by one or the other party it has truly been chosen for instituting confession.

b) Besides this, simulation of confession is required. A simulated confession is had if those who are present must judge from the circumstances, or those who would be present would have to judge from the circumstances, that true confession is being instituted. Now some hold that simulation of confession is not required if the solicitation takes place in the confessional. But this is deservedly rejected, since: 1. the rule of law is, "A clause placed in the last place is referred to all the connected preceding things"; 2. the Holy Office agrees.⁵ Here, however, note that simulation of confession is present of itself (that is, unless positive indications to the contrary are had), if the confessor and penitent are either in the confessional or in a place destined for hearing confessions; and is absent of itself (that is, unless positive indications to the contrary are at hand), if they are in a place only chosen for hearing confessions.

¹ Constitution *Cum sicut nuper*.

² Constitution *Sacramentum Poenitentiae*, § 1.

³ Santi-Leitner (*Praelectiones Iuris Canonici*, p. 230) appeal to a rescript of the Sacred Penitentiary inspected by them, in which this case is considered as comprehended by the law. Cf. De Smet, cited work, p. 46.

⁴ Holy Office, February 11, 1661, response 4.

⁵ February 11, 1661, response 15.

419 **Question 1.** Whether one who is certainly amended must be denounced.

Response. The affirmative answer must be given, both because the law does not distinguish, nor do authentic declarations found this exception; because the law intends to instill fear into all, and this end is obtained more securely if even one amended must be denounced; and because the more benign opinion gives an occasion for weakening the law. Nevertheless, in the denunciation mention should be made of the amendment (St. Alphonsus, VI, 686). Therefore only a deceased priest is excepted.¹ Some extend this to a priest who, worn out by old age and impeded by chronic illnesses, is now never going to hear confessions. But that seems altogether to be rejected for the reasons just given.

Question 2. Whether someone must be denounced in doubt whether the required solicitation took place.

Response. The answer is negative, because a law does not oblige in doubt about the fact founding the law (vol. I, n. 228). There is added that no one is to be deprived of reputation in doubt. Therefore denunciation can be omitted: 1. in doubt whether the crime here required was present; 2. in doubt whether the crime was committed in the circumstances required by law; 3. in doubt who was the soliciting confessor, unless the judge can become certain about the person soliciting from the indicated circumstances. Sometimes, however, circumstances can be such that the common good demands some denunciation (St. Alphonsus, VI, 702).

Note. The crime of solicitation is not reserved by common law.²

¹ Holy Office, March 6, 1839; Sacred Penitentiary, April 24, 1884.

² Holy Office, September 15, 1859.

Point II. On Those who Must Denounce

420 I. The persons who are bound to denounce are:

1. The solicited persons themselves (can. 904 and 2368, § 2), even immature persons. One who because of simplicity did not understand the solicitation is bound "after he or she has become in possession of himself or herself and has acquired knowledge of the past solicitation."¹ Moreover the solicited persons themselves, and they alone, are bound under penalty of excommunication according to canon 2368, § 2, as follows: "But the faithful person who knowingly has omitted, within a month, to denounce the one by whom he or she was solicited, contrary to the prescription of canon 904, incurs an excommunication *latae sententiae* reserved to no one, and is not to be absolved unless after he or she has satisfied the obligation or has seriously promised that he or she will satisfy it." Immature persons, however, are not liable to excommunication (can. 2230). It is said "within a month," that is, within a month from the obligation having become known. Moreover the solicited person is bound, even if he or she cannot prove the crime (St. Alphonsus, VI, 695).
2. It is disputed whether others who know the crime with sufficient certainty are bound to denunciation. Moreover the guilty person certainly is not bound to denounce himself.² Likewise, as regards others, who certainly are not bound under censure, once the law set forth is

considered, the negative answer is given with sufficient probability, because canon 904 speaks only of the solicited penitent. The Code indeed refers to the apostolic constitutions; but, apart from the fact that the apostolic constitutions do not speak of others,³ the Code declares only that the penitent is bound according to the norm of the said constitutions. It is clear, however, that others can be obligated by reason of the common good to be protected, and this also by force of canon 1935, § 2.

¹ Holy Office, May 11, 1707.

² Holy Office, November 17, 1626.

³ Others, however, before the Code were bound to denounce (Holy Office, February 11, 1661, response 14; March 10, 1677).

421 II. Causes excusing from the obligation. From the obligation there excuse, or at least suspend it:

1. Grave extrinsic damage or inconvenience prudently feared. The case could be present if the priest to be denounced were one who supported the solicited person; likewise if a sick person would be so disturbed by this burden that the illness would be aggravated. When the inconvenience ceases, the obligation urges.
2. An entrusted secret, but not a natural or promised secret. "No one," says St. Alphonsus, "is bound to a secret, even promised by oath, when the secret tends toward common damage. But otherwise ... if the solicitation was manifested for the purpose of asking counsel; for disclosure of the secret would then be contrary to human intercourse, and also contrary to the public good, which certainly intervenes in counsels being sought" (VI, 698).
3. In remote regions, impossibility of approaching the competent Authority without grave inconvenience excuses.¹

Intrinsic inconvenience does not excuse, such as the shame of the solicited person, or fear of arousing hatred of the one denounced.² A truly founded fear of one's own infamy, however, would excuse (St. Alphonsus, VI, 681). Nevertheless, here observe that the circumstance that the denouncing person first solicited, or consented to the solicitation, would not excuse. Still, the person cannot be questioned about consent, nor is he or she bound to manifest it; and if it is manifested, it cannot be noted in the acts.³ Moreover, "if a person known to the Ordinary himself fears some infamation from the denunciation to be made before him, the Sacred Penitentiary, having been consulted, will delegate a confessor to receive the denunciation in the name of the Holy See and to transmit it to that Apostolic See."⁴

¹ Holy Office, January 22, 1727 (*Collectanea*, n. 308); May 20, 1842 (*Collectanea*, n. 949).

² Note that the name of the denouncer is never to be manifested to the priest.

³ Holy Office, July 25, 1624; February 20, 1867.

⁴ Planchard, *De Const. Bened. XIV quae incipit "Sacra Poen."*, p. 48, note.

Point III. On the Manner of Denouncing

422 I. The denunciation must be made to the local Ordinary or to the Sacred Congregation of the Holy Office (can. 904). Moreover, the denunciation can be made to the Ordinary of the place,

whether of the denouncing person, or of the one denounced, or of the place in which the delict was committed. I said "can," because it is better that the denunciation be made to the Ordinary of the denouncing person, that is, of the solicited penitent. If it is made to an Ordinary who is not the Ordinary of the one denounced, it belongs to that Ordinary to transmit the act to the proper Ordinary of the one denounced, who can instruct the process, or to the Sacred Congregation of the Holy Office. If the Ordinary refuses to accept the denunciation, the penitent is freed from further obligation.

II. Considering the norms prescribed of themselves, the person denouncing should appear personally either "before the Bishop or his delegate with the intervention of an ecclesiastical man who holds the part of notary, and with oath and with expression and subscription of his or her name";¹ or before a confessor or another ecclesiastical man deputed by the Bishop without the intervention of a notary.² The deputed person can summon the denouncing person to himself, or he himself can approach that person.

III. Practically, let the procedure be as follows:

1. The person about to denounce, if it can conveniently be done, should approach the Ordinary, set forth the cause to him, and carry out his mandates.
2. If the person cannot conveniently approach the Ordinary, let him or her write letters to him in which the fact of solicitation, the place of the delict, the name and office of the delinquent confessor, and his or her own address are set forth. If the solicited person cannot afterward present himself or herself to the Ordinary, let this be added in the letter so that the Bishop can depute another who may receive the denunciation. If a grave reason stands in the way of someone other than the confessor being deputed, let this also be added so that the Bishop, if it pleases him, may depute the confessor, who, according as the Ordinary prefers, may receive the denunciation outside or in the confessional, but outside the act of confession.
3. If the person about to denounce can neither approach the Ordinary nor write to him, let him or her do this through another person well-disposed toward him or her. The confessor of himself is not bound to this. But if nevertheless he does it, with the names both of the one to be denounced and of the one about to denounce kept back, let him inform the Ordinary of the fact of solicitation and of the inability of the solicited person to appear and to write. Let him add whether the solicited person can conveniently and is willing to present himself or herself to a delegate from the Bishop, at least if a confessor is delegated. I said that the confessor of himself is not bound to this; nevertheless, we do not deny "that in some case, for instance if public damage were threatening somewhere and no other way were open for avoiding it, the confessor could be bound by the law of charity to undertake a burden of this kind; but this will rarely happen" (St. Alphonsus, VI, 699). Indeed St. Alphonsus at the cited place, with others, observes that "in practice it is not expedient that the confessor take upon himself this burden of carrying the denunciation in place of the penitent or of receiving it."
4. If the penitent can neither approach the Ordinary, nor write to him, nor find someone who would do either, he or she will be able to await an occasion.
5. Religious Superiors are strictly prohibited from involving themselves in these causes (can. 501, § 2).

¹ Instruction of the Holy Office, February 20, 1867, n. 6.

² Cited Instruction, n. 8.

Point IV. On the Obligation of the Confessor with Respect to a Penitent who Is Bound to Denounce

423 I. The confessor must, with the penitent's conscience gravely burdened, admonish a penitent solicited by another concerning the obligation of denouncing; nor does the penitent's good faith excuse the confessor from admonishing him or her, although even here there is sometimes place for epikeia. This is clear from the ecclesiastical documents cited or to be cited. It is said:

1. **The confessor** (can. 904); and indeed every confessor, not only one who habitually enjoys jurisdiction, but also one who possesses it only transiently, for instance by hearing the confession of a dying person.
2. **The penitent ... solicited.** Others who are not solicited but perhaps are bound by the law of charity to denounce (n. 420) must be admonished according to the common rules of admonishing.
3. **The penitent solicited by another.** For a confessor is not bound to admonish a penitent solicited by himself (n. 420). Nevertheless, for this reason the penitent is not freed from the burden of denouncing, and once the burden is known, he or she must fulfill it.¹
4. **Concerning the obligation of denouncing.** Concerning the excommunication which the penitent incurs unless within a month, from the obligation having become known, he or she has satisfied the obligation (n. 424), the penitent must be admonished according to the common rules.
5. **Nor does the penitent's good faith excuse the confessor from admonishing him or her.**² Therefore admonition concerning the obligation of denouncing must be made even if the penitent is foreseen not to be going to obey. Thus, namely, the Church established on account of the common good; for a disposition of this kind more greatly deters confessors, and more greatly consults for denunciation (St. Alphonsus, VI, 694).
6. **Even here there is sometimes place for epikeia.** Moreover, the admonition can be omitted if the penitent is in danger of death and is foreseen to be going to refuse denunciation; likewise if danger of disclosure and scandal is feared, for instance if the matter concerns a very frivolous and talkative person; likewise if the penitent did not understand the solicitation and the admonition cannot be made without scandal. If, however, he or she later understands it, the person must be admonished. Other excusing causes which are alleged by some, though few, cannot be reconciled with the severity of the law and give occasion for weakening discipline. Observe, however, that the admonition can be deferred if there is hope that the penitent on another occasion will do what would now be demanded in vain.

¹ Proposition 7 condemned by Alexander VII (Denzinger-Bannwart, n. 1107).

² Instruction of the Holy Office, February 20, 1867, response 3.

424 II. Penitents who have been admonished and entirely refuse cannot be absolved;¹ but those who can defer denunciation for a just cause, and who pledge and seriously promise that they will make it

as soon as they can, can be absolved. For the rest, observe:

1. A penitent who without just cause has omitted to denounce the one soliciting within a month from knowledge of the obligation of denouncing incurs an excommunication *latae sententiae*, reserved to no one; nor is the penitent to be absolved from it unless after he or she has satisfied the obligation or has seriously promised to satisfy it (can. 2368, § 2).
2. But if the penitent, "detained by no impediment, absolutely refuses denunciation, in this case ... the confessor is to be praised who has not denied his service to the penitent and has consulted either the Ordinary or the Holy See for opportune provisions, with the name of the penitent, however, suppressed";² namely, afterwards dispensation from the burden of denouncing was granted by the Holy See.

¹ Cited Instruction, response 5.

² Cited Instruction, response 7.

425 III. If the case occurs, let the confessor:

1. Weigh: 1. whether all the requisites, both on the part of the act and on the part of the circumstances, are present; 2. whether the penitent is worthy of faith.
 - a) As regards the first: if the external act is not ambiguous, the intention of the priest is judged to be consonant with the act; if the act is ambiguous, commonly the gravely depraved intention of the priest will also be doubtful.
 - b) As regards the other: a reason for doubting the sincerity of the penitent exists if he or she readily acquiesces in denunciation; likewise if, once the obligation has been proposed, the person begins to speak doubtfully. If doubt about sincerity remains, it is better to say only: If the things you say are true, you must admonish the Bishop; and the confessor should not provide his services to that person.
2. In doubt he cannot impose the obligation, according to the norm of the things we noted in n. 419.
3. Generally, unless the matter is manifest, before he imposes the obligation he should prudently consult someone more learned, and enjoin on the penitent that on another occasion he or she speak about the same matter.

Scholion I. On the Manner of Receiving a Denunciation, And, Once It Has Been Received, of Proceeding Further Against Those Denounced

426 I. The denunciation must be made before the Bishop or his delegate, with the intervention of an ecclesiastical man who holds the part of notary. Other witnesses cannot be present, and the Bishop can dispense from the intervention of the notary for a reasonable cause.¹ For the rest, the deputation of the delegate and of the notary, if the latter is used, must be made in writing.

II. If a confessor or another person is delegated to receive the denunciation without the intervention of a notary, a formula to be followed is handed to him by the Ordinary, or by the Holy Office.

III. Let the one who receives the denunciation see that the crime of false denunciation is reserved to the Supreme Pontiff, and let him signify to the denouncing person that no inquiry concerning consent furnished is to be instituted. For the rest, this order is regularly prescribed: first, the oath

concerning speaking the truth, to be given by touching the Holy Gospels, is to be asked from the denouncing person; then he or she is questioned according to the formula handed down by the Ordinary or by the Holy Office, with the responses immediately put into writing not only as regards substance but also as regards words; then the entire instrument is to be read aloud to the denouncing person, with the faculty being given of adding, suppressing, correcting, and changing; finally the signature of the denouncing person is to be required, or, if he or she cannot write, the sign of the cross; and while the denouncing person is still present, there is to be added the signature of the one receiving it and, if one was used, of the notary. Lastly, an oath of preserving secrecy is to be demanded from the denouncing person, with excommunication reserved to the local Ordinary or to the Holy See being threatened if necessary.²

Note. "Sometimes for a grave reason it can be permitted that one or another of the prescribed forms, with the substance being preserved, be omitted, for example the touching of the Gospels. In more difficult cases it is also permitted that the denunciation, with the prior permission of the denouncing person, lest the sacramental seal seem to be violated, be received by the confessor in the confessional seat. Indeed, when a wholly grave and altogether extraordinary cause is urgent, the denunciation will also be able to be made through a report written by the denouncing person, provided however that it is afterward confirmed by oath and signed before the local Ordinary or his delegate and notary, if one is present."³

IV. Once the denunciation has been juridically received, whether by himself or through a delegate, the Ordinary under grave obligation must signify it to the promoter of justice, who is to declare whether the crime of solicitation is present or not. Once this has been done:

1. If the Ordinary dissents from the promoter of justice, the latter must refer the matter to the Holy Office within ten days.
2. If the Ordinary agrees with the promoter of justice, or if the promoter in any way does not have recourse to the Holy Office, let the procedure be as follows:
 - a) If the Ordinary judges that the crime of solicitation is lacking, let him place the acts in the secret archive or, considering the gravity of the matters denounced, use his own right, for instance by admonishing or punishing the denounced person, although he is not guilty of the crime of solicitation.
 - b) If the Ordinary judges that the crime is present, let him proceed to an inquiry (cf. can. 1939, § 1).

IV. Let the inquiry be made in the manner set forth in the Instructions of the Holy Office of February 20, 1867, n. 9, and July 20, 1890.

V. Once the inquiry has been completed:

1. If it is established that the denunciation lacks all foundation, let this be reported in the acts, and let the documents of accusation be destroyed.
2. If vague or uncertain indications are at hand, let the acts be placed in the secret archive until something else arises.
3. If sufficiently grave indications are at hand, but not indications sufficient for an accusatory action, let the guilty person be admonished in a different manner according to the diversity of the case.

4. If certain or at least probable indications are had for an accusatory action, the guilty person must be cited (cf. can. 1946); however, an oath concerning speaking the truth cannot be administered to him (cf. can. 1744).

VI. Once the guilty person has been cited and appears, the procedure must be as follows:

1. If the guilty person confesses the crime, and his confession agrees at least substantially with the accusation, a definitive sentence can be pronounced. Nevertheless, the guilty person can either accept it or demand the regular development of the process.
2. If he does not confess the crime, or if his confession does not agree even substantially with the accusation, let the acts of inquiry be handed over to the promoter of justice, who is to draw up the libellus of accusation (can. 1954 and 1955). In the meantime the guilty person can already be suspended from sacred ministry or from hearing confessions until the end of the trial. Then let him be questioned carefully, while avoiding manifestation of the denouncing persons or of the sacramental seal. After a suitable time has elapsed, in which the defender of the guilty person prepares and exhibits the defense, and the promoter of justice prepares and exhibits the libellus of accusation or his requisition of justice, let the judge pronounce the definitive sentence according to the acts and the proofs, that is: if he is certain of the crime, let him condemn the guilty person; if he is certain of innocence, let him absolve him; if he is doubtful, let him dismiss him.
3. From the pronounced sentence both the guilty person and the promoter of justice can appeal to the Holy Office within ten days. The appeal is suspensive, while nevertheless the suspension of the guilty person perhaps issued before the definitive sentence remains firm. If appeal is made, let the acts, or an authentic copy of them, be transmitted to the Holy Office.⁴

VII. Certain things remain to be noted:

1. The Ordinary is bound to manifest at once to the Holy Office the denunciation juridically received. In addition, if the one denounced lives in another territory, let him send to the Ordinary of that place an authentic copy of the denunciation with the inquiries and declarations of the guilty person.
2. The Ordinary must signify the outcome of the juridically received cause to the Holy Office and, if the denounced person is a religious, to his Superior General.
3. If a priest who has been condemned, or only admonished, transfers his residence into another territory, the Ordinary *a quo* is bound as soon as possible to admonish the Ordinary *ad quem* concerning the antecedents and juridical status of the denounced person.
4. If the denounced person, suspended from hearing confessions but not from preaching, goes into another territory for preaching, the Superior of the denounced person, whether secular or religious, must admonish the Ordinary of the other territory that he cannot be used for hearing confessions.⁵
5. Those who are assumed for treating or defending these causes, namely the judge, the promoter of justice, the defender of the guilty person, the notary, and so forth, are bound to the secrecy of the Holy Office: the Ordinary by force of office; the ministers by oath; others absent by a precept to be

imposed on them; and indeed under penalty of excommunication *latae sententiae*, reserved to the Supreme Pontiff alone, even the Sacred Penitentiary being excluded.⁶

6. If the things set forth are difficult to observe exactly, the Holy See sometimes permits that the matter be treated in an easier manner.⁷

7. If the treatment of the matter carries with it grave difficulties, the matter, with the acts transmitted, can be referred to the Holy Office, which can hand down particular instructions.⁸

¹ Instruction of the Holy Office, February 20, 1867.

² Aertnys-Damen, *Theologia Moralis*, II, n. 426.

³ Aertnys-Damen, cited work, n. 427.

⁴ Aertnys-Damen, cited work, n. 428.

⁵ Aertnys-Damen, cited work, n. 429.

⁶ Aertnys-Damen, cited place, n. 15.

⁷ Cited Instruction, n. 16.

⁸ Cited Instruction.

Scholion II. On False Denunciation

427 I premise the canons which regard false denunciation. Canon 894 establishes: "The sole sin reserved to the Holy See by reason of itself is false denunciation by which an innocent priest is accused of the crime of solicitation before ecclesiastical judges." And canon 2363 decrees: "If anyone, by himself or through others, has falsely denounced a confessor for the crime of solicitation before Superiors, he incurs by the fact itself an excommunication reserved in a special manner to the Apostolic See, from which in no case can he be absolved unless he has formally retracted the false denunciation, and has repaired, according to his powers, the damages if any have followed from it, with a grave and lasting penance having also been imposed, the prescription of canon 894 remaining firm." Therefore two things must be distinguished: namely, the crime of false denunciation is: 1. a sin reserved by reason of itself, and indeed to the Holy See; 2. a sin reserved by reason of the censure, or one which has annexed to it an excommunication reserved in a special manner to the Apostolic See. These things having been noted, let these be the conclusions:

I. Requisites in order that the crime be reserved by reason of itself to the Holy See. There is required a false denunciation by which an innocent priest is accused of the crime of solicitation before ecclesiastical judges. It is said:

1. **A false denunciation**, made either by oneself or through another, namely "by wickedly procuring that it be done by others";¹ it can be procured by mandate, threats, or efficacious counsel. According to the more common and safe opinion, it is required that the denunciation be made juridically, that is, either personally and with the intervention of an ecclesiastical man who holds the part of notary, and with oath and subscription of one's name, or personally without the intervention of a notary.² Hence letters directed to the Ordinary do not suffice, even if they are subscribed; a fortiori anonymous letters are excluded, which have no force.³

2. **For the crime of solicitation**, that is, for a crime which, if it had taken place, would carry with it the obligation of denouncing.

3. **Before ecclesiastical judges**, that is, before the Sacred Congregation of the Holy Office, or the local Ordinary, or another delegated by them for this affair. It suffices that the denunciation has been made before them, whether they institute a further inquiry or do not institute it. Knowledge of the reservation does not seem to be required (n. 384).

II. Requisites in order that the crime be reserved by reason of the censure, or that it have annexed to it an excommunication reserved in a special manner to the Apostolic See. First the same things are required which were set forth under I,⁴ then knowledge of the censure and puberty. It is said:

1. **Knowledge of the censure**; ignorance excuses from it unless it was affected (can. 2229, § 1), crass, or supine (can. 2229, § 3, 1). Ignorance only of the reservation does not excuse (cited canon).
2. **Puberty**; since "the immature are excused from penalties *latae sententiae*" (can. 2230).

III. Absolution from false denunciation.

1. Absolution from the censure, if it has been contracted, must be put before absolution from the sin; but insofar as one can be absolved from the censure, this is explained in the treatise on ecclesiastical penalties.
2. As regards absolution from the sin, which is also reserved by reason of itself, by whom it can be given, see n. 387; but note that the reservation of the sin ceases in the cases set forth in n. 385.

¹ Constitution *Sacramentum Poenitentiae*, § 3.

² Cf. Instruction of the Holy Office, February 20, 1867.

³ Cited Instruction, n. 6.

⁴ Canon 2363, which treats of the censure annexed to the crime, indeed speaks of denunciation before Superiors, while canon 894 speaks of denunciation before ecclesiastical judges. Hence some think that, for the censure, it suffices that the denunciation be made before ecclesiastical Superiors. But by "Superiors" there seem to be understood the Superiors competent here, that is, the ecclesiastical judges of whom canon 894 speaks. Major Superiors, even of exempt religious institutes, are prohibited from involving themselves in this affair (can. 501, § 2).

Article III. On Things to Be Observed After Confession

Two things come to be treated, namely the office of preserving the sacramental seal and the obligation of repairing defects admitted in confession.

§ I. On the Office of Preserving the Sacramental Seal

428 The law of the sacramental seal¹ can be taken in a broad and in a stricter sense. Taken in a broad sense, it is the law which forbids the use of sacramental knowledge which is of a nature to redound to the burden of the penitent, and therefore, if it were licit, would render confession more difficult. I said "which is of a nature," etc., because it does not matter whether the penitent notices the use or not; it suffices that in itself it involves a burden.

Taken in the stricter sense, it is the law which forbids the use of sacramental knowledge together with manifestation, or danger of manifesting the penitent.

The prohibited use of sacramental knowledge, or violation of the sacramental seal, is distinguished as twofold: direct and indirect (cf. can. 2369, § 2). Direct violation is the use of knowledge acquired from confession together with manifestation of the sinner. Wherefore observe that it is not required that the person of the penitent be known, but it suffices that the person be sufficiently determined; for instance, if I say concerning a person meeting me and unknown to you that he or she confessed this or that. Indirect violation is judged to be the use of knowledge acquired from confession which has annexed to it the danger that the sinner be betrayed, or which involves a burden of the penitent with or without danger of manifestation of the sinner.

These things having been noted, we shall speak first of the obligation, then of the object, then of the subject of the sacramental seal, and finally we shall deduce certain corollaries from the things set forth.

¹ So called because that law covers the things heard in confession as with a seal.

Point I. On the Obligation of the Sacramental Seal

429 **I. Existence of the obligation.** This is clear first from the fact that Christ, by instituting and imposing confession, must be judged to have imposed on the confessor an obligation without which the reception of confession would be morally impossible. But the obligation of preserving the seal is such an obligation. Add that between the penitent and the confessor there intervenes a tacit contract; to this there is added the obligation of the confessor to preserve the right of the penitent to reputation. Finally, the Church confirms the obligation of the seal and decrees that both direct and indirect violation are prohibited. Thus canon 889, § 1, says: the sacramental seal is inviolable; wherefore let the confessor diligently beware lest by word or sign, or in any other way and for any cause whatever, he betray the sinner in any manner (direct violation).¹ And canon 890 says: the use by the confessor of knowledge acquired from confession, with burden to the penitent, is altogether prohibited, even any danger of revelation being excluded (§ 1).² Both Superiors existing for the time and confessors who afterward have been appointed Superiors can in no way use for external governance the knowledge which they have had concerning sins in confession (§ 2; St. Alphonsus, VI, 635).

Corollary I. The obligation of the seal is of natural law, insofar as it flows from the tacit contract and from the right of the penitent to reputation; of divine-natural law, as it is said,³ insofar as it follows upon the sacrament; and of ecclesiastical law, insofar as it is confirmed by the Church (cf. St. Thomas, Supplement, q. 11, a. 1, ad 2).

Corollary II. The obligation of the seal exists even in doubt: 1. whether some object falls under the seal; 2. whether something is known by sacramental knowledge or otherwise; 3. whether something to be said or done is opposed to the seal. The reason is that otherwise provision would not be made sufficiently for the security of the faithful who confess (St. Alphonsus, VI, 633, 637).

¹ Thus also the ancient law. In the Decree of Gratian (c. 2, dist. 6, *De poenit.*) it is declared: "Let the priest before all things beware lest he recount to anyone the sins of those who confess to him. For if he has done this, let him be deposed and go about all the days of his life as an ignominious pilgrim." Lateran IV: "Let the priest beware altogether lest by word or sign or in any other way he betray the sinner in any manner. But if he needs more prudent counsel, let him cautiously seek it without any expression of the person, since we decree that one who has presumed to reveal a sin disclosed to him in the penitential judgment is not only to be deposed from priestly office, but also to be thrust into a strict monastery for doing perpetual penance."

² Likewise Clement VIII, May 26, 1593; and the proposition condemned by decree of the Holy Office, November 18, 1682 (Denzinger-Bannwart, n. 1220).

³ There are those who think that such an obligation, which excludes exception, flows from the positive law of Christ.

430 **II. The proximate source of the obligation.** The obligation of the seal arises from every confession such that use of the knowledge received from it would turn the faithful away from confession. If the confession is sacramental, the benefit of the seal belongs to it principally; if it is not sacramental, it belongs to it participatively. Hence it arises:

1. From confession made in order to the power of the keys to a priest who can and wills to discharge the office of judge, or to use jurisdiction. Such a confession is certainly sacramental.
2. From confession made in order to the power of the keys: 1. to a priest who enjoys jurisdiction but does not will to use it; 2. to a priest who lacks jurisdiction; 3. to one who is not a priest but is regarded as a priest by the penitent; whether the aforesaid confessions are called sacramental or are not called such. The reason is that the use of knowledge received from a confession of this kind, if it were licit, would at least redound to the detriment of the sacrament, or would turn the faithful away from confession in some measure. But if it is asked whether the said confessions are sacramental, I respond that the first, which is made to a priest who does not will to use jurisdiction merely internally, seems sacramental; as regards the later ones, a reason for seriously doubting is taken from the fact that the objective relation of confession to the sentence to be rendered seems to be lacking.
3. It is disputed whether it arises from confession made to one who is neither a priest nor regarded as a priest by the penitent; for instance if someone thought that a layman could absolve in a case of necessity. Moreover, the negative answer seems to be given, because the use of knowledge drawn from such a confession does not turn one away from confession to be made before a priest.

For the rest, the obligation of the sacramental seal arises from a confession both perfect and only begun, both valid and invalid. It is also the same whether absolution is granted, denied, or deferred.

Corollary I. The obligation of the sacramental seal does not arise from a confession made without the will of receiving the sacrament, but only with the intention of speaking with the confessor, or of mocking or seducing him (St. Alphonsus, VI, 636); nor from a confession made to one who is known by the penitent to lack jurisdiction, because then there is also lacking an accusation made in order to the power of the keys.

Corollary II. The fact that someone manifests something outside confession "under the seal of confession," as they say, and another receives it in that way, cannot effect that something be covered by the seal of sacramental confession (St. Alphonsus, VI, 636). Nevertheless, "someone ought not readily receive something in this way" (St. Thomas, Supplement, q. 11, a. 2).

431 **III. Quality of the obligation.** The obligation of the seal is threefold, namely: 1. of religion, insofar as it arises from the signification of the sacrament, and the law has been issued from reverence for the sacrament; 2. of justice from the tacit contract between confessor and penitent; 3. of another species of justice, namely that which commands preserving the reputation of one's neighbor (St. Alphonsus, VI, 635).

432 **IV. Gravity of the obligation.**

1. The obligation of the law, insofar as from religion it prohibits direct violation of the seal, or revelation of the sin together with revelation of the sinner, is grave from its whole genus. The reason is that, if small matter were admitted, it would be gravely opposed to the end of the sacrament, since the faithful would be turned away from confession of venial sins, indeed even of mortal sins, fearing that the confessor might take as light what was mortal.
2. The obligation of the law, insofar as it prohibits indirect violation of the seal, is grave from its genus, but in such a way that sufficiently grave matter for constituting grave sin is easily present. Hence:

Under grave obligation there is prohibited: 1. manifestation of a thing closed by the seal together with grave or middling danger of betraying the sinner; 2. use of sacramental knowledge which involves a notable or middling burden of the penitent.

Under light obligation there is prohibited: 1. manifestation of a thing closed by the seal together with danger altogether light of betraying the sinner; 2. use of sacramental knowledge which involves a burden of the penitent altogether light.

There are not prohibited: 1. manifestation of a thing closed by the seal together with a danger of betraying the sinner which does not deserve to be noted; 2. use of sacramental knowledge which involves a burden which is not worthy of note.

433 V. Cessation of the obligation. The obligation of the sacramental seal, at least insofar as it forbids direct violation, never ceases without the license of the penitent. The penitent, however, can grant license. It is said:

1. **The obligation of the sacramental seal, at least insofar as it forbids direct violation, never ceases.** This is clear from tradition. The reason seems to be that, on account of the spiritual and common good of the faithful, sacramental knowledge, by the intention and institution of Christ, has been ordered to the sacramental forum alone, or to the good of the penitent, and as such has been altogether withdrawn from the common intercourse of men (St. Alphonsus, VI, 634). It is disputed, however, whether for protecting the seal it is licit to posit an act which, independently of the law of the seal, is intrinsically evil; for instance, whether it is licit for a married priest to use marriage which he certainly knows from sacramental confession to be invalid by natural law. The matter is doubtful to me; while the doubt stands, however, one may act according to one's pleasure.
2. **Without the license of the penitent;** and that license freely, expressly, and certainly granted, and not revoked. Presumed license is judged not to suffice, because confessors can be deceived in this matter, so that the sufficiency of presumed license would render confession odious. For the rest, license can be granted explicitly and implicitly, for instance by the very fact that the penitent begins to speak outside confession about a matter of itself closed by the seal. Nevertheless, let the confessor beware lest he extend the concession beyond the intention of the penitent. Besides this, the penitent can revoke the granted license according to his or her pleasure. Finally, note that license of this kind is not to be sought except for a grave cause, and only from those whose consent can certainly be expected to be altogether free (St. Alphonsus, cited place).

3. The penitent can grant license because the seal has been imposed in his or her favor, and the penitent can renounce that favor.

434 **Corollary I.** One who has known something by both sacramental and extra-sacramental knowledge licitly uses the extra-sacramental knowledge; nevertheless let him proceed prudently and avoid scandal (St. Thomas, Supplement, q. 11, a. 5; St. Alphonsus, VI, 638, 4).

Corollary II. One who is questioned about a matter closed by the seal should of himself repel the questioner. But if otherwise he cannot with sufficient certainty repel suspicion against the penitent, let him answer, even with an oath, that he knows nothing. "A man," says St. Thomas, "is not brought in as a witness except as man, and therefore without injury to conscience he can swear that he does not know what he knows only as God" (St. Thomas, Supplement, q. 11, a. 1, ad 3). And thus he can say or swear, even if "he has been asked to answer not as man but especially as a minister of God," indeed even if "he is additionally asked to answer without equivocation" (St. Alphonsus, VI, 646).

Point II. On the Object of the Sacramental Seal

435 The object or matter of the seal is all things known from confession which, according to what was set forth in n. 430, carry with them the obligation of the seal, and whose revelation or use would render confession more difficult. Therefore the object of the seal is:

I. Mortal sins, both in species and in genus, namely that such a penitent has sinned gravely.

II. Venial sins, both in species and in some other manner at least somewhat determinate, for instance by saying that such a penitent declared a venial sin in this confession (St. Alphonsus, VI, 640). It is otherwise if he said only that the person had at some time sinned venially.

Notorious sins also are matter of the seal: both because the confessor, insofar as he knows something as God, must always be silent; and because the liceity of manifesting a notorious confession would render confession more difficult, since penitents would easily fear that the confessor might take as notorious what was not notorious. There is added the fact that the said sins, by the declaration of the confessor, would commonly be rendered more notorious and more certain.

III. The causes, object, and circumstances of sins; for example, the blasphemies of the father on account of which the penitent was angry, or the homicide concerning which he rejoiced. If, however, the matter concerns a public fact, the penitent commonly is not judged to close it by the seal (St. Alphonsus, VI, 641, doubt 2).

IV. An accomplice and his or her sin; for the liceity of revealing these things would render confession more difficult (St. Alphonsus, VI, 640). It is licit, however, with the license of the penitent, to admonish the accomplice (St. Alphonsus, 641, doubt 1).

V. The penance imposed, unless it is very slight (St. Alphonsus, *Homo Apostolicus*, tr. 16, n. 153).

VI. Natural and moral defects are the object of the seal: 1. if they are manifested by the penitent for explaining sins; 2. probably, if they become known to the confessor from the penitent's manner of confessing or acting, and are odious or occult; but not if they are not odious and are public, such as stammering, deafness, blindness. For in this case, contrary to the former ones, no burden to confession would arise from manifestation (St. Alphonsus, *Homo Apostolicus*, tr. 16, n. 154; VI, 642, 643).

VII. The condition and status of the penitent are to be judged in the same way as defects. Hence it is not matter of the seal that someone is unmarried, married, a magistrate, a workman. Nevertheless, let the confessor beware lest he speak of these things in such a way that he suggests that the penitent has sinned against the obligations of his or her state (St. Alphonsus, cited place).

VIII. Scruples are the object of the seal; for they are declared by the penitent as sins, at least doubtful ones. Likewise scrupulosity, insofar as it designates, as commonly happens, a confused and wavering conscience, is the object of the seal, and this holds even if the scrupulosity is publicly known; for it is an odious defect, or one which is a cause of shame (St. Alphonsus, VI, 644).

IX. Virtues and gifts are not the object of the sacramental seal, unless "they are spoken of in order to explain some defect or one's own ingratitude toward God" (St. Alphonsus, VI, 641). This, however, does not prevent them from being able to be the object of a non-sacramental secret.

Point III. On the Subject of the Sacramental Seal

436 Besides the confessor, who, as minister of the sacrament to which the seal is annexed, is obligated primarily and principally, secondarily and participatively "the interpreter also and all others to whom knowledge of confession has come in any way whatever are held by the obligation of preserving the sacramental seal" (can. 889, § 2). Except the case in which the penitent himself manifests the things confessed by himself. Under the name of confession comes every accusation to which, according to what was said in n. 430, the benefit of the sacramental seal belongs principally or participatively.

The reason for the rule stated is that "otherwise provision would not have been made sufficiently for the reverence of this sacrament, nor would hatred of confession have been sufficiently removed" (St. Alphonsus, VI, 648). The penitent, who is immune from the burden of the sacramental seal, transfers the knowledge of the confession made by himself even without that burden.

Therefore, besides the confessor, the following are bound:

I. The interpreter; for he, just as one hearing a confession, of whom we shall speak immediately, has received knowledge of the confession from the very confession of the penitent. The same must be said for the same reason about one who within confession writes the sins for the penitent (St. Alphonsus, VI, 647, 3 and 8).

II. One who has heard the confession of another, whether by chance or deliberately; one who deliberately hears, by that very act, violates the sacramental secret. Those are not held to the seal who have heard a confession which someone has freely made publicly; for such a manner of acting by its nature deprives confession of the benefit of the sacramental secret.

III. Those to whom a matter closed by the seal has been sacrilegiously or imprudently revealed; likewise one to whom the confessor, with the license of the penitent, for instance for the sake of seeking counsel, has revealed the matter, unless, what cannot be presumed, the license was granted indefinitely, so that the knowledge became extra-sacramental (St. Alphonsus, VI, 647, 5; 648).

IV. A Superior or another reading letters in which the faculty is sought of absolving someone from reserved sins, or something similar, is held by the sacramental seal as follows:

1. He is held if the letters were written by the confessor after confession had at least been begun, because the one reading received knowledge of the confession through the mediation of a confessor already bound to the sacramental seal.
2. Likewise he seems to be held if the letters were written by the confessor in order to a confession to be made, or by the penitent either before or after confession. The reason is that the liceity of using knowledge received in this way seems to redound to the detriment of confession, which cannot rightly be made without the faculty having been obtained.

V. One consulted about a confession to be made to him, that is, to the one consulted, probably is held by the sacramental seal, because the consultation of the one to whom, according to the intention of the one consulting, confession will be made is so closely united with the confession that will follow that the liceity of using knowledge received in this way seems to redound to the detriment of the sacrament. The opposite must be said if someone is consulted about confession to be made before another; authors more commonly adhere to this solution of the case (St. Alphonsus, VI, 649). The opposite also must be said if the penitent consults a priest, for instance about a special case, without thinking of confession to be made to him, and, after counsel has been received, makes confession. But let the confessor beware of scandal.

VI. One reading a paper on which the penitent wrote the confession:

1. Of himself he is not held by the sacramental seal, because a paper of this kind is neither a confession nor a necessary means of making confession, so that the liceity of using knowledge of confession received in this way does not redound to the detriment of confession; in other words, it renders not confession but only the writing odious (St. Alphonsus, VI, 650).
2. He is held by the sacramental seal: 1. who reads the paper while the confessor reads it, since in that case by the writing itself sins are manifested here and now to the confessor, and he is rightly said to have drawn knowledge of the confession from the confession of the penitent; 2. who reads the paper while the penitent reads the confession from it, because, at least morally speaking, he comes to knowledge of the confession by means of confession; 3. probably, who reads the paper left behind by the confessor after confession, because in the case it seems possible to say that, through the mediation of the confessor, he received knowledge of the confession, and therefore he is held by the seal, as those assigned under III; 4. who reads the paper in the case in which it was the prescribed means of making confession, as can happen in a mute person (n. 326). The reason is that the liceity of using knowledge of confession drawn from a necessary means of confessing would redound to the detriment of confession (St. Alphonsus, cited place).

VII. One reading letters written by the confessor to the penitent, in which matters closed by the seal are treated, is held by the sacramental seal, because he receives knowledge of the confession from the confessor (cf. n. III). But one who reads letters sent by the penitent to the confessor, in which confessed matter is treated, is not held by the sacramental seal, whether this is done for the sake of completing confession or is not done for that end. The reason is that the said letters are in no way confession, nor does that so-called complement of confession have anything of confession properly so called. Moreover, the liceity of using knowledge drawn from those letters does not render confession odious, but only that so-called complement added outside a new confession.

Point IV. Corollaries from the Doctrine Handed Down

437 I. The sacramental seal is violated:

1. By one who either reproves the penitent in a loud voice or questions the penitent about sins.
2. By one who speaks about the sin of someone with another confessor, even if the penitent confessed that same sin to both.
3. By one who, for example, says about a notorious homicide that he confessed the homicide.
4. By one who, after hearing the confessions of a few, says that he heard such a sin.
5. By one who praises one penitent before the rest whom he heard by saying that the penitent confessed only venial sins (St. Alphonsus, *Homo Apostolicus*, tr. 16, n. 156).
6. By one who says that he heard a grave sin in such a convent; for then individual members of that convent, and therefore also the penitent, suffer detriment. If someone said the same about such an Order, it depends on the circumstances whether a grave, light, or almost no burden is created, and therefore whether there is grave, light, or no violation of the seal. Namely, it must be considered: 1. whether the Order is numerous; 2. whether it is notoriously relaxed or not; 3. before whom that is said; 4. whether suspicion falls upon the inhabitants of a few houses (cf. St. Alphonsus, VI, 654, doubt 2).
7. By one who without the permission of the penitent speaks with the penitent outside confession about things heard in confession.
8. By one who after confession looks upon the penitent with stern eyes, does not speak to him as he had previously been accustomed, and so forth. Likewise by one who, on account of things heard in confession, would dismiss a servant, or take keys away from him, or remove money from a chest lest he steal it. Likewise by one who, on account of things known from confession, would deny a vote to someone (St. Alphonsus, VI, 657). Likewise by one who, on account of sins declared in an earlier confession or on account of a defect of disposition then revealed, would refuse to receive someone's confession (St. Alphonsus, VI, 659).

438 **Question 1.** Whether one violates the seal who from the confession of the penitent has known that snares are being laid for him, and without the license of the penitent uses the knowledge received for his own defense.

Response. Affirmatively, if, for example, accomplices could suspect that that sin had been accused by the penitent, or if some other burden would come to the penitent from it. For the liceity of directing oneself in this way, without the license of the penitent, from the knowledge of confession would turn the faithful away from confession (St. Alphonsus, VI, 659). If the penitent threatens to inflict death on the confessor at an opportune time unless he is absolved, the confessor can avert the danger of death, because by doing this he neither betrays the sin of the penitent in any way, as is supposed, nor does the liceity of acting in this way render confession itself odious.

Question 2. Whether one violates the sacramental seal who says that in some place such a vice is spreading.

Response 1. He does not violate the seal if the vice is notorious and the place is sufficiently large, for instance about 3,000 persons; or, if the matter concerns a very infamous vice, such as sodomy or

bestiality, 6,000-7,000 Catholics. The reason is that the burden which from this comes to penitents does not deserve to be noted.

Response 2. He violates the seal if the vice is occult; likewise if the vice is notorious but the place is sufficiently narrow, for instance less than 3,000; or, if the matter concerns a very infamous vice, less than 6,000-7,000 Catholics (St. Alphonsus, VI, 654, doubt 1; *Homo Apostolicus*, tr. 16, n. 158).

If, however, the discussion concerns a notorious vice, it can easily happen that the burden is only altogether light, or even such that it does not deserve to be noted, so that there is only venial fault or even no fault.

Note. As has already been indicated above, one who does not expressly say that such a vice flourishes in some place, but on account of things heard in confession more vigorously attacks certain not unaccustomed vices, for instance drunkenness, lust, dishonest courtships, does not create a burden worthy of note, and therefore acts licitly.

Question 3. Whether one violates the sacramental seal who says that such a person confessed to him.

Response. Of itself, negatively. If, however, by a manifestation of this kind, for instance if the penitent came secretly, the confessor would introduce suspicion of grave sin, he would not only sin gravely, but also seems to violate the sacramental seal, insofar as only from the confession actually made did he know the fact of confession, and relying on that knowledge he signified the said fact to others, and by that very signification introduced suspicion of grave sin (St. Alphonsus, VI, 638). If in the case posited the confessor merely said that such a person had asked that he might make confession, he would violate a natural secret, but not the sacramental seal.

Question 4. Whether one violates the seal who says that such a person was absolved by him.

Response. Negatively, but let the confessor abstain from this, lest a burden be created for the penitent concerning whom he cannot testify to that fact.

In certificates of confession, only mention of confession should be made. But let him refer to the penitent a sacristan asking whether someone wishes to receive Communion (St. Alphonsus, VI, 639).

Question 5. Whether one violates the seal who denies a certificate of confession to an indisposed penitent.

Response 1. The affirmative answer must be given: 1. if it is denied to one asking for it outside confession; 2. if it is denied within confession in those circumstances in which it is customary to give it, or it is demanded by Superiors or by the pastor. The reason is that the denial, although it has place in confession, nevertheless produces an effect after confession, or creates a burden for the penitent (St. Alphonsus, VI, 639).

Response 2. The negative answer must be given if the certificate is sought outside the aforesaid cases; likewise, as is clear, if the confession was fictitiously made.

Objection 1, against response I. By denying the certificate the confessor says nothing, but only does not approve that confession by positive testimony, to which he is not bound.¹

Response. It is the same whether the burden follows for the penitent from a positive act or from the omission of an act. If from omission, the confessor is bound to a positive act; just as, for example, he is bound to continue conversations with the penitent with whom he had previously been accustomed to converse, and cannot in the future abstain from them on account of the confession heard.

Objection 2. Nor does it stand in the way that St. Alphonsus objects that he is held to avoiding indirect revelation, which cannot be avoided when the certificate is denied. For by the same right it would have to be said that the seal is violated by one who denies absolution; for often, when the penitent is seen to abstain from Holy Communion, for example in colleges, scarcely any other reason for his abstinence can occur to the mind of those looking on than absolution denied.²

Response. I deny the parity; since denial of absolution is not, as denial of a certificate is, the cause of the burden. The cause of the burden in the case of absolution denied is the defect of disposition in the penitent, which defect prevents him from receiving Holy Communion.

Question 6. Whether one violates the seal who from sins alone heard in confession takes occasion to ask who that penitent was.

Response 1. Affirmatively, as is clear, if from the question instituted suspicion is introduced against the penitent.

Response 2. With suspicion to be introduced excluded, it likewise seems that the affirmative answer must be given, because inquiry of this kind, relying on sacramental knowledge, seems to render confession odious.

¹ Thus some adversaries.

² Thus some adversaries.

439 II. The sacramental seal is not violated:

1. By one who remembers the sins accused; nor by one who prays for the penitent or acts more kindly toward him (St. Alphonsus, VI, 657).
2. By one who consults books and more learned persons, provided the danger that the penitent be recognized is absent.
3. By one who better fulfills the offices of his duty, for instance by questioning and instructing penitents more prudently, by watching over subjects more diligently; nevertheless let him proceed cautiously, lest the penitent be burdened or implicitly reproved (St. Thomas, in IV, dist. 21, q. 3, art. 1, sol. 1, ad 1; St. Alphonsus, cited place).
4. By one who in a sermon treats not unaccustomed matter, or more strongly turns hearers away from some not unaccustomed occasion (St. Alphonsus, VI, 654, doubt 1).
5. By one who praises the conscience of the penitent, provided an evil suspicion against others is not introduced (St. Alphonsus, VI, 638, 1).
6. By one who after absolution in the confessional speaks with the penitent about things heard in confession; nor by one who in confession speaks about those things which were declared in a previous confession (St. Alphonsus, VI, 652, 653).

7. By one who before others relates sins and so forth accused by the penitent, without naming the person and with danger of recognizing that person excluded (St. Alphonsus, VI, 638, 3). Here, however, carefully observe that a manner of acting of this kind, if it is done rashly, although the sacramental seal is not violated, is altogether to be disapproved, as follows from the Instruction of the Holy Office to the Ordinaries of places and Moderators of Religious institutes;¹ concerning this Instruction certain things must be noted. Moreover:

a) The praised Instruction, "so that even the appearance and suspicion of injury inflicted on the sacrament may be avoided, so that the pious ears of hearers may not be offended and mistrust against the sacrament may not be stirred up," 1. disapproves the manner of acting of those "who, although all things which can in any way betray the person of the penitent have been kept back, do not fear rashly to speak, whether in private conversations or in public sermons to the people, as they say, for the edification of hearers, about things submitted in sacramental confession to the power of the keys"; 2. commands the Ordinaries of places and Superiors of Religious institutes, with their conscience gravely burdened, "that if they detect any abuses of this kind anywhere, they strive to restrain them promptly and efficaciously; and that in the future, both in theological schools and in conferences on cases of morals, as they call them, and in public and private addresses and exhortations to the clergy, they take care that the priests subject to them be diligently instructed never to dare, especially on the occasion of sacred Missions and Spiritual Exercises, to touch upon anything pertaining to the matter of sacramental confession, under whatever form and under whatever pretext, not even in passing, and neither directly nor indirectly, except in the case of necessary consultation to be proposed according to the rules handed down by approved authors, in their public or private discourses; and that in the examinations for their habilitation to receive confessions they be examined particularly on this matter"; 3. "trusts that none of the Confessors will contravene prescriptions of this kind; but if the contrary happens, let the aforesaid Ordinaries and Superiors gravely admonish transgressors, strike recidivists with fitting penalties, and in graver cases refer the matter as soon as possible to this Supreme Sacred Tribunal."

b) The Instruction certainly commands the Ordinaries of places and Superiors to remove abuses, if they exist. But it is disputed: 1. whether it imposes a true precept on confessors, or merely provides and inculcates a directive norm; 2. whether or not it had the force of law; 3. whether, if it had that force, it retained it. Namely, the aforesaid Instruction was never promulgated in the *Acta Apostolicae Sedis*; it lacks the approval of the Supreme Pontiff in specific form, indeed even in common form, which nevertheless according to the Constitution *Sapienti Consilio*² is required in order that Congregations may issue law. There is added that the Code did not retain the dispositions of the Instruction, nor does it refer to it in the sources, and that ecclesiastical Authority afterward was in no way accustomed to urge the said dispositions. These difficulties, although they can be weakened and partly solved, nevertheless bring it about that the Instruction can practically, at least as regards confessors, be held as a merely directive norm.

Note. As incapable of bearing testimony there are excluded "priests, as regards all those things which became known to them from sacramental confession, even if they have been released from the bond of the seal; indeed things heard by anyone and in any way on the occasion of confession cannot even be received as an indication of truth" (can. 1757, § 3, 2).

¹ June 19, 1915 (*Monitor Ecclesiasticus* 1917, p. 199).

Scholion. On the Penalties Established Against Transgressors

440 I. The confessor who has presumed to violate the sacramental seal directly (n. 428) is subject to excommunication reserved in the most special manner to the Apostolic See (can. 2369, § 1).

II. A confessor who has violated the sacramental seal "only indirectly" (n. 428) is liable to the penalties of which canon 2368, § 1, treats (cited canon), that is, he is to be suspended from the celebration of Mass and from hearing sacramental confessions, or even, according to the gravity of the delict, is to be declared incapable of receiving them; he is to be deprived of all benefices, dignities, active and passive voice, and is to be declared incapable of all these things; and in graver cases he is also to be subjected to degradation.

III. Others who have rashly violated the sacramental seal are to be punished according to the gravity of guilt with a salutary penalty, which can even be excommunication (can. 2369, § 2).

§ II. On the Obligation of Repairing Defects Admitted in Confession

A defect committed in confession can regard either the validity, or the integrity of the confession, or another obligation.

441 I. A defect concerning validity is committed if the confessor does not absolve the penitent who is to be absolved, or does not absolve validly. Now a defect of this kind must of itself be repaired, and indeed from justice, because a tacit contract has intervened between confessor and penitent (St. Alphonsus, VI, 619). I said "of itself," for, considering the inconvenience often annexed to reparation, the obligation of repairing the defect is often lacking. For the rest, the obligation is more determined by these points:

1. If grave damage threatens the penitent, for instance if there is danger that he or she will die in the state of sin or remain in it for a long time, the confessor must repair the defect, and indeed with grave inconvenience: 1. if he committed it with grave fault; 2. if, although grave fault is absent, the confessor is a pastor, or the penitent is in grave danger of eternal damnation (St. Alphonsus, cited place).
2. If grave damage does not threaten the penitent, for instance if he or she has confessed again to another confessor, or is judged shortly to be going to confess; if, being at least attrite, which disposition can be presumed, he or she received the Holy Eucharist, the obligation of repairing the defect committed, and of admonishing the penitent about the invalidity of the prior confession, is had almost only insofar as there is an obligation of consulting for the integrity of the confession that will follow; in other words, the obligation of procuring that the penitent in the following confession subject again to the keys the sins of the prior confession. Of this obligation there will be discussion under II.

Corollary. If a penitent, not absolved or not validly absolved, returns to the same confessor, the latter is not bound to admonish him or her about the invalidity of the prior confession, provided that he consults for the integrity of the confession; to obtain this end it suffices to induce the penitent to accuse himself or herself collectively of the sins already confessed in the prior confession.

442 II. A defect concerning integrity must be repaired or supplied in this way:

1. If the confessor acted negatively, by not questioning when there was an obligation of questioning, he is not bound to supply the defect unless the penitent returns; in that case he is bound, because otherwise this new confession would not be integral (St. Alphonsus, VI, 620).
2. If the confessor positively induced the penitent to a defect of integrity, he is bound from justice to reparation, and indeed with grave inconvenience if he sinned gravely, with lesser inconvenience if he sinned lightly. If he did not sin, he is not bound, because admonition outside confession cannot be made without inconvenience (St. Alphonsus, cited place). I said above: he is bound from justice, because by a lie he took from the penitent the liberty of confessing in such a way as to be immune from the burden of integrity.

443 III. A defect concerning an obligation distinct from the obligation of integrity is to be repaired or supplied in this way:

1. If the confessor acted negatively, one must distinguish:
 - a) If from the uncorrected defect no grave damage threatens either the penitent or a third party, he is not bound to supply the defect unless the penitent returns.
 - b) If from the uncorrected defect grave damage threatens either the penitent or a third party, for instance if he did not admonish the penitent concerning the obligation of avoiding an occasion or of making restitution, the confessor is bound from charity to correct the defect, if it can conveniently be done. A graver or lighter inconvenience excuses according as the defect was committed with grave or light fault or without fault (St. Alphonsus, VI, 621).
2. If the confessor positively induced an error, one must likewise distinguish:
 - a) If from the uncorrected defect no grave damage threatens either the penitent or a third party, for instance if the confessor undeservedly exempted the penitent from the obligation of fasting, he is indeed bound of himself to correct the defect, because he is bound to prevent the cause of violating the law from remaining. But in practice there will easily be an excusing reason, especially if the confessor was not gravely culpable (St. Alphonsus, cited place).
 - b) If from the defect grave damage threatens either the penitent or a third party, for instance if he undeservedly exempted the penitent from the obligation of avoiding an occasion or of making restitution, he is bound from justice to repair the defect, and indeed with grave inconvenience if he committed the defect with grave fault; otherwise with lesser inconvenience (St. Alphonsus, cited place).

Insofar as the confessor himself can be bound to restitution because of a defect committed, see vol. I, n. 1005.

Corollary. If the penitent has departed but is foreseen to be going to return in time, it suffices to wait and to repair the defect in confession. Outside this case the defect cannot be repaired without the penitent being admonished about it outside confession. Now admonition of this kind, as being of a nature to introduce shame, cannot be made without the license of the penitent, except in the case in which the confessor omitted absolution through forgetfulness; for manifestation of this omission brings in no burden (St. Alphonsus, VI, 622).

Section II. On the Ministration of the Sacrament of Penance to Certain Persons in Particular (St. Alphonsus, *Praxis Confessarii*.)

Chapter I. On the Confession of Children

446 I. "With children he ought to use every charity and gentler ways, as far as can be done" (*Praxis*, n. 90); nevertheless the confessor, especially as regards girls, should always be mindful of due gravity.

II. Sometimes it must be seen whether they enjoy sufficient use of reason, although those who present themselves to the confessor can commonly be presumed sufficiently instructed.

III. Let the confessor take care that from the beginning they learn to confess rightly according to species and number. In questioning let him be cautious, lest the child learn to sin; besides this, let him correct an erroneous conscience when they take for a sin, or for a grave sin, what is no sin or only a light sin. Let the confessor strive especially for this: that he excite the child to true contrition. If some child is found prone to a more harmful sin, for instance to a shameful sin, let him take pains that the vice be eradicated in time (St. Alphonsus, *Praxis Confessarii*, nn. 90 and 91). Let the admonition be brief.

IV. As regards the sentence to be rendered, let the confessor follow this norm:

1. Those sufficiently certainly disposed are to be absolved, even if they have confessed only venial sins; since disposed children have a right to absolution just as adults do. Besides this, let him not easily defer absolution for a relapsing child sufficiently certainly disposed, lest, namely, the child be turned away from the sacrament or keep back sins.
2. Those doubtfully disposed are to be absolved under condition: 1. if they have certainly sinned gravely, they are to be absolved in the cases enumerated in n. 404; 2. in doubt whether they are guilty of grave sin, they are always to be absolved, whether the doubt proceeds from the matter of the sin, or from doubt about the full use of reason, or from suspicion of an erroneous conscience by which what is not grave is taken as grave; 3. if either they have sinned only venially, or it is doubted whether any sin was present, sometimes they are to be absolved (St. Alphonsus, *Praxis Confessarii*, n. 91; VI, 432). If they are dismissed with only a blessing, this should be signified to them.

Corollary I. Even to children there must be left the faculty of confessing to whomever they prefer; hence one who would establish that children should confess only to him who taught them Christian doctrine, or that girls should confess to the pastor and boys to the vicar, is especially to be reprehended.

Corollary II. A recent question was moved whether boys and girls before the years of puberty can sin gravely. Moreover, the affirmative answer must altogether be given. For first, the decree *Quam singulari*, issued by Pius X through the Sacred Congregation of the Sacraments,² declares that children around the seventh year of age are bound by the precept of annual confession. But it would not declare these things unless it judged that children from that age are capable of mortal sin, because only those who have committed mortal sin are in fact bound to confession. There is added that the decree, with the Council of Trent, on one side teaches that children are held by the obligation of Communion "when by sinning they can lose grace"; in other words, when they can sin gravely; on the

other side it declares that they are bound by the said obligation around the seventh year. Therefore, according to the mind of the one issuing the decree, grace can be lost at that age; in other words, grave sin can be committed. In addition, the decree disapproves delay of Communion for this reason, that it exposes children to the danger of losing their first innocence; this demonstrates that they are held as capable of grave sin. Finally, the whole manner of acting of children before the years of puberty shows sufficiently that they are capable of fully deliberate acts and therefore also of gravely sinful acts.

¹ Cf. Reuter, *Neoconfessarius*; Berger, *Pastoraltheologie*; Gaume, *Manuel des confesseurs*; Aertnys, *Theologia Pastoralis*; Krieg, *Wissenschaft der Seelenleitung*; Schuch-Polz, *Pastoraltheologie*.

² August 8, 1910.

Chapter II. On the Confession of the Rude, the Slow, and the Semi-Feeble

447 I. **The confession of the rude and the slow.** Insofar as and in what manner they are to be instructed if perhaps they are ignorant of the things to be known by necessity of means and of precept, this has been said in n. 396. For the rest, in accusation and in eliciting contrition they must often be helped by the confessor. If they have omitted a diligent examination of conscience, they should not be dismissed so that they may search their conscience better.

Note. The things that have been said about the rude and the slow are also to be applied to deaf-mutes who are little instructed; for the rest, compare the things said in n. 396.

448 II. The confession of the semi-feeble.

1. If with sufficient certainty they are only semi-feeble, and therefore capable of moral acts, they can rather often be admitted to the sacraments, for instance every month, provided however that here and now they are judged to have posited the acts required for penance. If it is somewhat probable that they are capable of mortal sin and guilty of it, the necessity of absolving them is to be urged still more.
2. If it is doubted whether they are capable of moral acts, they are to be absolved under condition: 1. in danger of death; 2. at Easter; 3. several times in the year, especially if there is some fear that perhaps they have sinned gravely (St. Alphonsus, VI, 432).

Chapter III. On the Confession of Habituated Persons

449 I. **Notion of the habituated person.** A habituated or customary person is one who has contracted a habit of some sin. Moreover, a habit of sin is a quality stable of itself by which someone is disposed to sin (vol. I, n. 333). Furthermore:

1. A habit of sin is obtained by frequency of acts. Nevertheless, frequency by itself alone does not suffice; rather it is required that contrary acts not be opposed to the sinful acts leading to the habit, by which contrary acts the origin of the habit would be prevented (vol. I, n. 341). Hence those who commit sins which of themselves arise rather from frailty or from a passing passion do not contract a habit of sin so easily as those who perpetrate sins which of themselves proceed more from malice. The reason is that the former, after the sin has been committed, more easily come to their senses and exercise contrary acts. Sins of the former kind are, for example,

pollution and blasphemies; of the latter kind are hatred, theft, conjugal onanism, transgressions of the precepts of the Church, and so forth.

2. The habituated person has the will in some way fixed in sin, and therefore sins from a bad will, that is, from a will constantly inclined to evil, and therefore promptly and even from slight concupiscence, and as though without an effort of resisting; whence he comes to his senses with difficulty. "When someone," says St. Thomas, "sins from habit, which is to sin from malice, then the will tends by itself into the act of sin, as though now totally inclined from habit by way of a natural inclination into the act of sin" (*De malo*, q. 3, a. 13; cf. I-II, q. 78, aa. 2, 3, and 4; II-II, q. 156, a. 3; St. Alphonsus, V, 4, 2, 3; VI, 459; *Praxis Confessarii*, nn. 70, 73).

3. It cannot be accurately defined what frequency of acts, and how much time, is required for someone to be able to be judged to have contracted a habit of sin.

a) As regards frequency of acts, a greater number of sins committed through a certain time is required if the discussion concerns internal sins, to which sins of the mouth are equated, than if the discussion concerns external sins; greater, if it concerns solitary external sins than if mutual ones are concerned. The reason for the distinction is that a habit is formed the more easily, the greater the deliberation that preceded, as is usually the case in external acts, especially in mutual ones; and the more intense the deliberate acts are, as likewise customarily happens in external acts, especially in mutual ones. Hence a lesser frequency is required in these.

b) As regards time, this likewise depends on the intensity of the acts; likewise on the manner of acting more or less uniformly. Hence, for example, you would more easily call habituated one who through a notable time pollutes himself every week than one who sins frequently in one or another week and in other weeks resists temptation.

Corollary. "One who, for example, fornicated once a month for a year can well be called habituated here" (St. Alphonsus, *Praxis Confessarii*, n. 70); likewise one who for a year once a month has given himself to drunkenness; likewise one who through a notable time either commits pollution once a week, or two or three times a week indulges in morose delectations (St. Alphonsus, cited place).

¹ Cf. Cardinal van Rossum, *Commentarius de iudicio sacramentali Ioan. B. Pighi ad trutinam vocatus*; Berardi, *De recidivis et occasionariis*; Ter Haar, *De occasionariis et recidivis*.

450 II. Division of habituated persons. For our purpose, habituated persons are divided into habituated persons who are not relapsers and habituated persons who are relapsers.

1. By us a habituated person who is not a relapser is understood as one who either has not yet confessed after the habit was contracted, or indeed has confessed but was not seriously admonished by the confessor (St. Alphonsus, VI, 459).

2. A habituated relapser is a habituated person who, having confessed and having been admonished by the confessor, has continued the custom of sin in the same manner. Thus theoretically (St. Alphonsus, VI, 459; *Praxis Confessarii*, n. 71; *Selva*, II, Instruction 4, n. 17). Practically, a habituated relapser is a habituated person who, notwithstanding confession and admonition by the confessor,¹ has relapsed: 1. quickly (St. Alphonsus, V, 505); 2. frequently (St. Alphonsus, VI, 459); 3. in almost the same circumstances as before, not on account of singular circumstances; 4.

with no assigned remedy having been used and with no effort or quasi-effort or resistance (St. Alphonsus, VI, 459, 505).

¹ The assignment of means for amending oneself also pertains to admonition.

451 III. Absolution of the habituated person.

1. A habituated person who is not a relapser, even if he furnishes only ordinary signs of disposition, can be held as sufficiently disposed and absolved. The ordinary signs are the confession itself and the assertion of the penitent (n. 399). The proposition is clear from the fact that a multitude of sins of itself does not constitute a reason for seriously doubting the sincerity of the penitent who, whether explicitly or implicitly, namely by the very accusation of himself in order to obtain absolution, asserts his sorrow for sins (St. Alphonsus, VI, 459; *Praxis Confessarii*, n. 70).

Corollary. A habituated person who has confessed and relapsed after confession can not rarely be absolved, even if he furnishes only an ordinary sign of disposition, because, if some one of the conditions indicated in n. 459 is lacking, he is often not a relapser in the strict sense.

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2. A habituated relapser who brings only ordinary signs of disposition, and, although admonished by the confessor, continues to furnish only ordinary signs:

a) **Cannot be absolved as often as he comes.** For first, the Sacred Congregation of Propaganda Fide, in the Instruction of April 29, 1784, declares that before the confessor grants absolution, it must be seen whether penitents "have used the remedies previously proposed to them, by whose help they may avoid sin in necessary and involuntary occasions; whether they have cast off the custom of sinning; whether, if at other times they have obtained the benefit of absolution, they have again relapsed from their own malice into the same crimes and have wallowed in the same mire." But these things clearly signify that, according to the mind of the Congregation, a habituated relapser who brings only ordinary signs of disposition cannot be absolved as often as he comes.

Next, as we shall say immediately, a habituated relapser who brings only ordinary signs of disposition cannot of himself be absolved even the first time, namely on account of his doubtful disposition. How much more do these things hold concerning a habituated relapser who is a relapser again and again; indeed a relapser of this kind, if he brings nothing except an ordinary sign of disposition, seems to be judged not only doubtfully disposed, but much more probably indisposed (St. Alphonsus, VI, 459, 505).

There is added experience, which teaches that "many relapsers who furnish only ordinary signs are not disposed, or at least are very doubtfully disposed."

"And truly so; for whoever has some practice of the sacred tribunal will confess that very many come to the sacrament of Penance not sufficiently disposed and not truly contrite, especially among those who in the same way continually relapse into a habit of sinning. Some are not sufficiently instructed in religious matters and are little taught concerning the necessity or conditions of true contrition which, according to Trent, are required for penance. They are so accustomed to external signs of religion that they even hold confession as a certain external ceremony, and are content provided that they obtain absolution. Others take some slight displeasure, or some feeble wish of amending themselves, as sufficient sorrow and purpose. Others approach the sacraments rather from a certain

domestic usage or ancestral custom or from a certain human respect, although without an evil design, without seriously turning their mind to correcting morals. Others are so light in mind that they scarcely think of eliciting a true act of sorrow; or, with mind rather distracted, they recite from memory or read from a book a simple formula of contrition, without serious consideration and an internal act of detestation arising from a supernatural motive. Preachers and missionaries who give to the people a series of instructions on contrition and purpose can commonly testify to these defects of true disposition; and they find them not only among the illiterate, but also among more cultivated persons who not rarely are little instructed in the matter of religion. Indeed in our age these defects are often to be feared so much the more, inasmuch as the spirit of this world, which bears before itself indifference and levity in supernatural matters but the greatest industry in earthly goods, has also bespattered with its stains quite a number of Catholics who have not yet abandoned the use of the sacraments. Come now, these generally, when asked by the confessor whether they truly grieve for their sins, give an affirmative response, and this not with a feigned but, as they think, sincere mind, and therefore they furnish an ordinary sign of disposition; and nevertheless before God they are not truly contrite."¹

Ter Haar confirms this sad experience by these testimonies.²

Leo XII: "Many present themselves to the ministers of the sacrament of Penance altogether unprepared."³

The Roman Catechism: "Charity has so grown cold that already very many of the faithful think that no intimate sorrow of soul and groaning of heart is necessary for obtaining pardon of sins, but judge that it is enough if they have only the appearance of one grieving."⁴

Segneri says: "How many there are who, through defect of purpose, make confessions invalid and often even sacrilegious! It is not one or another, but whole generations of men and women, nobles and commoners, who say: I have always confessed the evil that I did; for so many years indeed I have lived in this depraved practice, but I have always accused it. They believe themselves clean, but they are not, because they confessed without true purpose... It is indeed easy to throw oneself at the feet of the confessor, strike the breast, and say: I repent. But the chief point of the matter is to see whether you have the purpose of changing life."⁵

The Directory for the spiritual exercises of St. Ignatius, edited by the Superior General of the Society of Jesus, Claudio Aquaviva, declares concerning the usefulness of general confession: "If there were no other usefulness, this surely ought to be enough, that we experience that men commonly approach confession either without sufficient examination, or without due sorrow, with no purpose of a better life or with a very weak one."⁶

As regards the doctrine of theologians we note:⁷ the ancient theologians almost commonly teach that a formal relapser who furnishes only an ordinary sign can in no way be absolved as often as he comes. Ter Haar proves this proposition by the very testimonies of the ancient theologians.⁸ Thus, to name some, St. Thomas of Villanova, St. Charles Borromeo, St. Bellarmine, St. Francis de Sales, Venerable Louis of Granada, St. Leonard of Port Maurice, Paul Segneri, Lessius, and De Lugo, whose testimonies you may see in Ter Haar.⁹

¹ Ter Haar, *De occasionariis et recidivis*, n. 264.

² Ter Haar, cited work, n. 265.

³ Constitution *Charitate Dei*, December 25, 1825.

⁴ *De Poenitentia*, n. 67.

⁵ *Penitenza istruita*, chapter 8.

⁶ Chapter 16.

⁷ St. Thomas has these things: "Many things are expedient for the spiritual health of one relapsing ... namely, that greater caution be used concerning him" (IV Sent., dist. 32, a. 1, a. 4).

⁸ Ter Haar, cited work, n. 295 sq.

⁹ Ter Haar, cited place.

453 b) A habituated relapser who brings only ordinary signs of disposition, and, although admonished by the confessor, continues to furnish only ordinary signs, of himself cannot be absolved even the first time. This is first drawn from the Instruction of the Sacred Congregation of Propaganda Fide cited above, which sufficiently manifests that according to the mind of the Sacred Congregation, ordinary signs of disposition do not suffice even the first time if the matter concerns a habituated relapser.

Next, one who is doubtfully disposed cannot of himself be absolved (n. 398). But the penitent of whom we speak must be held as doubtfully disposed.

The minor is proved. Since the same signs of disposition are supposed to be at hand, no greater certitude can be had about the present disposition than is had about the disposition had in the past confession; indeed, on account of the continued and confirmed habit, rather less certitude must be had about the present disposition. But it is rightly doubted whether the penitent was well disposed in the past confession.

The subsumed minor is proved. If right disposition in the past confession were admitted, we would posit a penitent who had had contrition estimatively supreme and a universal, firm, and efficacious purpose, and besides this had been fortified by the grace of the sacrament; and notwithstanding all these things, he would have relapsed quickly, frequently, in the same morally considered circumstances, with no means assigned by the confessor having been used and with no effort or resistance, into the same sins. This indeed can happen, but nevertheless it is deservedly doubted whether it had place (St. Alphonsus, VI, 459, 505; *Praxis Confessarii*, n. 20). Indeed, as we have said, less certitude concerning the present than concerning the earlier disposition must be had, because the habit and culpability have increased since the prior confession, and so true aversion from sin has become more difficult.

As regards the doctrine of theologians, we note that very many support the doctrine of St. Alphonsus, as for example St. Thomas of Villanova, St. Francis de Sales, Segneri, Benedict XIII, Archbishop of Benevento, etc., whose testimonies Ter Haar brings forward.¹

Objection 1. Theologians earlier than St. Alphonsus commonly teach the contrary.

Response. By referring to those things which we noted above concerning the doctrine of theologians.

Objection 2. The penitent is to be believed, whether speaking for himself or against himself.

Response. The principle stated certainly cannot be admitted without limitation, as is clear from proposition 60 condemned by Innocent XI: "To a penitent having a custom of sinning against the law

of God, of nature, or of the Church, even if no hope of amendment appears, absolution is neither to be denied nor deferred, provided that with his mouth he says that he is sorry and proposes amendment." Besides this, the principle holds more for integrity than for the disposition of the penitent, since the penitent can err more easily as regards the latter. Finally, the principle can be urged less when, as in our hypothesis, there is deserved doubt about the truth of the past testimony. Nor nevertheless should the penitent for that reason be called guilty of lying; since commonly he deceived himself.

Objection 3. To return with the same sins is not of itself a sign either that true sorrow and purpose of amendment was lacking or that it is lacking; certainly not more than if he returned with other sins. Rather, it is only a sign of human frailty.

Response. The discussion concerns a habituated person, and such a one as not only returns with the same sins, but, after being admonished, has relapsed quickly, with no means assigned by the confessor having been used and with no effort or resistance having been furnished. In this case we do not contend that there is a certain sign that sorrow was lacking, but that there is a reason for seriously doubting whether right disposition was present, and still more whether it is present.

Instance. "That someone," says St. Thomas, "afterwards, that is, after penance, sins either in act or in purpose, does not exclude that the first penance was true, for the truth of a prior act is never excluded through a contrary subsequent act; for just as one truly ran who afterwards sits, so one truly repented who afterwards sins" (III, q. 84, a. 10, ad 4).

Response with Billuart:² "His words, that is, St. Thomas's, are not to the point. For there the Holy Doctor means that a following sin does not exclude preceding penance, supposing that it was true; because, he says, the truth of a prior act is not excluded through a contrary subsequent act. Hence, just as he truly ran who afterwards sits, so he truly repented, if he truly repented, who afterwards sins; for what has been done cannot become undone. All admit this. But the Holy Doctor does not deny that frequent following relapses are indications that the prior penance was not true," or at least that it is to be doubted.

I said that a habituated relapser who brings only ordinary signs of disposition cannot of himself be absolved; since, although he is doubtfully disposed, nevertheless he can be absolved under condition if some one of the causes assigned in n. 404 is present.

¹ Ter Haar, cited work, n. 295 sq.

² *Tractatus de Sacramento Poenitentiae*, dissertation 6, article 10.

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3. If a habituated relapser either of himself, or after being admonished by the confessor, furnishes an extraordinary sign of disposition, he can be held as sufficiently certainly disposed, and therefore can be absolved by the confessor as judge, though not always as physician (St. Alphonsus, VI, 459). It is said:

a) **Either of himself, or after being admonished by the confessor.** Namely, let the confessor admonish the doubtfully disposed penitent paternally and try to elicit an extraordinary sign of disposition by which the prejudice against his disposition is removed (n. 401).

b) **An extraordinary sign of disposition;** what the extraordinary signs of disposition are, see n. 400.

c) **He can be absolved by the confessor as judge, though not always as physician.** Namely, generally let him be absolved at once if he is a relapser from internal frailty; otherwise, if from an occasion, especially a continuous one (St. Alphonsus, VI, 456, 450, 463, 464; *Praxis Confessarii*, nn. 76, 77). I said:

a) **Generally let him be absolved at once if he is a relapser from internal frailty;** because sometimes delay is expedient or even necessary for strengthening the will, as if remedies have long been used in vain.

b) **Otherwise, if from an occasion, especially a continuous one;** in this case delay of absolution should be used, unless there is a special reason for granting absolution at once. What the special reasons are, see n. 407.

Note. If a habituated relapser in venial sins occurs, let the confessor take care either to elicit an extraordinary sign of contrition, or to "dispose the penitent to grieve especially over some light fault from which he has greater horror, or to suggest to him that he confess some graver sin of past life against some precept, for it suffices that he confess in general without number, so that he may have certain matter on which absolution can rest" (St. Alphonsus, *Praxis Confessarii*, n. 71).

Scholion. On the Confession of Those Given to Pollution or Onanism

Cf. our little work: *De virtute castitatis et vitiis oppositis*, nn. 138 sq., 114 sq.

Chapter IV. On the Confession of Those in Occasions of Sin

Article I. On Those in Occasions in General

455 I. **Notion of occasion.** An occasion is a person or external thing which creates for a person a danger of sinning.

456 II. **Division of occasion.**

1. Occasion is distinguished into remote and proximate. Remote is that which creates a light danger; proximate is that which creates a grave danger, that is, such a danger in which someone is certainly, more probably, or probably going to fall. Such are, for example, a tavern for a drunkard, a master for a maidservant seduced by him. For the rest, the presence of a proximate occasion can be gathered both *a priori* and *a posteriori*. It is gathered *a priori* when, considering the enticement of the object and the disposition of the subject, it is at least probable that someone is going to fall. It is gathered *a posteriori* through experience or frequency of falls, namely if someone in a certain occasion, considering the times in which he was exposed to the occasion, has fallen so frequently that it is probable that, with the occasion present, he is going to fall again (St. Alphonsus, VI, 452).

Many call a proximate occasion that in which someone is certainly, or almost certainly, or very probably going to fall. Hence, in order to gather from experience whether an occasion is proximate, they require that someone always, or almost always, or altogether more frequently, has sinned in it. But that the definition of St. Alphonsus handed down by us is right will be clear from what is to be said, since an occasion is already rightly called proximate when there is of itself an obligation of

avoiding it physically. But, as we shall prove, there is of itself an obligation of avoiding even that occasion in which someone is only probably going to fall.

2. Proximate occasion is subdivided into:

- a) Absolute and relative, according as it creates a danger for people commonly or for a certain person.
- b) Continuous and interrupted, according as it occurs habitually or at intervals.
- c) Voluntary and necessary. Voluntary is that which can be avoided without grave inconvenience. Necessary is that which either physically cannot be avoided or cannot be avoided without grave inconvenience. But in order that an occasion can be called necessary, an inconvenience is required the graver in proportion as the danger of damnation, the danger of sinning, the sin to be feared, and the scandal to arise from the occasion are greater. Wherefore note two condemned propositions, namely proposition 62 proscribed by Innocent XI: "A proximate occasion of sinning is not to be fled when some useful or honest cause for not fleeing occurs";² and proposition 41 condemned by Alexander VII: "A concubinary is not to be obliged to cast out the concubine if she would be too useful for the pleasure of the concubinary, commonly *regalo*, since, with her lacking, he would live life too bitterly, and other banquets would affect the concubinary with great weariness, and another female servant would be too difficult to find."³ Therefore an occasion should not easily be held as necessary. In addition note that the difficulty of renouncing the occasion is commonly exaggerated by penitents (St. Alphonsus, 452, 454).

¹ Cf. Ter Haar, *De occasionariis et recidivis*.

² Denzinger-Bannwart, n. 1212.

³ Denzinger-Bannwart, n. 1141.

457 **III. Obligation of avoiding occasions.** First it must be noted that an occasion of sinning can be avoided physically or morally: physically, that is, by removing or abandoning it; morally, that is, by bringing it about in another way that the danger of sinning ceases to persist. Next it must be observed that we are speaking expressly of occasions of sinning gravely. Now:

- 1. There is no obligation of avoiding remote occasions of sinning gravely. The reason is that such an obligation would bring with it an intolerable burden to be borne through one's whole life and continual anxieties; for occasions of this kind continually occur to a person. But it cannot be admitted that a burden of this kind has been imposed on people. Some indeed think that of itself there is a venial obligation; but the argument seems also to exclude that obligation.

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- 2. As regards proximate occasions of sinning gravely, these things hold:

- a) There is a grave obligation of physically avoiding a voluntary proximate occasion of sinning gravely. The proposition thus stated now seems commonly to be admitted, and it is deduced from proposition 61 condemned by Innocent XI: "One who is in a proximate occasion of sinning, which he can and does not will to omit, indeed directly and deliberately seeks or thrusts himself into it, can sometimes be absolved." Now the words of omitting, seeking, and thrusting oneself into it seem altogether to have to be understood of physical avoidance. Next, the proposition stated is proved by the same argument by which the proposition now to be stated is proved.

459 b) There is a grave obligation of physically avoiding a voluntary proximate occasion, as it has been defined by us; in other words, there is a grave obligation of physically avoiding also that voluntary occasion in which someone is only probably going to fall. For each person is held to avoid a danger, here and now grave, of sinning formally; or to proceed here and now in such a way that he is not probably going to sin gravely. But one who does not physically avoid a voluntary occasion in which he is probably going to fall does not avoid a danger, here and now grave, of sinning formally.

The major is clear from the fact that one who does not avoid a danger, here and now grave, of sinning formally does not truly and simply turn away from the formal offense of God, nor truly and simply turn away from his own supreme evil.

The minor is proved thus: one who does not physically avoid a voluntary occasion in which he is probably going to fall cannot avoid a danger, here and now grave, of sinning formally, except through the help of God, by which the danger here and now ceases to be grave. But one who does not physically avoid a voluntary occasion, that is, an occasion which he can easily avoid, cannot without rashness expect the help of God.

The subsumed minor is proved. The help of God, as gratuitous, cannot legitimately be expected except insofar as it is necessary. But it is in no way necessary where the occasion is voluntary, because this can easily be physically avoided; and once it has been avoided, help for resisting it is no longer required (St. Alphonsus, V, 63; VI, 452). These words of the Council of Trent are added: God does not command impossibilities, but by commanding admonishes both to do what you can and to ask for what you cannot, and he helps so that you can.¹ Likewise these words of St. Thomas: "Tempting God consists in this, when a man omits to do what he can for escaping dangers, looking only to divine help" (II-II, q. 97, a. 1).

Nor should you object that divine help can be expected, provided it is asked for. For the said help can be expected by one asking only when it is necessary. Indeed, a petition of this kind is not even honest, and therefore it can exercise no influence upon God: the petition of departing from the occasion is honest; the petition of conquering while you remain in the occasion is dishonest.

As regards the doctrine of theologians, I note that most earlier theologians of greater note adhere to the opinion defended, as Ter Haar proves by the testimonies brought forward.² St. Thomas has these things: "The weak in faith, whose subversion can probably be feared, are to be prohibited from association with unbelievers" (II-II, q. 10, a. 9). St. Alphonsus strenuously defends the same opinion in the places cited, and very many, even those who wrote after St. Alphonsus, defend it, as the praised Ter Haar again shows.³

Corollary. The genuine definition of proximate occasion is this: it is an occasion in which someone is at least probably going to fall. For a proximate occasion is that which there is of itself an obligation of avoiding physically. But from what has been said it follows that there is of itself an obligation of physically avoiding an occasion in which someone is at least probably going to fall.

Objection 1. It does not appear why he truly sins gravely who has an altogether notable probability that in this occasion which he approaches he is not going to sin gravely; for he does not choose a thing which by moral necessity brings sin with it.

Response. It suffices, as follows from the argument brought forward, that someone choose a thing such that, once it is posited, he will probably commit sin.

Objection 2. If from the nature of things or from experience it is clear that probably the sin will be avoided, this is a sign that the danger can be avoided with those ordinary helps of grace which can prudently be expected and asked by any person.

Response. I deny the consequent, since the divine help of which there is discussion cannot prudently be expected and asked in the hypothesis posited, because it is not necessary, as we have said.

Objection 3. Because by hypothesis it is also probable that sin will not follow, one who for a reasonable cause commits himself to such an occasion cannot be accused of rashness and said to will sin.

Response. I deny the consequent, since one who without grave cause exposes himself to a grave danger of a grave evil is deservedly accused of rashness. But since in the hypothesis posited it is also probable that sin will follow, the matter concerns a grave danger of a grave evil, that is, of sinning mortally.

Objection 4. In several texts of authors alleged by Berardi and Ter Haar in their favor, the question is only of probable danger, and it is not established that the authors did not understand a probability to which nothing is opposed, and which therefore would be equivalent to moral certitude.

Response. An interpretation of this kind does not agree with the customary meaning of the words.

Note. If someone without cause enters into a danger, but uses such means as remove the very impulse to sin, he is not to be said to expose himself rashly to danger; rather the danger is now not present. For example, if someone always steals when he is alone in some house, he can go there if people are present.

¹ Session 6, chapter 11.

² Ter Haar, cited work, nn. 53-55; nn. 63, 64.

³ Ter Haar, cited work, n. 65.

460 c) There is no obligation of physically avoiding a necessary proximate occasion. For one who for a grave reason exposes himself to a grave danger cannot be accused of rashness, and therefore can rightly hope that, with means having been used, he will acquire divine help by which the proximate occasion ceases to be such. "And thus surgeons are excused if they expose themselves to danger in treating women, when sometimes in the past they have already fallen because of such an occasion. And thus pastors who have experienced the same misery in receiving confessions. Thus also others are excused who cannot abandon their own office, for instance that of clerk, soldier, tavern-keeper, or merchant, without grave detriment" (St. Alphonsus, V, 63; VI, 455). The same must be said of those for whom, on account of a vehement inclination to evil, innumerable things are proximate occasions. They are indeed held to use means of not sinning, but they are not held to avoid all those things; this would be a very grave burden, and by itself alone already excuses.

461 **Question 1.** Whether one is bound, even with very grave damage, to abandon the occasion if he continually neglects to use remedies, and therefore continually relapses.

Response. The affirmative answer seems altogether to be given; for each person is held to avoid a danger, here and now grave, of sinning formally, or is held here and now to proceed in such a way that he is not probably going to sin gravely (St. Alphonsus, VI, 457). But the person of whom we speak is probably, not to say almost certainly, going to sin formally unless he abandons the occasion. Therefore he is bound to abandon it.

The minor is drawn from the fact that one who has continually neglected the remedies to be used will probably, not to say almost certainly, neglect them again, and therefore will probably sin again.

Objection. The penitent is bound only either to use the means or to avoid the occasion. Therefore the confessor cannot impose on him the obligation of avoiding the occasion.

Response. In the case the penitent is held to choose the means of avoiding the occasion, because he probably, indeed almost certainly, is not going to use the other means. Nor does the confessor impose that obligation on him, but the law of nature does. But let the confessor teach the penitent the obligation; nor of itself should he abstain from admonition for this reason, that the penitent who neglects the means will not use the more difficult means of abandoning the occasion. For, as Ter Haar observes, "often it is easier for a rightly disposed penitent to posit one very difficult and quasi-heroic act, namely to break off a morally necessary occasion, than afterward, when fervor has diminished and temptation has increased, through a long time, perhaps through months and years, daily to use those remedies of vigilance and prayer with constant struggle against his own passions and the snares of enticements."¹

Question 2. Whether one is bound, even with very grave damage, to abandon the occasion if, although he uses remedies, he nevertheless always relapses in the same way.

Response. The case will not easily occur, because a penitent who diligently uses the means will commonly be amended little by little. But if it occurs, the affirmative answer must be given, because, as we have just said, each person is held to avoid a danger, here and now grave, of sinning formally. But the one of whom we speak is probably, not to say almost certainly, going to sin formally unless he abandons the occasion. There is added that, at least in the hypothesis posited, these words of Christ urge: "If your eye scandalizes you, pluck it out and cast it from you: it is good for you to enter into life with one eye, rather than having two eyes to be cast into the hell of fire."² (St. Alphonsus, VI, 457). Finally, in the work of Pellizzari *De Monialibus*, the Sacred Congregation of the Index willed the contrary opinion to be suppressed by decree of April 21, 1693.

¹ Ter Haar, *De occasionariis et recidivis*, n. 176.

² Matthew 18:9.

462 IV. **Absolution of those in occasions.** As regards the absolution of those in occasions, these things especially come to be noted:

1. One who is in a proximate, voluntary, and continuous occasion to which he is strongly attached should not be absolved before he has physically or quasi-physically¹ abandoned the occasion, unless there is a special reason for granting absolution at once. This is deduced first from the fact that "such a penitent is indisposed for absolution if he asks for it before he removes the occasion" (St. Alphonsus, *Praxis Confessarii*, n. 66). Moreover, he is indisposed because he exposes himself to a grave danger of breaking his purpose, that is, of not removing the proximate occasion. St.

Alphonsus explains this in this way: "Removal of the occasion is a greatly arduous thing, and does not happen unless one inflicts great force on himself, so that he may be torn away from that occasion to which, because of the past adhesion of his mind, he remains strongly inclined. And therefore, if the occasion is not removed before absolution, the penitent will easily deceive himself after absolution, falsely persuading himself that he will resist temptations; and thus, with the occasion not dismissed, he will certainly return to his vomit" (VI, 454; III, 436). But if the penitent does not notice the danger, of itself he must be admonished by the confessor; and once admonished he becomes indisposed if nevertheless he wills to receive absolution immediately. There is added that the confessor as physician is of himself held to use a means without which the penitent is exposed to grave danger of breaking his purpose (St. Alphonsus, cited place). Finally, theologians by far more commonly admit the proposition stated. Thus, for example, St. Charles Borromeo, St. Thomas of Villanova, St. Francis Xavier, St. Leonard of Port Maurice, Venerable Paul Segneri, Lehmkuhl, Bucceroni, Prummer, and others, whose testimonies Ter Haar brings forward.²

What the special reasons are for departing from the rule, or granting absolution at once, see n. 407.

Objection 1. The opinion of St. Alphonsus rests on a doubtful foundation, namely that he sins gravely who exposes himself only to probable sin.

Response. By referring to the proof of that doctrine and the refutation of those things which are opposed to it (n. 468).

Objection 2. The earlier theologians only counsel, and do not prescribe, the opinion which St. Alphonsus defends.

Response. An interpretation of this kind is opposed to the obvious and clear sense of the testimonies of which there was discussion above.

¹ For instance, if the matter concerns a maidservant, by renouncing service, even if she does not depart immediately.

² Ter Haar, cited work, n. 117 sq.

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2. One who is in a proximate, voluntary, and continuous occasion should not be absolved before he has used the assigned means, unless there is a special reason for granting absolution at once. The reason is that, considering the very great blandishments of the present occasion and the danger arising from it of neglecting the assigned means, the will of the penitent must be sustained by the remedy of delay. "For I judge," says St. Alphonsus, "that the confessor as physician is bound to apply to his penitent the more opportune remedies, so that he may work his salvation; and I think that no more apt antidote can be administered to one who is in a proximate occasion than delay of absolution. For experience teaches that penitents, after they depart absolved, for the most part neglect to use the prescribed means, and thus they relapse most easily. On the contrary, when absolution is denied to them, they strive more vigilantly to carry out the remedies and to resist temptations, moved indeed by fear lest, when they return to the confessor, they again be dismissed without absolution" (VI, 456). What the special reasons are for departing from the rule or granting absolution at once, see n. 407.

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3. One who approaches a proximate, voluntary, and interrupted occasion, and returns twice or three times after being absolved without any amendment:

a) If he shows only ordinary signs of disposition, of himself he cannot be absolved; for since he has already several times not avoided the occasion, although he could easily have avoided it, there is deserved doubt about the disposition. He can be absolved under condition if some one of the causes assigned in n. 404 is present.

b) If either of himself or after being admonished by the confessor he shows an extraordinary sign of disposition, he can be held as sufficiently disposed and absolved (St. Alphonsus, VI, 454; *Praxis Confessarii*, n. 66).

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4. One in an occasion who is a habituated relapser is to be treated according as was set forth in nn. 461-463, where we spoke about habituated relapsers (St. Alphonsus, VI, 455, 456).

Corollary. Let the confessor not omit to assign to the penitent who is in or approaches a necessary proximate occasion remedies for not sinning; these are:

1. To diminish the force of the occasion. Not rarely a few words said with strong spirit, a serious threat or reproach, an opening of the mouth to cry out, or reporting the matter to someone who can apply a remedy, suffice so that the perfidious insidiator is cast down in spirit and ceases from every annoyance. Then he ought to avoid being alone with a lone person, flee all familiarity, and as far as can be done even the sight of the accomplice, not speak about him or her, not think about him or her, and similar things. In addition, if the occasion is not presently existing, he ought, insofar as can be done, to shorten his stay in it and quickly finish the necessary business.
2. To diminish the force of passion by furnishing no encouragement to it through idleness, liberty of the senses, depraved thoughts, depraved reading, intemperance, and so forth; likewise by subjecting it through labor, fasts, and other mortifications, if possible.
3. To increase spiritual strength by prayer, frequenting of the sacraments, and meditation on eternal truths. Daily, especially in the morning, let him renew the purpose of sinning no more, more profitably before a Crucifix. If the occasion is not presently existing, let him always renew the same purpose before he approaches it.¹

¹ Berardi, nn. 79-83; Aertnys-Damen, II, n. 478.

Article II. On Some Occasions in Species

§ I. On Concubinage

One must distinguish between concubinaries who are in ordinary circumstances and those who are in danger of death.

466 I. Concubinaries living in ordinary circumstances.

1. If the concubinage is public, it must be removed either by marriage or by separation; but commonly not through means by which the occasion would become remote, because in that way the danger and scandal can scarcely be removed. If that is permitted in a very rare case, let the

scandal, insofar as can be done, be removed by making public the absolute necessity of the occasion and by instituting a truly Christian life.

2. If the concubinage is occult, it can and must be removed either by marriage or by separation or, if inescapable difficulties stand in the way both of marriage and of separation, through means by which the occasion would become remote. It is said:

a) **Either by marriage;** and indeed this of itself is especially to be urged. Nevertheless, commonly one should not have recourse to secret marriage or marriage of conscience, unless the concubinaries are publicly judged to be joined in marriage (cf. treatise on marriage).

b) **Or by separation.** If marriage is morally impossible or at least is not chosen, and separation is morally possible, this must be imposed. If separation can be made shortly, the concubinaries should not be absolved before they are separated, unless there is a special reason for immediately imparting absolution (n. 471). If separation cannot be made shortly, let the concubinaries take pains that it be done as soon as possible; and then, unless a special reason is present, absolution should not be granted before they have used means of not relapsing (St. Alphonsus, III, 436). Of these means it will now be said:

c) **Or through means by which it would become remote.** The means, besides the general ones (n. 474)[†], are:

a) If the concubinaries live in the same house: 1. let each openly declare to the accomplice that he or she no longer wills to lead such a life; 2. if the concubinary turns aside to her at night, let her close the door in such a way that it cannot be opened.

b) If the concubinaries live in different houses: 1. let the concubine not open the door to the concubinary when he comes; 2. let her take care to live with another woman or at least not be found alone; 3. sometimes let it be advised that she change domicile.

467 II. Concubinaries living in danger of death.

1. If the concubinage is public, one must speak as follows:

a) If the concubinary is now deprived of the senses, let him or her be absolved under condition, and also be given Extreme Unction (cf. nevertheless n. 485).

b) If indeed the person uses the senses, but nevertheless is in extremis, so that there is no time available either for contracting marriage or for effecting separation, the concubinary, having been reduced to penance, must be absolved and fortified with the remaining sacraments. Nevertheless, care must be taken, insofar as will be possible, that the accomplice not show himself or herself, and that the dying person repair the scandal, either by himself or herself or through the priest, by asking pardon before witnesses. If this manner of repairing scandal cannot prudently be used, the very carrying of Viaticum seems to involve sufficient reparation of scandal.

c) If the illness allows delay, the occasion and scandal are to be removed through marriage or separation. If neither marriage nor separation can have place, let the person declare before witnesses as soon as possible that this impossibility is to be made public, and at the same time promise that, if perhaps he or she recovers, he or she will effect separation and will have no further association with the accomplice. In addition, let the means assigned in n. 475 be used.

2. If the concubinage is occult, the procedure is as follows:

a) As was said above under a).

b) As above under b); but reparation of scandal, as is clear, is not required.

c) As above under c); but note that in the case one can sometimes have recourse to marriage of conscience (cf. treatise on marriage).

§ II. On Courtships

468 I. Courtships or visits of lovers with a view to marriage, considering present-day morals, can be held as necessary. Nevertheless, they are commonly not made without danger, although the danger arises more from solitary courtship than from courtship as such. Solitary courtship is understood as that which has place outside the sight of others.

II. Solitary courtship for many is already *a priori*, so to speak, a proximate occasion; for many it can become a proximate occasion; and as soon as the courting persons have sinned gravely, it has become a proximate occasion and must be treated as such by the confessor.

III. That the danger may be diminished the more, let the following precautions be used:

1. Courtship should be permitted only to those who can and will enter marriage within a reasonable time. If younger persons have begun courtship, let it be deferred; if the hope of entering marriage sufficiently soon is lacking for a reason other than age, and the courtship cannot conveniently be interrupted, let the visits be diminished.

2. Let the lovers not dwell under the same roof.

3. Let them obtain the consent of parents as soon as possible; this does not prevent certain beginnings of love from sometimes being tolerated even without the parents' knowledge, namely so that they may know whether some reciprocal affection is present.

4. Let one not be alone with a lone person, or let courtship not be made outside the sight of others. This happens if it is done in a closed room; in a house while no one is present or all have gone away to bed; when a girl follows a young man to the door of the house toward evening or at night; in a remote place; in darkness, even if in a public place. It happens less when they are in a room and the mother now and then leaves very briefly on account of domestic business; scarcely or not at all when by day a young man accompanies a girl along a public road. It is also more dangerous if the courting persons deliberately seek solitude.

5. Let the visits not be too frequent, nor too prolonged.

6. If it happens that they are alone, let them not approach each other; this in itself is dangerous and gives occasion to immodest touches.

7. Let them fortify themselves with spiritual helps, especially frequency of the sacraments.

Corollary. The breaking off of a courtship should not easily be imposed on account of sins alone, namely if otherwise nothing stands in the way of the courtship; rather, in every way, even by delaying absolution for those who relapse, let care be taken that one is not alone with a lone person. I would say this: 1. because solitary courtship, rather than courtship itself, is the occasion of sinning; 2.

because a courtship to which otherwise nothing is opposed cannot be broken off without sufficiently grave inconvenience; and 3. because, even if it is broken off, afterward it is easily renewed. But if courting persons who have sinned can, on account of singular circumstances, converse only alone, the courtship is rightly called a necessary occasion, since to renounce a courtship to which otherwise nothing stands in the way is a grave inconvenience.

§ III. On Domestic Dangers

469 I. A maidservant who yesterday yielded to solicitation, or who because of frailty is exposed to grave danger of yielding to it, is bound to seek another service; and, if for this purpose it is necessary, to warn her parents that she is exposed to danger. "These things, however," adds St. Alphonsus, "are to be understood if a person of this kind is frail and little devout; for if she were given to piety and cautious, and used suitable remedies for repelling temptations and for meeting passion, then I would not bind her to remove the occasion" (VI, 452). Likewise a maidservant must seek another service if the son of the household or a fellow servant is for her a proximate occasion of sinning, unless by warning the master or the son's parents she can put an end to the occasion and prefers to do so (St. Alphonsus, VI, 439). The master himself is bound, if it can be done without grave inconvenience - of which kind would be his wife's suspicion - to dismiss the maidservant under one pretext or another.

II. A young man for whom a brother lying in the same bed is an occasion of sinning is bound, if there is hope, to seek a change of bed, and, if for this purpose it is necessary, to warn his parents about his brother's wickedness. If a change of bed cannot be hoped for, he is nevertheless bound to warn his parents, unless the brother wholly desists from shameful acts.

§ IV. On Dances

470 I. "Dances according to themselves are not evil, nor acts of lust, but of joy" (St. Alphonsus, III, 429). Nevertheless, they can be illicit by reason of the end, for example for the sake of seeking lust, which more easily happens in masked dances than in others; by reason of danger, especially because of the manner in which they are held; by reason of scandal; likewise by reason of danger arising from the fact that young men and girls, after dances have been held, go home without a companion. Besides this, even respectable dances should therefore also, as far as can be done, be kept away, because, especially if they become more frequent, they foster levity of mind both in young men and in girls, and diminish their devotion. Children's dances (*bals d'enfants*) likewise are greatly to be disapproved.

As regards the danger attached to dances, note: dances which are held publicly are commonly more dangerous than those which are led among a few families; likewise there is greater danger in dances which are conducted with masks; dances of the wealthy, by reason of dress, and popular dances, by reason of levity in acting and speaking, not at all rarely carry grave danger with them; and generally the matter depends much on social condition and education.

II. As regards the proximate occasion which dances are naturally suited to constitute, I would say as follows:

1. Very immodest dances, whether by reason of dress or nakedness, or by reason of the manner in which they are conducted, are commonly a proximate occasion of sinning.

2. Fairly immodest dances create a proximate occasion for many, especially young men. To these are numbered many dances used today, which require a close embrace of the dancers and also furnish occasion for contacts of bodies. The reason why the said dances, although fairly immodest, constitute a proximate occasion only for many - but not commonly, especially as regards girls - is this: because the mind during dancing is distracted to other things and especially occupied with rhythmic movements, which keeps many from intense impure thoughts.
3. Respectable dances by reason of themselves are a proximate occasion for some. They can, however, easily be - and this is also to be applied to other dances - a proximate occasion by reason of the lack of a companion on the return.

Corollary. Very immodest dances are to be prohibited. As regards others which are a proximate occasion for the penitent, one must see whether they create danger by reason of themselves or by reason of the lack of a companion. If the first has place, the dances themselves are to be wholly prohibited to the penitent, unless a grave reason excuses, for example the absolute will of parents or of a husband; and this prohibition, if the matter concerns fairly immodest dances, is to be urged even more because of the scandal attached to them. If the second happens, the obligation of not going home without a companion is to be urged.

III. Those who introduce dances easily sin gravely, whether by promoting them, or by holding them, or by giving over a house for holding them. If, however, the custom flourishes in all neighboring parishes, it is almost equivalent to existence in one's own parish. Besides this, innkeepers are bound to take care that all things are done respectably.

IV. Where the custom of dances does not exist, the pastor and confessors should prudently keep them away, even respectable ones. Where it exists and cannot prudently be abolished, one must labor so that they are not prolonged too much, and so that young men and girls do not return home without a trustworthy companion. Besides this, pastors and confessors, insofar as it can prudently be done, should turn the faithful away from dances.

§ V. On Theatrical Spectacles

471 I. Theatrical spectacles can be dangerous both by reason of themselves and by reason of dances which are inserted; and rather often, because of the dancers' dress, manner of dancing, and lascivious gestures, they strongly excite to venereal things.

II. As regards the proximate occasion which they are naturally suited to constitute, hold these things:

1. Very immodest spectacles and dances are a proximate occasion for very many. Likewise spectacles notably contrary to religion create grave danger for many.
2. Fairly immodest spectacles and dances are a relative occasion; lighter ones are a grave danger for some (St. Alphonsus, III, 427).
3. If spectacles are attended especially for hearing music, the danger is more easily removed, provided the theaters are not too foul. And as regards dances, it must be noted that spectators can more easily leave on occasion of them.

III. In doubt whether a spectacle which will be exhibited is shameful or contrary to religion, to attend it is of itself illicit. Besides this, the confessor should prudently turn penitents away, especially from

attending public theaters, also for this reason: because frequenting theaters, just as frequenting dances, promotes levity of mind and diminishes devotion.

§ VI. On Evil Writings

472 I. Books and newspapers professedly or notably contrary to religion or good morals are commonly a proximate occasion. Of this kind are, for example, socialist newspapers and many novels. Books and newspapers which do not oppose religion or good morals so notably are a relative occasion. To this are referred several liberal newspapers and many novels, as being erotic.

II. In doubt whether a book is dangerous, to read through it is illicit.

§ VII. On Evil Associations

473 I. As regards societies properly so called, compare what was said in volume I, n. 509.

II. As regards the danger which associates create in a workshop, in military houses, etc., these occasions are commonly necessary. Let the confessor be greatly intent on this: that those living in the occasion frequent the sacraments.

III. Frequenting unbelievers, if the matter concerns familiar and habitual conversation, easily carries grave danger with it. Otherwise one must speak about rare and interrupted conversation. Nevertheless, the so-called circles are more dangerous, especially those of younger people, which are set up, for example, for the sake of playing games or cultivating musical art, whether young men and girls come together at the same time, or both Catholics and non-Catholics are enrolled in them.

§ VIII. On Evil Schools

474 These matters were treated at length in volume I, n. 714 sq.

Appendix. On External Circumstances to Be Observed

444 I. Place.

1. The proper place of sacramental confession is a church or a public or semi-public oratory (can. 908); hence, of itself, it is better that even the confessions of men be received in some one of the places assigned. As regards women, there is an obligation insofar as the confessional seat in which they must be heard is generally to be placed in such a place. But "it is licit to receive the confessions of men even in private houses" (can. 910, § 2).

2. The confessions of women should not be heard outside the confessional seat except for a cause of illness or other true necessity, and with the precautions which the local Ordinary has judged opportune (can. 910, § 1). For the rest, observe:

a) The confessional seat for hearing the confessions of women is always to be placed in an open and conspicuous place, and generally in a church or public or semi-public oratory destined for women (can. 909, § 1). Since "generally" is said, for a just cause it is licit to erect the confessional seat in another open and conspicuous place, for instance in the sacristy or in a room annexed to the church or oratory.

b) The confessional seat should be furnished with a fixed grating, finely perforated, between penitent and confessor (can. 909, § 2).

c) Even the confessions of men must be received in such a seat if they are received in a church or public oratory.¹

¹ Pontifical Commission, November 24, 1920 (A.A.S. 1920, p. 573).

445 II. **Vesture.** "Let him use a surplice and a violet stole, as time or the custom of places will allow."¹ Moreover, many regulars, either through direct concession or through communication of privileges, enjoy the faculty of using only the stole in church.

As regards the custom of using nothing except the stole alone or only the surplice, the response was: "Let the Roman Ritual be observed."² And finally it was declared: "It is fitting that in church a stole be used, according to the decrees of the Sacred Congregation of Rites."³

¹ Roman Ritual, title III, chapter I, n. 10.

² Sacred Congregation of Rites, March 23, 1882 (n. 3542, response 3); cf. Sacred Congregation of Rites, July 7, 1877 (n. 3426, response 4).

³ Sacred Congregation of Rites, August 31, 1867 (n. 3158, response 2).

Part III. On the Reception of the Sacrament of Penance

479 Since the acts of the penitent, placed in order to the reception of the sacrament of Penance, constitute its proximate matter, those things which regard the reception of the sacrament are already comprehended in what has been set forth above. Hence it suffices, by way of very brief repetition, to note these things:

I. In order that someone be capable of receiving the sacrament of Penance, it is required that he be baptized and have sinned after baptism. If he has not sinned after baptism, the matter concerning which the sacrament is engaged is lacking.

II. In order that someone validly receive the sacrament of Penance, besides intention it is required that he be contrite and subject his sins to the keys. For contrition and confession constitute the proximate matter of the sacrament.

III. In order that someone receive the sacrament fruitfully, contrition is required which is estimatively supreme and universal; whether such contrition is required for validity is disputed (n. 299).

IV. In order that someone licitly receive the sacrament of Penance, it is required that, if he is excommunicated or personally interdicted, he first be absolved from the censure (cf. the treatise on ecclesiastical penalties). One who receives the sacrament illicitly, because of defect of contrition, also receives it invalidly, unless he proceeds in good faith.

Appendix. On Indulgences

480 (St. Thomas, *Supplement*, q. 25-27; St. Alphonsus, *Theologia Moralis*, book VI, n. 531-538; *Homo Apostolicus*, treatise 16, n. 62-72).

The sacrament of Penance was instituted by Christ the Lord for remitting both guilt and eternal and temporal punishment due for sins committed. It happens, however, that not every temporal punishment is remitted through the sacrament. Now the punishment surviving can be remitted both through other sacraments, and through good works - since in each there is a satisfactory value - and through indulgences. Hence the dissertation on indulgences is suitably attached to the treatise on the Sacrament of Penance, inasmuch as it is ordered to the integral remission of sins.

We shall speak first of indulgences generally, then of some indulgences in particular.

Part I. On Indulgences Generally

We shall discuss first the notion or essence, existence, and division of indulgences; then their concession; then their gaining; finally the transfer, suspension, and cessation of indulgences.

Section I. On the Notion, Existence, and Division of Indulgences

481 I. **Notion.** An indulgence is the remission before God of temporal punishment due for sins which, as far as guilt is concerned, have already been blotted out, which ecclesiastical authority grants from the treasury of the Church outside the sacrament, for the living by way of absolution, for the departed by way of suffrage (canon 911).

It is said:

1. **Remission of temporal punishment;** but not of guilt, whether mortal or venial; nor of eternal punishment, but only temporal punishment.
2. **Before God.** This is clear both from proposition 19 of Luther condemned by Leo X: "Indulgences are of no value for those who truly gain them for the remission, before divine justice, of punishment due for actual sins;"² and from the authentic declaration of Pius VI issued against propositions 40 and 41 of the Synod of Pistoia.³

Besides this, indulgences are worth as much before God as the Church expresses in her words; so that, for example, a plenary indulgence of itself remits all temporal punishment, and an indulgence, for example, of one year of itself is worth only as much as one year of penance would be worth, passed according to the penitential canons, independently of the devotion or fervor of the subject. The reason is that "the quantity of the effect follows the quantity of its cause. But the cause of the remission of punishment in indulgences is nothing except the abundance of the merits of the Church, which is sufficient for expiating the whole punishment; but the devotion, or labor, or gift of the one receiving the indulgence, or the cause for which the indulgence is given, is not the effective cause. Hence the quantity of the remission ought not to be proportioned to any of these things, but to the merits of the Church, which always superabound" (St. Thomas, *Supplement*, q. 25, a. 2). "Nor in this is too great a market made of the mercy of God, as some say; nor is derogation made from divine justice, because nothing of the punishment is remitted, but the punishment of one is reckoned to another" (St. Thomas, cited place).

3. **Due for sins which, as far as guilt is concerned, have already been blotted out.** For while the guilt remains, the punishment corresponding to it cannot be remitted. But once guilt has been remitted, not necessarily every temporal punishment is remitted.
4. **Ecclesiastical authority,** since to it alone belongs disposing of the common treasury. Who are the subjects of this power is explained in n. 494.
5. **From the treasury of the Church.** By the treasury of the Church is understood the accumulation of satisfactions of the Saints, both those reigning in heaven and those dwelling on earth, which they did not apply to others. Namely, to every good work proceeding from grace there belongs a threefold value: meritorious, insofar as, when the other conditions have been fulfilled, it confers a right to a just reward; impetratory, insofar as it has the force of obtaining goods from God by supplication; satisfactory, insofar as by reason of the difficulty of the work itself and at least by

reason of the reluctance of our nature, it can satisfy the injured justice of God. Now the satisfactions of Christ, certainly of infinite value, and likewise the satisfactions of the saints, insofar as they were neither necessary for blotting out their own punishment nor applied by them to other persons, constitute, as it is called, the treasury of the Church.

6. **Outside the sacrament;** by which indulgence is distinguished from the remission of punishment which is made by the power of the keys in the sacrament of Penance.

7. **Grants for the living by way of absolution, for the departed by way of suffrage.** Namely:

a) An indulgence granted to the living is a judicial act by which the Church definitively applies the satisfactions of Christ and the Saints to her subjects in substitution for the temporal punishment still due for guilt that has been remitted. Therefore it is made by way of absolution, or is a quasi-absolution; but it is not a pure and simple absolution, because it has payment attached, insofar as it applies to the faithful satisfactions rendered by others. Hence St. Thomas says: "One who receives indulgences is not, simply speaking, absolved from the punishment due, but it is given to him so that he may pay the debt" (*Supplement*, q. 25, a. 1, ad 2).

b) An indulgence for the departed - over whom the Church lacks jurisdiction - involves the Church, from her power of administering her treasury, offering - or granting the one gaining the indulgence the right of offering in her name - to God the satisfactions of Christ and the Saints, praying to Him that He will accept them in substitution for the punishment to be paid by the departed. Hence an indulgence of this kind is valid only by way of suffrage.

From what has been said it follows that an indulgence granted to the living, when the things to be observed have been observed, has an infallible effect. But as regards the effect with respect to the departed, it is disputed whether or not it is infallible. Some affirm, because God, by the very fact that He gave the Supreme Pontiff the power of granting indulgences for the departed, seems also to have bound Himself by a promise to apply indulgences to them. Others deny this, or at least think that the application of the whole value, and to the designated souls, is not infallible, because such a divine promise is not proved in any way. For the power of the Church to grant indulgences for the departed involves only the competence of offering to God for the departed the spiritual treasury entrusted to herself, that is, to the Church. But a competence of this kind does not prove a divine promise of accepting what is offered. The response of the Sacred Congregation of Indulgences, dated July 28, 1840, taken in its obvious sense, favors this opinion: "By an indulgence of a privileged altar, if the mind of the one granting and the use of the power of the keys are considered, there is to be understood a plenary indulgence which immediately frees the soul from all the punishments of purgatory. But if the effect of the application is considered, there is to be understood an indulgence whose measure corresponds to the good pleasure and acceptance of divine mercy" (St. Alphonsus, VI, 534, under 10).

¹ Cf. Beringer-Steinen, *Die Ablässe*; Fanfani, *De indulgentiis: manuale theoretico-practicum*; Stein, *De indulgentiis lucrandis*.

² Denzinger-Bannwart, n. 759.

³ Denzinger-Bannwart, n. 1540 and 1541.

482 II. **Existence of indulgences.** The existence of indulgences must be admitted if it is proved: 1. that there exists in the Church a treasury of satisfactions which in itself suffices for blotting out

before God the temporal punishment due for sins; 2. that these satisfactions are applicable to the faithful; 3. that the Church enjoys the power of applying them. Now:

1. There exists in the Church a treasury of satisfactions which in itself suffices for blotting out before God the temporal punishment due for sins. This follows from the propositions of Luther condemned by Leo X. For, as we noted above, in proposition 19 he condemned Luther's doctrine which teaches that indulgences are not of value for the remission, before divine justice, of punishment due for actual sins; and in proposition 17 the same Supreme Pontiff condemns this: "The treasures of the Church, from which the Pope gives indulgences, are not the merits of Christ and of the Saints."¹ Hence there exists in the Church a treasury of satisfactions which in itself suffices for blotting out before God the temporal punishment due for sins. Besides this, the existence of such a treasury is clear from the superabundant and infinite satisfaction which belongs to the works of Christ, as being a divine Person, and which He offered to God the Father for us.
2. The said satisfactions are applicable to the faithful. This is clear from the condemned propositions cited; as regards the satisfactions of Christ, it is furthermore clear from the work of redemption, by which the Savior satisfied God for us; as regards the superabundant satisfactions of the Saints, it follows from the dogma of the communion of Saints, by virtue of which a mutual participation of goods is had in the Church.
3. The Church enjoys the power of applying them; this is proved in Section II.

¹ Denzinger-Bannwart, n. 757.

483 **III. Division of indulgences.** Indulgences are chiefly divided:

1. Into plenary and partial, according as of themselves they wholly or partially remit the punishment due for sins. Now when an indulgence is granted, for example, of one year, the sense is that so much punishment is remitted to someone as would be remitted to him if for a year he performed the penance once customarily imposed for sins according to the canons (St. Alphonsus, VI, 535). By quarantines, however, which are sometimes attached to years - for example, an indulgence of seven years and seven quarantines - there is not understood some time beyond the years themselves, but that part of the year in which a harder penance was prescribed, namely the time of Lent.
2. Into personal, local, and real, according as they are granted only to certain persons, for example religious or members of a confraternity; or are affixed to certain places, for example to a church or altar, that is, to their pious visitation, etc.; or are attached to certain things, for example rosaries, medals, etc., that is, to the pious use of them.
3. Into temporary and perpetual, according as they are granted in perpetuity or only for a definite time.
4. Into indulgences for the living only, for the departed only, and for both the living and the departed.

Corollary I. From what has been said it follows how deservedly canon 911 states that indulgences are to be held in great esteem, and that their use - which is of faith¹ - is most salutary. For

indulgences, besides remitting temporal punishment, stir the faithful to contrition and other salutary works, since they are not granted except to penitents and under definite conditions.

Corollary II. Those who make gain from indulgences are guilty of simony (vol. I, n. 621); indeed, by canon 2327 they are punished *ipso facto* with excommunication simply reserved to the Apostolic See.

¹ Council of Trent, session 25, Decree on Indulgences.

Section II. On the Concession of Indulgences

484 I. **Existence of the power in the Church of granting indulgences.** That the power of dispensing indulgences belongs to the Church is of faith from Trent;¹ and it follows from the power which Christ conferred on the Church of remitting sins and opening the kingdom of heaven to believers;² for to the perfect remission of sin and to the opening of the kingdom of heaven there also belongs the removal of temporal punishment still remaining after the guilt of sins has been remitted. That this power can be used outside the conferral of the sacrament is clear from the general sense of the words, which also contain the power of teaching and of making laws; and this certainly has place outside the sacrament. Besides this, the whole tradition from the first centuries has recognized this power in the Church.³

¹ Council of Trent, session 25, Decree on Indulgences.

² Matthew 16:18.

³ Cf. Fanfani, cited work, p. 19-22.

485 II. **Subject of the power.** The Supreme Pontiff alone, by his own and full right, can grant indulgences (canon 912). The reason is that he, and he alone, can dispose of the common treasury of the Church to whom the government of the whole Church has been committed. Now the Supreme Pontiff commonly exercises the said power through the Sacred Penitentiary, whose office it is to judge all those things which regard the use and concession of indulgences, without prejudice to the right of the Holy Office to see to those things which regard dogmatic doctrine concerning the same indulgences or concerning new prayers and devotions (canon 258, § 2). Those inferior to the Supreme Pontiff can dispense indulgences by ordinary power only insofar as this has been expressly granted to them by law. Now the law states:

1. As regards a plenary indulgence.

a) Bishops, each in his own diocese, can impart the papal blessing with a plenary indulgence, according to the prescribed formula, twice a year, that is, on the solemn day of the Resurrection at Easter and on another solemn feast day designated by themselves, even if they have only assisted at the solemn Mass (canon 914). If some Bishop has several dioceses to be governed, he cannot, by his own right, transfer in one of them to another day the papal blessing attached to Easter of the Resurrection.¹

b) Abbots or Prelates nullius, Apostolic Vicars and Prefects, even if they lack episcopal dignity, can do the same, namely impart the papal blessing with a plenary indulgence according to the prescribed formula, in their territories on only one of the more solemn days during the year (cited canon).

c) Regulars who have the privilege of imparting the papal blessing are not only bound by the obligation of observing the prescribed formula, but also cannot use this privilege except in their own

churches and in the churches of nuns or tertiaries lawfully aggregated to their Order; but not on the same day and in the same place² where the Bishop imparts it (canon 915).³

d) A pastor or another priest who assists the sick has the faculty of granting to them the apostolic blessing with a plenary indulgence at the point of death, according to the form handed down by approved liturgical books, and he should not omit to impart this blessing (canon 468, § 2).

e) Bishops, Abbots or Prelates nullius, Apostolic Vicars and Prefects, and major Superiors of exempt clerical religious institutes can designate and declare one daily perpetual privileged altar, provided another is not already had, in their cathedral, abbatial, collegiate, conventual, parochial, and quasi-parochial churches, but not in public or semi-public oratories, unless they are united to a parish church or are subsidiary to it (canon 916).

2. As regards partial indulgences.

a) Cardinals, from their promotion in Consistory, enjoy the faculty of granting indulgences of two hundred days, even to be gained as often as often, in places or institutes and for persons of their jurisdiction or protection; likewise in other places, but to be gained only by those present, on each occasion (canon 239, § 1, 24°).

b) Metropolitans or Archbishops can grant indulgences of one hundred days both in their own diocese and in suffragan dioceses (canon 274, 2°).

c) Residential Bishops, from taking possession of the diocese, enjoy the right of granting indulgences of fifty days in places of their jurisdiction (canon 349, § 2, 2°). But the words "in places of their jurisdiction" are not to be understood so that Bishops are prohibited from granting indulgences to exempt religious or in their churches.⁴

d) Apostolic Vicars and Prefects, even those who lack episcopal character, possess the same faculty as residential Bishops (canon 294, § 2).

e) The consecrating Bishop, when a church or altar is consecrated, even though he lacks jurisdiction in the territory, grants an indulgence of one year to those visiting the church or altar on the day of the consecration itself; but on the anniversary day, one of fifty days if he is a Bishop, one hundred if an Archbishop, and two hundred if a Cardinal of the Holy Roman Church (canon 1166, § 3). Capitular Vicars and Vicars General lack ordinary power of granting indulgences, since the Law does not enumerate them. They therefore, like the others not enumerated above, cannot grant indulgences except by commission or delegation of the Supreme Pontiff or of another to whom the faculty of delegating has been expressly granted.

f) What Nuncios can do is to be drawn from their letters.

Note 1. Those inferior to the Roman Pontiff cannot: 1. commit to others the faculty of granting indulgences, unless this has been expressly granted to them by the Apostolic See; 2. grant indulgences applicable to the departed; 3. add other indulgences to the same thing or act of piety or sodality to which indulgences have already been granted by the Apostolic See or by another, unless new conditions to be fulfilled are prescribed (canon 913).

Note 2. Generals of Orders and Prelates of Religious, having regard to common law, enjoy no power of issuing Indulgences; but some of them have the privilege of reserving to themselves and of

granting to others the faculty of imparting certain blessings - for example, the blessing of a rosary of the Most Holy Rosary - to which Indulgences are attached.⁵

¹ A.A.S. XXII, p. 195.

² Cited place: in the city, town (Brief of Leo XIII, July 2, 1882).

³ Here, however, the matter is not the papal blessing which religious missionaries are permitted to impart at the end of missions or in similar circumstances, but the privilege by which regulars, without another condition of function, are able to impart that blessing (Aertnys-Damen, *Theologia Moralis*, 5th ed., II, n. 1112).

⁴ Pontifical Commission, December 6, 1930 (A.A.S. 1931, p. 25).

⁵ Fanfani, cited work, p. 17.

486 III. Interpretation of the power of granting indulgences. Both ordinary and delegated power must be interpreted according to the proper meaning of the words and the common usage of speech; but in doubt it is to be taken broadly (canons 49, 50; St. Alphonsus, 534).

487 IV. Use of the power of granting indulgences.

1. In order that a concession be valid, a just cause is required. The reason is that the Supreme Pontiff is not the owner of the treasury of the Church, but has been constituted only its dispenser. But a dispenser is not judged to have been granted the faculty of disposing of goods at will, that is, without a just cause (St. Thomas, *Supplement*, q. 25, a. 2; St. Alphonsus, n. 532).
2. Furthermore, for liceity there is required a cause proportioned to the quantity of the indulgence, so that for a greater indulgence a greater cause is required. But the gravity of the cause is to be judged "not only from the difficulty of the work, but from the intended end and the usefulness of the work for that end" (St. Alphonsus, cited place).

It is disputed whether the proportion of the cause is required for validity. Now with St. Alphonsus (cited place) and the more common opinion, it seems one must affirm this, because a dispenser does not seem to have been granted the faculty of disposing prodigally of goods. Besides this, once an indulgence has been granted, a proportionate cause is always presumed to be present. Furthermore, even if a proportionate cause were lacking, nevertheless the privileges attached to the indulgence would certainly be valid, for example the faculty of absolving from reserved cases, since these are matters of ecclesiastical law.

Note. The Supreme Pontiff or a Bishop can sometimes grant an indulgence without the injunction of any work, because there can be a just and reasonable cause for granting an indulgence in this way, for example to a worthy man, or at the point of death.¹

¹ Aertnys-Damen, *Theologia Moralis*, 11th ed., II, n. 1113.

488 V. Publication of granted indulgences.

1. Indulgences promulgated at Rome need no further publication. Indulgences are understood to have been promulgated at Rome whether they have been granted through Briefs or through decrees contained in the *Acta Apostolicae Sedis*.
2. New indulgences, even those granted to churches of regulars, which have not been promulgated at Rome, are not to be published abroad without consulting the Ordinary of the place. In

publishing books, booklets, etc., in which concessions of indulgences for various prayers or pious works are listed, the prescription of canon 1388 is to be observed.¹

3. Those who have obtained from the Supreme Pontiff concessions of indulgences for all the faithful are bound, under penalty of the nullity of the grace obtained, to bring authentic copies of those concessions to the Sacred Penitentiary (canon 920). It is said:

1. **Concessions for all the faithful.** Indulgences granted *for all the faithful* are understood as those which all the faithful can always and everywhere gain without the special use of a blessed thing, or participation in a pious confraternity, or visitation of a determinate church.²

2. **Authentic copies**, that is, a written document, either signed by the Supreme Pontiff's own hand or subscribed by a Cardinal of the Holy Roman Church, which testifies to an oral oracle.

¹ That canon states: all books of indulgences, summaries, booklets, sheets, etc., in which their concessions are contained, are not to be published without the license of the Ordinary of the place. But the express license of the Apostolic See is required in order that it be lawful to publish in print, in any language, both the authentic collection of prayers and pious works to which the Apostolic See has attached indulgences, and the list of apostolic indulgences, and a summary of indulgences either previously collected but never approved, or now for the first time to be gathered from diverse concessions.

² Beringer-Steinen, cited work, I, n. 199-200.

489 VI. Interpretation of some indulgences granted or to be granted.

1. A plenary indulgence granted for the feasts of Our Lord Jesus Christ or for the feasts of the Blessed Virgin Mary is understood to have been granted only for the feasts which are found in the universal calendar. A plenary or partial indulgence granted for the feasts of the Apostles is understood to have been granted only for their natal feast. A plenary indulgence granted as daily perpetual, or for a time, to those visiting some church or public oratory is to be understood in such a way that on any day, but only once in the year, it can be acquired by each member of the faithful, unless something else is expressly said in the decree (canon 921).

2. An indulgence affixed to some Feast is acquired by the faithful on the fixed day duly constituted in their Diocese; by Regular Orders, on the fixed day duly constituted in their Calendar; by those enrolled in a sodality of some Regular Order, on the fixed day duly constituted in the Calendar of the Diocese or in the Calendar of the Order, but not on both days. Thus the Sacred Congregation of Indulgences.¹

3. When a plenary indulgence once in a month is granted to those who have performed a certain good work through an entire month, the month is not necessarily to be computed from the first day to the last, but is understood as a continuous space of a month, that is, of thirty days.²

¹ August 29, 1864; January 12, 1878.

² Aertnys-Damen, II, n. 1120.

Scholion. On the Faculty of Blessing Things with the Application of Indulgences

490 I. One who has received the faculty of blessing crosses, medals, scapulars, rosaries, etc., with the application of indulgences, is not bound to exhibit it to the Ordinary unless this is expressed in the concession.¹ One who has obtained the faculty of privately blessing pious things with the application

of indulgences cannot use that faculty publicly, for example in a church or oratory before the faithful gathered there and holding in their hands the things to be blessed.²

II. As regards the form or rite to be observed in blessings, hold these things:

1. The ordinary or customary form - which is done by forming the cross over the thing to be blessed, without pronouncing any formula and without sprinkling holy water - suffices for crosses, medals, and rosaries, except, however, rosaries of the Most Holy Rosary and of the Seven Sorrows;³ it also suffices for crucifixes with a plenary indulgence at the point of death; likewise for the crucifix of the Way of the Cross in favor of the faithful who are impeded; and it always seems to suffice when no proper form is prescribed. In that case, the sign of the cross with the words "In the name of the Father and of the Son and of the Holy Spirit," together with the sprinkling of holy water over the object to which indulgences are to be attached, certainly suffices.⁴
2. The proper form must be used for rosaries of the Most Holy Rosary and of the Seven Sorrows, for crosses of the stations of the Way of the Cross, for a plenary indulgence at the point of death or the Apostolic Blessing, as it is called, for enrollment in the Confraternity of the sacred Scapular, etc.⁵

Cardinals, by canon 239, § 1, 5° and 6°, from their promotion enjoy the faculty of blessing everywhere, by the sign of the cross alone, with all the indulgences customarily granted by the Holy See, rosaries and other prayer-beads, crosses, medals, statues, and scapulars approved by the Apostolic See, and of imposing them without the burden of registration; likewise, by a single blessing, of erecting in churches and oratories, even private ones, and other pious places, stations of the Way of the Cross with all the indulgences which have been imparted to those performing such a pious exercise; and also of blessing for the faithful who, because of illness or another legitimate impediment, cannot visit the sacred stations of the Way of the Cross, Crucifix images with the application of all indulgences attached by the Roman Pontiffs to the devout exercise of the same Way of the Cross.

¹ Sacred Congregation of Indulgences, February 5, 1841.

² Sacred Congregation of Indulgences, January 7, 1843.

³ Cf. Sacred Congregation of Indulgences, April 14, 1840; January 7, 1843; February 29, 1864; Holy Office, May 18, 1914 (A.A.S., p. 346).

⁴ Cf. Beringer-Steinen, cited work, I, n. 836.

⁵ Sacred Congregation of Indulgences, February 5, 1841; March 12, 1855; February 29, 1864; March 22, 1879.

Section III. On the Gaining of Indulgences

First one must speak of the subject capable of gaining indulgences; then of the requisites so that a capable subject may gain indulgences.

Chapter I. On the Subject Capable of Gaining Indulgences

491 In order that someone be capable of gaining indulgences for himself, he must be baptized, not excommunicated, in the state of grace at least at the end of the prescribed works, and a subject of the

one granting (canon 925, § 1). It is said:

1. **For himself.** To what extent the enumerated things are required so that someone may apply an indulgence to the departed, we shall say later.
2. **Baptized;** because the Church lacks jurisdiction over the non-baptized, even over catechumens.
3. **Not excommunicated,** because the concession of indulgences belongs to the communion of Saints, of which the Church deprives the excommunicated.

It can be disputed whether material heretics and schismatics can acquire indulgences. It seems one must deny this; for such heretics and schismatics indeed belong by will to the body of the Church, but in the external forum they seem to be considered by the Church as formal heretics and schismatics; for she does not judge concerning internal matters. Now in this case the Church does not seem to extend her act of jurisdiction to those who are considered by her, in the external forum, as formal heretics.

4. **In the state of grace at least at the end of the works.** The reason is that "a dead member does not receive influence from the other living members; but one who is in mortal sin is, as it were, a dead member; therefore through indulgences he does not receive influence from the merits of the living members" (St. Thomas, *Supplement*, q. 27, a. 1). Added to this is the response of the Sacred Congregation of Indulgences,¹ which declares that the sense of the clause "with heart at least contrite" is that contrition is required "insofar as someone placed in mortal sin and therefore incapable of gaining any indulgence is restored to the state of grace by perfect contrition with the purpose of confession, and becomes capable of obtaining indulgences." Finally, canon 925, § 1 absolutely requires the state of grace in order that someone acquire an indulgence for himself. Hence even if it were admitted that the Church can grant a partial indulgence to one constituted in mortal sin, namely the remission of punishment due because of sins already previously remitted, nevertheless that this actually occurs seems altogether to have to be denied (St. Alphonsus, n. 534, under 9).

To what extent the state of grace is required so that someone may apply an indulgence to the departed, we shall investigate immediately.

This, however, is the place for noting these words of St. Alphonsus: "No one gains a plenary indulgence of all sins unless he is free from every guilt, even venial, when he completes the last work... for it is certain that venial sin not remitted as to guilt cannot be remitted as to punishment... That venial sin, however, does not prevent the punishment due to other sins already remitted from being remitted" (n. 534, under 19). Hence nothing of itself prevents one who lacks the disposition required for gaining a plenary indulgence integrally from gaining it partially. And in fact canon 926 states: a plenary indulgence granted in such a way is understood so that, if someone cannot gain it plenary, nevertheless he gains it partially according to the disposition which he has.

5. **A subject of the one granting,** because an act of jurisdiction, such as is the concession of an indulgence for the living, can be exercised only upon subjects. But since an indulgence is granted after the manner of a privilege, nothing prevents non-subjects also, after it has been granted, from being able to gain it according to the norm of canon 927: unless something else appears from the

tenor of the concession, indulgences granted by a Bishop can be gained both by subjects outside the territory and by pilgrims, vagi, and all exempt persons dwelling in the territory.

¹ December 17, 1870.

Chapter II. On the Requisites So That a Capable Subject May Gain Indulgences

492 But in order, thus canon 925, § 2, that a capable subject actually gain them, he must have at least a general intention of acquiring them and fulfill the enjoined works at the appointed time and in the due manner according to the tenor of the concession.

Therefore, first, intention is required, because the Church does not bestow her benefits except on one willing. But a general intention suffices, by which someone wills to gain all the indulgences which he can gain through the works to be performed; and this can be habitual, that is, once elicited and not retracted (St. Alphonsus, VI, 534, 14°). Namely, the Church, on whose benign mind this whole matter depends, is not judged to require a virtual intention, much less an actual one; indeed canon 925, § 2, which speaks only of intention without addition, sufficiently signifies that every intention, even habitual, suffices. Nevertheless, it is advised that each morning one elicit the intention of gaining all indulgences perhaps attached to the works to be performed during the day.¹ Finally, an implicit intention seems to suffice, that is, one by which someone wills that his works profit as much as they will be able to profit.²

Besides intention, fulfillment of the enjoined works is required, concerning which one must treat more fully. We shall speak first of the works to be fulfilled generally, then of some works in particular, finally of the commutation of works.

¹ Cf. *Raccolta*, p. XI.

² *Raccolta*, VIII.

493 I. **Works to be fulfilled considered generally.** The fulfillment of works is a condition without which an indulgence cannot be acquired, so that neither ignorance, nor good faith, nor impotence excuses anyone. Nor does it help to substitute a work equivalent to, or even more excellent than, the prescribed work. But the works must be fulfilled integrally, personally, morally well, at the appointed time, and in the due manner. It is said:

1. **Personally;** except, however, almsgiving, according to what will be said in n. 566.
2. **Integrally.** "But if one of the enjoined works is omitted, either wholly or in a notable part, through ignorance, negligence, or impotence... except in the case of legitimate commutation, the indulgence is not acquired."¹ Nevertheless, omission of a slight part, both in itself and with respect to the prescribed work, does not stand in the way of gaining the indulgence, as if you eat a little in a fast, or in the recitation of the Rosary omit three Hail Marys. The reason is that the work is judged to have been placed morally. It is otherwise if, for example, from the five Our Fathers and Hail Marys prescribed, one is omitted (St. Alphonsus, n. 534, under 14 and 16). What must be kept before one's eyes if a particular prayer is assigned, see n. 507.
3. **Morally well,** according to what was said in volume I, n. 242; hence an act not even partly good, such as an act placed from vanity alone, is unsuited for gaining an indulgence.

4. **At the appointed time.** Now the determination of time is for beginning and for ending the privilege, so that fulfillment carried out before or after the assigned time is invalid.
5. **In the due manner,** for example if a prayer is established as to be recited kneeling. It does not matter in what order the works are fulfilled.²

Note 1. By a work which someone is bound by law or precept to perform, an indulgence cannot be gained, unless something else is expressly said in the concession of the same; nevertheless, one who performs a work enjoined on him as sacramental penance and perhaps enriched with indulgences can at the same time both satisfy the penance and gain the indulgences (canon 932). Hence someone cannot gain an indulgence by reciting the canonical hours owed. Sacramental penance is excepted, as the cited canon has it; likewise Easter communion, as the Sacred Congregation of Indulgences declared,³ excepting, however, the case in which the indulgence is granted in the form of a jubilee. Those things imposed by a rule are also excepted, if the rule does not oblige under sin. Nor does anything prevent someone from gaining an indulgence by performing a work owed by vow or promise, because a vow and promise are neither law nor precept.

Note 2. By one and the same work, to which indulgences are attached by various titles, several indulgences cannot be acquired, unless the required work is confession or communion, or unless something else has been expressly provided (canon 933). Thus, for example, since it has been expressly provided, Apostolic indulgences and those of the Most Holy Rosary, perhaps attached to a rosary, can be acquired at the same time;⁴ likewise indulgences of the Most Holy Rosary and of the Cross-bearers, attached to the same rosary.⁵

¹ Sacred Congregation of Indulgences, May 19, 1759 (*Decreta authentica*, n. 214).

² Sacred Congregation of Indulgences, May 19, 1759 (*Decreta authentica*, n. 214).

³ December 13, 1841; May 10, 1844.

⁴ Sacred Penitentiary, February 17, 1922 (A.A.S. 1922, p. 143); June 14, 1922 (A.A.S. 1922, p. 394).

⁵ Sacred Congregation of Indulgences, June 12, 1907.

494 **II. Works to be fulfilled considered in particular.** The works which are rather often prescribed for gaining at least a plenary indulgence are: Confession, Holy Communion, visitation of some church or public oratory, and prayer according to the mind of the Supreme Pontiff. That these are designated by the well-known clause "under the usual conditions" is clear from the new collection published by order of the Sacred Penitentiary and approved by the decree of February 22, 1929.¹

¹ A.A.S. 1929, p. 200.

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1. **Confession.** Whenever an indulgence is granted with the clause "to the contrite and confessed" or a similar clause, sacramental confession is established as a condition, even for those who do not have mortal sin, although absolution is not required for these.¹ Nevertheless:

a) For gaining any indulgences whatever, the confession perhaps required can be made within the eight days which immediately precede the day to which the indulgence was affixed, and likewise within the whole subsequent octave (canon 931, § 1).

b) For gaining indulgences granted for pious exercises of three or more days, confession can also be made within the octave which immediately follows the completed exercise (canon 931, § 2).

c) Actual confession is necessary for gaining no indulgence for those who are accustomed, unless legitimately impeded, to approach the sacrament of penance at least twice in the month, or to receive Holy Communion daily in the state of grace and with a right and pious mind, although once or twice during the week they abstain from it (cf. canon 931, § 3). Except the indulgences of either an ordinary or extraordinary jubilee or in the likeness of a jubilee (cited canon).

¹ If the clause "with heart at least contrite" is added in the concession of an indulgence, it signifies this one thing: that the state of grace is required for the indulgence to be acquired; it does not require that one who is in the state of grace elicit an act of contrition (Sacred Congregation of Indulgences, December 17, 1870, *Decreta authentica*, n. 427). The same is signified if an indulgence is said to be granted "in the customary form of the Church."

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2. Holy Communion. This can be received in any church, etc., even if the visitation of a determinate church is prescribed. Besides this:

a) Communion can be received on the vigil of the day to which the indulgence is affixed and within the whole subsequent octave (canon 931, § 1).

b) For gaining indulgences granted for pious exercises of three or more days, communion can also be made within the octave which immediately follows the completed exercise (canon 931, § 2).

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3. Visitation of a church; concerning this, observe:

a) Visitation of a church requires entrance into it, and indeed with the intention of worshiping God.¹ If, however, because of the multitude of the faithful someone cannot enter it, it suffices to join himself to the multitude (St. Alphonsus, n. 538, q. 10). But if the visitation of the church is made processionally, it does not suffice, for carrying out the prescribed visitation, that the clergy and people pass by praying before the Church, nor that the clergy with some from the procession enter the church and recite the common prayer while the rest remain outside the church; rather, it is required that all who can be contained in it enter the church and recite the common prayer there.² Entrance into the church for the purpose of receiving Holy Communion can also be counted for the visitation.

b) If the visitation of a determinate church or public oratory is prescribed, these must be visited. If the visitation of a non-determinate church is prescribed, it suffices to visit any church or public oratory, but not a semi-public or private one. Nevertheless:

1. Whenever for gaining indulgences there is prescribed the visitation of some non-determinate church or of some indeterminate public oratory, the faithful of either sex who, for the sake of the pursuit of perfection, or of instruction or education, or even of health, live a common life in houses lacking a church or public chapel and established with the consent of the Ordinaries, and likewise all persons dwelling there to minister to them, can visit the chapel of their own house in which they can satisfy by law the obligation of hearing Mass, provided they have duly performed the other enjoined works (cf. canon 929).³

2. Cardinals from their promotion in Consistory, Archbishops, and Bishops enjoy the faculty of gaining in their own chapels indulgences for the acquiring of which the visitation of some temple

or public shrine of the city or place in which the Cardinals actually reside has been prescribed, and their household members can also enjoy this privilege (canon 239, § 1, 11°; canon 349, § 1, 10°).

Finally, if the visitation of a determinate chapel or altar is prescribed, it does not suffice merely to enter the church; rather, it is necessary to betake oneself to the determinate chapel or altar, or at least to stand in a place from which the chapel or altar can be seen.⁴

c) For gaining an indulgence affixed to some day, if the visitation of a church or oratory is required, this can be done from noon of the preceding day up to the midnight which closes the appointed day (canon 923).

d) One who wishes to gain several indulgences, each of which requires visitation of a church, is bound to make as many visitations - namely, by going out after each visitation and entering again - as the indulgences he intends to gain. This also holds if some indulgence can be acquired as often as the church is visited.⁵

¹ Sacred Congregation of Indulgences, May 19, 1759 (*Decreta authentica*, n. 214); August 20, 1822 (*Decreta authentica*, n. 253, to II); December 15, 1841 (*Decreta authentica*, n. 295).

² *Raccolta*, p. XVI.

³ The concession cannot be applied to the Portiuncula indulgence, since for it the visitation of a determinate church is prescribed, unless nevertheless this has been specially granted to some persons (A.A.S. XVI, p. 346, to VI).

⁴ Adrian VI, April 1, 1523; Clement VIII, April 4, 1524; Fanfani, cited work, p. 47.

⁵ Sacred Congregation of Indulgences, February 29, 1864 (*Decreta authentica*, n. 399, to II and III).

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4. Recitation of prayers, which, if visitation of a church is prescribed, is usually imposed as to be made in the visitation itself. Besides this, observe:

a) If, for gaining indulgences, prayer in general according to the mind of the Supreme Pontiff¹ is prescribed, mental prayer alone does not suffice; but vocal prayer can be chosen at the judgment of the faithful, unless some particular prayer is assigned (canon 934, § 1). Therefore, in the case posited, mental prayer alone does not suffice; yet it is enough to add some vocal prayer - not, however, a minimal one - to mental prayer (St. Alphonsus, n. 538, q. 10).²

According to the common opinion, five Our Fathers and Hail Marys suffice, or equivalents to be chosen at will, unless a particular prayer is prescribed. But for gaining the Portiuncula Indulgence, by decree of the Sacred Penitentiary dated July 10, 1924, the recitation of six Our Fathers, Hail Marys, and Glory Bes is required, and other equivalent prayers cannot be recited.³

b) If a particular prayer has been assigned, indulgences can be acquired in whatever language the prayer is recited, provided that the fidelity of the version is established from a declaration either of the Sacred Penitentiary or of one of the Ordinaries of the place where the language into which the prayer is translated is vernacular; but indulgences entirely cease because of any addition, subtraction, or interpolation (canon 934, § 2). Hence, for example, indulgences are not acquired if, in sung litanies of the Blessed Virgin Mary, the *Kyrie eleison* is sung only once, nor if after each title *Ora pro nobis* is not recited.⁴ But the custom of announcing before each decade the mystery to be meditated upon does not seem to harm, since in the case there is no interpolation in the prayers themselves. As

regards the practice of recalling the mystery in the middle of the Angelic Salutation, the Sacred Penitentiary, privately asked, declared⁵ that it cannot be kept and propagated while the indulgences remain intact. Nevertheless, the same Congregation judges that by canon 934, § 3 there was in no way revoked the indult by which Pius IX in the year 1859, for places where the custom had already grown up, granted that the faithful reciting the Rosary in such a manner could gain its indulgences; and Benedict XV, at the petition of the Sacred Penitentiary, extended that indult to all who according to the aforesaid custom had been accustomed to recite the Holy Rosary in any places whatever.⁶

c) For the acquisition of indulgences, it is enough to recite the prayer alternately with a companion, or to follow it mentally while it is recited by another (canon 934, § 3).

d) Mutes can gain indulgences attached to public prayers if, together with the rest of the faithful praying in the same place, they lift up their mind and pious sentiments to God; and if the matter concerns private prayers, it is enough that they recall them mentally, or express them by signs, or merely run through them with the eyes (canon 936). Finally, by concession of Benedict XV, maimed persons can gain indulgences for the gaining of which the recitation of prayers together with some bodily act which they are unable to perform is enjoined, by pouring forth prayers alone.⁷

Finally, I note that by the faithful enrolled in some sodality, indulgences granted to the sodality can be acquired even if they do not observe the statutes of the society,⁸ provided they fulfill the works imposed for the indulgences.

Question. Whether one who performs the enjoined works more perfectly, for example with greater fervor, becomes a participant in the indulgence in a greater measure than one who acts less perfectly.

Response 1. Of itself, no; because the Church is content with common fervor, and in applying the indulgence does not take account of that which is performed beyond what is due.

Response 2. Incidentally, it will easily happen that one who performs beyond what is due participates more in the indulgence, insofar namely as contrition, and therefore remission of guilt, is more universal.

¹ The Supreme Pontiff intends the prosperity and exaltation of the Church, the extirpation of heresies, the conversion of sinners, and finally the peace of the Christian people.

² Cf. Benedict XIV, Constitution *Inter praeteritos*, § 83.

³ A.A.S. XVI, p. 343, to IX; Sacred Penitentiary, January 30, 1930 (A.A.S. 1930, p. 43).

⁴ Sacred Penitentiary, July 21, 1919.

⁵ July 27, 1920.

⁶ Sacred Penitentiary, January 22, 1921 (A.A.S. 1921, p. 163).

⁷ Sacred Penitentiary, October 22, 1917 (A.A.S. 1917, p. 539).

⁸ Sacred Congregation of Indulgences, January 25, 1842 (*Decreta authentica*, n. 298, to II); cf. canon 692.

499 III. **Commutation of works.** Confessors can commute pious works enjoined for gaining indulgences into others for those who, detained by a legitimate impediment, cannot perform the same works (canon 935). To pious works here do not belong those which constitute the cause or occasion of the indulgence, as, for example, the use of a crucifix which ought to supply for the Way of the Cross. By confessor is understood one who enjoys sacramental jurisdiction over the faithful

person to whom commutation seems to be granted, so that he can at least validly hear the confession. Commutation, however, can be made not only within confession, but also outside confession (St. Alphonsus, n. 534, 15°).

Members of some confraternity who, because of illness or imprisonment, are impeded from visiting the church, can gain the indulgences granted to the confraternity, even with the visitation perhaps prescribed being omitted.¹

¹ Sacred Congregation of Indulgences, August 20, 1887 (*Collectanea*, n. 1680).

500 Question. To what extent several indulgences can be acquired on the same day.

Response 1. A plenary indulgence, unless something else has been expressly provided, can be acquired only once in the day, even if the same prescribed work is placed several times (canon 928, § 1).

Response 2. A partial indulgence, unless the contrary is expressly noted, can be gained several times during the day, the same work being repeated (canon 928, § 2).

Response 3. As is sufficiently clear of itself, diverse indulgences can be acquired on the same day, provided the works enjoined for each are fulfilled, or if the same works are prescribed, are repeated insofar as they must be repeated. Now one and the same confession and communion suffices for gaining several indulgences (n. 502).¹ The faculty of gaining diverse indulgences on the same day regards both indulgences concurring on one day because of a festivity, and those which someone out of his devotion has affixed to such a day in the week or month.²

¹ Sacred Congregation of Indulgences, February 29, 1864; January 12, 1878 (*Decreta authentica*, n. 434, to 3).

² Sacred Congregation of Indulgences, February 29, 1864.

Scholion. On the Application of Indulgences to the Souls in Purgatory

501 Preliminary note. Although the Supreme Pontiff can grant that we gain indulgences for other living persons, in fact, the Pontiff himself so disposing, no one acquiring indulgences can apply them to others living in this life (canon 930).¹ As regards the application of indulgences to the souls in purgatory, however, we note these things:

¹ The "privilege of the altar for the dying" does not conflict with the cited canon, because in that case the priest celebrating does not acquire the indulgence; rather, the indulgence attached to the Holy Mass is applied directly by the Church to the dying person by way of absolution. Hence the Holy Office, November 9, 1922, to 1, answered affirmatively to the question whether, after canon 930 of the new Code, the existence of an altar for the dying still persisted.

502 I. The power of the Supreme Pontiff to grant indulgences for the departed. That the Supreme Pontiff enjoys this faculty is proximate to faith, because of the condemnation, and that repeated several times, of the contrary opinion.¹ It is established from the practice of the Church, by which the Supreme Pontiffs have established various indulgences applicable to souls in purgatory; and it follows from the dogma of the communion of Saints, by virtue of which a mutual communication of goods has place in the Church.

The manner of granting indulgences for the departed was explained above, on p. 377.

¹ Thus, for example, proposition 42 condemned by Pius VI against the Synod of Pistoia (Denzinger-Bannwart, n. 1542).

503 **II. Requisites so that one acquiring indulgences may apply them to the departed.** It is required: 1. that the Supreme Pontiff has granted them as applicable to the departed; since, as canon 913, 2°, states, those inferior to the Roman Pontiff cannot grant indulgences applicable to the departed. Besides this, all indulgences granted by the Roman Pontiff, unless something else is established, are applicable to souls in purgatory (canon 930). 2. The intention of the one acquiring is required, by which he wills this and determines, in general or in particular, to whom the indulgence acquired by him is to be applied. The reason is that the Supreme Pontiff makes indulgences only applicable, as follows from canon 913, 2°, and 930. A virtual intention suffices, or even, because the matter concerns a quasi-donation, a habitual one.

It is disputed whether the state of grace is required in the one gaining. The Sacred Congregation of Indulgences, when asked several times concerning this matter, answered on August 20, 1822: *Deferred*; and on February 22, 1847: *Let approved authors be consulted*. Now from the approved authors, some¹ deny it, because the state of grace is required only as a disposition for obtaining the effect of the indulgence, that is, the remission of punishment. Therefore, if the effect is to be received by the departed person, it suffices that this person be in the state of grace, but the said state is not required in the living person who fulfills the conditions of the indulgence. Nevertheless, with St. Alphonsus (n. 534, under 10) and others,² it seems the contrary must be admitted. For by granting indulgences for the departed, the Supreme Pontiff constitutes them only as applicable, as follows both from concessions of the Supreme Pontiff and from canon 913, 2°, and canon 930; in other words, he grants to the faithful a certain right in the satisfactions of Christ and the Saints, or at least a right of offering those same satisfactions to God in the name of the Church. Now, if the matter concerns a sinner, the former cannot be admitted, since a sinner cannot merit any satisfaction for himself. As regards the latter, it likewise is admitted with difficulty that a right of this kind is granted to a subject who, even at the end of the works to be performed by him, persists in enmity with God; all the more because then the Church would grant to a sinner the faculty of doing for others what he cannot do for himself as regards previously remitted sins.

To what extent indulgences applied to the departed produce an infallible effect was explained above, on p. 377.

¹ St. Bellarmine, *De Indulgentiis*, book I, chapter 14; Billuart, *De Indulgentiis*, single dissertation, article 6.

² De Lugo, Disputation XXVII, n. 75; Tournely, *De Poenitentia*, last question, article 6; Wignandt, *Tribunal Confessariorum*, treatise 14, n. 96.

504 **III. The measure according to which an indulgence comes to the departed.**

1. If the indulgence is plenary and is applied to one person, it is understood, if we suppose that God assents to the Church making suffrage, to remit all the remaining punishments of the soul. If it is plenary and is applied to several or to all, which can be done,¹ the distribution is left to Divine Providence.
2. If the indulgence is partial, for example of one year, it is understood to remit so much punishment as would be remitted to someone if for a year he performed the penance once customarily imposed for sins according to the canons. If it is partial and is applied to several or to all, the distribution is left to the Providence of God.

¹ *Raccolta*, p. XI.

Section IV. On the Transfer, Suspension, and Cessation of Indulgences

505 I. **Transfer of indulgences** consists in this, that they are transferred from one place to another or from one time to another. Some things must be noted only about transfer with respect to time. Now, having regard to canon 922:

1. If the external solemnity of a feast is transferred, the indulgences attached to the feast are transferred to the day on which the external solemnity is held; otherwise, if only the Office and Mass are transferred and the external solemnity is held on the proper day.
2. If the matter concerns feasts which are celebrated without external solemnity, then the indulgences are transferred if the feast is only occasionally transferred.
3. Indulgences attached to sacred supplications or to novendial, septenary, or triduan prayers, which are performed before or after the feast or even while its octave lasts, are transferred or not transferred according as the indulgences attached to the feast day itself are transferred or not transferred.

Note. Nevertheless, observe that the same indulgence cannot be acquired twice, even at a different time. Thus one who, for example, in one diocese has gained the indulgence attached to the feast of the Immaculate Conception cannot gain the same indulgence again in another diocese if he is there on the day on which the external solemnity of the feast is celebrated in that place.¹ But for the Portiuncula Indulgence it was declared on January 13, 1930² that Christ's faithful can obtain it on the second day of the month in one church and on the Sunday next following in another church where that day has been substituted according to the norm of the Decree of the Sacred Penitentiary dated July 10, 1924, to VII.³

¹ Sacred Congregation of Indulgences, January 12, 1878 (*Decreta authentica*, n. 435, to III).

² A.A.S. 1930, p. 23.

³ A.A.S. 1924, p. 346.

506 II. **Suspension of indulgences** consists in this, that indulgences cease for a time, but when the time has passed, they revive without a new act of the superior. Now:

1. Indulgences attached to some church are suspended if the church is overturned from its foundations; they revive, however, if within fifty years it is built in the same or almost the same place and under the same title (canon 924, § 1). It is said "almost the same place," that is, at a small distance, for example twenty or thirty paces. If a church is renewed even totally through successive repairs, the indulgences persist.
2. Likewise indulgences attached to an altar are suspended if the altar is destroyed; but they revive if it is rebuilt under the same title and in the same church, even in another place.¹ Indulgences attached to a mission cross are continued if a new cross is substituted for a fallen or destroyed cross, provided the new cross is erected in the same or almost the same place, with at least the tacit consent of the Bishop.²

¹ Sacred Congregation of Indulgences, September 16, 1623[†] (*Decreta authentica*, n. 317); July 18, 1902 (A.S.S. 1902, p. 62).

² Sacred Congregation of Indulgences, February 22, 1888 (cf. *Analecta ecclesiastica* 1902, p. 261); July 20, 1901.

507 III. **Cessation of indulgences** has place:

1. By the lapse of the time for which they were granted.
2. By revocation by the one granting or his Superior.
3. By the death of the one granting or by the resolution of his right, they cease only if they were given with the clause "at our good pleasure," or another equivalent clause; but not if they were given absolutely, without a clause, or with the clause "at the good pleasure of the Holy See" or a similar one (cf. canons 70 and 73).
4. By the death of the one to whom the indulgences were granted, if the matter concerns a purely personal privilege; likewise by the extinction of a Confraternity, if the extinction lawfully had place; otherwise, if unlawfully, in which case the indulgences revive when the Confraternity has been restored.¹
5. By the destruction or sale of the thing enriched with indulgences; namely, canon 924, § 2 states: Indulgences attached to rosaries or other things cease only when the rosaries or other things entirely cease to be or are sold. The exchange of one thing for another, however, seems to be equivalent to sale.²

Therefore indulgences do not cease because a price is paid after the rosary or blessed thing has been blessed, provided the sale itself had place before the blessing; nor do they cease from the fact that rosaries, crosses, etc., enriched with indulgences are given or lent to another for gaining indulgences; and this holds even if the one giving or lending the said rosaries, crosses, etc., has already used them for acquiring indulgences.³ Nor is it an obstacle that something is received or even asked, provided it is not done under the title of sale.

As regards rosaries, note that the indulgences are attached to the beads; hence the chain can be changed. If the beads are bound by a thread and this is broken so that the beads are gathered into one, the indulgences seem to be suspended and, when the rosary has been restored, to revive.

¹ Sacred Congregation of Indulgences, August 26, 1840 (*Decreta authentica*, n. 285).

² Cf. Sacred Congregation of Indulgences, June 4, 1721 (*Decreta authentica*, n. 78).

³ Cf. Sacred Penitentiary, February 18, 1921 (*A.A.S.* 1921, p. 164).

Part II. On Some Indulgences in Species

Section I. On the Privileged Altar

508 I. **Notion.** The privilege of an altar is a privilege by virtue of which a plenary indulgence, under certain conditions, is attached to the celebration of Mass. This indulgence indeed has chiefly been granted for the departed, but sometimes also for the living.¹ Today, however, it is usually granted for the departed only. As regards it, the Sacred Congregation of Indulgences responded on July 28, 1840 - and these things otherwise agree with general principles - that "by an indulgence attached to a privileged altar, if the mind of the one granting and the use of the power of the keys are considered, there is to be understood a plenary indulgence which immediately frees the soul from all the punishments of Purgatory; but if the effect of the application is considered, there is to be understood an Indulgence whose measure corresponds to the good pleasure and acceptance of divine mercy."² Now this indulgence obtains its effect more certainly than others, insofar as on the part of the priest it requires nothing except the application of the Mass (n. 521).

As regards the sense of the privilege, observe furthermore: the indulgence is applied only to him for whom the Mass is said,³ and indeed only to one person, even if the Mass is celebrated for several.⁴

¹ If this indulgence has been granted for the living and the departed, it "is to be interpreted in such a way that a Plenary Indulgence is understood to be granted both for the living, if the sacrifice of the Mass is applied on the altar in question, and for the departed, if the Holy Sacrifice is applied for them: for the living by way of jurisdiction, for the departed by way of suffrage" (Sacred Congregation of Indulgences, August 25, 1897).

² *Decreta authentica*, n. 283.

³ Sacred Congregation of Indulgences, December 18, 1885; August 25, 1897.

⁴ Sacred Congregation of Indulgences, February 29, 1864 (*Decreta authentica*, n. 402, to I); June 19, 1880 (*Decreta authentica*, n. 451, to II).

509 II. **Division.** The privilege is distinguished as local, which is attached to an altar, so that all celebrating on it enjoy the privilege; personal, which inheres in the priest, so that, on whatever altar he celebrates, he enjoys the privilege; and mixed, which affects both altar and priest, so that only determinate priests, for example members of some Confraternity celebrating on such an altar, possess the privilege.

510 III. Local privilege.

1. First note these things, although less properly they constitute a local privilege: on the day of the Commemoration of all the faithful departed, all Masses enjoy the privilege as if they were celebrated at a privileged altar (canon 917, § 1).
2. All altars of a church, during those days on which the supplication of the Forty Hours is held in it, are privileged (canon 917, § 2). Understand: provided that in that supplication those things are observed which Pius X established by decree of the Holy Office on June 22, 1914.¹
3. Who besides the Roman Pontiff can designate some privileged altar, and to what extent, see n. 494.

Note 1. In order that the privilege be attached to some altar, the altar must be fixed. But it suffices that it be fixed in the broad sense, or such that its structure has some firmness, insofar namely as,

even if it is not fixed to a wall, nevertheless ordinarily it is not moved, although it could be moved.² It is not an obstacle that the consecrated stone can be removed or another substituted for it.³ To what extent the privilege revives if a destroyed altar is rebuilt, see n. 515.

Note 2. In order to indicate that an altar is privileged, nothing else should be inscribed except: *privileged altar*, perpetual or for a time, daily or not, according to the words of the concession (canon 918, § 1).

¹ A.A.S. 1914, p. 74.

² Sacred Congregation of Indulgences, July 18, 1902.

³ Sacred Congregation of Indulgences, September 27, 1843 (*Decreta authentica*, n. 324).

511 **IV. Personal privilege.** By force of common law, Cardinals (canon 239, § 1, n. 10), Bishops, whether residential or titular (canon 349, § 1, 1°), and Apostolic Vicars and Prefects (canon 294, § 1) enjoy this privilege.

Note 1. One who obtains a personal privilege from the Apostolic See is not bound to exhibit the said faculty to the Ordinary unless otherwise disposed in the concession obtained.¹

Note 2. One who enjoys a personal privilege for three or four times in the week and is aggregated to some Congregation which also enjoys such a privilege can use both, provided that in the indult something else is not expressly disposed.²

¹ Sacred Congregation of Indulgences, February 5, 1841 (*Decreta authentica*, n. 286, to II).

² Sacred Congregation of Indulgences, May 27, 1839 (*Decreta authentica*, n. 272).

512 **V. Conditions to be fulfilled.**

1. For Masses to be celebrated on a privileged altar, a greater Mass alms cannot be demanded under pretext of the privilege (canon 918, § 2).
2. The Mass must be offered for the departed only, one or several; since the privilege has no place if the Mass is offered for the living or for the living and departed at the same time.¹
3. The Mass should be offered for one soul only, or, if it is celebrated for several, also for the soul to whom the priest wills that the indulgence be applied. For the indulgence, as was said in n. 517, is not applied except to him for whom it is celebrated.

It is not required that either the one offering the alms or the priest intend to apply the privilege; for this, by the very fact that the celebration has place, is applied to the soul, or to one of the souls, for whom it is celebrated. This is deduced from responses of the Sacred Congregation of Indulgences: in the case, the Church herself seems to ask God that, if the Mass is celebrated for one, He apply the indulgence to this one; if for several, to him to whom He Himself shall prefer. Hence it seems one must say that in the privilege of the altar the faculty of applying the indulgence does not belong to the celebrant himself. Finally, for validity the quality of a Requiem Mass, or of a feria or vigil, is now not required, nor the addition of the Prayer for the departed.²

¹ Sacred Congregation of Indulgences, January 23, 1901.

² Sacred Congregation of Indulgences, March 12, 1855 (*Decreta authentica*, n. 366, to I); June 19, 1880 (*Decreta authentica*, n. 451, to III); Holy Office, March 20, 1913.

513 VI. **Gregorian altar**; concerning this, some things must be noted in particular. Now by Gregorian Altar is understood the altar of St. Gregory on Monte Coeli in Rome. Moreover, the Sacred Congregation of Indulgences responded on March 15, 1884, that the trust by which the faithful hold the celebration of thirty Masses, which are commonly called Gregorian, as specially efficacious from the good pleasure and acceptance of divine mercy for the liberation of a soul from the punishments of purgatory, is pious and approved in the Church.¹ And the Holy Office, on December 2, 1912,² declared that the said Altar is truly and properly privileged, that is, such that a plenary indulgence is attached to it. There are also altars called Gregorian *ad instar*, namely which are privileged after the likeness of the Gregorian altar; these, however, after the decree of the Holy Office of December 11-12, 1912, to VII,³ are no longer granted.

We spoke of the so-called Gregorian Masses in the treatise on the Most Holy Eucharist, n. 222.

¹ A.S.S. XVI, p. 500.

² A.A.S. V, p. 33, to VII.

³ A.S.S. 1913, p. 33.

Section II. On the Way of the Cross and on the Crucifix of the Way of the Cross

514 The Way of the Cross is: "A pious exercise by which the whole series of the Lord's passion, expressed in painted tablets where this can conveniently be done and distributed into several stations, is proposed for contemplation in the manner in which pilgrims visiting the City of holy Jerusalem look upon the very places where Christ suffered, recalling and frequenting them."¹

We shall speak first of the erection of the Way of the Cross, then of the indulgences attached to it and of acquiring them, and then of the Crucifix of the Way of the Cross.

¹ Constitution of Benedict XIII *Inter plurima*, March 9, 1726.

Chapter I. On the Erection of the Way of the Cross

515 I. **The power of erecting the Way of the Cross belongs:**

1. To Cardinals, who from their promotion in Consistory enjoy the faculty of erecting by a single blessing, in churches and oratories, even private ones, and in other pious places, stations of the Way of the Cross with all the indulgences which have been imparted to those performing a pious exercise of this kind (canon 239, § 1, 6°).
2. To Bishops, even titular ones, who from receiving authentic notice of canonical provision having been completed can do the same as Cardinals, but with the rites prescribed by the Church (canon 349, § 1, 1°).
3. To Apostolic Vicars and Prefects, in their territory (canon 294, § 1).
4. To Superiors of the Order of Friars Minor, even excluding the Capuchin and Conventual Minors.¹
Now:

a) The Minister General, by himself or through others, can erect Stations everywhere in the world; the Provincial Minister, within the Province; the Guardian or President, within his own guardianship or district - not to be taken too rigorously, since Benedict XIV left to the judgment of pastors the

choice of the religious man whom they judged more suitable, so that with the license of his local superior he might proceed to make the erection.²

b) The Minister General can delegate the faculty of erecting within and outside the Order; he can also grant authority of subdelegating. The other Superiors are wholly without this right, and furthermore can delegate for the erection of the Way of the Cross only their own subjects who are approved preachers or confessors.³

Note. The competent authority in the Order of Friars Minor, from whom the faculty is requested, commonly restricts this to places where the said Order does not exist. By the name of places here are meant a city, town or village, with the respective suburbs or places adjacent to them, but not a parish, or a whole diocese, or any other section or part of a diocese.⁴

¹ Cited *Monita*, n. I.

² Stein, p. 32.

³ Sacred Congregation of Indulgences, December 14, 1857 (*Decreta authentica*, n. 382, to I and II).

⁴ Brief of Clement XII *Exponi nobis*, January 16, 1731, together with the Rescript of the Sacred Congregation of Indulgences, March 15, 1884; cited *Monita* of Clement XII, nn. III and IV. From practice it seems that what is read as prescribed in the cited Decree, n. III, is not to be taken so strictly: "But where the Way of the Cross should be erected outside a church... care must always be taken that it begin from a church or sacred place, or have its end as far as a church or sacred place" (Sleutjes, n. 19).

516 II. Places suitable for erection are: churches, public and semi-public oratories; likewise private or domestic oratories in which there is the privilege of celebrating Mass; likewise common and decent places of convents, seminaries, hospitals, and other pious places; finally public and decent places under the open sky, as in cemeteries, at the entrance of churches, in gardens, in groves. For private or domestic oratories in which Mass cannot be said, a special indult is required.¹

Nothing also prevents several Ways of the Cross from being erected in the same place.²

¹ Cf. cited *Monita*, n. IV.

² Cited *Monita*, n. III; Sacred Congregation of Indulgences, June 20, 1838 (*Decreta authentica*, n. 261), January 30, 1839 (*Decreta authentica*, n. 270, to II), November 23, 1878 (*Decreta authentica*, n. 442, to I).

517 III. Required documents. Before the erection, under penalty of nullity, the following are required in writing: 1. the deputation of the priest erecting, unless he himself is the Superior;² 2. for individual cases, the license of the Ordinary of the place, the consent of the pastor, and the consent of the superiors of the church, monastery, hospital, or pious place where the Stations of the holy Way of the Cross are to be set up.³ Nevertheless:

1. The license of the Bishop is not required if the matter concerns an exempt place, such as churches, oratories, and internal places of exempt religious;⁴ but strictly domestic oratories and other decent places of private houses are not excepted.⁵
2. Nor is the consent of the pastor required if the matter concerns places which by law, or at least in fact, for example by force of diocesan statute, are exempt from the jurisdiction of the pastor;⁶ but in the latter case, the consent of the rector to whom the place has been entrusted is required. Nor is the consent of the pastor demanded for strictly private oratories and other decent places of private houses.

3. It suffices that the deputation, license, and consent to be exhibited in writing be implicit. Hence if, for example, the Bishop has deputed someone in writing to erect the Way of the Cross in a determinate place, no other document expressing the license is required.

An instrument of the completed erection must be drawn up and signed by the erector's own hand.⁷ Furthermore, the petition and concession of the erection are to be preserved in the episcopal archive; the other documents, such as the instrument of erection of which we have spoken, in the archive of the place.⁸ These things, however, are not prescribed under penalty of nullity.⁹

¹ Cf. Sleutjes, *Instructio de Stationibus S. Viae Crucis*.

² Cf. Brief of Clement XII *Exponi Nobis* and Brief of Benedict XIV *Cum tanta*.

³ Sacred Congregation of Indulgences, September 26, 1892, to IX.

⁴ Sacred Congregation of Indulgences, September 26, 1892, to VI.

⁵ Sacred Congregation of Indulgences, June 21, 1879 (*Decreta authentica*, n. 445, to I); September 26, 1892.

⁶ Sacred Congregation of Indulgences, September 25, 1841 (*Decreta authentica*, n. 294).

⁷ Sacred Congregation of Indulgences, August 3, 1748 (*Decreta authentica*, n. 175); September 25, 1841 (*Decreta authentica*, n. 294).

⁸ Sacred Congregation of Indulgences, August 6, 1890, to IV.

⁹ Sacred Congregation of Indulgences, August 6, 1890, to IV.

518 IV. Matter of erection. For validity there are required fourteen wooden crosses visible to those standing by.¹ Although no decree clearly prescribes that the crosses must be visible as wooden, nevertheless this is the mind of the legislator. To the crosses are joined, though not necessarily,² tablets, whether painted or sculpted, which represent the same mysteries of the passion as the Stations of the holy Way of the Cross at Jerusalem.

¹ Cited *Monita*, n. III; Sacred Congregation of Indulgences, June 20, 1838 (*Decreta authentica*, n. 261); January 30, 1839 (*Decreta authentica*, n. 270, to II); November 23, 1878 (*Decreta authentica*, n. 442, to I).

² Sacred Congregation of Indulgences, November 13, 1837 (*Decreta authentica*, n. 258); September 20, 1839 (*Decreta authentica*, n. 275, to I).

519 V. Form of erection is constituted by the blessing and affixing of the crosses, and of the tablets if they are used, with some distance preserved.

1. The blessing of the crosses is required for validity;¹ the tablets, if they are present, can be blessed,² but do not have to be blessed. The blessing of the crosses must be made by a legitimate minister, in the place where the Way of the Cross is to be erected.³ If, however, the Way of the Cross is to be erected in a monastery of nuns, it is not required that the one erecting enter the cloister, but it suffices that he bless the crosses at the gates.⁴ Besides this, the blessing can be made both before and after their affixing.⁵
2. The affixing of the crosses, for example to a wall or upon benches, provided these are immovable and sufficiently upright, likewise belongs to validity.⁶ Nevertheless, it makes no difference whether it is done before or after the blessing, by the erector himself or by another; and if it is done by another, it is not required that the erector be present, so that after the blessing has been made he can depart.⁷

3. Some distance between the various stations is required, so that validity would be lacking if the whole way were completed in very few paces.⁸ It does not matter, however, whether the way begins on the Gospel side or on the Epistle side.

¹ Sacred Congregation of Indulgences, January 30, 1839 (*Decreta authentica*, n. 270, to II).

² Sacred Congregation of Indulgences, September 28, 1838 (*Decreta authentica*, n. 246, to IV) indeed declares that images, or tablets, are never blessed; but since the formula for blessing them has been retained in the Roman Ritual, the said declaration should be understood so that it is not of necessity that the images be blessed.

³ Cf. Sacred Congregation of Indulgences, September 26, 1872.

⁴ Sacred Congregation of Indulgences, June 21, 1879 (*Decreta authentica*, n. 447).

⁵ Cited *Monita*, n. VIII.

⁶ Cf. Sacred Congregation of Indulgences, December 16, 1760 (*Decreta authentica*, n. 223, to II).

⁷ Cf. Sacred Congregation of Indulgences, August 22, 1842 (*Decreta authentica*, n. 311, to I and II); June 21, 1879, n. 447; September 26, 1892, to II.

⁸ Sacred Congregation of Indulgences, August 26, 1752 (*Decreta authentica*, n. 194, to I).

520 VI. Invalidation of the erection has place:

1. If all the crosses originally blessed, or at least seven, perish, whether simultaneously or successively.¹ In this case a new erection is required; but that new erection or renewal in the same place is made by the blessing alone of new crosses, without the license of the Bishop and consent of the pastor being required again, provided these can be presumed to persevere.² Delegation, however, must be made in writing.³

In the case in which the crosses perish in a smaller number, the erection is not invalidated, and it suffices to substitute other crosses for the lost ones without a blessing.⁴

2. If the crosses are definitively transferred to another place;⁵ but not if they are removed for a time, or are arranged in the same place in another way.⁶

In the case in which the crosses are definitively transferred to another place in which the Way of the Cross had not yet been erected, all and each of the conditions must be fulfilled which were fulfilled in the former erection. But if in that other place the Way of the Cross had already been lawfully erected, the blessing of the transferred Way of the Cross suffices, after delegation granted in writing has been had, and without renewal of the other documents, provided the license of the Bishop and consent of the pastor are presumed to persevere.

The privilege of the Way of the Cross does not cease if, the old church having been destroyed, a new one is built in almost the same place and under the same title, and the same crosses which had been affixed in the old church are affixed there.⁷

¹ Sacred Congregation of Indulgences, January 30, 1839 (*Decreta authentica*, n. 270, to V).

² Sacred Congregation of Indulgences, January 11, 1896.

³ Cf. Sacred Congregation of Indulgences, August 22, 1844 (*Decreta authentica*, n. 328).

⁴ Sacred Congregation of Indulgences, January 30, 1839; September 20, 1839 (*Decreta authentica*, n. 270, to V; n. 275, to II).

⁵ Sacred Congregation of Indulgences, January 30, 1839 (*Decreta authentica*, n. 270, to IV).

⁶ Sacred Congregation of Indulgences, September 20, 1839 (*Decreta authentica*, n. 275, to III); August 22, 1842 (*Decreta authentica*, n. 311, to IV); August 20, 1844 (*Decreta authentica*, n. 328).

⁷ Sacred Congregation of Indulgences, January 11, 1896.

521 VII. **Convalidation of the erection**, or sanation of its invalidity, belongs to the Sacred Penitentiary, which will not omit to designate the conditions to be fulfilled.

Chapter II. On the Indulgences Attached to the Way of the Cross and on Acquiring Them

522 I. **Attached indulgences.** By Decree of the Sacred Penitentiary,¹ all and each of the Indulgences previously granted in performing the Way of the Cross have been abrogated, and the following new indulgences have been established: all the faithful who, whether individually or in company, with heart at least contrite, perform the pious exercise of the lawfully erected Way of the Cross according to the prescriptions of the Holy See can gain:

1. A plenary indulgence as often as they complete the pious exercise itself.
2. Another plenary indulgence, if on the same day on which they have performed the mentioned pious exercise, or even within a month after it has been performed ten times, they approach the Sacred Synaxis.
3. A partial indulgence of ten years and as many quarantines for individual stations, if perhaps, for any reasonable cause, they have not brought the exercise begun to the end.

¹ October 20, 1931 (A.A.S. 1931, p. 522).

523 II. **Acquisition of the indulgences.** In order that the indulgences be acquired, there are required:

1. **Visitation of the Stations**, by going from one station to another.¹ Now:

a) In a private exercise, or one performed by individual persons, passage from one Station to another is always required "insofar as either the multitude of persons who visit them or the narrowness of the place where they are erected permits."²

b) In a public exercise, or one performed after the manner of a public sacred function, when disturbance can be excited, it suffices that, each one of the people keeping his own place, the priest with two clerics or cantors go around, and, stopping at each station, recite there the particular customary prayers, the rest responding alternately.³ But in the case in which, because of the size of the church or other circumstances of the place, the priest reciting prayers at each station can scarcely, or not even scarcely, be understood, it suffices that the same prayers be recited by the priest from the pulpit, from which he is understood by all, provided that another priest with two clerics or cantors goes around and stops at each station.⁴

c) In a common exercise, namely one performed by several at the same time but not after the manner of a public function, passage of all is required unless the narrowness of the place stands in the way; if this stands in the way, in the case in which the matter concerns a religious community, it suffices that one, even a layperson or woman, go around and, stopping at each station, recite the prayers.⁵

2. **Meditation on the passion of Our Lord Jesus Christ;** nor is any vocal prayer prescribed.⁶ Meditation on the passion in general suffices, and that however brief and according to each one's capacity.⁷

3. **The exercise performed morally in one stretch.**⁸ A brief interruption for any cause, indeed a longer one from a religious cause, does not stand in the way.⁹

¹ Cited *Monita*, n. VII.

² Sacred Congregation of Indulgences, February 26, 1841 (*Decreta authentica*, n. 287).

³ Sacred Congregation of Indulgences, July 23, 1757 (*Decreta authentica*, n. 210).

⁴ Sacred Congregation of Propaganda Fide, March 1, 1884.

⁵ Sacred Congregation of Indulgences, February 27, 1901; May 7, 1902.

⁶ Cited *Monita*, n. 6.

⁷ Cf. Sacred Congregation of Indulgences, June 2, 1838 (*Decreta authentica*, n. 259); *Raccolta*, n. 88.

⁸ Cf. *Raccolta*, n. 88.

⁹ Sacred Congregation of Indulgences, January 22, 1858 (*Decreta authentica*, n. 385, to I); Sacred Congregation of Indulgences, December 16, 1760 (*Decreta authentica*, n. 223, to IV).

Chapter III. On the Crucifix of the Way of the Cross

524 I. **Notion.** By Crucifixes of the Way of the Cross are understood crosses with an image of the Redeemer, to which the indulgences of the Way of the Cross are attached, as will be explained under III. Now the indulgences are affixed not to the cross, but to the image of Christ, so that this image can be transferred from one cross to another without danger to the indulgences.¹ Besides this:

1. The image of the Crucified must be prominent, so that a cross with an image of the Redeemer depicted or impressed does not suffice. This is deduced from the authentic document of concession which is preserved in the archive of the convent of St. Bonaventure in Rome.² But crucifixes cast in bronze in such a way that the image of the divine Redeemer is indeed slightly prominent, yet cannot be detached or separated from the cross, do suffice.³
2. The image must be of brass or of any other non-fragile material.⁴ Under the name of fragile material here tin and lead also seem to be included, just as will be said of objects to which papal indulgences are attached (n. 536). The cross seems able to be made of any material.

¹ Sacred Congregation of Indulgences, May 24, 1883.

² Cited authentic document; Sacred Congregation of Indulgences, August 8, 1859 (*Decreta authentica*, n. 387, to II).

³ Sacred Congregation of Indulgences, May 24, 1883.

⁴ Cited authentic document; Sacred Congregation of Indulgences, August 8, 1859 (*Decreta authentica*, n. 387, to II).

525 II. Attachment of indulgences.

1. The power of attaching indulgences to Crucifixes of the Way of the Cross belongs:

a) To Cardinals and Bishops, according as was said in n. 524 about the Way of the Cross itself (canon 239, § 1, 6°; canon 349, § 1, 1°).

b) To Superiors of the Order of Friars Minor; of these, the Minister General alone can delegate the faculty either to subjects or to outsiders.¹

2. For attaching indulgences, the sign of the cross made with the intention of applying the indulgences suffices.² Several crucifixes can also be blessed in a group by a single sign of the cross;³ likewise crucifixes to which other indulgences have already been attached⁴ (n. 546).

¹ Rescript of the Sacred Congregation of Indulgences, cited, March 15, 1884.

² Sacred Congregation of Indulgences, April 11, 1840 (*Decreta authentica*, n. 281, to V); January 7, 1843 (*Decreta authentica*, n. 313, to II and IV).

³ Sacred Congregation of Indulgences, March 11, 1855 (*Decreta authentica*, n. 363).

⁴ Sacred Congregation of Indulgences, January 29, 1820 (*Decreta authentica*, n. 249, to III).

526 III. Attached indulgences and their acquisition.

1. To the Crucifix of the Way of the Cross are attached the same indulgences as to the Way of the Cross, that is, both the plenary indulgence attached to the Way of the Cross itself, and the plenary indulgence attached to the Way of the Cross by reason of Communion (n. 531).¹

2. For acquiring the indulgences set forth, these things are required:

a) Of itself, there is required:

a) That someone be impeded by illness or another cause from visiting the stations of the Way of the Cross.² A moderately grave cause seems to suffice.

b) That the Crucifix be held in the hand during the recitation of the prayers, of which immediately.³ If the prayers are recited in common, it suffices that one person hold the Crucifix in the hand, and that the others, other concerns having been set aside, compose themselves for reciting the prescribed prayers together with the person who holds the Crucifix.⁴ It is said "other concerns having been set aside," that is, at least those external occupations which impede internal attention.⁵

c) That meanwhile twenty Our Fathers, Hail Marys, and Glory Bes be recited, with heart at least contrite and devoutly: namely, one for each station, five in memory of the holy Wounds of Christ, and one according to the mind of the Supreme Pontiff.⁶

d) That in the use of the crucifix there be meditation on the Lord's Passion, or at least a pious recollection of the same.⁷

Note. If someone, once the recitation has been begun, has been unable for a reasonable cause to recite all the prescribed Our Fathers, Hail Marys, and Glory Bes, instead of the plenary indulgence he obtains a partial indulgence of ten years and as many quarantines for each Our Father with Hail Mary and Glory Be recited.⁸

b) Incidentally, so to speak, these things hold:

a) If some sick person, without grave inconvenience or difficulty, cannot recite twenty Our Fathers, Hail Marys, and Glory Be prayers, he can gain the indulgences either by kissing, or even only by looking, with affection and a contrite mind, upon some Crucifix blessed for this purpose, shown to him either by a priest or by some other person, and by reciting some brief prayer or ejaculatory prayer in memory of the Passion and Death of Jesus Christ our Lord.⁹

b) If someone, by force of illness, is able only to kiss or only to look at the Crucifix blessed for this purpose, but not to add an ejaculatory prayer, he is not prevented from obtaining the plenary indulgences.¹⁰

¹ Sacred Penitentiary, October 20, 1931 (A.A.S. 1931, p. 522).

² Cited authentic document.

³ Cited authentic document.

⁴ Sacred Congregation of Indulgences, January 19, 1884. The document is held in the archive of the General Curia of the Order of Friars Minor (Sleutjes, p. 67).

⁵ Sacred Congregation of Indulgences, November 13, 1893.

⁶ Sacred Congregation of Indulgences, August 8, 1859 (*Decreta authentica*, n. 387, to I).

⁷ Sacred Penitentiary, December 14, 1917, to IV (A.A.S. 1917, p. 30).

⁸ Sacred Penitentiary, October 20, 1931 (A.A.S. 1931, p. 522).

⁹ Sacred Penitentiary, March 25, 1931 (A.A.S. 1931, p. 167).

¹⁰ Sacred Penitentiary, October 20, 1931 (A.A.S. 1931, p. 522).

Section III. On the Papal or Apostolic Blessing

527 I. **Notion.** A papal blessing is a blessing granted by the Supreme Pontiff or in his name. It is a sacramental, to which a plenary indulgence is usually attached.

528 II. Granting of the blessing.

1. Who can grant it by common law, see n. 494.

2. In granting the blessing the prescribed formula is to be used (canon 914). Moreover: 1. Bishops and other secular Prelates are to use the rites and formula prescribed by Clement XIII, September 5, 1762, and inserted in the appendix of the Roman Pontifical. 2. Regular Prelates are to use the formula established by Benedict XIV through the Encyclical *Exemptis praedecessorum*, March 19, 1748, and reported in the Roman Ritual, title VIII, chapter 32. 3. Missionaries can grant it with the sign of the Cross alone and the formula: "May the blessing of Almighty God, Father, and Son, and Holy Spirit, descend upon you and remain always. R. Amen";¹ nevertheless it is permitted to use the formula of the Roman Ritual.

¹ Sacred Congregation of Rites, May 11, 1911, to III.

529 III. **Acquisition of the indulgence.** Unless something else is expressly established, for acquiring the indulgence it suffices that one be: 1. present to the one blessing; 2. contrite in heart, or in the state of grace.¹

¹ Cf. Fanfani, p. 74.

Section IV. On the Papal or Apostolic Blessing at the Point of Death

530 I. **Notion.** The blessing of which we speak is understood as a blessing granted by the Supreme Pontiff, or in his name, to one dying. To this likewise a plenary indulgence is attached, which obtains its effect at the moment at which the soul is separated from the body; and it is applicable only to the living.¹

¹ *Raccolta*, I, p. XXII, 4 and 11, *Avvertenze*, 1°; cf. A.S.S. 32, p. 238.

531 II. Granting of the indulgence.

1. Who can grant it, see n. 494.
2. It is to be granted "to those sick persons who either asked for it while they were of sound mind and with their senses intact, or would probably have asked for it, or have given signs of contrition; it is to be imparted to them also if afterward they have been deprived of the use of the tongue and of the other senses, or have fallen into delirium or insanity. But it is altogether to be denied to the excommunicated, the impenitent, and those who die in manifest mortal sin."¹ Nor are children excluded, even if they have not yet received their first Communion, provided they are capable of sinning.² Likewise it can be granted to all those to whom death is imminent from an external cause, as to those condemned to death or to soldiers before battle.³
3. It can be granted as soon as one is in such danger that Viaticum can be administered to him; but the custom is, and it is founded in the Roman Ritual, of granting it after the Sacraments of Penance, Holy Eucharist, and Extreme Unction have been received.
4. It is to be granted with the formula prescribed by Benedict XIV through the Bull *Pia Mater*, April 5, 1747, and inserted in the Roman Ritual, title V, chapter 6, and indeed under pain of nullity both as regards the formula itself⁴ and as regards the Latin language⁵ to be used.

The practice of imparting the blessing to several sick persons at once can be tolerated, provided that the formula of blessing, "Our Lord Jesus Christ," down to the words "Holy Spirit, Amen," is pronounced individually over each one, even if all the rest has been recited in the plural.⁶

5. Since the indulgence is applied at the last moment of life, a blessing once granted in the same illness cannot be granted again;⁷ and this holds even if it could be received under several titles,⁸ or if someone received it in the state of grave sin or fell back into sin after receiving it.⁹ Otherwise, if someone, having been delivered from grave danger, falls into it again.¹⁰

¹ Roman Ritual, title V, chapter 6, n. 1. Likewise the Sacred Congregation of Indulgences, September 23, 1775 (*Decreta authentica*, n. 237, to V), responded that the blessing at the point of death with application of the plenary indulgence can, if there is danger in delay, be granted both validly and licitly to those who, even culpably, have not been refreshed from the beginning of the illness by the Sacraments of Penance, or Eucharist, or Extreme Unction, or by any of these, and suddenly are turning toward death.

² Sacred Congregation of Rites, December 16, 1826 (*Decreta authentica*, n. 2650).

³ Sacred Congregation of Indulgences, December 18, 1885.

⁴ Sacred Congregation of Indulgences, February 5, 1841 (*Decreta authentica*, n. 286, to VIII); March 22, 1879; Decree of the Sacred Congregation of Rites, May 7, 1882; Brief of Leo XIII, July 7, 1882 (*Decreta authentica*, n. 444, to III, pp. 411 and 491).

⁵ Cf. Sacred Congregation of Rites, June 3, 1904 (A.S.S. XXXVIII, p. 340, to I).

⁶ Sacred Congregation of Indulgences, June 10, 1886.

⁷ Sacred Congregation of Indulgences, September 23, 1775, to 6 (*Decreta authentica*, n. 237, to VI); June 20, 1836 (*Decreta authentica*, n. 237, to VII); September 24, 1838 (*Decreta authentica*, n. 263, to II).

⁸ Sacred Congregation of Indulgences, March 12, 1885.

⁹ Sacred Congregation of Indulgences, June 20, 1836 (*Decreta authentica*, n. 257, to VII).

¹⁰ Sacred Congregation of Indulgences, June 10, 1886.

532 III. Acquisition of the indulgence. In order that the indulgence be acquired, the following are required for validity:

1. That the person constituted in danger be in the state of grace, at least at the last moment of life (n. 500).
2. That he invoke with his mouth, if he can, otherwise in his heart, the Most Holy Name of Jesus.¹
3. That he receive the pains of sickness and death itself from the hand of the Lord with a calm and willing mind, in satisfaction for sins.²

Note 1. Neither the Bull *Pia Mater* nor the *Raccolta* (p. 529) requires Confession and reception of the Holy Eucharist; hence they are not prescribed, unless the rescript by which the faculty of imparting the blessing is granted to someone requires them, which today is usually the case.³

Note 2. When Viaticum, Extreme Unction, and the papal blessing are conferred at the point of death, the *Confiteor*, etc., must be recited three times.⁴

¹ Sacred Congregation of Indulgences, September 23, 1775 (*Decreta authentica*, n. 237, to VII); September 22, 1892 (A.S.S. XXV, p. 315).

² The Bull *Pia Mater*, already cited.

³ Beringer-Steinen, I, n. 1027 (A.A.S. IX, pp. 54, 69).

⁴ Sacred Congregation of Indulgences, February 5, 1841 (*Decreta authentica*, n. 286, to VII).

Section V. On General Absolution with a Plenary Indulgence

533 I. Notion. The absolution of which there is question consists in a deprecatory absolution from the punishments of sin, which on certain days is granted to the three Orders of certain religious families; to this absolution is attached a plenary indulgence, applicable also to the departed.

534 II. Granting of the absolution.

1. Publicly, that is, outside confession, whether to one or to several, it can be granted: to Religious of the First Order by their own Superior or his delegate; to Nuns of the Second Order and Tertiaries with simple vows, by the confessor of the monastery or another delegated¹ by the Bishop;² to secular Tertiaries by the director of the confraternity, and if he for any reason is absent, by anyone approved for confessions.³

Privately, or in confession, it can be granted by any confessor;⁴ nor, if the penitent is in the state of grace, is it required that confession and sacramental absolution have preceded, but it is enough that it be granted in the confessional.⁵

2. The absolution is of itself to be granted on the very day to which it is attached, namely from midnight to midnight; but Leo XIII declared that any Tertiary "can become a participant in the general absolution on the day before the day on which it is listed in the Index of indulgences of the same Third Order as to be bestowed, yet not publicly, but only privately, namely after completed sacramental confession," or at least in the confessional, as seems able to be added according to what was said above.⁶
3. The formula of absolution to be used is found in the Roman Ritual (edition of 1925), namely:

- a) The Formula of General Absolution for Regulars of any Order enjoying this privilege (p. 276).
- b) The Formula of Blessing with a plenary indulgence for Secular Tertiaries, and for all others having communication of privileges and graces with them, or with Regulars of any Order (p. 278).
- c) "If this indulgence is imparted immediately after sacramental absolution, the rest being omitted, the Priest should begin absolutely from the words: 'Our Lord Jesus Christ,' etc., and so continue to the end, with only the plural number changed into the singular" (p. 279). Indeed in the case this formula suffices: By the authority granted to me by the Supreme Pontiffs, I impart to you a plenary indulgence of all your sins, in the name of the Father and of the Son and of the Holy Spirit, Amen.⁷ (p. 505).

¹ Sacred Congregation of Indulgences, February 11, 1903.

² Sacred Congregation of Indulgences, May 27, 1903.

³ Holy Office, section on indulgences, December 15, 1910.

⁴ Sacred Congregation of Indulgences, June 10, 1886; January 30, 1896, to I.

⁵ Sacred Congregation of Indulgences, July 21, 1881.

⁶ To the Orders of St. Francis these indults were furthermore granted: 1. Friars and Nuns, by decree of August 26, 1895, can receive the absolution on the vigil, or the day preceding those feasts to which it is granted. Indeed, by a privilege granted by Pius X to the Order of Friars Minor Capuchin and thence transferred to the other two families of the First Order, religious who are detained by a lawful impediment, to be recognized by the Superior, so that they cannot receive the General Absolution on the assigned day, are able to receive it on one of the seven days immediately following the assigned feast (Sacred Congregation of Indulgences, December 14, 1904). 2. Nuns of the Second Order impeded by illness can receive the same absolution on a day within the octave, when their own confessor enters the enclosure to hear the confessions of the sick sisters (Sacred Congregation of Indulgences, May 21, 1882). 3. For Tertiaries the Supreme Pontiff granted on January 16, 1886, that if on working days, or days which are not of precept, they are lawfully impeded from being able to receive the said absolution, they can receive it on some feast of precept (even on Sunday) which occurs within the octave of the working days (Stein, *Tractatus de indulgentiis lucrands*, p. 60).

⁷ Cf. Sacred Congregation of Rites, March 22, 1905.

535 **III. Acquisition of the indulgence.** In order that the indulgence be acquired, confession, communion, and the assigned prayers are required.

Section VI. On Real Indulgences

We shall treat first of real indulgences generally, then of some real indulgences in particular.

Chapter I. On Real Indulgences Generally

Real indulgences are those which are attached to pious objects. By the name of pious objects here come: chaplets, rosaries, crosses, crucifixes, small statues, and sacred medals.¹

¹ Beringer-Steinen, I, n. 832.

536 **I. Required matter.** Pious objects must be made from solid matter, for example from iron, from wood, especially harder wood, from coral, shell, ivory, marble, etc. But those composed of fragile matter, for example from tin, lead, or glass, are excluded;¹ yet chaplets and rosaries can be made from solid and compact glass, from tin, lead, or crystal,² from polished steel, etc.³ Likewise printed or

painted images are excluded. Moreover images must represent Saints canonized in the customary form or inserted in duly approved martyrologies.⁴

¹ Cf. Sacred Congregation of Indulgences, January 24, 1846 (*Decreta authentica*, n. 333); Sacred Penitentiary, February 17, 1922 (A.A.S. 1922, p. 143).

² Sacred Congregation of Indulgences, February 29, 1820 (*Decreta authentica*, n. 249, to I and II); August 8, 1859; Sacred Penitentiary, December 21, 1925 (A.A.S. 1926, p. 24).

³ Sacred Congregation of Indulgences, March 22, 1839 (*Decreta authentica*, n. 271, to II).

⁴ Decree of the Sacred Congregation of Rites, June 16, 1764 (*Decreta authentica*, n. 1520); cf. Sacred Penitentiary, February 17, 1922 (A.A.S. 1922, p. 143).

537 II. Attachment of indulgences.

1. By force of common law Cardinals, from their promotion in Consistory, and Bishops, even titular ones, from the day on which they receive authentic notice of the completed canonical provision, can attach to the things of which we are speaking the indulgences which are customarily granted by the Holy See, that is, the Apostolic or Papal indulgences, as they are called (canon 239, § 1, 5°; canon 349, § 1, 1°). Others also, who receive from the Holy See the simple faculty of blessing rosaries, chaplets, crosses, crucifixes, small statues, and medals, can attach to them only the Apostolic indulgences.¹

Note. Of itself sacramental jurisdiction is not required in order that someone can receive and exercise the faculty of attaching indulgences. Nevertheless the Sacred Congregation of Indulgences, June 14, 1901, declared that the faculty of blessing pious objects with application of Apostolic and St. Bridget's indulgences is not validly exercised by one who is not approved for hearing confessions, at least of men.

2. The attachment of indulgences is made in the customary form, that is, by a single sign of the cross over the things to be blessed, with the intention of applying the indulgences, without pronouncing a formula of blessing and without sprinkling holy water;² and this holds even if several things are blessed in a group, which can well be done (n. 499). Sometimes, however, a special form is prescribed, for example for the rosary of St. Dominic and of the Seven Sorrows of the Blessed Virgin Mary.
3. To one and the same thing or place several indulgences can be attached under various titles (canon 933), provided, however, that the thing has the form required for each indulgence. Besides, these several indulgences can also be attached to the same thing by a single sign of the cross, unless a special form is prescribed for some indulgence. Thus, for example, to one and the same crucifix there can be attached the Apostolic indulgences and those of the Way of the Cross; to one and the same chaplet of five decades there can be attached the indulgences both Apostolic, and of St. Dominic, and of the Crucigeri.³ But if the matter concerns medals to be blessed in place of scapulars, as many signs of the cross must be made as there are scapulars, and the blessings probably ought to correspond to the individual scapulars; but this blessing can be given, even publicly, by a single sign of the cross for each scapular to several blessed medals, even if they are destined for several persons afterward to be enrolled.⁴

¹ Sacred Congregation of Indulgences, May 29, 1841 (*Decreta authentica*, n. 291).

² Sacred Congregation of Indulgences, January 7, 1843 (*Decreta authentica*, n. 313, to II).

³ Stein, op. cit., p. 41.

⁴ Holy Office, June 4, 1913 (A.A.S. 1913, p. 303).

538 **III. How acquisition of indulgences has place** was seen above, where there was discussion of real indulgences in particular. Yet recall this: by one and the same work, to which indulgences are attached under various titles, several indulgences cannot be acquired, unless the required work is confession or communion, or unless something else has been expressly provided (canon 933); these things were explained in n. 502.

539 **IV. How cessation of real indulgences happens**, see n. 507.

Note. Among real indulgences, the Apostolic or Papal indulgences should be mentioned in particular.

1. Apostolic indulgences are those which, according to a catalogue customarily issued by the Roman Pontiff after his election, are attached to pious objects by the Supreme Pontiff or by a delegate. It is said "to pious objects," namely those of which there was discussion on p. 407, with the matter also observed of which we spoke under I on the page cited. For the catalogue of indulgences attached to the aforesaid objects by Pius XI, see A.A.S. 1922, p. 143.
2. Who can attach the said indulgences to things, and what form is to be used in attaching them, see n. 537.
3. "In order that someone may be able to gain Apostolic Indulgences, it is necessary that he carry upon himself, or decently keep in his house, some one of the things blessed by the Supreme Pontiff himself or by a priest endowed with the faculty."¹ Finally, in order that someone actually gain the indulgences, he must fulfill the prayers or pious works prescribed for each indulgence.

¹ Sacred Penitentiary, February 17, 1922 (A.A.S. 1922, p. 143).

Chapter II. On Some Real Indulgences in Particular

Article I. On Chaplets

540 **I. Different chaplets.** The principal chaplets are: the chaplet of the Blessed Virgin Mary, the chaplet of the Seven Sorrows, the chaplet of St. Bridget, etc. The name rosary belongs especially to the chaplet of the Blessed Virgin Mary.

As regards the matter required, see what was said in n. 536. Moreover:

1. The chaplet of the Blessed Virgin Mary must consist of five, ten, or fifteen decades,¹ in each of which one Our Father and ten Hail Marys are recited. Without loss of indulgences, the individual decades can be separated from one another, provided that at least five decades are recited on one and the same day.² In the recitation the more principal mysteries of the life, passion, and resurrection of Jesus Christ are to be meditated upon.³ The custom, though not obligatory, is that the joyful mysteries are recalled on Monday and Thursday, the sorrowful on Tuesday and Friday, and the glorious on Wednesday, Saturday, and Sunday.⁴ If some person is incapable of meditation, it suffices to recite the rosary devoutly, provided he takes care to grow accustomed to meditation on the mysteries.⁵

The indulgences attached to the chaplet of the Blessed Virgin Mary are usually called the indulgences of St. Dominic; among them there is, provided that at least five decades are recited, an indulgence of 100 days for each Our Father and Hail Mary. Besides, for the recitation of the third part of the chaplet of the Blessed Virgin Mary before the Most Holy Sacrament, whether exposed or reserved in the tabernacle, a plenary indulgence was granted by the Supreme Pontiff Pius XI on September 4, 1927.⁶

2. The chaplet of the Seven Sorrows consists of seven parts, in each of which one Our Father and seven Hail Marys are said, with three Hail Marys added at the end in honor of the tears of the Blessed Virgin Mary. Meditation on the Sorrows is not necessary.

For each Our Father and Hail Mary an indulgence of 100 days is granted.

3. The chaplet of St. Bridget consists of six decades; in each one Our Father, ten Hail Marys, and one Creed are said, with one Our Father and three Hail Marys added at the end. Meditation on the mysteries is not required.

For each Our Father, Hail Mary, and Creed an indulgence of 100 days is granted, provided that one has the intention of saying the entire chaplet.⁷

St. Bridget's indulgences can also be attached to a chaplet of five decades; then, however, to gain the indulgences, the Creed must be added at the end of each decade.⁸

Note. Among the indulgences which can be attached to chaplets besides those already mentioned, the Apostolic indulgences especially deserve mention (n. 539); likewise the indulgences of the Crucigeri, that is, 500 days for the recitation of each Our Father and Hail Mary, even if the entire chaplet is not recited.⁹

¹ A chaplet consisting of fifteen decades is also called the rosary of St. Dominic.

² Rescript of the Sacred Congregation of Indulgences, July 8, 1908 (*Analecta Ordinis Praedicatorum* 1908, p. 634).

³ Sacred Congregation of Indulgences, August 13, 1726 (*Decreta authentica*, n. 92).

⁴ *Raccolta*, n. 194.

⁵ Constitution *Pretiosus*, May 26, 1727.

⁶ A.A.S. 1927, p. 376.

⁷ *Raccolta*, I, p. 206.

⁸ Sacred Congregation of Indulgences, May 29, 1841 (*Decreta authentica*, n. 291, to VIII).

⁹ Sacred Congregation of Indulgences, May 20, 1886.

541 II. Attachment of indulgences.

1. As regards the form to be used, see what was said in n. 537.
2. To one and the same chaplet several indulgences can be attached, provided the chaplet has the form required for each indulgence (cf. canon 933). Hence to the chaplet of the Blessed Virgin Mary can be attached the indulgences both proper to the said chaplet, or of St. Dominic (n. 540), and Apostolic (n. 539), and of the Crucigeri (n. 540), and of St. Bridget (n. 540).

542 III. **Acquisition of indulgences.** Having noted above (n. 540 under I), it suffices to add these things:

In order that the indulgences be acquired which require the recitation of certain prayers, the chaplet must be held in the hand and the beads must be passed through successively. If, however, two or more recite the chaplet together, for the acquisition of indulgences it is enough to recite the prayer alternately with a companion, or to follow it mentally while it is recited by another (canon 934, § 3).¹ It is said "to follow it mentally"; hence the faithful must abstain only from those external occupations which impede internal attention to the devout recitation of the rosary prescribed for gaining the indulgences.²

2. By one recitation of a chaplet, the indulgences of several chaplets cannot be acquired, unless something else has been expressly provided (cf. canon 933). Something else, however, has sometimes been expressly provided. Thus, for example, one who recites a chaplet to which the indulgences of St. Dominic and of the Crucigeri are attached acquires both indulgences by one recitation.³

¹ *Raccolta*, I, p. 348.

² Cf. Sacred Congregation of Indulgences, January 22, 1858 (*Decreta authentica*, n. 384); January 8, 1898.

³ Sacred Congregation of Indulgences, November 13, 1893 (A.S.S. XXVI, p. 310).

543 IV. **How cessation of indulgences has place**, see n. 507.

Article II. On Scapulars

544 Scapulars, which the faithful are accustomed to wear, in their origin and institution are nothing other than the scapulars proper to various religious Orders, reduced to a small form for the greater convenience of the faithful.¹ Therefore they are a sign of a certain union with an Order or Congregation. More recent scapulars, however, are mere emblems or signs of a special devotion, for example toward the Sacred Heart, etc.

¹ Sacred Congregation of Indulgences, June 12, 1907, to I.

545 I. **Different scapulars.** The principal ones are: the Scapular of the Most Holy Trinity (of the Order of Trinitarians); of the Blessed Virgin Mary of Mount Carmel (of the Carmelites); of the Seven Sorrows of the Blessed Virgin Mary (of the Servites); of the Immaculate Conception of the Blessed Virgin Mary (of the Theatines); and also of the Passion of Our Lord Jesus Christ (of the Congregation of the Mission of St. Vincent de Paul).

546 II. **Conditions.** In order that someone enjoy the privileges of scapulars, these must be duly made, duly blessed and imposed by a priest having the faculty, with due inscription added if the matter concerns a scapular which is the badge of some Confraternity - such as, for example, the Scapular of the Blessed Virgin Mary of Mount Carmel, of the Seven Sorrows, and of the Most Holy Trinity - and finally they must be worn in the due manner.

1. They should be duly made, namely from woven wool. Yet nothing prevents the scapular from having ornaments woven in or embroidered with a needle from another material, provided such ornaments are such that the prescribed color predominates.¹

White is prescribed for the scapular of the Most Holy Trinity, brown or tawny for the scapular of the Blessed Virgin Mary of Mount Carmel, black for the scapular of the Seven Sorrows, blue for the

scapular of the Immaculate Conception, red for the scapular of the Passion of Our Lord Jesus Christ. The form should be square or oblong rectangular, but not round, oval, or many-angled.²

The ribbons or cords can be from any material and of any color, except the cords of the red scapular, which must be made from red wool. Several scapulars can be attached to two common cords,³ provided that, if among them there is the Scapular of the Passion, the cords are made from red wool.

Finally, different scapulars must be "distinct, that is, truly several, for example five scapulars, united either by the same number of cords or by only two cords, and in such a way that one part of each scapular hangs from the shoulders and the other from the breast, but not only one scapular on which little pieces of cloth of different color are sewn."⁴ With these things considered, the little pieces of cloth should not be so joined that only the extremities of each scapular are visible; but it suffices if the individual little pieces are sewn together only at the upper part - for example by two cords - and otherwise hang loose.

2. They should be blessed and imposed by a priest having the faculty. Moreover the faculty belongs:

a) To Cardinals, who from their promotion in Consistory enjoy the faculty of blessing, by the sign of the cross alone, scapulars approved by the Apostolic See and of imposing them without the burden of inscription (canon 239, § 1, 5°).

b) To Bishops, even titular ones, who from receiving authentic notice of completed canonical provision can do the same as Cardinals, yet with the rites prescribed by the Church (canon 349, § 1, 1°).

c) To Superiors of the Orders to which the scapular pertains (n. 545).

d) Other priests must receive the faculty from the Holy See or from the Superiors of the Orders; the faculty received, however, is altogether personal, so that it does not belong to a substitute, nor can it be communicated to others, unless that has been expressly signified.⁵

3. They should be duly blessed and imposed;⁶ concerning this, observe:

a) Of itself, for scapulars of different species, different blessing and imposition are prescribed. I said of itself, since to many an indult has been granted of blessing and imposing at once, that is, under a single formula, four⁷ or even five⁸ of the enumerated scapulars. Several scapulars of the same species can be blessed at once (n. 546). The blessing can be done whether the persons to be invested are present or absent.

b) The imposition must be done by the same one by whom the blessing was done.⁹ An imposition made on only one shoulder and not around the neck is valid.¹⁰ If several persons are to be invested, it suffices to impose one and the same blessed scapular upon those several persons in alternate turns, yet in such a way that the first scapular which the enrolled person must afterward wear is blessed.¹¹ It has also been granted to some that each of the faithful may impose the blessed scapular upon himself. If several are concerned, it suffices to pronounce the form of imposition once in the plural number, and this either before or after the imposition of the scapular or scapulars, if there are several.¹²

4. The persons invested should be aggregated to the confraternity, if the imposition of the scapular is connected with the said aggregation (p. 411). Hence the priest continues: *I, by authority*, etc. But

in order that the aggregation or reception be established, inscription in the register of the association must absolutely be made; indeed, since confraternities constitute a moral person (cf. canons 687, 708), inscription is necessary for validity (canon 694, § 2).

Beringer-Steinen rightly judge that the Decree of the Holy Office, April 23, 1914, persists,¹³ which states: "His Holiness, in the usual audience on April 23, 1914, granted to the Most Reverend Assessor of the Holy Office, after a previous sanation of all defects hitherto admitted in the inscription and transmission of the names of Christ's faithful who have been enrolled in any pious Sodality, declared that, with the obligation in conscience of inscribing and transmitting the names according to decrees and other prescriptions of the Holy See remaining firm, the faithful, by the very fact that they are admitted by one lawfully deputed, are to be considered duly enrolled, only for the effect that they may be able to gain indulgences and become participants in other spiritual graces, even if their names for any reason have not been entered in the register of the Sodality. Anything to the contrary notwithstanding."¹⁴ Besides, Cardinals are exempted from the burden of inscription if the matter concerns rosaries, medals, or scapulars with which association to some sodality is attached (canon 239, § 1, 5°).

Note 1. Even upon little children a scapular can validly be imposed, so that when they have attained the use of reason, they can enjoy the indulgences and privileges without a new reception.¹⁵ Besides, someone can also impose the scapular upon himself, provided he has received the faculty indiscriminately, and not specifically, for example only for some community of Nuns, etc.¹⁶

Note 2. Soldiers can be received into the Confraternity of the Blessed Virgin Mary of Mount Carmel, "provided they impose upon themselves the aforesaid scapular, already previously blessed, and also pour out some prayers to the Blessed Virgin Mary (for example by reciting the Hail Mary three times while they impose the scapular upon themselves), and thus are placed under the protection of the same Blessed Virgin."¹⁷

Note 3. On July 24, 1884, invalid receptions to scapulars and the respective sodalities previously made in good faith were sanated. Besides, receptions into the Confraternity of the Blessed Virgin Mary of Mount Carmel were last sanated on February 4, 1908, and receptions into the Confraternity of the Seven Sorrows on September 12, 1911.¹⁸

5. They should be duly worn. Moreover:

a) They must be worn day and night, and in such a way that one part hangs from the shoulders and the other from the breast;¹⁹ whether immediately upon the body or over clothing is indifferent.²⁰

b) Several scapulars can be worn in the manner of one, namely so that they are suspended by only two cords²¹ (p. 412).

c) One who has put aside the scapular for a brief time gains the indulgences; if it is put aside for a long time, the indulgences are suspended. If the scapular has been worn out or lost, or if someone has put it aside and even for a long time has not worn it, he is not bound to a new imposition, but it suffices to resume the scapular; nor is it necessary that the scapular which is resumed be blessed.²² Otherwise it must be said if someone put aside the scapular out of contempt or at least with the intention of no longer wearing it.

¹ Cf. Sacred Congregation of Indulgences, August 18, 1868 (*Decreta authentica*, n. 423).

² Sacred Congregation of Indulgences, August 18, 1868 (*Decreta authentica*, n. 423); cf. Sacred Congregation of Indulgences, February 12, 1840 (*Decreta authentica*, n. 278).

³ Sacred Congregation of Indulgences, April 27, 1887, to IV.

⁴ Sacred Congregation of Indulgences, August 22, 1872 (*Decreta authentica*, n. 306); April 24, 1843 (*Decreta authentica*, n. 319).

⁵ Cf. Sacred Congregation of Indulgences, September 18, 1862 (*Decreta authentica*, n. 394); August 18, 1868 (*Decreta authentica*, n. 421); April 27, 1887.

⁶ Cf. Sacred Congregation of Indulgences, August 18, 1868 (*Decreta authentica*, n. 421); April 27, 1887.

⁷ Formerly the scapular of the Blessed Virgin Mary of Mount Carmel was always excepted from the indult (Sacred Congregation of Indulgences, April 27, 1887).

⁸ *Nouvelle Revue Theologique* 1911, p. 430 sq.

⁹ Sacred Congregation of Indulgences, June 16, 1872 (*Decreta authentica*, n. 430).

¹⁰ Sacred Congregation of Indulgences, September 27, 1887.

¹¹ Sacred Congregation of Indulgences, August 18, 1868 (*Decreta authentica*, n. 421, to I).

¹² Sacred Congregation of Indulgences, April 18, 1891; June 18, 1898, to IV and V.

¹³ Beringer-Steinen, op. cit., p. 49 sq.

¹⁴ A.A.S. VI, p. 307 sq.

¹⁵ Sacred Congregation of Indulgences, August 29, 1864 (*Decreta authentica*, n. 410).

¹⁶ Sacred Congregation of Indulgences, March 7, 1840 (*Decreta authentica*, n. 280).

¹⁷ Pius X, January 4 and March 30, 1908.

¹⁸ Beringer-Steinen, II, p. 207.

¹⁹ Sacred Congregation of Indulgences, February 12, 1840 (*Decreta authentica*, n. 277).

²⁰ Sacred Congregation of Indulgences, March 12, 1855 (*Decreta authentica*, n. 367, to II).

²¹ Sacred Congregation of Indulgences, September 26, 1864 (*Decreta authentica*, n. 408, to I).

²² Sacred Congregation of Indulgences, May 27, 1857 (*Decreta authentica*, n. 379).

547 III. Metal medals to be substituted for scapulars. Although Pius X "earnestly desires that the faithful continue to wear" scapulars, nevertheless he graciously conceded that for a scapular or scapulars, except those which are proper to Third Orders,¹ a single metal medal may be substituted, so that, with the laws proper to each scapular preserved, all spiritual favors (not excepting the so-called Sabbatine privilege of the scapular of the Blessed Virgin Mary of Mount Carmel) and all indulgences attached to each one can be participated in. Moreover:

1. On the obverse the medal should bear the image of Our Most Holy Lord Jesus Christ showing his Most Sacred Heart; on the reverse, the image of the Blessed Virgin Mary.²
2. The medal must be blessed; moreover, someone can bless several medals at once, whether those which he has before himself, or those "which the faithful have in the church or in some convent, even though these medals are not seen and are not known individually."³ Besides, the medal or medals must be blessed with as many distinct blessings, that is, signs of the cross, as there are scapulars for which they must substitute. But it does not matter whether or not the order of the

different scapulars is observed in making the signs of the cross.⁴ "Yet lest," says Vermeersch, "those five signs of the cross, given confusedly, be valid for no definite scapular, the priest blessing will at least mentally assign his sign to each scapular."⁵ So also Stein,⁶ Beyersbergen.⁷ But it is not contradictory that all and each of the signs of the cross - for example, five - should be valid for each of the five scapulars, determined in the mind of the priest, so that, when five signs have been made, the medal supplies those five determinate scapulars. Since, however, the matter is doubtful, the safer part is to be put into practice. Finally, several medals can also be blessed for indeterminate persons, whether already enrolled in the scapular or to be enrolled afterward: if for those not yet enrolled, the medals will enjoy the favors of the scapulars at the time when the persons will have been enrolled by regular imposition.⁸ Soldiers, however, even before the scapulars have been imposed, can validly wear a medal in place of scapulars, and by that very fact are enrolled in the Confraternities.⁹

3. One who enjoys the faculty of blessing and imposing determinate scapulars can also bless a medal which supplies for them;¹⁰ nor is it required that the same one who blessed and imposed, or is going to bless and impose, the scapular, also bless the medal.¹¹
4. Of one who has put aside the medal, etc., the same must be said as was said of one who has put aside the scapular (p. 414).

¹ Holy Office, December 16, 1910; Sacred Congregation of Religious, March 25, 1922. Nevertheless, considering the cited decree of the Sacred Congregation of Religious, Superiors of the secular Third Order of St. Francis, with respect to their Tertiaries in individual cases, when a just and grave cause is present, can grant permission of substituting a blessed medal for the scapular of the secular Third Order of St. Francis.

² Holy Office, December 16, 1910.

³ Holy Office, June 5, 1913, to I.

⁴ Holy Office, June 5, 1913, to II and III.

⁵ Vermeersch, *Periodica* VII, p. 224.

⁶ Stein, op. cit., p. 54.

⁷ N. K. Stemmen, 1923, p. 17.

⁸ Secretariat of State, March 22, 1912; Vermeersch, *Periodica* VII, p. 224.

⁹ Holy Office, December 16, 1910; June 5, 1913, to I.

¹⁰ Holy Office, December 16, 1910.

¹¹ *Periodica* V, p. 269.

548 IV. **The Sabbatine privilege.** Among the favors attached to the scapular of the Blessed Virgin Mary of Mount Carmel, and likewise to the medal, the so-called Sabbatine privilege deserves special mention; this privilege is reported as having been promulgated by John XXII through a Bull.

Most hold the said Bull to be spurious. There is, however, a Decree of the Holy Office under Paul V, January 20, 1613, which has these words: "The Carmelite Fathers are permitted to preach that the Christian people can piously believe concerning the help of the souls of the brothers and confreres of the sodality of the Blessed Virgin Mary of Mount Carmel, namely that the Most Blessed Virgin, by her continual intercessions and pious suffrages and merits and special protection, after their passing, especially on Saturday, which day has been dedicated by the Church to the same Most Blessed Virgin,

will help the souls of the brothers and confreres dying in charity, who in life wore the habit, and observed chastity according to their state, and recited the Little Office, or, if they do not know how to recite, observed the fasts of the Church and abstained from flesh meat on Wednesday and Saturday (unless on those days the feast of the Nativity of the Lord should fall)." Moreover:

1. The Little Office can be said privately in any language. Those who are already bound to it under another title satisfy by a single recitation.
2. The faculty of commuting either the Office or abstinence on Wednesday and Saturday is conferred together with the faculty of aggregating the faithful to the confraternity, and it can be exercised even outside confession. Finally, by Decree of the Sacred Congregation of Indulgences, June 14, 1901,¹ to any confessor was granted the power of commuting abstinence on Wednesday and Saturday.

¹ A.S.S. XXXIV, p. 120.

Section VII. On the Heroic Act of Charity

549 I. **Notion.** "The heroic act of charity consists in this, that one of Christ's faithful, either by using some formula or even only mentally, offers to God Almighty for the souls in Purgatory all satisfactory works which he himself, so long as he lives, will perform; likewise all indulgences, both those granted for the departed and those granted only for the living, which he also can and must apply to the departed; finally all suffrages which after death will be able to come to him in any way whatsoever."¹ It is said:

1. Satisfactory works, that is, the satisfactory fruit of his works, which fruit is attached to every good work and of itself is ordered to taking away or lessening the punishments due to one's own sins. But the meritorious fruit of works is not ceded, since it is so personal that it cannot be renounced; nor are works ceded insofar as they are impetratory, whether for oneself or for others.
2. Offers to God; now this oblation can be made to God either immediately or mediately, namely through the Blessed Virgin Mary, in whose hands all satisfactory works, all indulgences, and all suffrages are deposited, to be distributed by her to the souls in purgatory as she pleases.² Finally, the offering made to God does not assume the character of a vow, and can always be revoked at will.³

That the act explained is greatly to be commended is clear from its very nature; for it is an act of charity toward the departed, by which someone as it were chooses punishments for himself, so that the souls of purgatory may more quickly escape punishment. There is added the fact that the Supreme Pontiffs have enriched the mentioned act with privileges.⁴

¹ Sacred Congregation of Indulgences, December 19, 1885.

² Sacred Congregation of Indulgences, December 19, 1885, to III and IV.

³ Sacred Congregation of Indulgences, December 19, 1885.

⁴ Benedict XIII, August 23, 1728; Pius VI, December 12, 1788; Pius IX, September 30, 1852.

550 II. Privileges.¹

1. Priests who have made the praised act enjoy the indult of a privileged altar on individual days.

2. The faithful can gain a plenary indulgence: 1. on individual days on which they receive Holy Communion; 2. on individual Mondays on which they hear Mass in suffrage for the departed, provided that in either case they visit a church or public oratory and there pray according to the intention of the Supreme Pontiff. But if someone is impeded from hearing Mass on Monday, it suffices to assist at the Mass to be heard on Sunday by precept. Priests also can gain the said indulgences, even if they celebrate and by celebrating have already gained another indulgence; since even communion received on the occasion of celebration suffices for acquiring a plenary indulgence, indeed for acquiring several plenary indulgences² (canon 933).
3. All indulgences which are gained by those who have made the heroic act of charity are applicable to the departed.³

Note 1. The plenary indulgence which a priest gains by force of the privilege of the altar granted on account of the heroic act of charity must be applied to the soul for whom the Mass is celebrated; for the privilege is granted by the Supreme Pontiff in this sense.⁴

Note 2. It was asked whether those who have made the heroic act of charity can, or rather must, apply to the departed the plenary indulgence to be gained at the point of death. The Sacred Congregation of Indulgences left the question in suspense, responding on January 23, 1901: "No interlocutory response is to be given." But of itself nothing prevents the said indulgence from being able to be renounced; that this must be done seems to be deduced from the special character of the heroic act of charity, as explained above.

¹ *Raccolta*, p. 531; Sacred Congregation of Indulgences, December 19, 1885.

² Sacred Congregation of Indulgences, May 10, 1844 (*Decreta authentica*, n. 327, to II and III).

³ *Raccolta*, p. 531.

⁴ Sacred Congregation of Indulgences, December 19, 1885.

Section VIII. On the Jubilee

We must treat first of the notion, division, and interpretation; then of the benefits of the Jubilee; finally of the suspension of indulgences and faculties on the occasion of the Jubilee.

Chapter I. On the Notion, Division, and Interpretation of the Jubilee

551 **I. Notion.** Among the Jews the Jubilee meant a year of remission and joy, according to these words of Sacred Scripture: "You shall also number for yourself seven weeks of years, that is, seven times seven, which together make forty-nine years, and you shall sound the trumpet in the seventh month, on the tenth day of the month, at the time of propitiation, throughout all your land. And you shall sanctify the fiftieth year, and shall proclaim remission to all the inhabitants of your land: for it is the Jubilee."¹ Among Christians the Jubilee likewise signifies a time of remission, to which several and special benefits are attached, as we shall explain more fully afterward.

¹ Leviticus 25:8 sq.

552 **II. Division.** The Jubilee is distinguished as ordinary and extraordinary (cf. canon 931, § 3). The ordinary or greater Jubilee is the one which recurs every twenty-fifth year; the extraordinary or lesser

Jubilee is the one which is granted on account of special circumstances, for example after the coronation of the Supreme Pontiff.

The ordinary Jubilee is first celebrated at Rome for an entire year, beginning from the first Vespers of the Nativity of the Lord which precede the twenty-fifth year, up to the second Vespers of Christmas Day of the following year; that year is usually called the holy year. When the holy year has elapsed, the Jubilee is extended for a shorter time to the whole world.

The extraordinary Jubilee is usually celebrated at the same time in the City and in the world, and, according to circumstances, for a shorter or longer time.

A Jubilee is also distinguished as universal and particular, according as it is granted to the whole world or only to a part.

553 III. Interpretation. Unless the Bull of the Jubilee establishes the contrary, in both the ordinary and the extraordinary Jubilee the rules handed down by Benedict XIV are to be observed.¹

¹ Sacred Congregation of Indulgences, March 15, 1852. Cf. the Bulls *Apostolica indulta*, August 3, 1744; *Peregrinantes*, May 5, 1749; *Cum nos super*, May 17, 1749; *Convocatis*, November 25, 1749; *Inter praeteritos*, December 3, 1749; *Paterna caritas*, December 17, 1749; *Benedictus Deus*, December 25, 1750; *Celebrationem*, January 1, 1751.

Chapter II. On the Benefits of the Jubilee

The benefits of the Jubilee are, besides the plenary indulgence to be gained, the faculty of choosing a confessor, and the special faculties granted to confessors. For these benefits the Bull by which the Jubilee is granted must be examined each time. For the last Jubilee see A.A.S. 1927, pp. 310, 317, 318, 336.

Article I. On the Faculty of Choosing a Confessor

554 I. Nuns, and their novices, candidates, and postulants who are educated by them and live with them, and also all religious sisters of simple vows with novices, candidates, and girls being educated, though not externs and others using a common table with them, and also all oblates without vows approved by Ecclesiastical authority, with novices, candidates, girls, and others living in common with them, can choose for themselves a confessor approved by their Ordinary according to the prescriptions of the Code. This confessor can absolve them from any censures and sins, even those reserved to the Holy Apostolic See in a special manner, excepting the case of formal and external heresy.²

II. The faculty formerly granted to regulars and others, after the new Code (cf. canon 519), now lacks practical value.

¹ Cf. Navarrus, *Commentarius de Iubilaeo*; Viva, *De Iubilaeo*; Van de Burgt, *De Iubilaeo*; Bastien, *De Iubilaeo*.

² A.A.S. 1924, pp. 317, 319.

Article II. On the Special Faculties of Confessors

555 I. Faculties granted. To confessors lawfully chosen according to what was said in Article I belongs:

1. The faculty of absolving both from sins and - but in the forum of conscience only - from censures reserved either to the Holy See or to Ordinaries, except those which perhaps are excepted by the Bull, with a salutary penance nevertheless imposed, and with other things to be imposed by law. Therefore, as Benedict XIV teaches, the confessor "should not omit imposing upon each penitent his own salutary penance in the sacrament, not even under the pretext of the Jubilee to be obtained by the same penitent."¹ Other things to be imposed by law are understood as those which by either divine or ecclesiastical law are imposed upon the penitent.² Moreover:

a) One who falsely accused a confessor of solicitation cannot be absolved unless he has retracted the accusation and compensated other damages perhaps following upon the accused person, or is prepared to retract the accusation and compensate the damages.³

b) Those who have propagated heresy, or at least are guilty of external heresy, should not be absolved before they have abjured the heresy before the confessor and have repaired the scandal, or at least are prepared to repair it.⁴

c) Those who retain or read prohibited books should not be absolved before they have put them away or have seriously promised that they will put them away.⁵

d) Those who have given their name to a condemned secret sect should not be absolved except on the condition that they separate themselves altogether from the respective sect and abjure it, and that books, manuscripts, and signs concerning the sect, if they retain any, be handed into your hands (the hands of the confessor), to be cautiously transmitted as soon as possible to the Ordinary, or at least, if just and grave causes demand it, to be burned.⁶

e) One who violated the enclosure of Nuns for an evil end, even in occult cases, must be forbidden by the confessor from approaching in the future any monastery and church of Nuns; and he must be warned that he is absolved from the censure in such a way that, if he does not observe the prohibition imposed, he falls back by that very fact into the same censure.⁷

f) One who absolved an accomplice is usually obliged by the Sacred Penitentiary: 1. "that insofar as the accomplice person should approach him again, after being warned of the nullity of the past absolutions, he send that person back to another confessor who is not an accomplice"; 2. "that he abstain in the future from hearing the confessions of any accomplice person, insofar as this can be done without grave scandal"; 3. "that he take care to resign the office of confessor, if he has absolved two accomplices once or one accomplice twice."⁸ But more recent Bulls have been accustomed to restrict the faculty of absolving a confessor who has absolved an accomplice.

g) Those who have been excommunicated, suspended, interdicted by name, or otherwise declared to have fallen into sentences and censures, or publicly denounced, should not be absolved unless within the time of the Jubilee they have made satisfaction and have come to agreement with the parties, where that is necessary.⁹ But afterward this was added: "But if within the prescribed term, in the judgment of the confessor, they could not make satisfaction, we grant that they can be absolved in the forum of conscience, for the sole effect of obtaining the indulgences of the Jubilee, with the obligation imposed of making satisfaction as soon as they can."

2. The faculty of dispensing with a penitent constituted in sacred Orders concerning an occult irregularity contracted because of violation of a censure.¹⁰

3. The faculty of commuting any vows whatsoever, even sworn vows and vows reserved to the Apostolic See, into other pious and salutary works. There are excepted: 1. reserved vows of chastity and Religion; 2. vows made and accepted in favor of a third party, as vows made in any Religion; 3. penal vows, which are called preservative from sin, unless the future commutation is judged to be such that it restrains no less from committing sin than the former matter of the vow;¹¹ the vow of not seeking commutation is not excepted (St. Alphonsus, VI, 537, q. 4). Moreover observe:

a) For the commutation of vows (during the time of the Jubilee) a special cause is not required; but that common cause on account of which the Pontiff was moved to proclaim the Jubilee suffices (St. Alphonsus, II, 537, q. 40).

b) The power of commuting sworn vows quite probably carries with it the power of commuting oaths; nor does St. Alphonsus contradict this, since he speaks only of the power of commuting vows (III, 190).

It is disputed whether the power of commuting an oath of chastity and Religion belongs to the confessor. But it seems improbable that the Church, which denies the power of commuting a vow of some thing, would grant the faculty of commuting an oath concerning the same thing.

4. The faculty of commuting, from a just cause, the works assigned for the Jubilee into other pious works;¹² concerning this see n. 559.

The faculty of dispensing in some impediments of marriage is commonly not granted; yet in the year 1925 some faculty had been granted, but only for the internal forum.

¹ Bull *Convocatis*, § 26.

² Cf. Sacred Penitentiary, April 18, 1900.

³ A.A.S. 1924, p. 338, under IV.

⁴ A.A.S. 1924, p. 311, under IV.

⁵ A.A.S. 1924, p. 339, under VIII.

⁶ A.A.S. 1924, p. 311, under IV.

⁷ A.A.S. 1924, p. 339, under VI.

⁸ A.A.S. 1924, p. 310, under I.

⁹ A.A.S. 1924, p. 310, under IV.

¹⁰ Bull *Benedictus Deus*, nn. 4 and 5.

¹¹ A.A.S. 1917, p. 311, under VII, p. 320.

¹² A.A.S. 1927, p. 312 sq.

556 II. Things to be noted. Concerning the faculties explained above these things are to be noted:

1. It is not permitted to use them except with respect to penitents who have the intention of gaining the indulgence of the Jubilee and therefore of fulfilling the prescribed works.¹ But the fact that someone sinned in hope of receiving absolution by force of the Jubilee does not prevent him from enjoying the favors, provided he is now sorry, and wills to gain the Jubilee and to fulfill the pious works (St. Alphonsus, VI, 537, q. 6). But if the penitent afterward, having changed his mind, does

not fulfill the works required for gaining the indulgence, he sins, because he acts against the intention of the Supreme Pontiff who granted the faculties for gaining the Jubilee.² Yet it is not established that the sin is grave. Besides, the favors granted, for example the commutation of a vow, persist³ (St. Alphonsus, VI, 537, q. 3).

2. The faculties must be used in sacramental confession;⁴ but it is not required that all the faculties be exercised in the same confession or by the same confessor. Thus, for example, one who in confession for the Jubilee omitted to ask for commutation of a vow can ask for this in another confession and from another confessor. Nor is it required that absolution be granted now to one sacramentally confessed. Hence even if the confessor judges that absolution is to be deferred, he can nevertheless remove, for example, a censure or commute a vow; and if this has taken place, an ordinary confessor also, with the censure and the reservation of the sin removed, can absolve the penitent from sins.

3. Concerning repeated use of the favors, receive these things:

a) A penitent who has enjoyed the favors granted and has fulfilled all the prescribed works cannot enjoy the favors again, for example if he should make a new vow; and this holds even if the indulgence itself can be acquired several times.⁵ The faculty of commuting prescribed works is excepted; it is permitted to use this several times⁶ (n. 559).

b) One who has enjoyed the favors granted, but before he has fulfilled all the prescribed works needs them again, for example by falling back into censures, can, as seems to have to be said in view of the Bull *Convocatis*, n. 84 at the end, enjoy the favors again. Namely, the Supreme Pontiff states that "if he has once shared in them (the graces) the first time that he obtained the Jubilee, he cannot become a participant in them again, if after the first acquisition of the Jubilee he falls again into censures, etc." By these words it is implied that he can again become a participant in the graces if before the acquisition of the Jubilee, or before all the works have been fulfilled, he again falls into a censure. Moreover it seems more consonant with the mind of the Church that the faculties granted can be exercised until the faithful person, all the works having been fulfilled, has obtained the Jubilee.⁷

4. If someone has forgotten a reserved sin or reserved censure in a confession otherwise valid, or from a just cause has omitted it, according to many authors the reservation of the sin and the censure have been removed. The reason is that it is fitting to the mind of the Supreme Pontiff, who granted special faculties to the confessor in favor of the penitent, that the well-disposed penitent, insofar as it can be done, enjoy the said faculties (St. Alphonsus, VI, 537, q. 4). But if someone exposed a reserved censure or sin to the confessor, yet confessed invalidly, the reserved censure and the reservation of the sin have not been removed, if the confession was culpably invalid, that is, sacrilegious; since the sincere intention of acquiring the Jubilee is lacking (p. 421). Besides, "since the Pontiff grants the faculty of absolving from reserved things so that the faithful may gain the Jubilee, he is not presumed to grant it for those who cannot gain the Jubilee by that confession" (St. Alphonsus, VI, 537, q. 2). Moreover, because of the latter reason, the same solution seems to have to be admitted against several authors, if the confession was inculpably invalid (St. Alphonsus, loc. cit.).

5. One who confessed during the time of the Jubilee can, if absolution seems to have to be deferred for him and to be granted after the Jubilee, be absolved from reserved things even after the time

of the Jubilee (St. Alphonsus, VI, 537, q. 4).

¹ Bulls *Convocatis*, § 24; *Inter praeteritos*, § 62; *Benedictus Deus*, § 6; *Celebrationem*, § 8; Sacred Penitentiary, June 1, 1869; January 15, 1886.

² Cf. Bull *Inter praeteritos*, n. 86.

³ Cf. Bulls *Convocatis*, n. 34; *Inter praeteritos*, n. 86; Leo XIII, Bull *Praesentes Litteras*; Sacred Penitentiary, November 1, 1899.

⁴ Bulls *Convocatis*, § 25; *Inter praeteritos*, § 62, compared with *Convocatis*, § 40.

⁵ Bulls *Convocatis*, § 52; *Inter praeteritos*, § 84; Sacred Penitentiary, June 1, 1869; Sacred Penitentiary, March 18, 1886.

⁶ Sacred Penitentiary, March 18, 1886 (A.S.S. XVIII, p. 512).

⁷ For the Jubilee of the year 1875, however, the Sacred Penitentiary, January 25, 1875, by mandate of the Supreme Pontiff, declared: "His Holiness declared that by force of the present Jubilee (the faithful) can be absolved only once from censures and reserved cases (and likewise that the indulgence of the Jubilee itself can be acquired only once)." And on the same day the Sacred Penitentiary, to the question "Whether confessors can absolve a penitent who, already absolved from reserved things and censures, has fallen into them again before he has fulfilled the works prescribed for acquiring the Jubilee," responded: "By virtue of the Jubilee one can be absolved only once from reserved things and from censures, or, negatively."

Article III. On the Indulgence

To the Jubilee is attached a plenary indulgence, to be gained only once, unless it is expressly granted as to be acquired several times. Moreover, in the Jubilee of the Holy Year in the City, it is granted several times to those who repeat the prescribed works.¹ Now we must speak about the works which are usually prescribed for gaining the indulgence.

¹ Bulls *Convocatis*, § 52; *Inter praeteritos*, § 84; *Benedictus Deus*, § 2.

557 I. Prescribed works. In the ordinary Jubilee there are commonly prescribed only: confession, communion, and visitation of the designated churches together with prayer according to the mind of the Supreme Pontiff; in an extraordinary Jubilee, besides the works enumerated, fasting and almsgiving are usually enjoined. A few things about each; moreover compare what was said in n. 494.

1. Confession is necessary even for those who have not sinned gravely, although absolution is not required for these.¹ If someone after completing the confession of the Jubilee, but before the last work has been fulfilled, falls into mortal sin, he is bound to confess again, nor does contrition suffice; however, it is not required that the other works, even if already fulfilled in the state of sin, be repeated.² The annual confession, by which satisfaction is made for the precept by which one constituted in mortal sin is bound, does not suffice.³
2. Communion, certainly worthy communion; the Paschal communion does not suffice;⁴ nevertheless in the year 1925, if someone had neglected to receive Paschal communion, communion for the Jubilee also availed for fulfilling the Paschal precept; for the Jubilee, at least of the year 1900, the Sacred Penitentiary declared on March 28, 1900, to 2, that Viaticum suffices.
3. Visitation of churches. Which churches are to be visited and how often are determined in the City by the Supreme Pontiff, outside the City by the Bishop. In instituting the visitations it is permitted to compute the day either according to civil custom (from midnight to midnight) or according to ecclesiastical custom (from first Vespers up to sunset of the following day).⁵ When

several visitations are prescribed, it is not enough to enter the church once and there recite the prayers several times, but one must go out from the church and enter it again.⁶ Moreover the visitations must be made with the intention of worshipping God.⁷

Regulars also are bound to visit the churches designated by the Bishop, unless they enjoy a special privilege; nevertheless commutation can be granted to those lawfully impeded.⁸

4. Prayers to be recited. They must be recited in the place to be visited and according to the mind of the Supreme Pontiff. Oral prayers suffice; merely mental prayers do not, to which therefore an oral prayer would have to be added.⁹ Moreover compare what was said in n. 498.
5. Fasting is to be taken in the strict ecclesiastical sense, that is, joined with abstinence, and indeed, considering the old law, with abstinence not only from flesh meat but also from eggs and milk products.¹⁰ Under the new law, however, fasting no longer includes abstinence from eggs and milk products. Fasting also concerns those who otherwise are not bound to it, such as children and the elderly (St. Alphonsus, VI, 534, 3°); nevertheless there is place for commutation (n. 559).
6. If almsgiving is enjoined, as devotion suggests, a modest amount suffices; if it is prescribed according to each one's means, a larger amount must be given by the rich. It is indifferent whether money or another thing is given. Religious, wives, and children of families satisfy by consenting to the alms which the Superior or father gives in the name of the whole community or family. Nevertheless religious and the truly poor can ask for commutation (St. Alphonsus, VI, 538, q. 11).

¹ Bulls *Convocatis*, § 46; *Inter praeteritos*, § 77; cf. Sacred Congregation of Indulgences, May 19, 1759 (*Decreta authentica*, n. 214); May 6, 1852 (*Decreta authentica*, n. 359, to IV).

² Bulls *Convocatis*, § 42; *Inter praeteritos*, § 79; cf. Sacred Congregation of Indulgences, November 28, 1759 (*Decreta authentica*, n. 217, to I).

³ Sacred Congregation of Indulgences, May 10, 1844 (*Decreta authentica*, n. 327, to I), compared with the Sacred Penitentiary (A.A.S. VIII, p. 351).

⁴ Sacred Congregation of Indulgences, May 10, 1844 (*Decreta authentica*, n. 327, to I).

⁵ Bull *Inter praeteritos*, § 13; Sacred Penitentiary, January 24, 1875.

⁶ Sacred Penitentiary, January 25, 1875.

⁷ Bull *Inter praeteritos*, § 13.

⁸ Bulls *Convocatis*, § 51; *Inter praeteritos*, § 83.

⁹ Bulls *Convocatis*, § 51; *Inter praeteritos*, § 83.

¹⁰ Sacred Penitentiary, March 16, 1865; Bucciaroni reports other declarations of the same Congregation, *Enchiridion*, n. 1065.

558 II. Things to be noted concerning the prescribed works.

1. Works owed by law or precept do not suffice, unless the Supreme Pontiff signifies the contrary.¹ Hence, as has already been noted, annual confession, Paschal communion, etc., do not suffice.
2. The prescribed works, even confession and communion, must be done during the time of the Jubilee;² likewise with the intention of gaining the indulgence; but a habitual intention suffices (n. 501).

3. The works enjoined, whether all or some of them, can also be fulfilled outside one's domicile, provided that the ordinances of the Ordinaries of the places are observed.³
4. Finally, it does not matter in what order they are fulfilled, nor is it required that they be done in the state of grace, except for the last work.⁴

¹ Bull *Inter praeteritos*, § 53; this speaks of debt in any way whatsoever; but since canon 932 speaks only of law and precept, things owed under another title, for example a vow, now seem to suffice.

² Sacred Congregation of Indulgences, December 9, 1763 (*Decreta authentica*, n. 231); May 10, 1844 (*Decreta authentica*, n. 327, to I); canon 931, § 3.

³ Sacred Penitentiary, January 15, 1886, to VI.

⁴ Bulls *Convocatis*, § 47; *Inter praeteritos*, §§ 73-76.

559 III. Relaxation of the works. To the Supreme Pontiff alone belongs the faculty of dispensing in some work; but to confessors - not, however, of itself to Superiors¹ - is granted the faculty of commuting for those morally impeded the prescribed works into other pious works; concerning this, observe:

1. The faculty of commutation does not include confession; nor communion except for children who have not yet been admitted to first Communion;² nor the prayers to be recited according to the mind of the Supreme Pontiff.³
2. Commutation cannot be made into works otherwise owed, unless this is expressly granted;⁴ nor, as follows from the nature of commutation, can it be made into notably lesser works.
3. Commutation of itself, that is, considering the norms of Benedict XIV, seems to have to be made in sacramental confession. For thus Benedict XIV established generally concerning the use of faculties.⁵
4. Even if the indulgence can be acquired several times, nevertheless the commutation of the works enjoined, considering the Bull of Benedict XIV,⁶ can be made only once; but the Sacred Penitentiary, March 18, 1886,⁷ responded that the works enjoined can be commuted several times.

Note. One who foresees that the time for completing the prescribed works will not suffice for him should ask for commutation or, if the Bull permits it, prolongation of the Jubilee.

¹ Cf. Sacred Penitentiary, April 23, 1886, to II and III.

² Considering the kindly mind of the Church, this perhaps can be extended to those very few sick persons who cannot communicate even at home.

³ *Benedictus Deus*, § 3; *Inter praeteritos*, § 53.

⁴ *Inter praeteritos*, § 53.

⁵ *Inter praeteritos*, § 63; cf. Sacred Penitentiary, January 30, 1886.

⁶ Bull *Convocatis*, §§ 52 and 39.

⁷ A.S.S. XVIII, p. 512.

Chapter III. On the Suspension of Indulgences and Faculties on the Occasion of the Jubilee

560 In order that the City of Rome during the time of the Jubilee may be celebrated by as great a gathering of mortals as can be, during the Holy Year, that is, the year in which the ordinary Jubilee is celebrated in the City - but not during the time in which the said Jubilee is extended to the world, nor in an extraordinary Jubilee - indulgences and faculties outside the City are moderated as follows:

I. All indulgences - even those which have been granted for the living only - can be acquired for the departed. No indulgences can be acquired for the living, except indulgences granted: 1. to those who are constituted at the point of death; 2. for the recitation of the Angelus of the Lord or the Regina Caeli according to the time, and certain others to be assigned in the Bull.¹

II. The faculties of absolving from reserved cases and censures, of commuting vows, of dispensing from irregularities and impediments, are suspended, with these exceptions:

1. Faculties granted in any way through the Code of Canon Law, except those which were granted by privilege.
2. Faculties for the external forum granted in any way to Nuncios, Internuncios, Apostolic Delegates, and also to Ordinaries of places and Superiors of Religious Orders over their subjects.
3. Faculties granted by the Sacred Penitentiary for the internal forum, insofar as they are exercised toward penitents who cannot go to the City without grave inconvenience.²

¹ A.A.S. 1927, p. 306 sq.

² A.A.S. 1927, pp. 307, 308.

Scholion I. On the Plenary Indulgence at the Point of Death

561 I. At the point of death only one plenary indulgence can be gained, although the dying person may have a right to it under various titles.¹ This holds even if the dying person, because of a less perfect disposition, acquires only partially the plenary indulgence which he acquires.

This indulgence, which is acquired at the last moment of life, cannot be applied to the departed (n. 530). An exception should more probably be made if the matter concerns one who has elicited the heroic act of charity; for he enjoys the privilege of applying to the departed all indulgences which he gains (n. 550).

II. Concerning the various titles from which a dying person can acquire a right to the said indulgence, it is useful to note these things:

1. It is to be advised that the dying person strive to make several titles his own; for it can happen that the conditions required for some title are not fulfilled, while the conditions established for another title are fulfilled; whence it happens that, with several titles in place, the hope of gaining the indulgence is increased. There is added the fact that several titles can occur without the intervention of a priest, and that the conditions to be fulfilled for different titles especially promote the disposition required for gaining the indulgence.

When an indulgence is granted under the customary conditions, there are required: confession, communion, invocation of the Name of Jesus by mouth, or, if that cannot be done, in the heart, and

prompt acceptance of death in satisfaction for sins.

2. The principal titles are:²

a) The Apostolic blessing at the point of death, concerning which we spoke at length in n. 530 sq.

b) Enrollment in most confraternities.

In order that the indulgences be gained, the customary conditions are for the most part required (n. 494).

c) Enrollment in an Order, religious Congregation, or Third Order; this holds at least for most Congregations and Third Orders.

For a member of an Order and of a Third Order, confession and communion are required, or, if these cannot be done, a penitential invocation of the Holy Name by mouth, or, if that is impossible, in the heart.

d) Use of a cross or another object to which Papal indulgences are attached.

In order that someone acquire the indulgence: 1. he should carry the object upon himself or keep it decently in his house; 2. he should fulfill the customary conditions.

e) Use of a crucifix, that is, a cross with the image of Christ crucified, to which is attached a plenary indulgence at the point of death *toties-quoties*.³

In order that the indulgence be gained, the dying person: 1. should kiss or in some way touch the crucifix;⁴ 2. should fulfill the customary conditions.

f) Recitation of the acts of faith, hope, and charity.⁵

It is required only that someone has frequently elicited the said acts in life; it does not matter by what formula he has done this.

g) Recitation of the prayer: Lord my God, from now on I accept from your hand with a calm and willing mind whatever kind of death shall have pleased You, with all its distresses, punishments, and pains.⁶

It is required that, on whatever day he wishes, after confession and communion have been received, by reciting the said act with charity he accept death from God.

h) Sometimes the Supreme Pontiff grants by name a plenary indulgence to a dying person, with no condition established.

¹ Sacred Congregation of Indulgences, January 23, 1901, to II (*Collectio*, n. 2100).

² Cf. N. K. Stemmen, 1922, p. 72.

³ *Toties-quoties*, whose meaning in this case is that any one of Christ's faithful constituted at the point of death may be able to acquire a plenary indulgence through the use of this crucifix (Holy Office, June 10, 1914); in what sense this decree is to be understood was declared and confirmed by the declaration of the Sacred Penitentiary, June 23, 1929 (A.A.S. 1929, p. 510 sq.).

⁴ Holy Office, January 11, 1914.

⁵ *Raccolta*, I, p. 18; Sacred Congregation of Indulgences, January 22, 1756.

⁶ *Raccolta*, I, p. 148; Sacred Congregation of Indulgences, March 9, 1904.

Scholion II. On *Toties-Quoties* Indulgences

562 I. A *toties-quoties* indulgence is here understood as a plenary indulgence which on the same day can be acquired as often as the work enjoined, usually a visitation of a determinate church with prayer according to the mind of the Supreme Pontiff, is repeated.

II. Especially the following *toties-quoties* indulgences can be acquired, certain conditions being observed: 1. on the feast of the Most Holy Trinity;² 2. on the feast of the Most Holy Sacrament;³ 3. on the last Sunday of the month of June;⁴ 4. on the feast of the Blessed Virgin Mary of Mount Carmel;⁵ 5. on Portiuncula or the following Sunday;⁶ 6. on the feast of the Blessed Virgin Mary of the Seven Sorrows in the month of September, or on the Sunday of the solemnity;⁷ 7. on the feast of the Most Holy Rosary or the Sunday of the solemnity;⁸ 8. on the Commemoration of All the Faithful Departed.⁹

¹ Cf. *N. K. Stemmen* 1923, p. 68.

² Sacred Congregation of Indulgences, August 10, 1904.

³ Sacred Congregation of Indulgences, July 30, 1906; December 10, 1907.

⁴ Sacred Congregation of Indulgences, August 8, 1906; from the audience of Pius X, January 26, 1908; cf. *Collectio precum piorumque operum*, pp. 78-79.

⁵ Brief *Quo magis*, May 16, 1892.

⁶ Motu proprio, June 9, 1910; Holy Office, May 26, 1911.

⁷ Sacred Congregation of Indulgences, September 27, 1888.

⁸ Sacred Congregation of Indulgences, July 7, 1885.

⁹ Holy Office, June 25, 1914.