

CODEX
IURIS CANONICI
PII X PONTIFICIS MAXIMI
IUSSU DIGESTUS
BENEDICTI PAPAE XV
AUCTORITATE PROMULGATUS
PRAEFATIONE, FONTIUM ANNOTATIONE
ET INDICE ANALYTICO-ALPHABETICO
AB EMO
PETRO CARD. GASPARRI
AUCTUS

DOCUM. V.

Constituto Benedicti PP. XIV, Sacramentum Poenitentiae, I Iunii 1741

Sacramentum Poenitentiae, quam secundam, post naufragium deperditae gratiae, tabulam santi Patres apte nuncuparunt, Nos licet immerentes ad universi dominici gregis curam superna dispositione vocati, omne studium, et pastorem sollicitudinem adhibere tenemur, ne quod post amissam baptismi innocentiam datum est divina benignitate perfugium, per daemonum fraudem, et hominum Dei beneficiis perverse utentium malitiam, naufragis ac miseris peccatoribus innotuosum evadat exitium; et quod in salutem, et curationem animarum, a Deo, qui dives est in misericordia, institutum est, exercrabili scelestorum quorundam sacerdotum improbitate, in earum penicem, atque interitum vertatur.

§ 1. Dudum quidem a fel. record. Gregorio Pap XV Praecessore Nostro per suas litteras in forma Brevium sub datum Romae apud Sanctam Mariam Maiorem die XXX Augusti MDCXXII, Pontificatus sui anno secundo, sapienter provisum fuit contra quoscumque sacerdotes audiendis confessionibus deputatos, ad turpia et inhonesta sollicitantes; et deinceps successivis temporibus, ad earum litterarum interpretationem ac declarationem, plura subinde a Congregatione Venerabilium Fratrum Nostrorum Sanctae Romanae Ecclesiae Cardinalium adversus haeticam pravitatem generalium Inquisitorum sub die XI mensis Februarii Anno Domini MDCLXI, prodierunt decreta, et a rec. mem. Alexandro PP. VII pariter praedecessore

Nostro in Congregatione Generali Sanctae Romanae Universalis Inquisitionis die XXIV Septembris MDCLXV coram eo habita, inter alias ab Evangelica veritate, et sanctorum Patrum doctrina alienas et dissonas propositiones, sexta videlicet, et septima, huc revocandae, damnatae, et prohibitae fuerunt. Nos itaque mature perpendentes quanti momenti sit ad aeternam animarum salutem ea ubique exacte observari, et quanti ad infirmas oves curandas, et decorem Sanctae Ecclesiae Der retinendum, intersit, ne aliqui sacerdotes Poenitentiae Sacramento nefarie abutentes, poenitentibus pro curatione vulnus, pro pane lapidem, pro pisce serpentem, pro medicina venenum porrigant, sed animo secum recolentes, se a Christo Domino prasesides, et iudices animarum constitutos, ea sanctitate, quae sublimitati ac dignitati muneris convenit, tam veneradum Sacramentum administrent: Motu proprio, et ex certa scientia, ac matura deliberatione Nostra, praefatas litteras huiusmodi, ac omnia, et singula decreta praedicta ad illarum interpretationem et declarationem emanta. Apostolica auctoritate tenore praesentium approbamus et confirmamus, illisque omnibus et singulis inviolabilis Apostolicae firmitatis robur adicimus; atque etiam, quatenus opus sit, denuo committimus et mandamus omnibus haereticae pravitatis Inquisitoribus, et locorum Ordinariis omnium regnorum, provinciarum, civitatum, dominiorum, et locorum universi Orbis Christiani, in suis respective dioecesibus, ut diligenter, omnique humano respectu postposito, inquirent, et procedant contra omnes, et singulos sacerdotes tam saeculares, quam regulares quomodolibet exemptos, ac Sedi Apostolicae immediate subiectos, quorumcumque exemptos, ac Sedi Apostolicae immediate subiectos, quorumcumque Ordinum., Institutorum, Societatum, et Congregationum, et cuiuscumque dignitatis, et praeeminentiae, aut quovis privilegio, et indulto munitos, qui aliquem poenitentem, quaecumque persona illa sit, vel in actu sacramentalis confessionis vel ante, vel immediate post confessionem, vel occasione, aut praetextu confessionis, vel etiam extra occasionem confessionis in confessionali, sive in alio loco ad confessiones audiendas destinato, aut electo, cum simulatione audiendi ibidem confessionem, ad inhonesta, et turpia sollicitare, vel provocare, sive verbis, sive signis, sive nutibus, sive tactu, sive per scripturam, aut tunc aut post legendam, tentaverint, aut cum eis illicitos, et inhonestos sermones, vel tractatus temerario ausu habuerint; et quos in aliquo ex huiusmodi nefariis excessibus culpabiles repperint, in eso pro criminum qualitate et circumstantiis, severe animadvertant, per condignas poenas, iuxta Gregorii Praedecessoris Nostri constitutionem, quam hic de verbo pro inserta haberi volumus; dantes etiam, si opus sit, et rursus concedentes facultatem, ne delictum tam enorme, et Ecclesiae Dei iniuriosum, remaneat, ob probationum defectum, imputium, iam alias in praefata constitutione tributam, procedendi cum testibus etiam singularibus, dummodo praesumptiones, indicia et alia adminicula concurrant.

§ 2. Meminerint praeterea omnes et singuli sacerdotes ad confessiones audiendas constituti, teneri se ac obligari, suos poenitentes, quos noverint fuisse ab aliis, ut supra, sollicitatos, sedulo monere, iuxta occurrentium casuum circumstantias, de obligatione denunciandi Inquisitoribus, sive locorum Ordinariis praedictis, personam, quae sollicitationem commiserit, etiamsi sacerdos sit, qui iurisdictione ad absolutionem valide impertiendam careat, aut sollicitatio inter confessarium, et poenitentem mutua fuerit, sive sollicitationi poenitens consenserit, sive consemsum minime praestiterit, vel ongi tempus post ipsam sollicitationem iam effluxerit, aut sollicitatio a confessario, non pro se ipso, sed pro alia persona peracia fuerit. Caveat insuper diligenter confessarii, ne poenitentibus, quos noverint iam ab alio sollicitatos, sacramentalem absolutionem impertiant, nis prius denunciationem praedictam ad effectum perducentes, delinquentem indicaverint competenti iudici, vel saltem se, cum primum poterunt,

delaturos spondeat ac promittant.

§ 3. Et quoniam improbi quidem homines reperiuntur, qui vel odio, vel ira, vel alia indigna causa commoti, vel aliorum impiis suasionibus, aut promissis, aut blankitiis, aut minis, aut alio quovis modo incitati, tremendo Dei iudicio posthabito, et Ecclesiae auctoritate contempta, innoxios sacerdotes apud ecclesiasticos iudices falso sollicitationis insimulant: ut igitur tam nefaria audacia, et tam detestabile facinus metu magnitudinis poenae coerceatur, quaecumque persona, quae execrabili huiusmodi flagitio se inquinaverit, vel per se ipsam innocentes confessarios impie calumniando, vel sceleste procurando, ut id ab aliis fiat, quocumque sacerdote quovis privilegio, auctoritate, et dignitate munito, praeterquam a Nobis, Nostrisque Successoribus, nisi in fine vitae, et excepto mortis articulo, spe absolutionis obtinendae, quam Nobis et Successoribus praedictis reservamus, perpetuo careat.

§ 4. Demum magnopere cupientes a sacerdotalis iudicii, et sacri tribunalis sanctitate omnem turpitudinis occasionem, et Sacramentorum contemptum, et Ecclesiae iniuriam longe submovere, et tam exitiosa huiusmodi mala prorsus eliminare, et quantum in Domino possumus, animarum periculis occurrere, quas sacrilegi quidam, daemonis potium, quam Dei ministri, loco eas per Sacramentum Creatori suo ac nostro reconciliandi, maiori peccatorum mole onerantes, in profundum iniquitatis barathrum nefarie submergunt, nonnullorum Venerabilium Fratrum Nostrorum Sanctae Romanae Ecclesiae Cardinalium et aliquorum in theologia Magistrorum consilio desuper adhibito, accedentibus quoque iteratis plurium Episcoporum supplicationibus, hac Nostra in perpetuum valitura sanctione, quemadmodum a pluribus Episcopis per synodales suas constitutiones iam factum esse novimus, omnibus et singulis sacerdotibus, tam saecularibus quam regularibus cuiuscumque Ordinis, ac dignitatis, tametsi alioquin ad confessiones excipiendas approbatis, et quovis privilegio et indulto, etiam speciali expressione, et specialissima nota et mentione digno suffultis, auctoritate Apostolica, et Nostrae potestatis plenitudine interdiciamus et prohibemus, ne aliquis eorum, extra casum ex tremae necessitatis, nimirum in ipsius mortis articulo, et deficiente tunc quocumque alio sacerdote qui confessarii munus obire possit, confessionem sacramentalem personae complicitis in peccato turp atque inhonesto, contra sextum Decalogi praeceptum commissio, excipere audeat, sublata propterea illi ipso iure quacumque auctoritate et iurisdictione ad qualemcumque personam ab huiusmodi culpa absolvendam; adeo quidem, ut absolution, si quam impertierit, nulla atque irrita omnino sit, tanquam impertita a sacerdote, qui iurisdictione ac facultate ad valide absolvendum necessaria privatus existit, quam ei per praesentes has Nostra adimere intendimus; et nihilominus, si quis confessarius secus facere ausus fuerit, maioris quoque excommunicationis poenam, quae qua absolvendi potestatem Nobis solis, Nostrisque Successoribus dumtaxat reservamus, ipso facto incurrat.

§ 5. Declarantes etiam, et decernentes, quod nec etiam in vim cuiuscumque Iubilaei, aut etiam Bullae, quae appellatur Cruciatæ Sanctae, aut alterius cuiuslibet indulti, confessionem dicti complicitis huiusmodi quisquam valeat excipere, eique sacramentalem absolutionem elargiri; cum ad hunc effectum, et in hoc casu, nullus confessarius, utpote quo in huiusmodi peccati, et poenitentis genere, iurisdictione, ut praefertur, careat, et absolvendi facultate a Nobis privatus existat, habendus sit pro confessario legitimo, post approbato. Non obstantibus Constitutionibus, et Ordinationibus Apostolicis, praesertim auae nuncupantur Cruciatæ sanctae, vel Iubilaei Universalis et plenarii, necnon quibusvis Ecclesiarum, et monasteriorum, et Orinum quorumlibet, quorum ipsi sacerdotes fuerint, etiam iuramento, confirmatione Apostolica, vel quavis firmitate alia roboratis, statutis, et consuetudinibus, privilegiis quoque, indultis, et Litteris Apostolicis, sub

quibuscumque tenoribus et formis, ac cum quibusvis clausulis, et decretis, etiam motu proprio, aut alias quomodolibet concessis, etiam iteratis vicibus approbatis, et innovatis; quibus omnibus, eorum tenores praesentibus pro expressis habentes, have vice dumtaxat specialiter et expresse derogamus, ceterisque contrariis quibuscumque.

§ 6. Volumus demum ac praecipimus ut omnes locorum Ordinarii, tam praesentes quam futuri pro tempore existentes, in approbatione confessariorum, tam praedictam Constitutionem Gregorii Praedecessoris, quam praesentem hanc Nostram, ab omnibus sacerdotibus approbandis attente legi et accurate observari curent, moneantque eos in Domino atque hortentur, ut sacrum ministerium ipsorum fidei commissum summa animi innocentia, morum puritate, iudicii integritate peragant, exhibeatque semetipsos ut ministros Christi et dispensatores mysteriorum Dei. Memores praeterea sint selocum tenere, ac vices obire summi atque aeterni Sacerdotis, qui sanctus, innocens, impullus, per Spiritum sanctum semetipsum obtulit immaculatum Deo, ut emundaret conscientiam nostram ab operibus mortuis, ad serviendum Deo vivdenti: sedulo igitur studeat diligenterque caveant, ne quaerentibus et pulsantibus eorum culpa caelum claudatur; ne deperditae oves ad ovile dominicum redire properantes, eorum manu ferarum dentibus dilaniandae tradantur; ne prodigi filii egentes et saucii ad coelestem Patrem revertentes, nefaria eorum improbitate, gravioibus peccatorum vulneribus, dum adhuc in via sunt, confodiantur.

§ 7. Ut autem praesentes Litterae ad omnium notitiam facilius deveniant, et nemo illarum ignorantiam allegare valeat, volumus illas seu earum exempli ad valvas Ecclesiae Lateranensis, et Basilicae Principis Apostolorum, necnon Cancellariae Apostolicae, Curiaeque Generalis in Monte Citorio, ac in Aede Campi Florae de Urbe, ut moris est, affigi et publicari, sicque publicatas et affixas, omnes et singulos, quos illae concernunt, perinde arctare et afficere, ac si unicuique eorum nominatim et personaliter intimatae fuissent: utque ipsarum praesentium Litterarum transumptis seu exemplis, etiam impressis, manu alicuius Notarii publici subscriptis, et sigillo alicuius personae in ecclesiastica dignitate constitutae munitis, eadem prorsus fides, tam in iudicio quam extra illud, ubique adhibeatur, quae ipsis praesentibus adhiberetur, si forent exhibitae vel ostensae.

§ 8. Nulli ergo omnino hominum liceat paginam hanc Nostrae voluntatis, sanctionis, praecepti, mandati et derogationis infringere, vel ei ausu temerario contraire. Si quis quidem hoc attentare praesumpserit, indignationem Omnipotentis Dei, ac Beatorum Petri et Pauli Apostolorum eius se noverit incusurum. Datum Romae apud S. Mariam Maiorem Anno Incarnationis Dominicae millesimo septingentesimo quadragesimo primo, Kalendis Iunii, Pontificatus Nostri Anno I.

X. SUB-DATARIUS.

Pro D. CARD. PASSIONEO

CAIETANUS AMATUS.

I

Constitutio *Sacramentum Penitentiae* of Pope Benedict XIV

Called by Our high office (however unworthily) toward care of the Lord's flock, We are bound to direct all of Our zeal and pastoral solicitude toward the Sacrament of Confession, which the Holy Fathers have rightly called a beam of good fortune after the shipwreck of lost grace. We do so lest that which has been given by divine beneficence as a means of rescue for shipwrecked [i.e., corrupt] and wretched sinners, after the innocence of baptism has been lost, results [instead] in woeful destruction through the deceit of demons or the malice of men who use the privileges of God perversely; and so that what has been established by Our Lord, who is rich in compassion, for the salvation and healing of souls not be turned by the execrable improbity of wicked priests toward the ruin and damnation of these souls.

§ 1. Indeed, formerly by Our predecessor of happy memory, Pope Gregory XV, through his letter given in the form of a Brief at Rome in the Church of St. Mary Major on 30 August, 1622, in the second year of his papacy, proviso was wisely made against any priests delegated to hear confessions who solicited shameful and dishonorable conduct. And then, in successive periods, ordinances have gone forth for the purposes of the interpretation and declaration of this letter, many released by Our Congregation of the Venerable Brothers, the Cardinals of the Holy Roman Church, Inquisitors General against Heretical Depravity, on 11 of February 1661, and also by Our predecessor of noted memory, Alexander VII in the General Congregation of the Universal Inquisition of the Holy Roman Church on September 24, 1665, conducted in his presence, to the effect that, along with other propositions which are deemed alien and discordant by

Evangelic truth and clearly so by the sixth and seventh doctrine of the Holy Fathers, such propositions [of solicitation] have been checked, condemned, and prohibited.

Let us, then - properly weighing how important it is that things be observed everywhere with exactness for the purpose of the eternal salvation of souls, and the importance of caring for an infirm flock, mindful of the dignity of the Holy Church of God that must be maintained - take care lest any priests nefariously abuse the sacrament of confession and to the penitents proffer a wound instead of healing, a stone instead of bread, a serpent for a fish, poison for medicine. But let the priests take care - reflecting in their hearts, defenders at the side of Christ our Lord, and appointed judges of souls - that they administer the venerable Sacrament with the sanctity which befits the loftiness and dignity of their office. By Our will [*proprio motu*], from sure knowledge and Our mature deliberation, We approve of and confirm, by Apostolic authority, the previous letter of this kind and each and every prior decree promulgated for the interpretation and declaration of said letter, and We add to each and every one the force of inviolable Apostolic strength. And if there is any need, We again commit to and ask all the Inquisitors of Heretical Depravity, and the Orders of every place and realm - of the provinces, states, dominions, and locations of the whole Christian world - that they, in their respective dioceses, diligently and with all mortal respect cast aside [i.e., disregarding rank], seek out and proceed against everyone - every priest, as much against *Seculares* as *Regulares*, however much exempt, and also those immediately subject to the Apostolic See, of whatever Orders, Institutions, Societies, or Congregations, whether supported by the privilege or dispensation of any rank or preeminence - who have essayed to tempt a penitent, whoever that person is, either in the act of sacramental

confession, whether before or immediately afterwards, whether on the occasion or the pretext of confession, whether even outside the times for confession in the confessional or in a place other than that designated for hearing confessions or in a place chosen for the alleged purpose of hearing a confession; the object of this temptation is to solicit or provoke the penitent toward impure and obscene matters, whether by words or signs or nods of the head, whether by touch or by writing whether then or after the note has been read or whether he has had with that penitent prohibited and improper speech or activity with brazen audacity. Let [the Inquisitors] severely punish those whom they shall find guilty of any nefarious excesses of this sort, in a way appropriate to the nature and circumstances of the crime, by fitting penalties. This is in accordance with the celebrated constitution of Our Predecessor Gregory, which we wish to have placed here as an insert: "We give also and grant again, if necessary, the faculty already otherwise granted in the prior constitution, of proceeding with individual witnesses, provided that assumptions, evidence, and other support agrees, in order that a crime so enormous, and so injurious to the Church of God, not remain unpunished, on account of lack of proof."

§ 2. Henceforth all priests constituted to hear confessions shall remember that they are bound and obliged to diligently admonish their penitents (whom they know to have been solicited by others, as above, and according to cases as they occur) concerning the obligation of denouncing to the Inquisitors or members of the previously mentioned Ordinaries, the person who has committed solicitation. It does not matter whether the priest in question is one who lacks the jurisdiction for validly imparting absolution, whether the solicitation between confessor and penitent be mutual, or whether it should show least consent, whether a long time shall pass after that solicitation, and whether the

solicitation shall be made not by the person himself, but through someone else.

Moreover, let the confessors take diligent care that unto the penitents, whom they know have been solicited by others, they not impart the sacramental absolution, until competent judges have led the stated denunciation into effect and indicted the guilty party, although the priests may promise and vow that they will perform the rite when first they are able.

§ 3. And once wicked men have indeed been uncovered - who either through hatred or anger or moved by another unworthy cause, whether through impious persuasion, or promises, blandishments or threats, or incited by any other means, with the terrible judgement of the Lord ignored, and the authority of the Church scorned - judges among the ecclesiastic rank might wrongly accuse innocent priests with a false charge of solicitation; since, then, such nefarious audacity and so detestable a crime must be repressed by fear of the greatest punishment, whatever person who shall have defiled himself by execrable sin, either of impiously calumniating innocent confessors himself or by wickedly procuring it so that it is accomplished by others, shall in perpetuity lack hope of absolution from any priest of any privilege, authority, or protected office, save by Us and Our Successors (which right we maintain in Ourselves and Our Successors), unless he is at the end of life, and with the moment of death exempted.

§ 4. Very greatly desiring to remove to a great distance every opportunity of turpitude, contempt of the Sacraments, and injury of the Church, by means of the punishment of sacerdotal judgement and holy tribunal, and to eliminate directly such destructive evils of this sort, inasmuch as We are able through the Lord, We desire to resist dangers to souls, which certain sacrilegious men, more of the nature of demon than of a minister of God, instead of reconciling these souls to their and Our Creator through

the Sacraments, weigh down with an even greater mass of sins and nefariously submerge in the deep pit of iniquity. And by the applicable consultation of Our Venerable Brother the Cardinals of the Holy Roman Church and of the Masters in Theology, by the similar and repeated supplications of many Bishops, by this Our sanction which shall be valid into perpetuity, howsoever We know this has been done by many Bishops through their synodal constitutions, We desire to interdict and prohibit *Seculares* and *Regulares* alike of whatever Order and rank, even should they be otherwise approved for hearing confessions, of whatever privilege or dispensation, even supported by "special expression," "of most special note," or "worthy mention." We make this prohibition by Apostolic authority and the fullness of Our power, so that no priest (outside a case of extreme necessity, indeed, at the point of death itself, and when another priest is absent who is able to execute the office of confessor) dares to hear the sacramental confession of a person complicit in shameful and dishonest sin; that is, a sin committed against the Sixth Commandment, no matter what authority and jurisdiction for absolving a person from sin of this sort; to the point, indeed, that if he imparts any absolution it shall be entirely null and void as if imparted by a priest who has been deprived of the jurisdiction and faculty necessary for valid absolution, which faculty we have purposed to remove from him by these Our present words. And no less, if a confessor of lesser standing shall dare to do this, he must also incur the punishment of "Excommunication Major" by this very deed; a penalty from which We, and as many of Our Successors, have sole power to grant absolution.

§ 5. We declare also and resolve that not even under the power of any Jubilee, nor yet of the Bull called "Cruciatae Sanctae," or of any other pardon may anyone be

allowed to hear the confession of a person said complicit of such a deed, nor may anyone be allowed to bestow the sacramental absolution upon him: since, to this end, and in this case, no confessor shall be held as a legitimate or approved confessor inasmuch as he lacks jurisdiction in the area of sin and penitence of this sort, as it is shown above, and he stands deprived of the power of absolution by Us. This power to hear confessions shall not be allowed even by Constitutions to the contrary, or Apostolic Ordinations, specifically the one called "Cruciatae Sanctae" or the "Iubilaei Universalis et plenarii," nor yet by any of the Churches or monasteries, or Orders of any sort to which these priests belong, nor even by oath or Apostolic confirmation, whether by any other affirmation of power, or by statutes, or by customary usage, nor also by privileges, dispensations, or Apostolic Letters, of whatever tenor or form they take, and with whatever clauses or decrees, even a "Motu Proprio" [By My Will], no matter how granted, even if repeatedly and successively approved and renewed; We specifically and expressly repeal all of these, of whatever tenor they have with respect to Our present sentiments, as they relate to this vice, and we repeal any others to the contrary.

§ 6. We especially wish and enjoin all the Ordinaries of localities, who exist now and in future time, that in the approval of confessors, just as much as in the prior Constitution of Gregory, Our Predecessor, as in this Our present one, they take care that the law is observed attentively and accurately by all priests who will be approved. And let the Ordinaries admonish them and urge them, in Our Lord, to perform the rite entrusted to the faith of their ministries with the highest innocence of spirit, purity of morals, and integrity of judgement, and let them show themselves to be ministers of Christ and dispensers of the Mysteries of God. Furthermore, let them remember the place they hold,

and that they act in the stead of the highest and the eternal Priest, who holy, innocent, without pollution, through the Holy Spirit offered Himself, immaculate, to God, so that He could purify our guilt that comes from mortal acts, in order to serve the living God. Let them, then, be sedulously eager and take diligent care, lest through fault of these men, heaven be closed to those who seek and clamber for it; lest lost sheep hastening to the fold of the Lord be handed over by their hands to be torn apart by the teeth of wild beasts; and lest prodigal sons, poor and wounded, when they return to their celestial Father, be struck down by more serious wounds, through the nefarious improbity of these men, for as long as they walk this path.

§ 7. Moreover, so that this present Letter may more easily reach the attention of all, and no one be able to allege ignorance of it, We wish the letter or its contents to be affixed and made public at the doors of the Ecclesia Lateran and of the Basilica of the First Apostle, and further of the Apostolic Chancellory and of the General Curia in Mount Citatorius, and in the Acies Campi Florae de Urbe, as is custom, and once made public and affixed, that it accordingly binds and compels each and every one whom the letter concerns, as if the letter had been intimated to each of them personally and by name; and we wish that the same credence is applied straightway everywhere to this present letter, whether through transcription or excerpts, written down and signed by the hand of a Notary Public, and with the stamp of any person in the church of ecclesiastical rank, just as it is applied in the present letter, should it ever be exhibited or shown.

§ 8. Therefore, let no man at all infringe upon this page of Our will, sanction, precept, and mandated derogation, or go against it with brazen audacity. If, however,

anyone presumes to attempt this, he shall know that he incurs the wrath of Omnipotent God and His Apostles, Peter and Paul.

Given in Rome at St. Mary Major's in the year of the Incarnation of our Lord on June 1 1741, in the first year of Our pontificate.

LATIN TEXT:

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