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Non raro ad hanc Congregationem sanctae Romanae et Universalis Inquisitionis transmittuntur ab Ordinariis vel a Sacra Poenitentiaria denunciationes contra confessarios sollicitantes poenitentes ad turpia et saepe accidit, ut in denunciationibus ipsis inducantur aliae poenitentes vel uti certo ad turpia sollicitatae, vel tantum ex indiciis inductae, quae tamen obligationi de denuntiatione emittenda iuxta sacros canones satis non fecerunt. Ne autem crimen tam infandum absque debitis animadversionibus maneat, Sacra Congregatio ad tramitem Apostolicarum Constitutionum indicit locorum Ordinariis, ut inductas poenitentes opportuno examini subiiciant ut inde legales probationes in processualibus tabulis resultent.

Verum experientia compertum est huiusmodi examina non ita scite seu legaliter assumi a iudicibus delegatis; ita ut saepius causas ipsas, alioquin graviore et in damnum ac scandalum fidelium vertentes, prosequi datum non sit.

Qua propter ne in posterum ex enunciatis defectibus in examinibus assumendis causae contra sollicitantes infectae remaneant, Sacra Suprema haec Congregatio opportunum, immo necessarium censet locorum Ordinariis instructionem iuxta decreta ac ordinationes alias editas exaratam transmittere, qua examina poenitentium per generalia rite et legaliter prosequi valeant.

Praenotandum quod nimia circumspectione utendum est in personis ad examen invitandis; etenim non semper opportunum erit eas ad publicum Cancellariae locum convenire, praesertim si examini subiiciendae sint vel puellae, vel uxoratae, aut famulatui addictae; tunc enim consultum erit eas vel in sacraeis, vel alibi iuxta prudentem Ordinarii seu iudicis

aestimationem caute convocare ad earum examen assumendum. Quod si examinandae vel in monasteriis, aut nosocomiis, seu in piis puellarum domibus existant, tunc magna cum diligentia et diversis diebus iuxta circumstantias peculiare vocandae erunt.

Insuper animadvertant iudices ad examina assumenda deputati quod in eorum et cancellarii seu notarii (qui semper ecclesiastici esse debent) praesentia examinanda exclusive compareat absque socia, absque teste: etenim omnia sub inviolabili secreto perfici necesse est.

Tandem de actibus inde assumptis Ordinarii debent transmittere ad hanc Supremam Congregationem exemplar authenticum et cum suo originali collatum.

Hisce generatim praemonitis, subnectitur norma examinis conficiendi.

Norma examinis per generalia assumendi.

Vigore epistolae Sacrae Supremae Congregationis datae sub die ... (vel vigore decreti Illustrissimi ac Reverendissimi Domini Archiepiscopi Ordinarii) vocata personaliter comparuit coram Illustrissimo ac Reverendissimo Domino N. N. sistente in Cancellaria (vel in sacrario, aut in collocatorio monialium seu piae domus_ in meique etc.

N.N. nulilis (vel uxorata) degens in hac civitate N.N. in parocia N.N., filia (vel uxor) N.N., aetatis suae ... conditionis civilis (aut agricolae, aut famulatu addictae) cui delato iuramento veritatis dicendae quod praestitit tactis SS. Dei Evangelis, fuit Interrog. An sciat vel imaginetur causam suae vocationis et praesentis examinis? - Resp... Inter. A quot annis usa sit accedere ad sacramentum Poenitentiae? - Resp ... Inter, An semper apud unum eundemque confessarium sacramentum Poenitentiae receperit, vel apud plures sacerdotes; insuper an in una eademque, vel in pluribus ecclesiis? - Resp ... Inter. An a singulis quibus confessa est sacerdotibus exceperit sanctas admonitiones, et opportuna praecepta, quae ipsam examinatam aedificarent, et a malo arcerent, et quatenus etc. Resp ... Notandum: si responsio fuerit affirmativa, id est si dicat, se bene semper fuisse directam, tunc interrogatur sequenti modo: Inter. An sciat vel meminerit aliquando dixisse vel audivisse, quod quidam confessarius non ita sancte et honeste sese gesserit erga poenitentes, quin murmurationes, seu verba contemptibilia contra ipsum confessarium prolata fuerint: ex. gr. quod ipsa examinata, ab uno vel a pluribus poenitentibus, atque ab uno abhinc anno, vel a quatuor, aut tribus mensibus similia audierit? - Notandum: Si post hanc interrogationem et animadversionem eaminata negare pergat, claudatur actus consueta forma, quae ad calcem huius instructionis prostare. - At si quidquam circa aliquem confessarium, iuxta ea de quibus interrogatur, aperuerit, ulterius interrogabitur prout sequitur: Inter. Ut exponat nomen, cognomen, officium, aetatem confessarii, et locum seu sedem Confessionis; an sit presbyter vel Regularis, et quatenus etc. Resp ... Inter. Ut exponat seriatim, sincere et clare ea omnia, quae in sacramentali confessione vel antea vel postea vel occasione confessionis audierit a confessario praedicto minus honesta: vel an ab eodem aliquid cum ipsa inhoneste actum fuerit nutibus, tactibus seu opere, et quatenus etc. - Notandum: hoc loco iudex solerte curabit ut referantur iisdem verbis, quibus confessarius usus fuerit, sermones turpes, seductiones, invitamenta conveniendi in aliquem locum ad malum finem, aliaque omnia, quae crimen sollicitationis constituunt, adhibita vernacula lingua in qua responsiones sedulo et iuxta veritatem exarabuntur; animum addat examinatae, si animadvertat, eam nimio timore aut verecundia a veritate patefacienda praepediri, eidem suadens omnia inviolabili secreto premenda esse. Denique exquiret tempus a quo sollicitationes inceperint, quamdiu perduraverint, quoties repetiate, quibus verbis et actibus malum finem redolentibus expressae fuerint. Cavebit

diligenter ab exquirendo consensu ipsius examinatae in sollicitationem, et a quacumque interrogatione, quae desiderium product cognoscendi eiusdem peccata. - Inter. An sciat vel dici audierit praedictum confessarium alias poenitentes sollicitasse ad turpia; et quantenus eas nominet (atque hic iubebit nomen, cognomen, et saltem indicia clariora, quibus aliae personae sollicitatae detegi possint). - Notandum: Si forte inducantur alias personae sollicitate, erit ipsius iudicis eas prudenter advocare, et singillatim examinare iuxta formam superius expositam. - Resp...Inter. De fama praedicti confessarii tam apud se quam apud alios? - Resp...Inter. An praedicta deposuerit ex iustitiae et veritatis amore, vel potius ex aliquo inimicitiae vel odii effectu, et quantenus etc. - Resp. Quibus habitis et acceptatis dimissa fuit iurata de silentio servando iterum tactis SS. Dei Evangelii, eique perfecto suo examine in confirmationem praemissorum se subscripsit, (si fuerit illiterata, dicatur) et cum scribere nesciret fecit signum Cru-cis,
(Subscription personae examinatae)

Acta sunt haec per me N.N. cancellarium vel notarium ad hunc actum assumptum.

[Collectanea S.C. de Prop. Fide, vol. II, n. 1732. - Cf. etiam Acta S. Sedis, vol. XXV, p. 451 -454].

S.C.S. Off., instr. 20 July. 1890, *Curia Romana*

Often denunciations against confessors who solicit penitents toward shameful acts are handed over to this Congregation of the Holy Roman and Universal Inquisition by Ordinaries or by the Holy Penitentiary, and it often happens that in these denunciations other penitents are either inferred to have been solicited toward shameful acts with certainty, or are only deduced to have been so through indications, but who nevertheless have not satisfied their necessary obligation of denunciation in accordance with the holy canons. But lest a crime so unspeakable remain without the punishments due, the Holy Congregation points the local Ordinaries toward the guidance of the Apostolic Constitutions so they may subject the penitents suspected [of being solicited] to a successful examination, in order that thereupon legal proof can appear in the court records.

But it has been found by experience that such examinations have been conducted neither knowledgeably nor legally by the delegated judges; so quite often these cases can no longer be prosecuted without becoming graver and turning into a source of damnation and scandal to the faithful.

So, in order that cases against solicitation not remain unfinished in the future through the aforementioned errors in the conducting of examinations, this Holy Supreme Congregation considers it efficacious and deeply necessary to render an instruction to be printed for the local Ordinaries *vis a vis* the decrees and other ordinances, in order that the examinations of the penitents are able to be prosecuted correctly and legally in the majority of cases.

It must be noted first of all that caution beyond measure is to be used in summoning persons to examination; and indeed it will not always be appropriate that they meet at the public location of the Chancery, especially if those who will be subjected to examination are girls, are married, or are dedicated to service [nuns]; then truly it shall be advised that they discreetly summon them either inside the sacristys or another place according to the prudence of the Ordinary or the assessment of the judge where their examinations can be conducted. But if they must be examined in monasteries or infirmaries, or if they abide in the dwellings of pious women, then they will have to be summoned with great care and on different days according to the individual circumstances.

Moreover, the judges deputed for the purpose of conducting examinations, and their chancellors or notaries (who always ought to be clerics) must see to it that the person to be examined communicates alone and without the presence of a friend or witness: so truly is it necessary that all these things be conducted with inviolable secrecy.

Finally, concerning the actions taken at that time, the Ordinaries must send to this Supreme Congregation a copy that is authentic and in agreement with its original.

With these general precautions out of the way, the rules for completing an examination are given below.

Rules to be used for conducting an examination *per generalia*

By the power of letter of the Holy Supreme Congregation given on the day _____ (or by the power of the decree of the Most Illustrious and Reverend Lord, the Ordinary Archbishop) invoked personally, it has come to pass in the presence of his Most Illustrious and Reverend Lord _____ sitting in the Chancery (or in the sacristy, or in the visiting room of the nunnery, or in the holy house) in the presence of myself, etc.

_____, an unmarried woman (or married) living in country _____, in the parish _____, daughter (or wife) of _____, of the age of _____, a person of the city (or of the country, or devoted to service is the person to whom it was asked, after the oath was given to tell the truth, which was shown by touching the Holy Gospels of God:

Question: Does [the person] know or imagine the reason for [her] summons or for the present examination? *Response:* _____. *Question:* For how many years has she gone to holy Confession? *Response:* _____. *Question:* Has she always had one and the same confessor of the holy Confession, or was it among many priests? Moreover, was it in one church, or many? *Response:* _____. *Question:* Was it from each of the priests to whom she confessed that she received the holy admonitions and upright precepts which strengthened the examined person, and protected her from evil, etc.? *Response:* _____.

(Note: If the answer is "Yes," that is, if she says she has always been directed well, then the question proceeds in the following manner.) *Question:* Does she know or remember at any time to have said or heard that a certain confessor has conducted himself in an impious and shameful manner with respect to penitents – apart from rumors, or words uttered in contempt of said confessor? For example, did the examined

person herself hear similar things from one or many penitents, and was it a year ago, or three or four months? (Note: If after this questioning and investigation the examined proceeds to answer in the negative, the proceedings are closed in the accustomed manner, which stands at the end of this instruction. But if anything appears concerning another confessor, with regard to the questions being asked, questioning will proceed further as follows.) *Question:* Let the examined person give the first name, last name, position, age, and place or seat of the Confessor; is he a secular presbyter or Regular, etc.?

Response: _____. *Question:* Let the examined person give in order – honestly and clearly – the things which she heard in sacramental confession, whether before, after, or on the occasion of confession from the aforementioned confessor, which were less than honorable: was there any action on his part which lacked honor, made either through expression, touching, or deed, etc.? *Response:* _____. (Note: At this point the judge will take scrupulous care that the testimony reflects the exact words which the confessor used: immoral speech, seductions, invitations to meet in another place with evil intent, and anything else which comprise the crime of solicitation, though with vulgar language removed when the responses are written down accurately and in accordance with the truth; let the judge give courage to the examined person if he observes that she is shackled by excessive fear or modesty for revealing the truth, by persuading her that everything will be suppressed by inviolable secrecy. Finally, he will ask the time at which the solicitations began, how long they lasted, how often they were repeated, with what words and by what actions intimating evil intent they were expressed. The judge shall be rigorously cautious about questions regarding the consensus of the examined person in the act of solicitation, or any questioning which might betray a desire to know

about the examined person's transgressions.) *Question:* Does she know or has she heard it said that the aforementioned confessor has solicited shameful acts from other penitents; and to what degree can she name them? (Here the judge will order the first name and the last name, or at least very clear identification by which other solicited persons may be revealed.) (Note: If by chance other solicited persons can be deduced, it will be the judge's duty to summon them discreetly, and to examine them individually in the manner described above.) *Response:* _____. *Question:* Is the rumor [or reputation] of the aforementioned confessor the same to you as to others? *Response:* _____. Has the deposition just given been done through a love of justice and truth, or rather from some animosity or the result of some hatred, or anything else, etc.? *Response:* _____. When the proceedings were held and the testimony received, the examined was dismissed, having sworn again on the Holy Gospels of God to keep secrecy, and having signed her name below the record of examination in confirmation of her promises; (or, if illiterate, confirmation can be spoken [and the record will show]: "since she did not know how to write, she made the mark of the Cross").

(signature of the person examined)

These proceedings performed by me, _____, the chancellor or notary assigned to this task.

[Collectanea S.C. de Prop. Fide, vol. II, n. 1733. – Cf. etiam Acta S. Sedis, vol. XXVII, p. 128].