Juan Alfonso de Polanco

A SHORT DIRECTORY FOR CONFESSORS AND PENITENTS

Breve directorium

From the Latin of the Cologne edition of 1560

English translation

Contributed to Mind of the Church by a friend of the library who wishes to remain anonymous

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TABLE OF CONTENTS

About this translation · 4

The Directory

To the Reader · 5
Preface on the Substance, End, and Efficient Cause of the Sacrament of Penance · 5
Chapter I: Of the Confessor's Care for His Own Person, and First of Knowledge · 6
Of the Confessor's Power · 7
Of the Confessor's Goodness · 7
Of the Confessor's Prudence · 8
Of the Confessor's Secrecy, or Seal · 8
Chapter II: Of the Confessor's Care, or Diligence, about the Acts of the Penitent · 9
Of What Precedes Confession · 9
Of the Questioning by Which the Penitent's Insufficient Examination Is Supplied · 10
Of Helping the Penitent to Have Contrition · 11
How the Penitent Is to Be Helped in Satisfaction · 12
How the Confessor Should Deal with Others, Who Need Less Help · 13
Chapter III: Of the End of This Sacrament · 14
How the Penitent Is Helped by the Confessor to Amendment of Life · 14
How the Penitent Is Helped by the Confessor to the Increase of Grace · 15
Chapter IV: Of the Confessor's Care about Absolution · 16
Preface to the Appendices of the Directory · 17

The Interrogatory

The Interrogatory · 18
On the First Commandment · 18
On the Second Commandment · 19
On the Third Commandment · 19
On the Fourth Commandment · 19
On the Fifth Commandment · 20
On the Sixth Commandment · 21
On the Seventh Commandment · 21
On Pride · 22
On Gluttony · 22
On Sloth · 22
A Shorter Interrogatory, Put into Verse · 22
Some Questions on Various States of Life · 24

Remedies, Restitution and Censures

On the Proper Remedies for Sins · 28
Against Pride · 28
Against Vain Glory · 28
Against Avarice · 28
Against Lust · 28
Against One's Own Anger · 28
Against Another's Anger · 28
Against Envy · 29
Against One's Own Hatred · 29
Against Another's Hatred · 29
Against Gluttony · 29
Against Sloth · 29
Universal Remedies · 29
How These Arms Are to Be Used to Overcome the Vices · 29

On Restitution · 30
Who Ought to Make Restitution · 30
To Whom Restitution Ought to Be Made · 31
What Is to Be Restored · 32
How Much Ought to Be Restored · 33
Where Restitution Ought to Be Made · 33
On the Time of Restitution · 33
On the Order and Manner to Be Kept in Satisfactions Claims · 34
On Excommunication · 35
On the Sins of the Excommunicated · 36
On the Sins That Overflow from Excommunication onto Others · 36
On the Cases of Excommunication · 36
Cases Reserved in the Bull *Coena Domini* · 36
Other Cases of Excommunication Not Reserved in the Bull *Coena Domini* · 38
On Suspension · 43
On Interdict · 44
On Irregularity · 46
Approbation · 48

About this translation

The *Short Directory for the Right Discharge of the Office of Confessor and of Penitent* was written by Juan Alfonso de Polanco (1517–1576), secretary of the Society of Jesus under St Ignatius, so that the Jesuit priests, scattered through "the most widely different regions of the world", might hear confessions by one and the same method. It was first printed at Rome in 1554 for the Society's own members; on the urging of the Pope's vicar in Rome it was published for others as well, and it was reprinted many times. St Charles Borromeo commended to his confessors a little book of this kind.

The Directory treats the confessor's care for his own person (his knowledge, power, goodness, prudence and secrecy); his help to the penitent in contrition, confession and satisfaction; the fruit of the sacrament, amendment of life and growth in grace; and absolution. Appendices follow: an interrogatory for examining penitents, by the commandments and the capital sins, with a shorter one in verse and questions proper to particular states of life; the remedies for each of the capital sins; restitution; and the ecclesiastical censures of excommunication (with the cases reserved in the bull *In Coena Domini* and seventy-one others), suspension and interdict, and irregularity. Ruard Tapper's approbation closes the book.

It is translated here from the edition printed at Cologne by Maternus Cholinus in 1560, where it is bound with Christophorus Madridius's little book on the frequent use of the Eucharist; that work is not part of this translation.

The verses of the shorter interrogatory are translated line by line, in prose. Words supplied for the sense, and the corrections of a few misprints, stand in square brackets.

The folio numbers in the text, *(fol. 20r)*, count the leaves as they are, the title leaf being the first. The printer passed over the numbers 40 and 41, so from the fortieth leaf the number printed on the page is two higher than the one given here.

The notes are the translator's, and give the sources of the Scripture, the Fathers, the councils and the canons that Polanco quotes or cites.

The Directory

To the Reader

(fol. 2r) Among the other works of piety in which the Society of Jesus is accustomed to be occupied, according to the measure of grace given it by the divine liberality, that of hearing confessions, which is above all necessary for helping men to salvation, is one it very frequently undertakes. Since, therefore, it seemed expedient that the priests of this Society, separated in the most widely different regions of the world, should follow one and the same method in carrying out this ministry, just as they are led by one and the same spirit to promote the salvation of men, I was given the task by our Reverend Father Superior General of reducing to a compendium, in as suitable an order as I could, the things which, partly by reading, partly by observation and by frequent experience both my own and that of others, I had found useful both to confessors and to penitents. Thus there would be one rule set before all the priests of our Society, by which we might above all direct whatever belongs to this function, keeping in its performance that unity which we desire before all else to keep in all *(fol. 2v)* things, for the service of Christ.

But since we needed a great many copies, which could hardly have been written out by hand even in a very long time, we had decided to use the work of printers, and to take back all the copies that were printed, so as to distribute them only among our own members. And so we should have done, had not the Most Reverend Archinto, Vicar of the Supreme Pontiff in the City (who, together with the Master of the Sacred Palace, usually passes judgment on the books printed at Rome), on seeing this treatise, urged us to publish it and to share it with others outside the Society as well. He said he hoped that many, both confessors and penitents, would gain no small fruit from it. We, who have consecrated all our labours and ourselves to the public benefit of souls for the glory of God, could not disregard the judgment of this most wise prelate, and so in this matter we in no way dared to resist his holy wish. We have therefore allowed this little *(fol. 3r)* book to come to light. And we pray the inexhaustible mercy of God that He may deign to bring both the confessors themselves and the penitents, cleansed from their sins by true penance, to that most happy kingdom into which nothing defiled enters.[1] Amen.

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[1] Revelation (Apocalypse) 21:27, Vulgate *non intrabit in eam aliquid coinquinatum*.

Preface on the Substance, End, and Efficient Cause of the Sacrament of Penance

(fol. 3v) Penance is both a virtue and a sacrament, according to the teaching of the doctors. It is a virtue by which we grieve, as we ought, for past sins, with the purpose of avoiding them in the future; which Ambrose puts briefly: “Penance is to weep for past evils, and not to commit again what must be wept for.”[1] As Penance is a sacrament, that is, according to Augustine and St. Thomas, a sign of a sacred thing,[2] namely of the remission of sins, it includes two kinds of acts: those of the sinner, which show that his heart has turned away from sin, and those of the priest, which signify the work of God in the *(fol. 4r)* remission of sins.

But to explain the matter more fully, from the Council of Florence (with which the Council of Trent and the doctors agree),[3] the quasi-matter of this sacrament is the acts of the penitent, which are divided into three parts.

The first is contrition of heart, by which the penitent detests and grieves for the sins he has committed, with the purpose of sinning no more.

The second is confession of the mouth, by which he confesses wholly to his priest all the sins of which he has memory.

The third is satisfaction in deed, by which he makes satisfaction for his sins according to the judgment of the priest; this is done chiefly by fasting, prayer, and almsgiving.

The form of this sacrament is *(fol. 4v)* the words of absolution which the priest speaks when he says: *Ego te absolvo*, "I absolve you." All the other words belong to the solemnity of the rite; yet they are not to be omitted.

The end, the reality, and the effect of this sacrament, as far as its power and institution are concerned, is to be absolved from sins and reconciled to God, returning into His grace. From this follows deliverance from the pains of hell, and, in those who confess devoutly, peace and serenity of conscience, with great consolation of spirit and an increase of the gifts of God.

The efficient and primary cause of this sacrament is God, looking upon the merit of Christ. But the secondary and instrumental cause is the minister of this sacrament, who must be a priest having authority to absolve, either ordinary or by *(fol. 5r)* delegation from a superior; and it is of directing this minister that we shall now speak.

As in the arts the craftsman must attend to what concerns his own person, dispose the material of his art, bring the form into the material so disposed, and fit the whole work to the end he has in mind, so the minister of this sacrament (who is the confessor) must take care of four things in order to discharge his office. The first concerns his own person, that it be fit to undertake this office. The second concerns the matter of the sacrament, namely the acts of the penitent, so that, helped by the confessor, the penitent may do his part in contrition, confession, and satisfaction. The third concerns the form of this sacrament, that absolution be given rightly and in order. The fourth concerns the end, *(fol. 5v)* namely that the penitent may not only be reconciled to God through the pardon of his sins, but also carry away amendment of life, peace, and spiritual consolation, and dispose himself to progress in grace. Of these four things we shall treat in as many chapters.

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[1] Cited in the medieval tradition under Ambrose's name (as in Peter Lombard, *Sentences* IV, d. 14). The closest wording is Gregory the Great, *Homiliae in Evangelia* 34.15 (*poenitentiam agere est et perpetrata mala plangere et plangenda non perpetrare*).

[2] The standard definition of a sacrament, given under Augustine's name by Peter Lombard (*Sentences* IV, d. 1) and discussed by St. Thomas, *Summa theologiae* III, q. 60, a. 2. Compare Augustine, *De civitate Dei* X.5 (*sacramentum, id est sacrum signum*).

[3] Council of Florence, Decree for the Armenians (*Exultate Deo*, 1439; Denzinger–Hünermann 1323): the acts of the penitent are the "quasi-matter", divided into contrition, confession, and satisfaction; the form is the words of absolution, *Ego te absolvo*; the minister is a priest with ordinary or delegated authority; the effect is absolution from sins. The Council of Trent, Session XIV (1551), ch. 3, likewise calls the penitent's acts *quasi materia*.

Chapter I: Of the Confessor's Care for His Own Person, and First of Knowledge

(fol. 6r) As regards the person of the confessor, if he is to discharge his office rightly and safely, five things (as almost all agree) are necessary to him: knowledge, power, goodness, prudence, and secrecy. Of these, however, some are necessary for the very administration of this sacrament, some so that it may be administered by the confessor without fault, and some so that it may be administered fittingly and with great fruit for souls.

In the first place, knowledge is necessary to this extent: that he can distinguish sins from what are not sins, and mortal sins, in general or by their kind, from venial ones. Those are mortal by their kind which are committed against the love of God and of neighbour; he will understand this by seeing whether they are against the precepts of justice or of religion, against a vow, *(fol. 6v)* or against conscience. The last happens to those who nevertheless do what they think is mortal (perhaps wrongly). He must also know in general the things that are plainly evil, such as the seven capital sins and those species of them which of themselves at once show the evil attached to them. But let him beware of readily declaring something to be mortal which

he does not know for certain. In doubtful cases let him lean rather to the safer side; in more difficult ones let him know how to doubt, so that what he cannot settle by himself he may settle by consulting others. Meanwhile, if the matter is such that absolution cannot be given unless it is cleared up, absolution must be deferred, with courtesy, and the penitent told to come back.

He must also know the circumstances of sins, especially those that change the species of the act, and those by which a sin may become mortal: for example, whether the penitent is bound to restitution, whether he means to persevere in sin, whether he has fallen into reserved cases, whether he is under excommunication. And above all he must know those excommunications from which he himself cannot absolve. Knowledge of the other bonds, of suspension and interdict, and of the mark of *(fol. 7r)* irregularity, though not equally necessary, is certainly to be sought to some extent. He should also know in what cases confession must be repeated:

First, when the penitent lacked the purpose of abstaining from sin.

Second, when some sin was omitted from confession on purpose.

Third, when it is established that the confessor did not have the power to absolve. This would happen if it were established that he was not a priest, or did not have jurisdiction, or at least not the use of it, because of a published excommunication or a suspension. Fourth, when it is established that the confessor was not in his right mind, or was unwilling to absolve. Fifth, if the priest was so wholly ignorant that he did not know what form to use in absolving, or did not understand what the penitent said. Sixth, if the penitent had an impediment, such as excommunication. Many add a seventh: the penance [imposed] omitted out of contempt or excessive negligence, which the penitent has forgotten. Because of this last, however, repeating *(fol. 7v)* [the confession] is a matter of security rather than of necessity.

He is bound also to know how far the power granted to him extends. Anyone who offers himself to hear confessions not out of obedience but of his own will, especially where other suitable men are not lacking, ought to be better instructed in knowledge.

But one who doubts whether he is fit, if the task is laid on him by his superior, should obey without fear.

Of the Confessor’s Power

Besides knowledge, the confessor needs a threefold power. The first is that of order: he must be a priest. The second is that of jurisdiction, ordinary or delegated, that is, the faculty must be granted to him by one who has power to grant it. For whoever absolved from sins reserved to [a superior], knowingly or through gross ignorance of the law, would sin gravely; and one to whom this happened ought, after obtaining the faculty to absolve and calling the penitent back (if this could be done conveniently), as if wishing to ask him about other matters and to be better informed, to absolve him again. If he cannot speak with him, or cannot warn him without scandal, let him commit the matter to Christ. At the *(fol. 8r)* point of death, however, natural or inflicted, as in the case of those condemned to death, any priest can absolve from all excommunications and sins. The third power concerns the use [of the power]: namely, that he not be excommunicated, suspended, or irregular. Of excommunication, suspension, and irregularity, and also of interdict, more is said elsewhere.

Of the Confessor’s Goodness

Goodness is also necessary to the confessor. For one who heard confessions in mortal sin would sin mortally. Conversely, the better he himself is, and the more eminent in all virtues, especially in fraternal charity and zeal for souls, the more fit an instrument he will be of the divine goodness, so that through him God may deign to grant the penitent a fuller increase of grace and virtues. It belongs to goodness that the one who hears confessions be composed outwardly and inwardly. Outwardly, so that nothing be seen in his face and

gestures, or in the movements of his body, or even in his dress, and nothing be heard in his voice, that does not become a mature man, and one who remembers that he holds the place of God. Inwardly, *(fol. 8v)* so that, considering whose place he takes, he may perform this office as under His eyes, with reverence and holy fear; and, thinking humbly of himself, he should in his heart put those who confess before himself and consider them better than himself.

Of the Confessor's Prudence

He must also be prudent: both toward the penitent, in searching out his wounds after the manner of a physician and in applying the remedy (of which below); and toward himself, acting cautiously in asking about things that could lead the unwary into temptation. Let him also use decent words, and teach the penitent to use them; for it is enough that what is said be understood. As regards sight, it is to be excluded on both sides: the one confessing should not see the confessor's face, nor the confessor the face of the one confessing, especially if they are women. Rather they should be placed at his side; and if there is nothing between them to prevent their being seen, then, by turning his ear to them, and in any case by placing his hand on his cheek on that side, he can shut out the sight of the face. Women he should hear only in a public place, and dispatch them as briefly *(fol. 9r)* as possible and as the matter permits. To those who confess frequently a set time should be appointed, outside of which they are not heard; and with them confessors should be severe rather than soft, and should not use long sermons. And although it belongs to prudence to defer the resolution of matters about which the confessor is in doubt until he has weighed the matter better, yet he could sometimes absolve those who are ready to do what they ought.

If a case arose about which it is known that eminent doctors hold different opinions, some saying that it is a mortal sin, others the contrary, and the penitent holds to the opinion of one of them which is the more dangerous, the safer way should indeed be urged on him, and the fear of the danger should be put into him; but absolution cannot be refused him by one who is his ordinary [confessor]. One who is not his ordinary, if he thinks it is mortal, may follow his own judgment and not absolve; let him therefore consider what is expedient. But if the penitent does not rest on a sound reason or on a known author, and it is doubtful whether this is a sin or not, he must be willing to abstain *(fol. 9v)* altogether. If it is not a question of sin, but of whether something must be done or not, for example whether a penalty must be undergone or restitution made, etc., the more lenient side is to be chosen in doubt, according to that chapter in the title *De transactionibus*: "In those matters on which the law is not found expressed, proceed with equity preserved, always inclining to the more humane side, according as you see persons, places, and times to require."[1]

It also belongs to prudence, since not all can be heard, to hear more willingly and first those who are in greater need, such as those who confess more rarely, and those whose spiritual progress redounds to the greater glory of God and the common good.

Of the Confessor's Secrecy, or Seal

Lastly the confessor must keep secrecy, so that by no command, even of the Supreme Pontiff, may he reveal what he has heard in confession. He may say, and even swear, that he does not know what he does not know as a man subject [to men], even if some great evil is threatening, and not reveal it; though it is right to provide against that evil as far as he can, without betraying the penitent in any way and without making confession odious. With the permission *(fol. 10r)* of the penitent, however, and without scandal, things heard may be revealed; but they ought not to be, unless doing so can be of benefit. One who, asked whether he absolved someone, says that he did not absolve him, is not indeed a revealer, since this could have happened for many reasons; but he would speak badly. He ought rather to say that he did what he ought. Indeed, if through the confessor's consulting about a case, or even through confessing his own sin, someone's sin heard in confession could become known (which could very rarely happen), [the consultation or confession] ought

rather to be deferred; for the obligation of the seal is then stronger than that of making a confession. Let him also take care not to show the penitent, on account of any kind of sin, a less kind face than before. And let this suffice about the person of the confessor.

[1] Decretals of Gregory IX, X 1.36.11 (*De transactionibus*, c. *Ex parte tua*, Honorius III): *In his vero, super quibus ius non invenitur expressum, procedas, aequitate servata, semper in humaniorem partem … declinando, secundum quod personas et causas, loca et tempora videris postulare*.

Chapter II: Of the Confessor's Care, or Diligence, about the Acts of the Penitent

The second care of the confessor must be to help the penitent to perform his own acts rightly, namely those of contrition, confession, *(fol. 10v)* and satisfaction. With those who confess rarely and not well, the charity, diligence, and care of the confessor are more necessary, so that, as far as he can, by supplying the defects of penitents, he may dispose them to obtain the end of this sacrament. And because this second care of the confessor, of which we are treating, is exercised chiefly with such people, it will be treated more fully in terms suited to them.

Of What Precedes Confession

First, the priest preparing himself to hear confessions must renew, by prayer, his desire for the salvation of souls and for the honour of God. In this prayer (though brief) he will ask God for grace for the penitents, that they may truly return to Him through confession and obtain the end of the sacrament; and for himself, that he may discharge his office rightly; and that the confessor's negligence may not hinder the power and efficacy of the blood of Christ and the inflowing of the divine liberality into the penitents, but rather that His supreme goodness and power may supply the defects of a poor *(fol. 11r)* instrument. In the course of the confession too, charity can be exercised in the same way, and the penitent should always be set before the eyes of the mind as the image of God, restored by the blood of Christ and bathed in it.

When the penitent has come (and the confessor must know whether he is his subject), care must be taken that he behave fittingly, on both knees, and bareheaded (if he can), with his face not toward the priest, as has been said, but turned to the side. If he does not do this of his own accord, he should be gently reminded to remember that he stands not before a sinful man, but before God most high, so that, acknowledging his offences, he may humbly ask pardon; and therefore, according to the holy custom of those who confess, let him bend his knees and uncover his head. If the penitent is so unskilled that he does not know how to do it himself, let the priest also teach him to sign himself with the sign of the cross: *In nomine Patris, et Filii, et Spiritus Sancti*, and say the general confession with him as far as the words *mea maxima culpa*.

If he does not know the state, condition, and office of the penitent, let him ask briefly, so that he may *(fol. 11v)* proceed with him suitably according to what is proper to him. For it matters to know whether he is married, whether in holy orders, whether he holds an ecclesiastical benefice, whether he is a man of letters, and the like.

Let him ask how long it is since he confessed and received Communion. To this all who reach the age of discretion are bound, certainly once a year, about the feast of the Resurrection.[1]

Let him ask (if he does not know the man in this respect) whether he has done the penance enjoined, and whether he has satisfied his conscience by telling all the sins that came to his memory in past confessions, so as to see whether the confession must be repeated. If he saw that it must be repeated, let him urge him to prepare himself and to take time to confess everything. Or if death is feared, or he does not appear likely to do it if he goes away, let him urge him to tell everything then, as far as he can remember, even what he said

in other confessions (after he omitted something knowingly), because all the others were useless.

Let him ask whether he has examined his conscience in preparation for this confession. If he *(fol. 12r)* says that he has not examined it, and it is likely that he will come back better prepared, he should be sent away to examine himself, with a time fixed for his return. If death or delirium threatened, or it is not likely that once sent away he will come back, or if he says that he has examined his conscience in some way (even rather superficially), he should be warned to prepare himself more diligently in future, and to tell sincerely what he remembers, with all the humility and displeasure at his sins that he can, as one who is to obtain pardon through confession from the offended Majesty of God.

Let him ask whether he has incurred excommunication, and if he has, let him absolve him from it, if he has the power; or if he does not, let him send him to the superior, or himself take care to obtain from the superior the faculty to absolve. It is better, however, if he must be sent, to ask first about other things that may be reserved, so that a faculty may be obtained for everything at once. So too (if there is not abundant time) it is expedient to ask the penitent at the beginning about the things that prevent his being absolved: for example, whether he is in some *(fol. 12v)* sin that he is not ready to give up, such as usury, concubinage, hatreds, or other such things; and, in the case of [clerics], whether they hold incompatible [benefices], and with what conscience and title. And when they do not have the tonsure and a tolerable habit, they are to be sent away until they wear them, unless they have a lawful excuse, which is very rarely the case. These things are conveniently put first, because if, after persuasion has been used, such people are not ready to turn from sin, time is wasted with them which would be more usefully spent with others. Yet if business were not pressing, it would be a good deed to hear them, in case God should perhaps have mercy and change their hearts in the course of the confession. But even if they are sent away without going on with the confession, they should be helped with good advice, so that by good works they may dispose themselves to receive grace and avoid sins, etc.

When these things have been put first, as he judges proper, let the confessor tell the penitent to say what he has thought over and holds in his memory; and even if the penitent would rather be questioned, he should nevertheless be urged to say first what he *(fol. 13r)* remembers. For this helps, even if he does it without order and imperfectly.

Of the Questioning by Which the Penitent's Insufficient Examination Is Supplied

As long as the penitent is telling what he remembers, the confessor must listen to him attentively and without interruption, unless perhaps it seemed right to warn him in passing (if he went wrong in this) not to name any person, or not to say superfluous things that do not belong to the matter, or something of the kind which does not hinder the penitent's course but rather directs it. But when he has said what he could say by himself, if he does not seem to have said all that had necessarily to be said, the confessor is bound to question him.

Having, then, kindly set before him the hope of mercy, let the priest take care to encourage the penitent to answer the questions truly, completely, and freely (which is more necessary with children and women), so that they keep nothing back out of shame, but also say no more than they know; rather let them tell certain things as certain and doubtful things as doubtful, just as they remember them.

Then at last let him go through the questions *(fol. 13v)* on the commandments, etc. (as will appear in the interrogatory), and that diligently, and prudently where needed, so as to draw out what the sinner does not know, or keeps silent through shame or negligence. And it is expedient to proceed in order when the penitent has time. Otherwise, if death or delirium (as has been said) or loss of speech were feared, the best order is to keep no order other than the one discretion dictates; but in general it is fitting to ask first about the graver things, and those in which the penitent seems to be in greater need.

And although one must ask about the circumstances that change the species of the sin or greatly aggravate it, *who, what, where, by what means, why, how, when*, two things are to be avoided in all sins, especially in sexual ones. The first is to ask so explicitly about things that are not commonly known that he teaches the penitent what he does not know. Therefore he must begin at a distance and come down step by step from the more general things; and if the penitent does not recognize these, there is no reason to ask about the species. So one who, asked about some indecent touching, denies it, should not be asked about this or that *(fol. 14r)* manner or kind of touching. The second is that the confessor, by investigating unnecessary circumstances with too little restraint (such are those that do not change the species of the sin, or do not aggravate it infinitely), should not stir up temptation in himself and in the penitent. Once the species of the sin is established, therefore, it is not expedient in such matters to go on to other circumstances; let them tell them themselves if they wish.

One must indeed ask about the number of sins, but take care not to weary the penitent by counting minutely; for it is enough that each say, more or less, according to his own estimate, how often he has sinned.

One must ask more or less, and in one way or another, according to the quality of the person, and ask about each of the things that are more proper to him, having regard to his state and office and to what can be gathered from what he has said. And although he should not be troublesome in asking again about things already said, yet if something not well expressed needed to be made clearer, let him ask, but in such a way that the penitent understands that he is being asked not for the very thing he said, but for something else that he did not say.

(fol. 14v) So that the penitent's conscience may be better known and better helped, one must also ask whether he anticipates temptations, giving them an opening, or resists them; and about good inspirations, whether he shuts them out or obeys them. For it is useful that the confessor should know the good also (as well as the bad), so that he may help to preserve and increase it.

Finally let them be asked whether they have anything else that weighs on their conscience, etc.; and let them add at the end the general clause, that is: "For all my other vices and sins, etc., I say my fault, and I pray, etc.", to the end of the general confession.

Of Helping the Penitent to Have Contrition

While someone is telling his sins, whether of himself or under questioning (especially if he is of such a kind that he could keep something back out of shame or fear), the sins should not be made heavier, nor should the penitent be frightened off by reproofs; rather, by showing compassion and kindness, he should be encouraged to tell everything with confidence and *(fol. 15r)* sincerity. But when all his sins have been told, if he seems to grieve little for them, the priest should make him feel their gravity. Let him show in general how grave a mortal sin is, from God's judgments on Lucifer and on our first parents for a single sin; and from the punishment due to every mortal sin, by which the grace of God and the kingdom of eternal happiness are lost, by which sons of God become slaves of the devil and are condemned to the never-ending torments of hell, if they die in it without penance. The gravity of the wound will also be shown from the difficulty of the remedy: for the medicine to heal it had to be made from the blood of Christ, the Son of God, from His torments, and at last from His most bitter death. Those who are more easily moved by love can be more deeply pierced with compunction by this last consideration, and by the benefits and goodness of God and their own ingratitude. Then, coming down to some graver things among those that have been told, and to those to which the penitents seem more inclined, these should be enlarged upon and weighed, so that they may detest them more. Sometimes it is also fitting to strike them with the fear of *(fol. 15v)* God's vengeance unless they abstain. Let them certainly be warned that sorrow for mortal sins must be above all inward sorrows, and that they should grieve that they do not have that true contrition which they ought to have.

With rougher natures a harsher reproof should be used, so that they do not make light of it. The wiser, and those eminent in dignity, are to be reproved gently and with tact.

How far these things need to be used, discretion, and above all the anointing from above, will teach. But in any case let the confessor, out of zeal for the glory of God and the salvation of souls, take care to bear a good part of the penance himself, so that the one confessing, feeling how much another's sins grieve the confessor out of charity, may himself also grieve for his own.

Finally let him ask (unless it was clear enough) whether he is sorry for all of them, and has the purpose of amending his whole life, of abstaining from all sins as far as he can, and of making satisfaction for what he has done, as he ought. If he shows that he is not ready to give up a state of sin, such as a *(fol. 16r)* concubine or an unlawful trade, or to make satisfaction, as in usury and other matters that require restitution, let the confessor indeed try diligently to win his neighbour's soul by persuasion; but if he cannot do so at all, let him not absolve him. Rather let him urge him (as was said above) to do good and avoid evil, and whatever else can help him to dispose himself for the grace of God; and let him make clear how great a danger he is in, and that he is not absolved.

Those who have the purpose of giving up their sins should be consoled, by setting before them the hope of pardon, and that the mercy of God and the blood of Christ poured out will supply the defect of their examination and contrition, and any other defects there have been in the confession, provided they have told sincerely and completely whatever they had in memory. Those who are too dejected by the sense of their sins, or subject to scruples, are to be raised up with greater care by examples of the divine kindness, and encouraged and calmed; and if necessary, let the confessor take it upon himself that he will answer to God for them. With such people it is also sometimes necessary to make their sins seem lighter (as far as is permissible).

How the Penitent Is to Be Helped in Satisfaction

(fol. 16v) When these things are done, if there is need of any restitution for harm done to property or reputation, or to the goods of the soul, let the penitent be told of it. Even if he says that he is willing to restore, or to do what he ought, yet if the confessor has good reason to fear that he will not carry it out, he may suggest that commutations or compositions can be of help; and although he absolves him unconditionally, let him declare that if he does not restore, or do what he ought, he will lose the fruit of his confession. A special promise or an oath, however, should not be demanded of such people, who seem poorly disposed, except in the cases laid down by law, of which below.

Then, before absolution, let the sacramental satisfaction or penance be enjoined. Care must be taken that it is not to the prejudice of a third party: as if a pilgrimage or a long fast were enjoined on a servant. Nor should a public penance be given for a secret sin, from which the penitent could come under suspicion of it.

As regards the size of the *(fol. 17r)* satisfaction, it is better to err by imposing less than is just than more. For indeed the same work enjoined in sacramental penance is more effective, because of the power of the keys, than if it were done voluntarily; and the penance ought to fit the person rather than the quantity or quality of the crime (though this must be taken into account). For on those disposed to accept a greater penance a greater may be enjoined; on the weak, who either do not accept a heavier penance or at least seem unlikely to carry it out, let him impose one that they seem likely to perform. Let him also grant that some things may be redeemed, as fasts by alms. Some things too he may leave to the penitent's choice, as if he says: "You will do this, or, if you prefer, that." In the end let him rather impose a single Our Father or Hail Mary than let the penitent go away afflicted or despairing because of the heaviness of the penance. When a small penance is enjoined, however, he could point out how much greater a penance they would deserve: since seven years for any mortal sin was the practice (C. 22 q. 1).[1] But if excessive dejection or distrust were feared, it is not

expedient to *(fol. 17v)* say this; but it will be a work of charity to persuade them, by a more gentle exhortation, to voluntary satisfaction, pointing out that whatever remains of the punishment will have to be paid either in Purgatory or in this world. However that may be, let him urge them to take care to fulfil their penance in the grace of God.

The intention of the one enjoining penance or satisfaction should be directed to rooting out vices. Hence contrary works, if they are accepted, are most fitting: alms against avarice, fasting against lust, hearing the word of God against negligence in hearing it; prayer to obtain graces, such as seven Our Fathers and Hail Marys for the seven gifts and virtues, against the seven [capital] sins; five for the reform of the five senses; three for the reform of the three powers [of the soul], or that one may stand rightly toward God, neighbour, and oneself. It is also useful sometimes to impose as a penance the avoidance of certain occasions of sin and the cutting off of its causes, for example speaking with this person, entering that person's house, etc. Some of the strongest and most *(fol. 18r)* widely applicable of remedies, such as confessing every eighth or fifteenth day (if one would willingly accept it), could usefully be enjoined in place of satisfaction, although properly it would not be satisfaction. It should also be noted that for those especially who usually fall back, it is expedient to enjoin penances consisting of works that remain, such as alms. For some doubt whether works that do not remain (such as prayer) still avail, even after repentance, for those who performed them in mortal sin.

So far of the confessor's second care, which concerns the matter of this sacrament, that is, the acts of the penitent; and especially in terms suited to those who need greater help, such as those who confess rarely and not well.

How the Confessor Should Deal with Others, Who Need Less Help

There are some who confess often and rightly, and are known. For these it is enough, after hearing their confession, to enjoin a penance; unless it seems that some remedy for certain defects, or some consolation or exhortation, *(fol. 18v)* or instruction should be applied.

There are others who confess often indeed, but less rightly; and these must be helped in the part in which they do not proceed well. If they do not seem to have examined their conscience well, or do not express their sins, they must be helped by questions according to the short interrogatory that will be added below. If sorrow, or a firm purpose of abstaining or of making satisfaction, or other things necessary for confession, seem to be lacking, those things said above which lead to them may be used, as the confessor's discretion judges should be used according to the circumstances of the person and the time.

Those who confess more rarely, but seem to have examined themselves rightly and diligently, need not be troubled with questions, unless they seem to have omitted something, or said something rather obscurely, or unless something seems to need understanding for the amendment of life or spiritual progress; for then one should ask what is enough for this, and no more. So too with those who show sufficient sorrow and the purpose of abstaining *(fol. 19r)* from their sins, and have weighed them sufficiently in confessing: there is no need for the confessor to stir them to sorrow with many words, and exhort them to detest and avoid their sins. Rather, touching on these things briefly, as if approving what they rightly feel about their sins (especially some of the graver ones), and confirming the hope of pardon, and applying consolation if needed, let him turn to counsels and remedies for the future. But if they seemed to detest their sins in some way but not sufficiently, and did not show as firm a purpose of abstaining as was right, they will have to be helped by what follows below, with regard to the persons.

There follows next absolution, which is the form of this sacrament; but since in the order of execution the things that contribute to the end of the sacrament come first, these will be spoken of first.

[1] The annual confession and Easter Communion: Fourth Lateran Council (1215), c. 21, *Omnis utriusque sexus*.

[2] Gratian's *Decretum*, Causa 22, quaestio 1 (on oaths and perjury), where canons prescribe a penance of seven years (for perjury).

Chapter III: Of the End of This Sacrament

The fruit of this sacrament is threefold. The first is to be reconciled to God through *(fol. 19v)* the remission of sins; joined to this is peace and spiritual consolation. The [second] is amendment of life for the future. The third is increase of grace and of virtues. The first (which is the proper effect and end of this sacrament) the penitent obtains through the acts already mentioned, of contrition, confession, and satisfaction, when absolution is applied, which by the power of the blood of Christ makes up their imperfection. For the second and third he is disposed and very greatly helped by the confessor's counsels, instruction, and exhortation; these, however, must be adapted to the capacity of the one confessing.

How the Penitent Is Helped by the Confessor to Amendment of Life

For amendment of life, then, let the confessor take care that the penitent be armed against his defects with a firm will, often renewed, not to offend God and to serve Him truly, and with readiness to meet the evil thoughts from which the other evils arise. This will be done by rebuking himself, remembering that God is present, having recourse to his guardian angel, to the saints, and above all to Christ *(fol. 20r)* crucified and to His Mother by the cross (in whom he will see how much he is bound to resist those sins which Christ thus punishes in Himself), and by saying some suitable verse or word, such as "O God, come to my assistance", "Create a clean heart in me, O God",[1] "Jesus, Mary", etc. It also helps to remember the benefits of God, and the punishments to which the sinner is liable, and death, the hour of whose coming is so uncertain, and the judgment of God, who will be both witness and party. It helps, if some sin should happen, to repent at once and inflict some penalty on oneself for it, and to resolve to confess it at the proper time; otherwise one sin by its own weight would drag one down into another. Almsgiving helps, good company, and the avoidance of bad company. Three things above all could be profitably proposed to almost everyone:

The first is, in the morning, to offer ourselves wholly to God, remembering Jesus Christ offered for us on the cross, asking for grace that He not let us fall that day, especially into the sins to which we are more inclined, and saying the Our Father, the Hail Mary, and the Creed, etc.

The second is, recollecting oneself quietly for some *(fol. 20v)* time (which is usually and conveniently done at night before sleep), to examine oneself every day, considering the benefits received from God and the evils returned for them, asking pardon and resolving to amend, and saying also the Our Father, the Hail Mary, the Creed, the *Salve* [*Regina*], and (if one likes) the *Qui habitat* [Psalm 90/91].[2]

The third is to confess sacramentally often, which is equal to many remedies and includes most of the others. Which of these should be proposed to the penitent, the confessor's discretion will dictate. Those that seem more suitable should be pressed home more, so that they stay in the memory. And if readiness of will to take some counsel were seen in someone, but forgetfulness were feared, he could be told to write it down, or to come back at a less busy time to receive it in writing.

To simpler people let a few things be proposed, easier to understand, remember, and practise: for example, in the morning to say the Our Father and Hail Mary three times, against evil thoughts, words, and deeds, and the Apostles' Creed once. If they do not know these, they should be reproved and urged to learn them. At *(fol. 21r)* night they should say as many or more, giving thanks for benefits and asking pardon and protection, with the resolve to amend. And they should be warned not to consent in their hearts to evil thoughts, and also to confess often.

Since, however, it generally happens that many sins have one, or at least a few, roots, let the confessor observe these carefully from their effects, and lay the axe of the proper remedies to them (of which below);

and let him especially rouse the penitent to fight against one or two defects (from which the others generally take their origin), by renewing his resolution, by a daily particular examen applied to that defect,[3] and by other remedies, which are to be practised with great and persevering courage.

Against relapse, the Chancellor Gerson relates, in the second part, in the treatise *On remedies against relapse*,[4] that a certain doctor used this remedy: with the penitent's consent, he enjoined five things for a time. First, that whenever such a sin happened, the one to whom it *(fol. 21v)* happened should be bound to fast on bread and water the next day. Second, that he should say a certain number of psalms. Third, that he should give something dear to him, or at least money, according to his means. Fourth, that he should be bound to confess within three days after the sin. For the fear of this impending penance could help a weak will and hold it back from sin. The fifth was that, even if, giving way to the temptation, he were to consent to the sin, he should first say some prayers on bended knees, in case God should perhaps have mercy. The same doctor, in grave matters, on a first fall, enjoined a bearable penance; but, as a memorial of the grace received, he enjoined something light, such as an Our Father and Hail Mary or something similar, to be said daily, so that one could make up on any day what one had left out on another.

From boys too he required a promise, given into his hands, that they would beware of certain things; earnestly forbidding them to be the first occasion of sin to others, or to pass on to a graver species [of sin], and urging them not to shun good confessors, devout company, and reading, etc.

How the Penitent Is Helped by the Confessor to the Increase of Grace

(fol. 22r) The third fruit and end of this sacrament is the increase of grace and virtues; to this the confessor disposes by instructing and exhorting.

First, to the good use of grace received: by carefully guarding purity of every kind; by persevering in good works according to the talent received, and especially in those which are commended by charity toward God and neighbour; and by showing oneself grateful to the author of all good things, through remembrance of His benefits, thanksgiving, and praise.

Second, that they make themselves fit, and as it were capacious vessels, to receive new grace: by rightness of intention, by which they desire all good things and their own perfection itself not for themselves alone, but refer them to the help of their neighbours and the honour of God; by breadth of desire, vehement, continual, single, insatiable, effective in using all the means that dispose to the increase of grace; by depth *(fol. 22v)* of humility, always looking at what they lack, wholly distrusting themselves, and denying all self-love.

Third, that they make good use of those instruments by which our understanding and affection usually draw the water of grace: such are reading, hearing the word of God, meditation, prayer (especially mental prayer), and the use of the sacraments of confession and communion.

Fourth, the fountains themselves from which grace must be drawn should be shown to penitents. First, their devotion should be stirred toward the angels and saints, especially toward Mary, the Mother of grace; then all should be urged to seek and implore the prayers of the servants of God who are still living, and to try to become sharers in their good works.

But since the second fountain, Christ the Mediator, is more abundant, they should be advised to draw from Him very often, looking upon Him as the model of the virtues, as the one who merited [grace] for us, as the one who wills and is able to increase all grace, and indeed invites us to it, saying, "Be perfect", etc.[1] *(fol. 23r)* But the most abundant of all is the third fountain, from which the water of grace flows down to the others: namely, the divine riches, goodness, love, and the other things that rouse hope in God.

Since, however (as must often be pointed out), not all are capable of all things, the prudent confessor should see that what he proposes for the increase of grace is proportioned to each one's disposition or capacity.

And in the way described the faithful can be helped in any state of life. Now, although there is no doubt that the state of the counsels is better suited to the increase of grace than that of the commandments (and hence it is called the state of perfection), for those who are called to it, yet it is not expedient to spur penitents to it at once, not even suitable ones; for many flee from it the more, the more they feel that they are being persuaded.

It is safe, however, to draw such people to more perfect things, nearer to salvation (as was said a little earlier), and to ask tactfully about inspirations from God concerning taking up a more perfect state of life; and if they feel any *(fol. 23v)* in themselves, [to urge them] not to be deaf to the Lord's call; if not, to offer themselves to God ready for whatever would be most pleasing to Him; and if it could conveniently be done, they should be led to the Spiritual Exercises, or urged on to whatever is best, as they are disposed. If, however, the priest perceives that the penitent is so disposed that he judges it expedient to lead him to the way of the counsels, let him not let the opportunity slip from his hands; or let him invite him to a conversation outside confession. And let this be said of the end of the sacrament of confession. Now, last of all, a few things must be said about absolution.

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[2] Psalm 69:2 (Vulgate; 70:1), *Deus in adiutorium meum intende*; Psalm 50:12 (51:10), *Cor mundum crea in me Deus*.

[3] *Qui habitat*: Psalm 90 (Vulgate; 91), *Qui habitat in adiutorio Altissimi*, sung at Compline.

[4] The daily "particular examen" is the method of St. Ignatius, *Spiritual Exercises*, nos. 24–31.

[5] Jean Gerson, Chancellor of the University of Paris (1363–1429).

[1] Matthew 5:48.

Chapter IV: Of the Confessor's Care about Absolution

According to the Council of Florence, the form of absolution (as has been said) consists in these words: *Ego te absolvo*, or (which is the same) *Te absolvo*.[1] The rest belongs to decorum, both the laying of the hand on the head and the words customarily used before and after absolution; but they should not be omitted.

(fol. 24r) In short reconciliations it is enough to say: "May our Lord Jesus Christ, who is the High Priest, absolve you; and I, by His authority, granted to me though most unworthy, absolve you, first, from the bond of excommunication, as far as I can and you need; then I absolve you from all your sins, in the name of the Father, and of the Son, and of the Holy Spirit. Amen."

In fuller confessions: after the penitent has said, "Therefore I beseech the Blessed Virgin Mary, etc., and you, Father, to pray for me, and I ask for absolution and penance," and when the priest has said what he judged should be said and has enjoined the penance, he will say: "May almighty God have mercy on you, and, having forgiven your sins, bring you to eternal life." Then, raising his hand over the penitent's head, he says: "May our Lord," etc., as far as "I absolve you, in the name of the Father, and of the Son, and of the Holy Spirit. Amen." Then, withdrawing his hand, he adds: "May the Passion of our Lord Jesus Christ, the merits of the Blessed Mary ever Virgin and of all the Saints, whatever good you have done *(fol. 24v)* and whatever evil you have suffered, be for you unto the remission of sins, the increase of grace, and the reward of eternal life. Amen."

No condition about the future should be added in the absolution, such as would be: "If you make restitution," or "If you do your penance, I absolve you." For one must believe the penitent who says he is willing to do it. But a priest who doubts whether he has given absolution could say: "If you are not absolved, I absolve you." For absolution should not be given twice for the same sins in the same confession, though it may be repeated as often as a person confesses.

Moreover, even if it is not established that the penitent has incurred it, absolution from excommunication, etc., should be put before the absolution from sins as a precaution. And if someone has also fallen into irregularity, or is doubted to have fallen into it (and the confessor has authority to dispense from it), he can

say: “I absolve you first from the bond of excommunication, suspension, and interdict, as far as I can and you need; and I dispense you from the *(fol. 25r)* irregularity, if you have incurred any” (or: “which you have incurred because of this or that”), “and I make you fit for lawful acts; then I absolve you from all your sins, in the name of the Father, and of the Son, and of the Holy Spirit. Amen.”

To those who have been excommunicated for violating the right of a third party, or for a notorious offence, and also to criminals such as arsonists, those who maim, open robbers or violators of churches, open usurers, and the sacrilegious, absolution should not be given unless they make satisfaction to the injured party, or give a security by pledge or by surety; if they cannot provide this, let them at least swear that they will make satisfaction as soon as they can. In great crimes, such as those of persons excommunicated for a notorious offence, and of arsonists, an oath should also be required that they will not commit the things for which they incur excommunication, and that they will abide by the commands of the Church.

If someone has been excommunicated and publicly denounced by a judge, he must be sent *(fol. 25v)* to him to be absolved in the external forum, though in the forum of conscience he can be absolved by someone who has the faculties of the Society of Jesus, or similar ones, with satisfaction to, or the consent of, the injured party. And if the party objects, one who is ready to do what lies in him can be absolved in this forum of conscience.

When extreme necessity presses, that is, when death is commonly likely to follow, any priest can absolve anyone from all sins and censures; but if the penitent escapes the danger, he must present himself to the one who is the superior, though without repeating his confession.

In public excommunications, when a solemn absolution is to be given, what is prescribed about it must be observed. The dead too can be absolved from excommunication; this has the effect that the person may be buried in a sacred place and that prayers may be offered for him, etc. And let this suffice about absolution, which is the form and completion of this sacrament.

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[1] Council of Florence, Decree for the Armenians (1439; Denzinger–Hünermann 1323): the form is the priest’s words *Ego te absolvo*.

Preface to the Appendices of the Directory

(fol. 26r) When we treated above of the penitent’s examination, and then of helping the amendment of life, something was promised about the interrogatory and about the proper remedies for sins, which must now be supplied. And since among the things that belong to satisfaction restitution is necessary above all, we shall also add some things about it, to aid the memory of those less practised. Finally we shall touch briefly on the bonds or ecclesiastical censures of excommunication, suspension, and interdict, and on the mark of irregularity, as far as will seem enough for a confessor.

The Interrogatory

The Interrogatory

(fol. 26v) Two interrogatories are added below. The first is somewhat fuller, and is suited above all to the confessions of those who most need the confessor's help to recognise their sins or to call them to mind. And because what is commanded in the eighth, ninth, and tenth commandments is closely bound up with what is commanded in the fifth, sixth, and seventh, the interrogatory is restricted, for brevity and order, to the first seven commandments (to which the other sins are also, for the most part, reduced). On each commandment the questions are put first about thoughts, second about words, third about deeds, and fourth about omissions. But since some of the seven capital sins did not seem so easily reduced to the seven commandments, three of them are treated separately. Finally some questions suited to particular states of life are added.

On the First Commandment

"The Lord thy God shalt thou adore, and him only shalt thou serve"[1]

Thoughts. *(fol. 27r)* First let him ask about what concerns faith. Here one sins who does not believe, as an infidel or heretic; one who doubts in the faith; one who inquires and disputes with curiosity about the articles of faith, as though he would believe only what is proved by reason; one who does not think of God and divine things with reverence, as he ought. Next, about what is against hope. Here one sins who despairs of attaining beatitude or the means to it, that is, of the pardon of sins, of amendment of life, of acquiring virtue and practising it in good works; and conversely one who presumes to obtain pardon without penance, or puts off amendment to old age or death. Lastly, about what is against charity. Here one sins who is too much attached to temporal things; who, out of worldly fear, resolves to offend God or not to serve him; who serves God not with a right intention but for reward, or out of fear, or for human praise; who has a kind of horror or hatred of divine things.

Words. *(fol. 27v)* Going on to words, one sins who has denied the faith by word or sign, even if not in mind; who has blasphemed God or the saints, or named their members indecently and insultingly; who has introduced something false into the worship of the Church, or joined base songs to it, with voice or organ; who has invoked demons explicitly or implicitly, or had a pact or familiarity with them; who murmurs against God because he does not grant what one would like, such as health, as though God dealt with him unjustly or cruelly.

Deeds. One who has given the worship of *latria* to anything other than God. To this belongs whether he has gone back to the ceremonies of the Jews or of unbelievers; whether he has practised incantations or divinations superstitiously, by the stars, dreams, auguries, or lots; whether he carries written superstitious prayers, which is recognised by the characters and by various observances of numbers, times, and the like; one who has tempted God by demanding miracles *(fol. 28r)* when they are not necessary, neglecting the help of secondary causes by which he could be helped; one who uses God's gifts badly and ungratefully, offending God.

Omissions. One who, for fear of what people will say, etc., omits the worship due to God; one who does not pray, nor do other things necessary for the honour of God; one who does not know what is necessary for salvation and progress, such as the ten commandments of the law, the five of the Church, the Creed and the Our Father, etc.

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[1] The commandment headings are given in Vulgate wording: Matthew 4:10 (*Dominum Deum tuum adorabis, et illi soli servies*, cf. Deuteronomy 6:13); Exodus 20:7, 20:8, 20:12, 20:13–17.

On the Second Commandment

"Thou shalt not take the name of the Lord thy God in vain"

Words. One sins who, in an assertory oath, by God, the saints, the faith, etc., knowingly affirms what is false, or while doubting whether it is false, or certainly not knowing that what he swears is true; one who in a promissory oath swears without intending to keep it; one who has sworn to do what is a sin, or not to do what is good; one who has sworn rashly, irreverently, in jest, or in short without cause; one who has vowed an unlawful thing, or a lawful thing but for a bad end.

Omissions. *(fol. 28v)* One who through his own fault has not fulfilled what he promised by oath; one who has not satisfied a vow by which he is bound.

On the Third Commandment

"Remember that thou keep holy the Sabbath day," under which come, for the most part, the commandments of the Church

Deeds. Besides the fact that every sin committed on feast days becomes graver, one sins properly against this commandment if he has violated feast days by servile works, or works forbidden by the Church, or has ordered them to be done; if he spends the feast in vanities; if he has received or administered the sacraments badly, that is, in mortal sin or under excommunication; if he has abused the sacraments or sacramental things; if, being excommunicated, he has thrust himself into divine services; if he has communicated with excommunicated persons outside the permitted cases; if, being suspended, irregular, or interdicted, he has thrust himself into what is forbidden him; if he has violated a church or cemetery by seed or by blood; if he has violated the immunity of a church place by sacrilege or *(fol. 29r)* by violence, dragging someone out of it, or carrying on forbidden things there, or in short behaving irreverently there; if he has done injury to religious, or to images of the saints, or behaved irreverently towards sacred things; if he has struck or done violence to ecclesiastical persons, or exacted tolls and forbidden charges from them; if he has committed a sin of the flesh after a vow of chastity or after receiving holy orders.

Omissions. If he has omitted the Sacrifice of the Mass without reasonable cause, or heard it irreverently, chatting or doing something unseemly. If he has not fasted when bound to, or has eaten forbidden foods; if he has not paid the tithes he owes; if he has neglected the sacrament of confirmation for himself or his own; if he has not confessed at the due time and in the due way, especially if he falls short in the things for which a confession must be repeated; if he has not communicated, or not well, that is, in mortal sin or not fasting; if he has neglected to go to sermons; if he has not said the office to which he was bound, and when he was bound, or let his mind wander on purpose while saying it, or so occupied himself *(fol. 29v)* that he could not attend, or did not pronounce the words completely.

On the Fourth Commandment

"Honour thy father and thy mother, that thou mayest be long-lived upon the land"

Thoughts. First, one who wishes for the death of his parents or superiors, for the sake of an inheritance or any other reason; one who is attached to his parents with excessive love; one who is impatient, indignant, or irreverent with them.

Words. Those who offend them with harsh words to their face, or detract from them behind their backs.

Deeds. One who has treated these same parents and superiors, or his spouse, children, or household, badly; one who commands his subjects badly and governs them badly.

Omissions. One who has not honoured his parents, or has not helped them in their needs; those who neglect to comfort them while *(fol. 30r)* living, and to offer suffrages for them when dead; or who do not carry out the last will, expressed in their testaments, of those by whom they are left heirs. Likewise with regard to relatives by blood, fellow-countrymen, and benefactors. Those who do not show the respect and submission they owe to prelates, princes, temporal lords, and persons in authority; those who, out of contempt, or in matters of greater moment, do not obey those whom they ought; whether he has failed to obey the statutes and laws to which he was subject, or has even been rebellious. Here belongs ingratitude: despising, or not acknowledging, or forgetting a benefit or a benefactor, having no mind to repay, or returning evil for good. One who has not borne with his neighbours' weakness. Here too belongs inhumanity towards the poor: whether, having more than is needed for the decency of his state, he has not relieved their want; or whether he has not helped those in extreme necessity, if he had more than was needed for the necessity of nature, even if not more than was needed for the decency of his state.

On the Fifth Commandment

"Thou shalt not kill," under which comes the eighth, by which injury to the person and good name of one's neighbour is forbidden

Thoughts. *(fol. 30v)* Let him ask first about hatred, by which one has desired the death, wounds, disgrace, etc., of others; then about anger and impatience towards others, wishing for revenge, etc.; about envy, by which one rejoices at another's harm, grieves at his good, and resents others being praised; about ill will from any cause, by which one has deliberately willed harm to others in soul, body, or honour, etc.; about rash judgement, by which one condemns another's deeds, words, or intentions, and about suspicions without ground, and putting the worse construction on things; about anger against oneself and the desire of one's own death from a bad motive.

Words. Going further, ask about words tending to the harm of one's neighbour, such as counsel or exhortation to do some harm to others. About lies in court: of a witness, if he has given false *(fol. 31r)* testimony; of an accuser, if he has brought a false charge; or of a judge, defendant, advocate, or proctor, if they have lied in anything, by speaking, or by keeping silent about the truth, or by speaking sophistically and not according to the judge's meaning. About lies outside court also, to the harm of soul, body, or reputation, which are called pernicious. Here ask about detraction of others, whether by saying or by willingly listening to what is false, wholly or in part, or without necessity: especially if with the intention of defaming, or if very grave things are asserted. Further, about insult, quarrels, mockery, curses or evil imprecations, and tale-bearing, by which hatred or enmity of one person against another is stirred up or fed; about shouting, reproaching others with their defects, threats. Add to these praising someone for a deed that is a sin, or approving it, which is the part of flatterers. Add detraction of oneself, by harming one's own good name.

Deeds. Ask about killing, wounding, striking, chains, torture, or exile contrary to justice; whether one has kept an infant in bed with the danger of suffocation; whether one has procured *(fol. 31v)* sterility, or abortion, before the foetus was ensouled or after; whether one has stirred up or fosters enmities; whether one has made or gone to an unjust war knowingly, or to one of whose justice he was not sure, of his own accord, not compelled by the command of a superior that would excuse him. Here ask about feuds, brawls, seditions. Further, about punishing the innocent, or punishing more or less heavily than is deserved, or with ill will, or against the provisions of the laws. To this is reduced the sin by which someone gives scandal by his example, keeps others company or helps them in evil, corrupts the morals of the good by drawing them to dissoluteness, or hinders their good works by calling them away from works of piety through mockery; and one who teaches perverse doctrine; and in short one who leads others into any sin. Also the sin by which someone hastens his own death by gluttony or other unlawful things, or strikes himself in anger; or acts against conscience in what he thinks, or doubts, to be a sin; or exposes himself to the danger of sinning.

Omissions. When they do not help someone in danger *(fol. 32r)* of soul or body, if they can; when they do not defend the good name of a neighbour unjustly defamed; when they will not be reconciled with those they have offended by asking pardon, or refuse to forgive and remit the offence to those who ask pardon, and even withdraw from them the ordinary courtesies; when they do not admonish and correct wrongdoers as they ought, if this falls to them by office.

On the Sixth Commandment

"Thou shalt not commit adultery," to which the ninth is referred, "Thou shalt not covet thy neighbour's wife"

Thoughts. About thoughts of venereal things and lingering desires, especially if deliberate, of attaining forthwith any kind of lust.

Words. About their passing on to words: indecent things said or heard to this end, or in any way. Here ask about letters or messengers, etc.

Deeds. Finally about the deed: immodest looks, gestures, little gifts, adornment directed to the bad end of pleasing; about *(fol. 32v)* the immodest acts themselves, such as kisses and unchaste touches. In dealing with married people about these, ask only whether by such touches they have exposed themselves to the danger of pollution; others you will warn that mortal sin is committed in them. Lastly ask about the sin of the flesh consummated: with unmarried persons or married persons, with blood relatives or in-laws, with virgins, with persons consecrated by orders or vow, or against the order of nature by self-abuse, or by unspeakable sins with others.

Omissions. By omission one sins by not rendering the debt to one's spouse, by not arming oneself against temptations of the flesh, and by not removing the occasions of that sin.

On the Seventh Commandment

"Thou shalt not steal," to which is joined the tenth, "Thou shalt not covet thy neighbour's goods"

Thoughts. An insatiable desire of having; restless anxiety in acquiring temporal things; greed for church property or other goods, even by *(fol. 33r)* unlawful ways; an inordinate will to take or keep what belongs to others.

Words. From here one goes on to words, and sins by lies, in court and out of it, tending to a neighbour's harm in his goods, and by any other words that serve this end.

Deeds. Whether he has stolen, and how much; whether he has acquired unjustly, as by simony, or from shipwreck, or by fraud in buying or selling, regarding the thing itself or its substance, quality, quantity, or price; whether he has practised usurious contracts, or partnerships and exchanges, unjustly; whether he has seized others' goods by force, or his own from a peaceful possessor; whether he has used counterfeit money, even if he was deceived by others; whether he has not restored things found which are not held to be abandoned; whether he has used fraud in gambling, or gambled only for gain; whether he has damaged his neighbour's property; whether he has usurped common property; whether he has imposed or exacted tolls without right; whether, hiring out his labour to others, he does not work faithfully; whether he has begged as a needy man when he was not in need. Add *(fol. 33v)* profusion or prodigality, which is the other extreme, contrary to avarice.

Omissions. Here ask about tight-fistedness: hoarding what ought to have been shared with others, so that he is possessed by his goods rather than possessing them; and whether he does not restore what he owes.

On Pride

Thoughts. One sins who has thought that the good he has, he has from himself, or from God indeed but by his own merits; or who claims for himself what he does not have, or more than he has; whether, despising others, he has wanted to appear singular; whether he has resented reproof and would not confess his fault. Add presumption, obstinacy, impenitence, contempt of others, curiosity in learning what one should not; unwillingness to submit one's judgement to a superior; being too much elated by prosperity, trusting too much in one's own virtue, and so not fearing the dangers of sinning.

Words. Whether he has been stubborn, or an assailant of the truth; whether he boasts as he should not, especially of sin; whether he defends his errors *(fol. 34r)* or excuses them. Add bragging.

Deeds. About ambition: seeking honours and prelacies, etc.; usurping honour in places or seats that does not belong to him; excess in dress or retinue.

Omissions. Despising to give thanks for benefits.

On Gluttony

Whether they are over-anxious about the preparation of food; whether they eat or drink before the time, too often, greedily, too much, or with excessive pleasure.

On Sloth

Thoughts. Distaste for good works; dejection of mind because of adversity; making little of God's gifts in oneself; wandering and idle thoughts, especially in prayer; weariness of the present life, not from devout motives but because not everything turns out as one wishes; wishing one had not been born.

Words. About many things idly said.

Deeds. *(fol. 34v)* About time badly wasted in wandering about, games, and idleness.

Omission. About faint-heartedness, by which, out of dejection of mind, people neglect their salvation and the means to it; by which they prefer to stay in misery rather than labour; by which they draw back from great works for which they are equal; by which they neglect to recover the good name that has been taken from them. Here belong procrastination and slowness in beginning amendment and good works; failing to finish good works begun; giving up good resolutions; not shaking off temptations, etc. Enough has been said of the other capital sins under the commandments.

A Shorter Interrogatory, Put into Verse

On the first commandment.

Who denies in heart or mouth, led by error or schism,
the doubter, the blasphemer, who tempts God, who worships wrongly,
whom superstition burdens, or a pact with the demon;
the despairer, the falsely confident, who for fear of the world
(fol. 35r) lets right things go, ignorant of the precepts of his own salvation,
clinging too much to earthly things, and hating things divine.

On the second commandment.

Who breaks what he promised to God, and who boldly asserts
false things on oath, or swears rashly, and who has vowed or sworn
wicked things, and does not fear to have drawn others into it.

On the third commandment, under which are the commandments of the Church.

I do some forbidden work, I miss Mass and the fasts.
I do not say my prayers in full; I meddle in sacred things forbidden me;
when bound, I do not approach the sacraments; I pollute sacred places;
profane, I violate consecrated things and persons.

On the fourth commandment.

I do not honour, obey, or help my father,
nor do I, as a dutiful son, care for my kin, or as a humane man for the needy.
Whom I am bound to obey and respect, I refuse,
and, ungrateful, often return the contrary for benefits.

On the fifth commandment, under which the eighth is also included.

Out of hatred I inflict death or bodily harm;
I seek enmities, fights, and unjust wars;
I envy, I accuse falsely, I wickedly detract from good name;
(fol. 35v) in anger I plan revenge, abuse, brawls;
I lead another into sins; of my own accord I expose myself
to dangers; in impatience I strike myself, and long for death.

On the sixth commandment, under which is the ninth.

Who yields to sinful lust outside marriage;
who is ready in mind to violate another's bed;
who speaks wantonly; who turns base things over in his mind;
the adulterer who, by looks, gestures, and touches, wickedly tends
to the crime; who commits incest with one joined by blood;
and the sacrilegious man who violates a virgin untouched by man,
or one dedicated to Christ: add to these the unspeakable crimes.

On the seventh commandment, to which the tenth is joined.

I covet another's property; I do him damage; by fraud or plunder
I usurp or keep it; I cannot be satisfied; I wish
to be enriched by fair means or foul: usury, bad
contracts, and dishonest gains please me; I lie
to my neighbour's loss; I gamble wickedly, and I am wasteful.

On pride.

I do not ascribe to God the good things I have received, or at least
(fol. 36r) I think I received them for my merits; often I claim what is not
in me, or at least I think I excel everyone;
swelling with ambition, ready to fight the truth,
obstinate in defending my own opinion,
not used to acknowledging my faults in anything,
I judge, despise, and mock both things and men;
I want to know, and set about doing, things beyond my strength;
relying on my virtue, I do not fear the dangers of sinning.

On sloth.

I do not act well, and what I have done grieves me; adversities
suddenly cast me down, and I despise God's gifts entrusted to me;
the labour of virtue is heavy to me; idleness delights the lazy man more;
my mind shrinks from hard things; it often wanders;
I am weary of caring for spiritual good; slack
in the good works I am bound to, I shudder at God's commands.

On gluttony.

Anxiously I prepare delicacies, and I anticipate
the time of eating; I take delight in forbidden foods, often, greedily, and too much;
in short I pay all my worship to my belly.

Of the other capital sins it has been said under the commandments.

Some Questions on Various States of Life

First, on temporal lords. *(fol. 36v)* First, about dominion unjustly acquired. Second, whether they exact collections or tolls that are not due, or that were instituted for some purpose that is not fulfilled, such as for the safety of roads that are not safe. Third, whether they give offices to those who are presumed likely to be useless or unjust. Fourth, whether they know of crimes and can prevent them, and do not. Fifth, whether they burden their subjects too heavily, the condition of affairs and times being considered. Sixth, whether they usurp what belongs to the community, which they are bound to restore together with the fruits; likewise what belongs to private persons, living or dead. Seventh, whether they exact services of persons or beasts that are not due. Eighth, whether they permit evils, such as usury, which they ought not. Ninth, whether, when the injured party seeks his right, they nevertheless pardon the offence, etc.

On bishops. First, refusing a prelacy imposed by a superior by precept, if either he himself or the prelate can remove the impediment; nor is it required that he know himself to be sufficient, but only that the contrary *(fol. 37r)* is not evident. He may, however, ask to be relieved of the office, if he sees that the souls entrusted to him are not making progress through his own fault or theirs, or that they would be better governed by another. Second, deserting the flock in person: let him see whether the salvation of his subjects requires the shepherd's presence, even if he leaves for some temporal advantage or because of personal danger; it is otherwise if the salvation of the flock can be provided for through someone else. Yet for the good of the Church, or because of personal danger, he can leave in person, if his presence is not necessarily required; but if he is in doubt about the salvation of his subjects' souls because of his absence, he is bound to stay. Others, to whom the care of souls is not committed, are not so bound when they do not see an actual danger. Third, not looking into the faults of his subjects so that they may be corrected, when report of them, or something that ought rightly to move him, reaches his ears. Fourth, giving authority to those who are not bishops in things that properly belong to the episcopal office, such as ordaining, confirming with chrism, etc. He can, however, commit things that belong to his dignity (apart from its insignia), such as *(fol. 37v)* judging clerics, and things of jurisdiction. Fifth, conferring orders and church benefices on the unworthy. Sixth, consecrating as virgins those who are not virgins. Seventh, not residing without reasonable cause. Eighth, if they are not present at the divine office at least on Sundays. Ninth, if they do not make visitations, or in visitation do not inquire and provide as they ought. Tenth, if they do not appoint preachers in the cathedral church powerful in work and word. Eleventh, if they do not hold a synod every year, admonishing the clergy, reading the constitutions, etc. Twelfth, if he does not provide suitable ministers: vicar, assessor, notary. Thirteenth, if they neglect the execution of legacies devolved to them. Fourteenth, if they do not make the chrism every year. Fifteenth, if they do not dispense their revenues, both to the poor and to the Church, as they ought. Sixteenth, if they neglect to see that masters are appointed to teach what is needful. Seventeenth, if they neglect to feed the sheep entrusted to them. Of these, in things that are evil in themselves they sin mortally,

as by conferring *(fol. 38r)* orders on the unworthy; in things that are evil because of something else, that is, because of the evils that arise from them, the sin is to be judged as grave as the good of which the sheep are deprived and the evil that follows. Eighteenth, allowing the notary to ask a fee from those to be ordained; he could, however, accept something for his labour, provided that the bishop has no share in the gain. Nineteenth, despising the observance of the canons. Twentieth, through such ignorance that he does not know the ten commandments, the articles of faith, the virtues and vices in general, and the sacraments; for he is also a perjurer, having answered at his ordination that he knows the New and Old Testaments. Twenty-first, about simony in orders.

On the sins of judges. Of the five sins against divine law: the first is unjust judgement; the second is rash judgement, from grounds insufficient for judging; the third is usurped judgement, when he judges a person or a matter not subject to him; the fourth is the unjust remission of a penalty, which is usually a grave sin, even if it is commuted into a money payment; the fifth *(fol. 38v)* is the refusal or delay of justice, especially when it has been asked for, and he is liable for the costs and losses of those to whom justice is refused or delayed. The connected sins are innumerable, namely those that lead to the foregoing, such as hatred, ambition, worldly fear, etc. Regarding positive law, let them tell as many sins as the prohibitions they transgress, and in particular about the acceptance of gifts.

On the advocate and proctor. First, taking up the defence of a cause he knows to be unjust, even if he pursues some just point in it. Second, being unwilling to examine whether a cause is just or unjust. Third, pursuing a cause which he realises in the course of the case is unjust, though at the beginning he thought it just, and keeping silent about this to the client. Fourth, not taking pains to defend the cause undertaken. Fifth, instructing the client to say what is false, or deceitfully. Sixth, demanding of him more than is owed. Seventh, refusing to defend a poor man in a just cause, when no one else appears to do it, if the poor man is believed likely to be oppressed without his help.

On notaries. *(fol. 39r)* First, about perjury. Second, about false documents. Third, about documents concealed or destroyed. Fourth, about drawing up an unlawful instrument, such as one for usury of which they know, etc.

On those joined in matrimony. First, if they performed the marriage act for the sake of pleasure alone, and in a manner not suited to generation, especially if outside the proper vessel, etc. Second, if it is done during the indisposition of menstruation, or when the wife is pregnant, if with danger of miscarriage or of grave harm. Third, if the debt is refused, except in danger of life or of notable illness, or when the one asking has lost the right through fornication. Fourth, if it is performed in a sacred or public place. Fifth, using marriage before the blessing of the bride. Sixth, if the one who asks has a simple vow of chastity. Seventh, if the husband has intercourse with a publicly adulterous wife. Eighth, if the marriage is clandestine. Ninth, if the wedding is held in the forbidden time, as regards the blessing, the bringing home of the bride, and the festivity *(fol. 39v)* of the banquet, or with excessive vanity. Tenth, if he contracted marriage while excommunicated or in mortal sin. Eleventh, if with persons related by blood or affinity up to the fourth degree, or in another forbidden case; but ask only about impediments for which there is some presumption. Twelfth, if he has not provided the household with necessities. Thirteenth, if he has embittered his spouse by words or deeds, or has been too jealous, or too slack in his care. Fourteenth, of the wife: whether she is disobedient, quarrelsome, slovenly, negligent in the care of the house; whether she does not follow her husband’s domicile, unless he draws her into sin.

On priests and other clerics. First, whether anyone received orders simoniacally, or from a simoniacal bishop, or before the lawful age, or in mortal sin, or while excommunicated, irregular, or suspended. Second, whether, bound by these censures or in mortal sin, he exercises his order. Third, whether he has not worn the tonsure and habit. Fourth, whether he has engaged in secular business, games, dances, etc. Fifth, whether he has exercised the office of his order without *(fol. 40r)* the proper vestments. Sixth, whether he has omitted

the canonical hours, or while saying them does manual work, or wanders in mind voluntarily, or does not pronounce them completely. Seventh, about simony in the sacraments, or otherwise in benefices, etc. Eighth, whether he has omitted the due matter, form, or rite in the sacraments; and let the less educated be asked specifically whether they know the form of Baptism, of the Eucharist, and of the necessary sacraments. Ninth, whether he has celebrated without having confessed a mortal sin when he had a confessor available; or without having said Matins; whether not fasting; whether he did not communicate; whether he kept unclean chalices; whether he takes no care for attention; whether he does not guard well that nothing falls to the ground; whether he has celebrated after a pollution arising from a mortally sinful cause; whether he has said Mass for sorcery. Eleventh, whether he has not celebrated at least on the great solemnities, or has said several Masses on the same day without permission. Twelfth, whether he has absolved one whom he could not; whether he has revealed a confession, and been too hasty in hearing confessions; whether he has not consulted those more expert in doubtful cases; whether he has imposed a penance badly; whether he asks questions he ought not. *(fol. 40v)* Thirteenth, whether he preaches lies, or curious or jesting things, or indiscreet indulgences, or preaches simoniacally, or for glory, or without permission. Fourteenth, whether he has had familiarities with women, or looked at them immodestly. Fifteenth, for those who have church revenues, about their bad dispensation of them.

On religious. First, about entrance: whether by simony. Second, about a wrong intention, such as not having to work, etc., which can be set right. Third, whether he kept silent about impediments, such as illnesses, etc. Fourth, whether, having a vow to enter a stricter religious order, he had no dispensation before entering a laxer one. Fifth, whether by lying, or by keeping silent about the austerity, they lead others to enter, or turn them away from better things. Sixth, about not keeping chastity, poverty, or obedience to the superior or to the constitutions. Seventh, regarding his office, whether he has not done what he was bound to. Eighth, about a bad election of a prelate, or inordinate affection towards any person. Ninth, whether in the visitation *(fol. 41r)* of prelates he has not revealed what ought to be told. Tenth, about the more important ceremonies, such as the forbidden eating of meat, etc. Eleventh, whether he has spent his time in idleness or in useless worldly work. Twelfth, about dissipation, murmuring, impatience, negligence in praying for others and in preparing himself for the sacraments, etc. Thirteenth, about love of relatives, attachment to temporal things, and talk about secular matters. Fourteenth, about putting off the habit.

On teachers. First, whether teachers who lecture in physic (that is, medicine) or law knowingly admit religious, secular priests holding dignities, clerics who lecture in theology, or monks without their prelate's permission. Second, whether one who has a sufficient salary or benefice demands something from his students, especially poor ones; what is offered, a suitable man may accept. Third, whether he seeks or receives the degree of master while very ignorant, or admits others so (and in theological matters this seems to Antoninus a mortal sin),[1] or seeks degrees for bad ends. Fourth, whether he *(fol. 41v)* has taught theology publicly while in mortal sin. Fifth, whether he has studied or lectured in forbidden sciences. Sixth, whether he has not taken care that his students make progress in morals and learning. Seventh, whether he has not fulfilled the oaths of the university. Eighth, about boasting, detraction, and envy of other professors. Ninth, whether he has drawn students away from them to himself, or fostered factions.

On students. First, whether they do not obey their masters in matters in which they are bound. Second, whether they quarrel among themselves. Third, whether they have chosen a less suitable master for an unjust reason. Fourth, about fasts, Mass, and sacraments neglected. Fifth, whether they argue against the truth. Sixth, whether they are proud of their learning. Seventh, whether they aim at a bad end. Eighth, whether they are negligent in study. Ninth, whether they give themselves too much to base books.

On merchants and craftsmen. First, about unjust exchanges. Second, about the various modes of disguised usury: for example, if one buys for less because of payment in advance, or sells for more than the just price because of *(fol. 42r)* waiting for payment; or buys a field with an agreement to sell it back, for less than half

the just price, or at any rate for much less than is just, so that there is no true purchase and sale there (which, if it were one, would be unjust, but not a usurious contract). Third, whether they have carried iron or arms to the infidels without the Pope's permission. Fourth, about monopolies: whether they agree with others not to sell except at some price higher than is fair. Fifth, whether they lend hoping for an advantage that can be valued at a price. Sixth, whether they have defrauded just tolls and excise duties. Seventh, whether they have knowingly given false coins, or clipped coins for good ones. Eighth, whether anyone in partnership with others has not acted faithfully, keeping hidden profits for himself. Ninth, whether he has bought stolen or plundered goods. Tenth, whether he has used perjury and lies in selling, etc. Eleventh, whether he does business on feast days without necessity, buying, selling, doing accounts, except for a short time. Twelfth, whether he has been a broker of bad contracts. Thirteenth, whether he practises a trade whose product serves only for sin, such as idols: he is bound *(fol. 42v)* to give it up; if it serves mostly for sin, such as one who makes dice or cosmetic paint, they should be exhorted to give up the trade. Fourteenth, about fraud in measures, etc. Fifteenth, whether he has not fasted when he could have, by moderating his work.

On the physician. First, treating rashly before the illness is known, or using dangerous remedies while trying out and investigating the disease. Second, after the disease is known, also treating rashly: when he neglects to study, or to visit, or to consult, or to change his opinion, rather calling into question another's correct treatment. Third, whether he experiments with an uncertain medicine at the risk of life. Fourth, whether they advise doing something against the salvation of the soul, or do not warn the sick to call the physicians of souls when there is need.[2]

On children. First, about lies, perjuries, vows not fulfilled. Second, about missing Mass, confession, and communion. Third, about irreverence towards father or teacher. Fourth, about thefts. Fifth, about *(fol. 43r)* foul words, insults, detractions, quarrels. Sixth, about carnal matters let them be questioned from a distance (lest those who are uncorrupted should learn), girls above all.

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[1] "Antoninus": St. Antoninus of Florence (1389–1459), whose *Summa theologica (moralis)* and confessional manuals were standard works.

[2] The Fourth Lateran Council (1215), c. 22 (*Cum infirmitas*), required physicians to urge the sick to call the "physicians of souls" first.

Remedies, Restitution and Censures

On the Proper Remedies for Sins

Against Pride

First, consideration of one's own vileness, and of the defects of soul, body, and outward things. Second, to look to those better than oneself, and especially to Christ, who exhorts us to imitate him, saying: *Learn of me, because I am meek and humble of heart*, etc.[1] Third, to notice the slavery and disgrace of the proud, who fall from the dignity of children of God and become the abject bond-servants of the devil, who is king over all the children of pride.[2] Fourth, to keep company with the humble and modest. Fifth, in dress, house, and all outward actions, so far as the decency of each one's state allows, to put oneself down.

Against Vain Glory

First, to hide one's own good things. Second, to turn the mind back upon one's own defects. Third, to offer honour and praise that is given *(fol. 43v)* at once to God, the author of all good.

Against Avarice

First, the most effective remedy: to leave all things. Second, to notice that the soul is no more satisfied by great riches than by little ones: and therefore desire is rather to be lessened than riches heaped up. Third, to consider that all things must soon be left behind, except what has been sent ahead through the hands of the poor. Fourth, to think how great was the poverty of Christ, and of the saints who have imitated him. Fifth, to trust in God, who feeds the little sparrows, and says: *Seek ye first the kingdom of God, and his justice, and all these things shall be added unto you*.[1] Sixth, to withdraw from the company of the avaricious, and to deal with those who neglect temporal things. Seventh, to marvel at the heavenly riches, and at those goods that are infinite, certain, most delightful, and lasting for ever.

Against Lust

First, to flee the sight, and much more the familiarity, of what inflames lust. Second, to withdraw *(fol. 44r)* from the society of those who by their example stir up lust. Third, to flee idleness, and always to be occupied in honest exercises. Fourth, not to nourish the body delicately, but rather to love abstinence, especially from stronger wines and hotter foods. Fifth, to drive away at once bad thoughts, and to guard the senses. Sixth, to take on some voluntary pain, especially when the temptation of the flesh is pressing.

Against One's Own Anger

First, to prepare oneself to bear patiently words and acts that usually provoke to anger. Second, to understand that injury does not hurt the one who suffers it, but rather the one who inflicts it; and how many injuries Christ has suffered for us, to whom we shall return thanks for such great benefits if we patiently endure injury. Third, let him turn to doing something else, diverting the mind from the injury. Fourth, at least let him restrain tongue and hands, and extinguish the anger kindled in his breast.

Against Another's Anger

First, *A soft answer breaketh wrath: a hard one stirreth up fury*.[1] Second, *(fol. 44v)* be silent, or turn aside from the angry man's sight.

Against Envy

First, not to love earthly things. Second, to think how useless envy is, which only helps towards sinning, and towards the torment of the envious man. Third, how base it is, when we are bound even to shed our blood for our neighbours, if the case requires it. Fourth, weigh this: if another lacked the good that you envy him, you would not on that account be better off: if therefore envy profits you nothing, neither for temporal things, nor for fame, nor for virtue, and torments the mind, and turns it from God, why will you not cast it away? Fifth, think of whatever helps and kindles brotherly charity, etc.

Against One's Own Hatred

First, to notice God's vengeance, who does not forgive unless we have forgiven.[1] Second, he who hates another hurts himself more than the other, since he puts himself in the state of mortal sin. Third, we must at length forgive sometime, if we will not perish for ever. It is better, then, to forgive quickly and escape the danger, *(fol. 45r)* lest life too be spent without merit, and that we may please Christ in it.

Against Another's Hatred

First, to do good. Second, to serve. Third, to submit oneself.

Against Gluttony

First, to remove what can provoke the appetite, such as the sweetness, variety, and seasoning of foods. Second, to consider that this is a pleasure of beasts rather than of men, which darkens the intellect, extinguishes good desires, shortens life; indeed brute animals do not indulge food more than necessity requires. Third, deliberation beforehand helps much.

Against Sloth

First, frequent remembrance of God's benefits, which stirs up love. Second, to remember death that is near, which takes away the time of doing well. Third, thought of eternal punishments and rewards. Fourth, to flee those given to idleness, and to follow the diligent.

Universal Remedies

(fol. 45v) First, the chief and universal remedy for rooting out all vices and implanting the virtues is frequent prayer with confidence. Second, frequent confession, which ought to be made at once when you have fallen into any sin. Third, frequent reception of the Eucharist. Fourth, to flee the company of the wicked, and to seek that of the good. Fifth, reading of pious authors and of sacred Scripture especially. Sixth, meditation on the passion of Christ. Seventh, to consider the life of the saints. Eighth, the presence of the Divine Majesty and of the Angels. Ninth, certain death. Tenth, divine justice, through the examples of those whom he has punished. Eleventh, the future judgement. Twelfth, the punishment of the damned. Thirteenth, the joy and happiness of Paradise.

How These Arms Are to Be Used to Overcome the Vices

(fol. 46r) First, from the effects—that is, from the sins—one must investigate the root from which the other vices spring. For there is usually one or another vice that is the chief one in each person, which generates the rest; when it is taken away, those too that arose from it will perish. Second, to keep in memory the remedies against it, so that they may be applied when need arises. Third, you will fight with particular diligence against one or another (though you must hate all in general) until you have removed it, or so weakened it that

it either does not resist, or is easily suppressed. Against this enemy the resolve must often be renewed, anger against it sharpened, and one must fight it with its proper arms; the common remedies are also to be applied, and the daily examination of conscience is to turn upon this. For if today you attack one, and tomorrow another, you will in the end overcome none. Fourth, greatness of soul is necessary for entering the combat and hoping for victory, even if it is going to be hard and laborious. A sure sign of victory is to hope for victory with a great heart. *(fol. 46v)* Fifth, perseverance in the fight is needed, and one must not lose heart, even if you fall a thousand times: rise, then, and fight. He alone is conquered who, casting away arms and the will to fight, has basely given himself up to the adversary. And though progress may for some time be scarcely seen, it does not follow that you have made none. For as we see that the shadow of a sundial has advanced, though we do not see it advancing; and the crops appear to have grown, though they do not appear to be growing: so you may not easily see virtue growing, because it consists in minute increases, but at length over a longer interval you may see that it has grown; and the very labour of fighting, humility, and patience are no small progress for the one who endures.

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[1] Matthew 11:29 (*Discite a me, quia mitis sum, et humilis corde*).

[2] Job 41:25 (Vulg. 41:34): *Ipse est rex super universos filios superbiae* (of Leviathan).

[3] Matthew 6:33.

[4] Proverbs 15:1 (*Responsio mollis frangit iram: sermo durus suscitat furorem*).

[5] Cf. Matthew 6:14–15; 18:35.

On Restitution

Among the things of which a confessor needs knowledge, restitution stands among the first: by it satisfaction is made for a thing taken away, or for damage, or for injury. It is necessary for penitents, because just as to take what is another's is a mortal sin, so also is to keep it against the owner's will. What is to be observed about restitution is noted in these two verses: *(fol. 47r) Who, to whom, what, how much, or where, at what time,*
In what order you restore: so hold it, pious reader.

Yet first it is to be understood that when we speak of the restitution of another's property that has been received, we speak both of unjust taking, as by robbery, etc., and of unjust retention, as of a loan (which for brevity's sake will be included under the name of taking).

Who Ought to Make Restitution

Whoever was the cause of an unjust taking is bound to restore; and if many were the cause, all are bound. Now a person can be the cause of an unjust taking in ten ways, which are contained in these verses:

Let him restore who takes what is another's, and his servant.
Command, counsel, consent, praise, and companion;
He who receives, the silent, who does not hinder, who does not reveal.

The first, then, is he who carries it out himself, whether by his own impulse and for his own gain, or another's, as the usurer's servant, and one who wounds by his master's command. The second is the one who commands, who is bound when from his command an unjust act has followed, or he has ratified *(fol. 47v)* what was done in his name. The third is the one who effectively counsels: so that by such counsel someone is moved to commit an unjust act, if the effect has followed. The fourth is the one who consents, without whose consent the act would not have followed; otherwise if it would have followed without such consent. The fifth is the flatterer, when from praise and flattery, as from a cause or joint cause, the effect follows. The sixth is a partner in the evil action, as companion, go-between, or one who otherwise shares in the crime, when he is a cause of the unjust taking without which it would not have been done. The seventh is the harbourer of such

people. For he is a cause of the crime by giving them security and custody of the plunder: whence thieves steal more boldly and more securely. It is otherwise if he has not received them in order that they might steal. The eighth is the silent one, that is, he who can and ought to speak, by reproving, commanding, and the like, and does not. The ninth, he who does not hinder, that is, who does not impede an unjust action which he can and ought to impede: as those on whom this falls by office. The tenth, he who does not reveal the perpetrator of an *(fol. 48r)* evil action, when he can and is bound to: as a witness called in court, and keepers of vineyards, and the like, who are liable for the damages which a neighbour suffers from the failure to reveal, insofar as not revealing was the cause of the damage; and when in these three cases it is said "who can and ought," understand not only of those on whom it generally falls by office, but in a case of necessity, of all who in that case can impede without their own harm and danger, when the unjust action cannot otherwise be prevented.

Any of the above, when damage has followed, is bound to restore in full. But if others have restored for their part, he would be bound only for the rest: for it is enough that the injured party be satisfied; so if one or another has paid the whole, the rest would not be bound.

To Whom Restitution Ought to Be Made

A distinction is needed. If restitution is made solely because of another's property that is found with someone, it ought commonly to be restored to the one to whom it is owed (if he is known), namely to the owner of the thing, whether he be a cleric *(fol. 48v)* or a layman. But if it were a prelate who is a dissipator of the Church's goods, it ought to be restored to the Church, with the superior's consent obtained if possible.

If the owner of the thing is not known, or there can be no access to him, or not without danger and scandal, let it be restored to Christ, the Lord of all, by giving to the poor.

If restitution is made because of an unjust taking, when the giving also is forbidden (as when an administrator of holy orders receives money, etc.), restitution is not made to the giver, but to the one to whose injury the money was given, whether it be the Church, or some person, or indeed to Christ the heir of all.

If the obligation of restitution arises from unjust taking alone, and the giving was not unjust, as in usury, it ought to be restored to the one damaged, so that these two concur together: unjust taking, and damage that follows from the unjust taking. Whence he who steals a pledge from a merchant ought to restore it to the same merchant; yet in the forum of conscience he could restore it to the owner of the pledge, provided the merchant suffers no loss. Likewise if someone steals a stolen thing, *(fol. 49r)* let him restore it to the owner, but let the [original] thief understand that he is not bound to restore further.

If the person to whom restitution ought to be made is dead, it shall be given to the heirs; if they are unknown, after due inquiry has been made, it shall be given to Christ in his poor. If he is at a distance, and it can easily and faithfully be sent to him, if the thing is of great value, it ought to be sent to the owner at the expense and loss of the one unjustly detaining it; if it cannot be sent, and the thing is of small value, it could be given to his relatives, or to a poor monastery, at the judgement of a good man, with an agreement that when the owner comes it be restored to him, if the thing can be kept. If a usurer wishes to restore usuries to those who have left the place of the usury, at their expense, he can send it; if the usurer himself has left, he will send at his own expense.

The thing ought not always to be restored to the one whose it is, or from whom it was received, namely when it is harmful to him, as a sword to a madman, etc.; but it can be kept for the heirs.

If only the cause is forbidden, not the taking, as in base gain from prostitution, etc., *(fol. 49v)* it is not necessary to restore, unless fraud or unlawful extortion has intervened, or it was received from one who

cannot alienate; yet they ought to be counselled to give to the poor; likewise concerning what is acquired by gambling.

Uncertain goods liable to restitution, when after diligent inquiry the owner cannot be found, should be given to the poor, at the judgement of the one who has them, or of the confessor; and bishops ought not to reserve such things to themselves, unless the question would have to be brought to judgement—as when someone has publicly plundered a city, and it is not known from whom he took, then restitution shall be made by the counsel of the bishop or of the temporal lord.

Things found which never had an owner, or of which no memory remains, or which he does not care about, belong to the finder. If they had or have an owner, they are to be restored to the owner of the thing; if after diligent inquiry the owner is not found, they can be given to the poor, or kept by a poor finder, with the confessor's leave.

Of treasure whose owner is unknown: if it is found on one's own land, the whole belongs *(fol. 50r)* to the finder; if it is found by chance on another's, one half will belong to the owner of the land, the other to the finder, according to Thomas;[1] if it is found by diligent searching, with the leave of the owner who grants it because he himself does not wish to search, the whole belongs to the finder. If he searches against or beyond the owner's will, the whole will belong to the owner. If, knowing that treasure is in the land, while the owner is ignorant of it, the land is bought, the whole treasure seems to belong to the [seller as] owner. But the custom by which treasures found are reserved to princes does not bind in conscience, according to the judgements of the doctors.

What Is to Be Restored

Things and damages are to be restored: if the thing still exists, let the thing itself be restored, unless danger of scandal or something else is feared; then an equivalent shall be rendered at the judgement of a good man. If the thing does not exist, or has been made worse, let an equivalent be rendered.

Whoever has another's property is bound to restore it to the one whose it is, whether he holds it in good faith or not. If he held it in good faith—as if he bought a horse, believing it to be the seller's, though it was not—if he has already *(fol. 50v)* sold it, he is bound to restore what he has been enriched by from such a thing, and no more; if he had received it as a gift and sold it, he would owe the whole price. But if he still has it with him, he is bound to restore it, even without having received the price from the one whose the thing is; yet he has an action against the seller of another's property. But if in bad faith he bought another's property out of greed for gain, he would be bound to restore that thing if he has it, or an equivalent if he has not, and the profit he acquired from it; and even if it is stolen from him, he is not freed from restitution. But if he took a thing he knows to be another's not for the sake of gain, but faithfully managing the owner's business lest the thing perish, he can recover from the one despoiled whatever he spent. And if the owner is not found, he will give to the poor what remained above the price and expenses.

One who lawfully hinders someone from obtaining any good is bound to nothing; if unjustly he hindered one who was going to obtain it, he would be bound to an equal; if the other was near to obtaining it, he would be bound at the judgement of a good man. So also one who hinders *(fol. 51r)* someone from an office which he justly exercises, as a countryman from his work, and the like, unless he does it according to reason, is bound to restore at the judgement of a good man. Those who hinder a creditor in an unlawful way from being able to exact from a debtor—as by freeing him from prison, or in some other unjust way—and in general those who unjustly inflict damage on another (especially of set purpose) are bound, if the damage is certain, to all of it; if uncertain, at the judgement of a good man. If another's property perishes in the hand of one who is at fault for its not being returned to the owner: if it would equally have perished with the owner, he is not bound for the damage; otherwise if it would not have perished, or could earlier have been sold by the owner. One

who cedes his goods because of poverty, if he comes to a richer fortune, is bound in conscience to restore what he owes. In damages to life, limbs, health, liberty, honour, reputation, strength, fruits, emergent damage, loss of profit, and the like, restitution for the damages shall be made as best it can, at the judgement of a good *(fol. 51v)* man. He who has deflowered a virgin whom he seduced, promising to take her to wife, is bound to marry her (if she is not of inferior condition); but if he has afterwards married another, he is bound to dower her. But if there were some signs by which the virgin could perceive that he did not mean to marry her, he would not be bound in the forum of conscience to marry or dower her, unless he had forced her violently: for then, even if the girl's father will not give her, or she will not marry, he must nevertheless dower her.

How Much Ought to Be Restored

If the quantity of the thing or of the damage is certain, just so much shall be restored; if uncertain, as in injuries, etc., as much as a good and prudent man will judge, the particular circumstances of the thing, time, place, and person, and the like, being considered.

A possessor in good faith, if before prescription runs he notices that the thing he possesses is not his, is bound in conscience to restore the whole thing, and the damages, and the fruits received in the time of good faith, deducting the expenses made for the sake of gathering, seeking, and *(fol. 52r)* preserving the fruits: the same reason holds of one who has not paid a legacy for many years; for he is bound to restore even the fruits received.

Where Restitution Ought to Be Made

If restitution is necessary because of another's property which someone holds in good faith, it ought to be made in the place where the thing is held.

If restitution is necessary because of unjust taking, let it be restored where the owner of the thing is kept unharmed; and if anyone is to be burdened, let the occupier be burdened, who has always been in delay.

On the Time of Restitution

He who owes is indeed bound to restore at once: for a negative precept is included, namely not to keep what is another's; yet understand that "at once" thus: that he be ready in mind to restore as soon as he conveniently can; but as to execution, he ought to restore at a suitable time, the due circumstances being observed.

Three things can excuse from making restitution at once. First, the will *(fol. 52v)* of the owner granting a delay. Second, reasonable ignorance of law or of fact. Third, inability, of which the judgement of the doctors is contained in six conclusions. The first is, that one who is in extreme necessity, having only what is necessary for his own life and that of his household, is not bound to restore at once: because then all things are common. The second is, he who by restoring could not live according to the decency of his state, even if the owner of the thing, who is not in such or greater necessity, will not grant a delay, is not bound to restore at once; yet he ought to take care not to make unnecessary expenses, otherwise he would not be excused according to reason. The third is, when restitution, if made at once, is to the damage of the owner's body or soul, it ought not to be made at once. The fourth, if the same would redound to damage, or be against the common good. The fifth, if it is probable that it will be to the damage of the reputation, or life, or soul of the one restoring, or of another; or if from this there is imminent danger of some mortal sin, it ought not to be done, except when such danger *(fol. 53r)* has ceased, because these are greater damages than not restoring at once. The sixth, if to restore at once redounds to a small advantage of the creditor and to a great loss of the debtor: as if a craftsman debtor would have to sell the tools of the trade by which he lives, he is not bound to restitution [at once]: because according to reason a delay ought to be given him. It would be otherwise if the

creditor were in a like case, because no one ought to inconvenience another in order to accommodate himself; but if the loss were not of his own goods, but rather that he would forgo a large profit, he is not excused from restoring at once. Note also that if delay would be harmful to the creditor, and restitution were not made at once in order to avoid such a great inconvenience in one's own goods, at least that creditor ought to be kept unharmed. Note further that confessors ought not to absolve such penitents before they actually restore, if, having been absolved in another confession, they have neglected to restore. But if the debtor cannot obtain a delay from the creditor, who is not in *(fol. 53v)* necessity, and the debtor himself can restore then without great inconvenience, yet will not, but is ready to restore later, because he thinks he cannot well do so then, he can be absolved if he promises to restore within a set time; but if he can, and he himself knows in conscience that he can then, and will not, he is by no means to be absolved, because it sufficiently appears that he is not contrite.

On the Order and Manner to Be Kept in Satisfactions Claims

He who can restore to all need not keep an order, but restore to all at once (as has been said). If he cannot to all, let certain claims be restored before uncertain ones: unless the uncertain one were of such a kind that it is certain it never belonged to certain creditors, as a chalice: for such things can be given to the poor without injury to the creditors. Among certain goods, those are first to be restored which exist in their own species and belong to another: as deposits, and also purchases not paid for. After such restitution, the statutes are to be observed, and what *(fol. 54r)* civil law lays down (if it is not against the natural), and if opinions vary, the safer is to be chosen. A usurer, if he has not so many goods that he can satisfy other debts lawfully contracted and the usuries, ought first to satisfy the debts lawfully contracted: provided, however, that two conditions are present: first, that the usurious things do not exist in their own species, as pledges (for those ought to be returned to the owners when they repay the money); second, if from such lawful contracts he would not be made poorer for paying the earlier usuries, as would happen in the promise of a dowry, for he would be made poorer, etc. If the goods are uncertain, they can be restored according to the confessor's counsel, who, if he sees the debtor in great misery, will be able to dispense that he keep them for himself, as a poor man of Christ, if nevertheless he judges this expedient. For if he were thought likely to be freer for theft on this account, it would not be expedient to use this mercy with him. Hidden things ought to be restored cautiously, lest reputation be hurt; but public usuries are to be restored publicly, for reputation is recovered *(fol. 54v)* more by restitution.

If anyone has defamed another, or himself, by way of law justly, he ought not to restore; if unjustly and falsely, let him restore by saying that he spoke falsely, or kept silent about the truth; if unjustly but not falsely (as one who has revealed a true sin), by saying that he unjustly defamed someone and did ill in saying such things. But let him beware of lying, and take care how he speaks, lest perhaps while restoring he defame the more: for then he ought not to restore, nor when there follows danger of a greater evil than the good of reputation to be gained. If reputation cannot be restored, compensation ought to be made otherwise, and satisfaction for the damage that followed from the defamation, at the judgement of a good man; in the same way concerning defamatory libels; and restitution ought to be made there where the defamation was made, publicly or secretly. It is also to be noted that when defamatory words have been spoken to one who could help, either according to the order of law or of fraternal correction, or when such things are not truly defamatory, as when they are venial, or can be taken either way, or were not *(fol. 55r)* said affirmatively but doubtfully, or when someone said only that he had heard them, or which have been published by another way, it is not necessary to make restitution of reputation. Let these things on restitution, gathered from good authors, suffice; now some things on ecclesiastical censures will be added.

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[1] St. Thomas Aquinas, *Summa theologiae* II-II q. 66 a. 5 ad 2 (on treasure-trove: half to the finder, half to the owner of the land when found by chance).

On Excommunication

First something will be said about certain things that serve for the understanding of excommunication; then about the sins of the excommunicated; finally about the cases of excommunication, going down to each one in particular.

Excommunication is twofold: minor and major. Minor excommunication is exclusion from the reception of the sacraments and from passive election, because it makes one incapable of any ecclesiastical benefice, etc. Major excommunication is separation from the communion of the Church as to its fruit, that is, the sacraments, the general suffrages, and participation in spiritual goods.

It must be noted, however, that unless the act for which one is excommunicated has been completed (even if it has been begun), and unless the agent is the very person who performs the act *(fol. 55v)* (even though he commands it), he is not excommunicated—unless those who give counsel, favour, etc., are also excommunicated; and even then, unless the effect follows, they are not subject to excommunication.

Moreover, since excommunication is imposed only for mortal sin, one whose conscience is such that he is rightly persuaded that he has not sinned mortally never incurs excommunication by law (*a iure*), because the sentence of the law is not unjust.

The effects of major excommunication (to set them out a little more distinctly) are these. First, the excommunicated are deprived of the fruit of and participation in divine things, such as the sacraments, and of being present at the divine offices, if they are publicly excommunicated. They are not, however, excluded from entering the church, nor from hearing the word of God. Second, they are deprived of participation in the good works and prayers of the Church. Third, they are excluded from the Kingdom of Heaven, if the excommunication is just, or even if it is unjust and is wrongly held in contempt. Fourth, they are excluded from the act of any order: hence one who exercises it becomes irregular. Fifth, they are excluded *(fol. 56r)* from ecclesiastical benefices, which they can neither acquire nor confer on others, nor draw the fruits of those they hold, so long as they delay in seeking absolution; and one who persevered for an entire year could be deprived of all his benefices. Sixth, they are excluded from entering religion, unless they are first absolved. Seventh, from canonical election, active and passive; and this extends even to lay dignity, such as the Empire and a kingdom. Eighth, they are excluded from the exercise of offices and from the use of jurisdiction. Ninth, they are also excluded from spiritual power, so that they cannot be ordained nor ordain, unless they are secret and tolerated. Tenth, from every legal act, such as acting as proctor or drawing up instruments, and from other acts in which men share together, such as living together, etc. Eleventh, from burial in a sacred place, etc.

An excommunication pronounced by a man (*ab homine*), even if unjust, is to be feared, and absolution is to be sought (provided it is not null); and one who held it in contempt would sin mortally. But if it is null, and no scandal *(fol. 56v)* follows from not observing it, it need neither be feared nor observed. But the ground on which the sentence is null must be certain if it is not to be feared: for instance, that it was pronounced by one who did not have authority, etc.

In an excommunication, whether by law or by a man, there is no sentence already passed (*lata sententia*) but only a threat when it is said, “under pain of excommunication,” etc. It is known to be a sentence already passed if it is expressed by a verb in the past tense, as when it is said, “let him be excommunicated” (*sit excommunicatus*). Some words, too, are equivalent to the past tense, such as declaratory words, as when it is said, “we decree that he is subject to excommunication”; and this is a sentence already passed. But if the words are dispositive and sound in the future, as “let them be excommunicated” (*excommunicentur*), it is not a sentence already passed, unless “by the very fact” (*ipso facto*) is added, or something from which it appears that the sentence is passed.

On the Sins of the Excommunicated

One excommunicated with minor excommunication sins mortally if he takes part in the sacraments, actively or passively.

One excommunicated with major excommunication *(fol. 57r)* sins, first, and mortally, by taking part in the sacraments and the divine offices. Second, he sins, but not mortally, if he shares with others in ecclesiastical acts, of which we spoke above in treating the effects. Third, he sins by taking part in human dealings. What is prohibited is commonly expressed by this verse:

> *Os, orare, vale, communio, mensa negetur.*
>
> *(Speech, prayer, greeting, fellowship, table are denied.)*

By "speech" (*os*) understand conversations, letters, messengers, gifts, kisses of friendship, etc. By "prayer" (*orare*) understand the sacraments, public prayers, and all spiritual things. By "greeting" (*vale*), the customary salutation by word or in writing. By "fellowship" (*communio*), living together, or having some common activity with the excommunicated person—not so if he lives in the same place but on different business. Other acts too can be excluded here, such as those of election, office, and so on. By "table" (*mensa*), eating together, and sleeping. Yet sins of this kind ought not to be reckoned mortal, if contempt is absent.

(fol. 57v)

On the Sins That Overflow from Excommunication onto Others

First, to share with the excommunicated in divine things. Second, to admit them to ecclesiastical burial: understand this of public excommunication (*Clementines*, De sepulturis, c. 1).[1] Third, to share in the condemned crime, or that on account of which someone is excommunicated; and this incurs excommunication (c. *Nuper*, De sententia excommunicationis). Fourth, to communicate in prohibited human dealings: those who share in them, though not out of contempt, nor believing that a sentence will come from such communication in contempt [of the Church], nor against a prohibition expressly laid down by a superior, sin indeed, but venially (C. 11 q. 3).[2]

The lawful cases of communicating with the excommunicated outside divine things are contained in this verse:

> *Utile, lex, humile, res ignorata, necesse.*
>
> *(Usefulness, law, subjection, ignorance of the fact, necessity.)*

"Useful" is to be understood as useful to either party. "Law" pertains to marriage. "Subjection" (*humile*) pertains to servants, children not emancipated, *(fol. 58r)* or members of the household, domestics, etc. "Ignorance" extends to ignorance of fact and of law. "Necessity" refers to violence, to bodily need, and to the sustenance of the excommunicated person himself; there is also understood the necessity of avoiding loss, and of spiritual counsel, and fear such as befalls a steady man.

On the Cases of Excommunication

Minor excommunication is incurred by communicating with one publicly and by name excommunicated, or excommunicated for notorious laying of violent hands upon a cleric; and from it any confessor can absolve.

Of the cases of major excommunication we shall speak briefly, dividing them into two parts: namely, those reserved in the bull *Coena Domini*, and all the others, however reserved.

Cases Reserved in the Bull *Coena Domini*

The first case is heresy; it includes those who presume to read the books of heretics, those who print them and keep them at home, and finally all supporters, harbourers, and defenders of heretics.

(fol. 58v) Second, pirates and their supporters are excommunicated.

Third, those who impose new tolls in their lands, or exact prohibited ones.

Fourth, falsifiers of apostolic letters and petitions, and those who alter such petitions after they have been signed and dated, without the licence of the Pope or the Datary.

Fifth, those who of their own rashness seize, rob, or detain persons coming to the Apostolic See, returning from it, or staying at the Curia, or who deliberately presume to beat, maim, or kill them; and those who cause or order such things to be done.

Sixth, those who beat, maim, rob, or kill persons litigating in the Curia, or having recourse to it for their causes and business, or their advocates or proctors, or the auditors or judges, on the occasion of such causes or business.

Seventh, those who maim, wound, kill, seize, detain, or plunder pilgrims to Rome (*Romipetae*) and pilgrims coming *(fol. 59r)* to the City for the sake of devotion or pilgrimage, staying in it, or returning from it, and those who give help, counsel, or favour in these things.

Eighth, those who presume to occupy, detain, destroy as enemies, or invade in whole or in part the fostering City (*alma Urbs*), the kingdom of Sicily, Sardinia, Corsica, the lands about the Faro, the patrimony of the Church and the lands subject to it; or who presume to usurp, disturb, retain, or harass the supreme jurisdiction belonging to the Church; and their adherents and defenders, or those who lend them help, counsel, or favour.

Ninth, those who carried off or detain—or into whose hands have knowingly come—relics and any other things from churches, both within and outside the walls of the City, at the time of the sack, unless they restore the things carried off to their owners, if they know them, or to those deputed for this, or have come to a friendly settlement with them.

Tenth, whoever bring horses, arms, any kinds of metal, and instruments of war and their material to the enemies of the Christian name, with which they attack *(fol. 59v)* Christians; and those who inform the enemies of religion about matters concerning the state of the Christian commonwealth, to the harm of Christians, and give them counsel.

Eleventh, those who rashly maim, beat, wound, kill, seize, imprison, and detain patriarchs, archbishops, bishops, and those who order these things.

Twelfth, those who hinder or attack persons bringing provisions or other things necessary for the use of the Roman Curia, or who prevent them from being brought, or disturb them, and those who defend such things.

Thirteenth, those who forbid that any apostolic letters, citations, monitions, and executorial letters issued by the Apostolic See be put into execution without their own consent, and who seize, imprison, detain the notaries or executors of them, or have this done; and who forbid that letters, mandates, or decrees of the Apostolic See, and of legates and nuncios and judges, delegates, etc., be obeyed unless their consent has first been obtained, etc.; or that notaries *(fol. 60r)* and public scribes should draw up instruments or acts concerning such matters, or hand over those drawn up to the party concerned.

Fourteenth, those who under any penalties forbid, enact, or order that people should not go to the Roman Curia to pursue any business or to obtain favours, or should not obtain them, or should not use what they have obtained; and those who presume obstinately to withdraw or depart from obedience to the Roman Pontiff.

Fifteenth, those who drag ecclesiastical persons, chapters, etc., before their tribunal or council, contrary to the provision of the common law, or cause this to be done; and those who have hitherto made and published, or shall in future make and publish, statutes, pragmatic sanctions, and decrees by which ecclesiastical liberty is taken away, injured, depressed, or restricted, or the rights of the Apostolic See prejudiced.

Sixteenth, those who usurp, take away, or sequester the jurisdictions, fruits, and revenues belonging to ecclesiastical persons by reason of their churches, etc.; or who impose levies, tithes, and other burdens on ecclesiastical persons and their goods *(fol. 60v)* (without the express licence of the Roman Pontiff), or even receive them from those who give them freely; and those who carry out or procure the aforesaid, or lend help, counsel, favour, vote, or suffrage in them.

Seventeenth, chancellors, vice-chancellors, councillors of princes, or presidents of chanceries, councils, and parlements, and the attorneys-general of these or of other princes, and archbishops, bishops, abbots, commendatories, vicars, and officials, who call away from the apostolic auditors and commissaries causes concerning benefices and other spiritual causes, and causes annexed to spiritual matters; and who by lay authority hinder persons, chapters, convents, colleges wishing to prosecute such causes, and intrude themselves as judges into the hearing of them; and who [compel] the plaintiff parties to revoke citations, inhibitions, or other letters, and to absolve those against whom they were issued from the censures and penalties contained in them, or otherwise hinder the execution of the letters or of executorials. *(fol. 61r)* These are not understood to be absolved unless they publicly revoke the statutes, etc., and delete them where they have been recorded, and inform the Pope of the revocation and annulment, with the purpose of desisting, etc.

Eighteenth, those who presume to absolve anyone contrary to the tenor of these presents, except at the point of death, and then on giving security to abide by the command of the Holy Roman Church, or to make satisfaction, etc.

So far the cases reserved in the bull *Coena Domini*, in which these things will be seen more fully; and because it could be renewed every year, care must be taken that each year we inquire of the Ordinaries, or by some other way, whether anything has been altered in it or not.

Other Cases of Excommunication Not Reserved in the Bull *Coena Domini*

First, lords or rulers, or their officials, who fail in the business of the Inquisition against heretics, and all who give counsel, help, or favour in this, are excommunicated (*Sext*, De haereticis, c. *Ubi inquisitionis*); by the canon: episcopal. If they do *(fol. 61v)* the aforesaid in order to favour heretics: papal, in the process of *Coena Domini*, according to Cajetan.

Second, inquisitors and executors of the office of the Inquisition who, against their conscience and justice, omit to proceed against heretics, or falsely impute heresy (*Clem.*, De haereticis, c. *Multorum*): papal.

Third, inquisitors and their commissaries, or those of bishops, or of the chapter when the see is vacant, who extort money, or knowingly attempt to apply the goods of the Church to the treasury, even [the goods] of a church on account of a cleric's offence (*Clem.*, De haereticis, c. *Nolentes*): before satisfaction, papal; after satisfaction, episcopal.

Fourth, those who persevere in, or take up, the rule or sect of the Fraticelli, Bizochi, Beguines, and the prelates who allow them (*Extravagantes* of John XXII, c. *Sancta Romana*): episcopal.

Fifth, women following or newly adopting the state of Beguines, and religious admitting them, or giving them counsel, help, or favour (*Clem.*, De religiosis domibus, c. 1): *(fol. 62r)* episcopal. By "Beguines" are not meant here those who abstain from marriage, desiring to serve God in their purity, but either unbelievers, of whom *Clem.*, De haereticis, c. *Ad nostrum*, or those suspect in faith, as is hinted in this decretal.[1]

Sixth, those who presumptuously wish the ordinations performed by Octavian and Guido to be valid (*Extra*, De schismaticis, c. 1): episcopal; the schism being ended.

Seventh, one who, relying on the nomination of a third part of the cardinals, usurps for himself the name of Pope, and those who receive him; and one who, elected by fewer than two-thirds of the cardinals, bears himself as Pope, unless greater agreement has intervened (*Extra*, De electione, c. *Licet*): episcopal; the schism being ended.

Eighth, those who lay violent hands on a cleric or monk. And not only the one who carries it out is understood, but also one who orders, advises, gives counsel, favour, consent, and those who ratify it after the deed, if it was done in their name (*Decretum*, C. 17 q. 4, c. *Si quis*): papal.[2]

(fol. 62v) Ninth, those who pursue cardinals or lay violent hands upon them. Likewise temporal lords, or their officials, who do not cause this constitution of Boniface, c. *Felicis*, to be observed within a month, reckoned from the day it comes to their notice (*Extra*, De poenis, c. *Felicis*, in the *Sext*): papal.

Tenth, one who strikes, seizes, or banishes a bishop, or who orders, ratifies, advises, favours, is an accomplice in, or knowingly defends it (*Clem.*, De poenis, c. *Si quis*): papal. And in part this excommunication is reserved in the bull *Coena Domini*, where it is said: "We excommunicate and anathematize all who rashly maim, wound," etc.

Eleventh, one who has caused any Christian to be killed, or ordered him killed, by a certain kind of men (whom they call Assassins), even if death does not follow; or who has harboured, defended, or hidden them (Innocent IV, *Sext*, De homicidio, c. *Pro humani*): episcopal.[3]

Twelfth, those who bring provisions or any merchandise to the unbelievers in time of war, and at any time *(fol. 63r)* if they bring them into Alexandria or other places of the Saracens of Egypt (De Iudaeis et Saracenis, c. *Ad liberandam*; *Extravagantes* of Gregory and Nicholas, and in the process of *Coena Domini*).

Thirteenth, those who break into and at the same time despoil sacred places (*Extra*, De sententia excommunicationis, c. *Conquestus* and c. *Tua nos*): papal after denunciation.

Fourteenth, those who despoil shipwrecked Christians of their goods, unless they return them (in the Lateran Council, De raptoribus, c. *Excommunicationi*): episcopal.

Fifteenth, cardinals who, while the see is vacant, presume to contravene the constitution on the election of the Roman Pontiff to be held without simony (Julius II, *Extravagantes*, c. *Cum tam divino*): papal.

Sixteenth, those who appeal from the ordinances, sentences, or mandates of the Roman Pontiffs to a future council, or who give favour, counsel, or help to this, or approve what others have said, etc. (Julius II, *Extravagantes*, c. *Suscepti regiminis*).[4]

(fol. 63v) Seventeenth, those who favour forgers of apostolic letters (*Extra*, De crimine falsi, c. *Ad falsariorum*): papal, according to Cajetan. The forgers themselves are excommunicated in the process of *Coena Domini*.

Eighteenth, those who attack the letters of one elected Pope before he is crowned (Benedict [XI], *Extravagantes*): episcopal.

Nineteenth, those who offend against ecclesiastical liberty by causing statutes and customs introduced against it to be observed, unless within two months after the publication of the sentence they have had them removed from the statute-books; and the makers of the statutes, their writers, magistrates, consuls, rulers, councillors, and those who presume to judge according to them, or to write up judgements in public form (Honorius III, De sententia excommunicationis, c. *Noverit*): papal, from the process of the Curia.

Twentieth, those who grant reprisals against ecclesiastical persons or their goods, or extend them to these, unless they revoke them within a month. If it is a single person, he incurs the sentence of excommunication; if a community, *(fol. 64r)* it is subject to ecclesiastical interdict (Gregory X, De iniuriis, c. *Etsi pignorationes*, in the *Sext*): episcopal.

Twenty-first, those who compel ecclesiastical persons to submit their goods to laymen, or who have usurped anything from such contracts, even lawfully made, unless after lawful warning they restore it, etc. (Gregory X, De rebus ecclesiae non alienandis, c. *Hoc consultissimo*, in the *Sext*): episcopal.

Twenty-second, those who oppress any ecclesiastical persons to whom the election belongs in monasteries or pious places, by despoiling them or otherwise unjustly persecuting them, because they would not elect the person whose election they were being urged to make (Gregory, De electione, c. *Sciant cuncti*, in the *Sext*): episcopal.

Twenty-third, those who hinder litigants in any ecclesiastical court, even outside the Curia, in causes that by law belong to that court, or lend counsel, help, or favour to this (*Extra*, De immunitate ecclesiarum, in the *Sext*, c. *Quoniam*): episcopal after satisfaction. *(fol. 64v)* Insofar, however, as anyone should hinder apostolic letters, against the process of *Coena Domini*: papal.

Twenty-fourth, those who oppress those who have pronounced a sentence of excommunication, suspension, or interdict, or on whose account such sentences were pronounced, unless they repent within two months (Gregory, De sententia excommunicationis, in the *Sext*, c. *Quicumque*): papal. If they repent within two months: episcopal.

Twenty-fifth, temporal lords forbidding their subjects to sell to ecclesiastical persons, or to buy from them, or to render them other services (Boniface VIII, De immunitate ecclesiarum, in the *Sext*, c. *Liberatis*): episcopal.

Twenty-sixth, those who, newly trying to usurp the regalia, custody or wardship, or the title of advocacy or defence over pious places when they are vacant, presume to occupy ecclesiastical goods (Boniface, De electione, general, in the *Sext*): episcopal.

Twenty-seventh, one who acts against the statute of Alexander IV, which laid down that churches and ecclesiastical persons are not bound to tolls and *(fol. 65r)* safe-conduct dues (*guidagia*) (*Extra*, De censibus, in the *Sext*, c. *Quamquam*): episcopal, after full satisfaction has first been made.

Twenty-eighth, consuls, rulers, and those who appear to hold power, with their supporters and their successors in office, who impose burdens and afflict ecclesiastical persons with exactions (*angariae*), and make void the jurisdiction and authority of prelates, so that nothing of temporal power seems to remain to them over their own people (*Extra*, De immunitate ecclesiarum, c. *Non minus*): episcopal, after satisfaction has first been made.

Twenty-ninth, those who extort the revocation of an excommunication, etc., or absolution by force or fear (Gregory, *Extra*, De his quae vi metusve causa fiunt, in the *Sext*, c. 1): episcopal.

Thirtieth, those who offend ecclesiastical liberty in the office of the keys, by opening divine worship to the excommunicated and interdicted (*Clem.*, De sententia excommunicationis, c. *Gravis*): papal.[5]

Thirty-first, those hindering the sequestration of a benefice *(fol. 65v)* made by the Ordinary of the place, after one definitive sentence has been pronounced against the possessor, or presuming in any way to occupy the sequestered fruits (*Extra*, De sequestratione, c. 1): episcopal, once the hindrance is removed and what was occupied restored; otherwise by no means to be absolved.

Thirty-second, those hindering the visitors of nuns or of secular canonesses in their office, unless they come to their senses after warning (*Clem.*, De statu monachorum, c. *Attendentes*): episcopal.

Thirty-third, those who bury in a sacred place heretics and those who deliberately adhere to them, and their harbourers (De haereticis, in the *Sext*, c. *Quicumque*): they do not merit the benefit of absolution unless with their own hands they publicly exhume and cast them out: episcopal.

Thirty-fourth, those who in cemeteries in time of interdict knowingly presume to bury any persons in cases not permitted, or those publicly excommunicated, or interdicted by name, or manifest usurers—not without contempt of the keys (*Extra*, De sepulturis, c. 1): episcopal, *(fol. 66r)* after satisfaction has first been made.

Thirty-fifth, those who knowingly contract marriage within the prohibited degrees of consanguinity or affinity, or with nuns, or those who are in religion or in sacred orders (Clement V, De consanguinitate et affinitate, c. 1): episcopal.

Thirty-sixth, simple religious who presume to usurp tithes owed to churches, etc., unless after being required they desist from the aforesaid within a month, and make amends to the injured churches within two months (*Clem.*, De decimis, c. *Religiosi*): episcopal, after satisfaction has first been made.

Thirty-seventh, religious and secular clerics who induce others to vow or promise that they will choose their burial at their churches, or not change it further once chosen (*Extra*, De poenis, c. *Cupientes*): papal.

Thirty-eighth, religious who leave their cloisters to hear lectures in law or medicine and do not return to the cloister within two months, *(fol. 66v)* and priests and other clerics holding parsonages (*personatus*) who do not desist from such studies within the said space (Honorius [III], Ne clerici vel monachi, c. *Super specula*): episcopal.[6]

Thirty-ninth, officials of communities, or magistrates, who encourage usury by any statutes (*Clem.*, De usuris, c. 1): episcopal.

Fortieth, clerics below bishops who encourage the wickedness of usury by letting houses for the practice of usury (*Extra*, De usuris, in the *Sext*, c. *Usurarum*): episcopal.

Forty-first, those who usurp the dignities or offices of the city of Rome (*Extra*, De electione, in the *Sext*, c. *Fundamenta*): papal.

Forty-second, the lord and other rulers and officials of the city in which the election of the Pope is to be held, who do not diligently carry out what is enjoined on them, or commit fraud in it (De electione, in the *Sext*, c. *Ubi periculum*): episcopal.

Forty-third, those sending a writing or messenger to the cardinals while they are in *(fol. 67r)* conclave, or speaking secretly to any of them (*Extra*, De electione, in the *Sext*, c. *Ubi periculum*): episcopal.

Forty-fourth, mendicant religious immoderately acquiring dwellings, or giving them up, or transferring them to other uses (Boniface, De excessibus praelatorum, c. 1): episcopal.

Forty-fifth, those knowingly communicating—by helping, favouring, or advising—with one who is excommunicated by name, in the crime for which he is excommunicated (Innocent III, De sententia excommunicationis, c. *Nuper*): episcopal, if the maker of the canon did not reserve the absolution.

Forty-sixth, those who knowingly and willingly share in divine things with persons excommunicated by name by the Pope (Clement III, De sententia excommunicationis, c. *Significavit*): papal.

Forty-seventh, those who commit deception or fraud so that a judge may go in person to a woman for her testimony (*Extra*, De iudiciis, c. *Mulieres*): episcopal.

Forty-eighth, the party that procures *(fol. 67v)* that conservators should intrude themselves into matters other than manifest injuries or violence, or extend their power to things that require judicial inquiry (*Extra*, De officio delegati, c. *Hac constitutione*): episcopal, after full satisfaction has first been made.

Forty-ninth, religious rashly laying aside their habit, or going to any studies without due licence; and doctors who presume knowingly to teach law or medicine to religious who have laid aside their habit, or to keep them in their schools (*Extra*, Ne clerici vel monachi, c. *Ut periculosa*): episcopal.

Fiftieth, simple monks and canons regular who betake themselves to the courts of princes in order to do some harm to their prelates or monastery (*Extra*, De statu monachorum, c. *Ne in agro*): episcopal.

Fifty-first, monks bearing arms within the enclosure of the monastery without the licence of their abbots (*Extra*, De statu monachorum, c. *Ne in agro*): episcopal.

Fifty-second, religious usurping *(fol. 68r)* the parochial office regarding Extreme Unction, the Eucharist, Matrimony, and the absolution of persons excommunicated by the canon and by provincial or synodal statutes, or also from guilt and from penalty (*Extra*, De privilegiis, c. *Religiosi*): papal.

Fifty-third, religious who say things so as to draw their hearers away from paying the tithes owed to churches (*Extra*, De poenis, in the *Sext*, c. *Cupientes*): episcopal.

Fifty-fourth, religious suspended from the office of preaching because they knowingly neglected to make penitents conscious of unpaid tithes owed to churches, if they presume to preach before this negligence is purged (*Extra*, De poenis, c. *Cupientes*): episcopal.

Fifty-fifth, religious not observing an interdict that the mother church observes, if it is local and general (*Clem.*, De sententia excommunicationis, c. *Ex frequentibus*): episcopal.

Fifty-sixth, those who, having been absolved from a sentence of the canon or of a man, because of a lawful impediment, by one who could not by law absolve, neglect *(fol. 68v)* to present themselves as soon as they conveniently can to the one by whom they were by law to be absolved (*Extra*, De sententia excommunicationis, in the *Sext*, c. *Eos*). Such a person falls back into the same sentence by which he was bound before.

Fifty-seventh, those who in the lands of Christians presume to disembowel the bodies of the dead in order to transfer them to other places, and to handle them inhumanly and cruelly, or cause them to be so handled (*Extravagantes*, De sepulturis, c. *Detestandae*): papal.[7]

Fifty-eighth, those who give and receive anything simoniacally in an order or benefice, or have been mediators, or have procured that such simony should take place (Martin V in the Council of Constance): papal.

Fifty-ninth, one who gives or receives anything by agreement for entry into religion (Urban V, *Extravagantes*, c. *Sane ne in vinea*): papal.

Sixtieth, religious of the mendicant orders *(fol. 69r)* who without special licence of the Apostolic See go over to any monastic order (other than the Carthusian), and those who receive them (Martin V, *Extravagantes*, c. *Viam ambitiosae*): papal.

Sixty-first, those who alienate ecclesiastical goods, and those who receive them when alienated (Paul II, *Extravagantes*, c. *Ambitiosae*): episcopal.

Sixty-second, priests holding the office of viscount or of a secular provost, and unwilling to amend after warning (*Extra*, Ne clerici vel monachi, c. *Clerici*): episcopal.

Sixty-third, those who presume to assert that those who hold that the Blessed Virgin was preserved from original sin incur heresy or mortal sin, and vice versa (Sixtus IV, *Extravagantes*, c. *Grave nimis*): papal.[8]

Sixty-fourth, those hindering apostolic legates or nuncios from being received and from doing the things for which they were sent (John XXII, *Extravagantes*, c. *Super gentes*): episcopal as far as this canon is concerned.

(fol. 69v) Sixty-fifth, those called to direct nuns in making elections who do not abstain from things from which discord could arise or be nourished in those elections (*Extra*, De electione, c. *Indemnitatibus*, in the *Sext*): episcopal.

Sixty-sixth, those who do insult or injury to the Order of Preachers or of Friars Minor by entering the monasteries of nuns in cases not permitted, or by publishing libels to the disgrace of their state, or by teaching that they are not in the state of perfection, or by doing violence in their places, or by detaining their apostates in their own churches, and by rejecting them from the fellowship of the University of Paris (Alexander, in the privilege *Ex alto*, and in another, *Non sine multa*; also Boniface, in the privilege *Virtute*). Absolution is reserved to the Pope or to the Master of the Order.

Sixty-seventh, cardinals of the Roman Church revealing anything in consistory that the Pope has forbidden, from which some prejudice or scandal arises (Leo X, in the ninth session of the Lateran Council): papal.

(fol. 70r) Sixty-eighth, those who presume to print, or to have printed, any book or writing at all, unless it has first been examined, in the City by the Vicar and the Master of the Sacred Palace, and in other dioceses by the bishop or another expert deputed by him, and by the inquisitor (the same, in the same place, in the tenth session).[9]

Sixty-ninth, those who in their sermons to the people have dared to preach false or uncertain miracles, or prophecies not established from Sacred Scripture, or to disparage the prelates of the Church (the same, in the same place, in the eleventh session).

Seventieth, those going to the Lord's Sepulchre without the Pope's licence. This case is contained in the *Liber poenitentialis* (as the Archbishop of Florence reports, part 3, tit. 5, c. 30): papal.[10]

Seventy-first, those who knowingly hear the books of heretics read; absolution is reserved to the inquisitors.

There are also other excommunications that do not seem to be in use, or are not general but in force in this or that diocese; and confessors (especially those who do not have the faculty to absolve from them) ought to take care *(fol. 70v)* to know those that bind where they hear confessions. But what has been said about the cases of excommunication seems sufficient, so that, if any occur, they may be recognized. Whoever requires a fuller treatment may have recourse for it to the canons or other authors, or certainly consult those more expert.

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[11] *Clem.* 3.7.1 (De sepulturis), as cited.

[12] *Decretum*, C. 11 q. 3. Polanco gives no chapter.

[1] *Clem.* 5.3.3 *Ad nostrum* (Council of Vienne, against the Beghards and Beguines).

[2] *Decretum*, C. 17 q. 4 c. 29 *Si quis suadente diabolo* (Lateran II).

[3] *Sext* 5.4.1 *Pro humani* (Innocent IV, Lyons 1245, against the Assassins).

[4] Julius II, *Cum tam divino* (1505, against simoniacal papal elections) and *Suscepti regiminis* (1509, against appeals to a future council).

[5] *Clem.* 5.10.1 *Gravis*, as cited.

[6] *Super specula* is by Honorius III (1219, *X* 5.5.5).

[7] Boniface VIII, *Detestandae feritatis* (1300), *Extrav. comm.* 3.6.1.

[8] Sixtus IV, *Grave nimis* (1483), on disputes over the Immaculate Conception.

[9] Fifth Lateran Council, session 10 (1515), *Inter sollicitudines*, on the licensing of printed books.

[10] St. Antoninus of Florence, *Summa*, part 3, tit. 5, c. 30, as Polanco cites it.

On Suspension

Suspension is an ecclesiastical censure that disqualifies a person from the exercise of orders, offices or jurisdiction. It arises from some impediment and has its force from the institution of the Church. Although it

is a penalty rather than a fault, it is commonly incurred on account of sin, and that is often only venial.

One who is suspended from pontificals may not perform pontifical acts. One suspended from order only may not do what belongs to order. If from jurisdiction only, he may not do what belongs to jurisdiction. If from both, he may do neither. If he is suspended from office and benefice, he may not act in his own name as a beneficiary, and he ought not to receive the revenues, though he may have a modest maintenance *(fol. 71r)* if he has nothing else to live on.

One who is suspended, whether by law (even on account of a bodily defect) or by a man, must abstain from his office even after contrition and confession, until the sentence has been lifted. Otherwise, one suspended from divine offices, from office or from celebrating sins mortally if he acts against it.

When lesser things are forbidden, the greater are understood to be forbidden too, but not the other way round. Thus one suspended from the subdiaconate is barred from the higher orders, but not the reverse.

Whoever can compel by ecclesiastical censure can suspend, excommunicate and interdict; and whoever can be excommunicated can be suspended. The suspension should be made in writing, with a warning given beforehand when it is imposed for contumacy, but not when it is imposed as the penalty of a crime already committed.

When the sentence of suspension says, "until he has made satisfaction," etc., then once the condition is fulfilled no further relaxation is needed, as there is with excommunication.

One suspended by law can be absolved by the bishop, *(fol. 71v)* unless the maker of the canon reserves it to himself, or unless he is suspended for a sin from which the bishop himself cannot absolve. But if the sentence was inflicted by a man, the one who imposed it, or his superior, will absolve. The absolution is given by a simple word—"I revoke," or "I remove," or "I absolve you from such a sentence"—since it has no form of its own.

There are very many cases in which suspension is incurred. Among them are a cleric's notorious concubinage, and the offering or accepting of a duel by a cleric. Those ordained outside the [appointed] times are also suspended, or those ordained by a bishop not their own, or by an excommunicated bishop, etc. Simoniacs too are suspended. But whoever wants a fuller treatment of these and other cases should look at the canons, or at one of those who have collected them (such as Sylvester), or should consult experts.[1]

[1] "Sylvester": Silvestro Mazzolini da Prierio OP, *Summa summarum quae Sylvestrina dicitur* (first ed. 1514/15), an alphabetical confessors' manual with articles *Suspensio*, *Interdictum* and *Irregularitas*.

On Interdict

An ecclesiastical interdict is a prohibition by which, in some land, church, or on certain persons, the administration of the sacraments, or the celebration of the divine offices, or the exercise of certain spiritual things, is forbidden. When all spiritual things are prohibited, it is called *strict*; *(fol. 72r)* when only some, it is called *broad*.

It is of three kinds: local only, personal only, and local and personal together. When a city is interdicted, it is local; when the clergy, personal; when both the city and the persons, it is called local and personal together.

Each of these is of two kinds. It is *general*, as when a whole city, or people, or province is interdicted. It is *particular*, as when some church in a city, or some person, or several persons in one offence, are named. In that case they are interdicted wherever they go, as long as the interdict lasts (if it was imposed for a time) or until they are absolved. They may not attend divine services; indeed, in divine services they are to be avoided like the excommunicated, though not outside them.

The Pope can interdict everything except the baptism of infants, the penance of the dying, and whatever is needed for these two to be done properly. Other prelates cannot interdict except in accordance with the provisions of the law.

A person is bound to observe an interdict when it has been publicly promulgated by a judge against a person, a college or a certain place, specially and expressly, and not otherwise. It is enough, however, to know that *(fol. 72v)* the neighbours, and above all the metropolitan church, have received the sentence and are keeping it. Exempt religious are also bound to observe it, unless they have a special privilege on this point. Probable ignorance excuses, but not crass or supine ignorance.

When the clergy is interdicted, the people are not understood to be interdicted, nor the other way round. Under the name of "clergy," religious are included in a favourable matter but not in an odious one. When a city is interdicted for the crime of its lord, the citizens are not interdicted, and therefore they may attend divine services outside the city. But if the people is interdicted, the counts and nobles are also interdicted (unless by privilege they are independent), and so are the suburbs and the villages around the city that do not belong to another community.

When the clergy is interdicted, the church is not interdicted; therefore other clerics may lawfully celebrate in it. If a church is interdicted, another church adjoining it, or a chapel separated from it by a wall, is not understood to be interdicted. If people who are not interdicted come to other places that are interdicted, they may not celebrate there or attend divine services. It is otherwise if the community, *(fol. 73r)* and not the place, is interdicted; but those interdicted would have to be excluded, and care must be taken that the censures of the Church are not held in contempt. Those who live among an interdicted people but do not belong to it are not considered interdicted; nor are children, who are not capable of malice.

An interdict sometimes proceeds from the law, sometimes from a man. By law there is a general interdict:

- first, against a college or community that compels churches or ecclesiastical persons to pay tolls, etc.; - second, against a community that lets houses to usurers for the practice of usury; - third, against a community that grants reprisals against ecclesiastical persons; - fourth, against those who do not observe what must be observed in the election of a Pope; - fifth, against any city (except Rome) that consents by giving help, counsel or favour to those who kill or strike a Cardinal, or does not punish them within a month if it can; - sixth, against a city that has struck, seized or exiled its own bishop; - seventh, against clerics or religious who induce someone to vow, *(fol. 73v)* or promise, [to choose their church] for burial: if they afterwards bury him in their church and do not restore everything within ten days; - eighth, against a kingdom or place when its lord prevents a legate or nuncio of the Pope from carrying out his office.

In the cases just mentioned, however (as was said), no one is bound to observe the interdict before it has been denounced by the judge.

In particular, a place is sometimes interdicted by law:

- first, when a church is polluted by homicide, or by the unjust shedding of blood, or of seed deliberately procured; before its reconciliation the divine offices must not be celebrated there; - second, if, because of discord among the patrons, the bishop shuts the doors, removes the relics and forbids celebration there; - third, if the church was consecrated through simony; - fourth, if [it was consecrated] chiefly for gain; - fifth, if without the licence of the diocesan bishop; - sixth, if without relics, or in a deserted place; - seventh, if a heretic is knowingly given ecclesiastical burial.

Anyone who can pronounce a sentence of excommunication can pronounce a sentence of interdict; *(fol. 74r)* hence no woman can do so. When it is imposed by a man for contumacy, a warning must go before it, and the prescribed form. For lack of a warning the interdict is sometimes null, sometimes unjust. If it is imposed for a crime, a warning is not necessary.

The form of words in an interdict is this: “We, for such a cause, place this church (or city) under ecclesiastical interdict.” According to the doctors, it cannot be imposed without a reasonable cause.

For relaxing an interd[ict] there is no fixed form of words; it can be lifted by a bare word, saying “I revoke,” “I remove,” or “I absolve,” and the like. If it was for a time or under a condition, once these are fulfilled it ceases of itself. For it is relaxed by the mere intention of the one who has authority, expressed in any way whatever.

When a person is interdicted simply, he must be released or absolved after making satisfaction. But when a people or a place is interdicted, only those who sinned need make satisfaction *(fol. 74v)* and be absolved.

If those in whose favour the interdict was imposed do not observe it, others are not bound either. They are said to violate it when their leading men, or the greater part of them, violate it.

An interdict can be relaxed (if it is from a man) by the one who imposed it, or by his superior. If it is from the law, and the maker of the law has not reserved it, the bishop can relax it, but no one below the ordinary. If it was limited by law to a fixed time, it could not be lifted by the ordinary before that time.

In a general interdict of a place (not of a person), the mitigation of the chapter *Alma* etc. is to be followed.[1] That is: Masses and other offices may be celebrated daily in churches and monasteries as before, but in a low voice, with the doors shut, without ringing the bells, and with the excommunicated and interdicted excluded. On the feasts of the Lord’s Nativity, the Resurrection, Pentecost, Corpus Christi, the Assumption and All Saints, the divine offices are celebrated with the bells rung, and only the excommunicated are excluded, provided that those on whose account the interdict was imposed *(fol. 75r)* do not approach the altar, that is, do not make the offering. The day begins from Vespers of the vigil and runs to Compline of the feast; indeed the Mass of the vigil may also be included. On the same days water may be solemnly blessed and sprinkled; bread and fruit may be blessed and distributed; virgins, chalices, etc. may be blessed; and weddings [may be celebrated], but on the feast of the Assumption only.

In time of interdict the following are permitted: the sacrament of baptism for adults and infants; the confection of the chrism on Holy Thursday, and the anointing with chrism of both adults and children; and penance for the healthy as well as the dying—except for the excommunicated and for those through whose fault or malice the sentence was imposed, or who gave them help, etc. Viaticum is also granted to those in danger of death, and it may be carried with a light and a bell. Nor are the interdicted forbidden to adore the Host, except while the divine offices are actually being celebrated.

[1] “The chapter *Alma*”: Boniface VIII, *Alma mater*, in the *Liber Sextus* (usually cited as *Sext* 5.11.24).

On Irregularity

Irregularity is a canonical mark or impediment, arising from a fact, *(fol. 75v)* by which a person is forbidden to be promoted to ecclesiastical orders, or, if already promoted, to minister in them. Hence it extends more widely than suspension, which implies only disqualification from exercise.

In general it is contracted in three ways: by crime, by a defect of the body, and by a defect of the sacrament. But it is never incurred except in the ways or cases that are expressly stated in the law.

There are twenty-three cases:

1. By homicide. 2. By receiving or exercising orders while under major excommunication. 3. By receiving several sacred orders on one day, or minor orders together with a sacred order. 4. By repeating the sacraments that imprint a character. 5. By apostasy from the faith. 6. By infamy of law or of fact, which takes away the exercise of orders, the exercise of any dignity, and honour already gained or yet to be sought. 7. By ordination from a bishop who is manifestly excommunicated, schismatic, heretical, deposed, suspended,

interdicted *(fol. 76r)* or degraded. It is otherwise if he is still tolerated by the Church. 8. By receiving orders from one who has renounced his see and dignity, or from an Italian [bishop] if the one receiving them is from beyond the Alps, and then celebrating. 9. By receiving orders outside the [appointed] times, or below the [required] age (if, forbidden by the judge, he celebrates while the prohibition stands), or without dimissorial letters, according to the opinion of many, which seems to be held today. 10. By ministering in an order one has not received. 11. It is incurred by one suspended, excommunicated or interdicted who thrusts himself into divine things by celebrating, or by doing something assigned to a certain order, even a minor one such as that of acolyte, if he does it as such. 12. On account of a crime for which he is suspended by a canon, if he celebrates. 13. On account of bigamy. For bigamists can neither be promoted nor perform an act of order without a dispensation. 14. On account of marriage contracted by one who is in sacred orders or has a solemn vow. 15. By celebrating, or performing an act of any order, in an interdicted place. 16. On account of a bodily defect, *(fol. 76v)* that is, if someone is mutilated in some member or disabled: for instance, one who is blind, or has a withered hand or another useless member, if this makes him unable to break or handle the Host or the chalice; or if it causes scandal because of its deformity. 17. On account of illegitimacy. 18. On account of delaying baptism, in adults, until sickness. This irregularity is not removed by baptism. 19. When a religious leaves the cloister to attend lectures in the physical sciences and does not return within two months; and only the Pope dispenses. 20. When a bishop, priest or deacon has recourse to the Emperor on the pretext of an unjust excommunication; and only the Pope dispenses. 21. On account of heresy. 22. That someone is a *curialis*, that is, bound for any reason to the court of some public power, whether as an official, an advocate or a soldier, etc. 23. On account of servitude.

(fol. 77r) To speak more fully of the irregularity that is contracted by homicide or actual mutilation, or when someone does something that is properly the cause of these, even without sin: note that if the effect does not follow, irregularity is never incurred, since the will alone is not enough.

St. Thomas lays down three rules for discerning when an irregularity of this kind is incurred.[1] The first is that one who is engaged in a lawful act, using the care he ought, not going too far, and having no will to kill or maim, does not become irregular on account of a homicide that follows. The second is that one engaged in a lawful act who does not use the care he ought, or who is at fault by commission (even light, though not the lightest, that is, by omission) becomes irregular. The third is that one engaged in an unlawful act always becomes irregular. Under these rules a great many particular cases can be made clear.

And note that a judge or a doctor ought not, in doubt, to judge anyone irregular; but in doubt each person should consider himself so.

(fol. 77v) Note, moreover, that when irregularity is contracted through a just killing or mutilation, it is not the irregularity that is said to be incurred through voluntary homicide. Therefore it is not reserved to the Supreme Pontiff, since what is reserved is the irregularity incurred through voluntary homicide.

Prelates or clerics who seek justice against someone, with a protestation that they do not intend a penalty of blood, do not incur irregularity, even if the effect follows. Nor does one who reveals a treason or a traitor with the same protestation; it is otherwise if he makes no protestation. Yet an inquisitor who hands a heretic over to the secular judge, even though he urges that he be burned, does not become irregular, since only the execution is forbidden to them.

For a better understanding of the irregularity incurred by homicide or mutilation in war, even a just war, the following points should also be noted.

First: a cleric who repels force with force, within the limits of blameless self-defence, does not become irregular if he kills. Likewise if, in a just war, *(fol. 78r)* with the licence of the Pope expressly stating that he may fight without distinction, he kills someone.

Second: if he uses arms, or gives help, counsel or favour by striking fear into the enemy, and someone is killed with them, he becomes irregular.

Third: one who is in a just war with defensive arms, exhorting the combatants and interceding for them, does not become irregular, provided he does not kill, wound or maim. If they fight but do not kill or maim, they are not irregular. And if a cleric thinks that he killed rather than not, he is to be judged irregular; otherwise not, unless others know for certain that he killed.

When someone is absolved from his sins, he must first be absolved from excommunication. He need not, however, first be dispensed from irregularity, which is not in itself a sin and does not include sin, as excommunication does. Still, this knowledge is useful to the confessor on account of clerics.

Irregularity is removed in three ways. Some irregularity is removed by baptism, if it arises properly as the consequence of sin, but not if it arises from bigamy or from defect of birth. *(fol. 78v)* Secondly, some irregularity is removed by entering religion, namely that which does not arise from one's own crime. Such a person could be promoted to orders, but not to dignities. Yet religious life makes dispensation easier. In the third way, every irregularity is removed by dispensation.

Prelates who send their subjects to receive orders, or a bishop who promotes them, dispense by that very fact, if they intend to do so.

The customary form of dispensing from irregularity is this: "I dispense you from the irregularity (or irregularities) that you have contracted on account of such and such a cause"; or, when there is doubt, "if you have contracted it."

So much for the censures of the Church, as far as we judged sufficient for the purpose of this little work. In it we did not undertake to treat exactly all the matters we touched on, but to guide the confessor, so that by using well not only what he has learned here but also whatever he has read elsewhere, he may discharge the office of confessor *(fol. 79r)* better, for the help of souls and the glory of God.

LAUS DEO. (Praise be to God.)

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[1] "Three rules of St. Thomas": cf. *Summa theologiae* II-II q. 64 a. 8 (on accidental homicide: whether one engaged in a lawful or an unlawful act, and with or without due care, is guilty of homicide).

Approbation

Ruard Tapper. This little book is devout and useful to confessors and penitents, so that they may carry out their task lawfully.