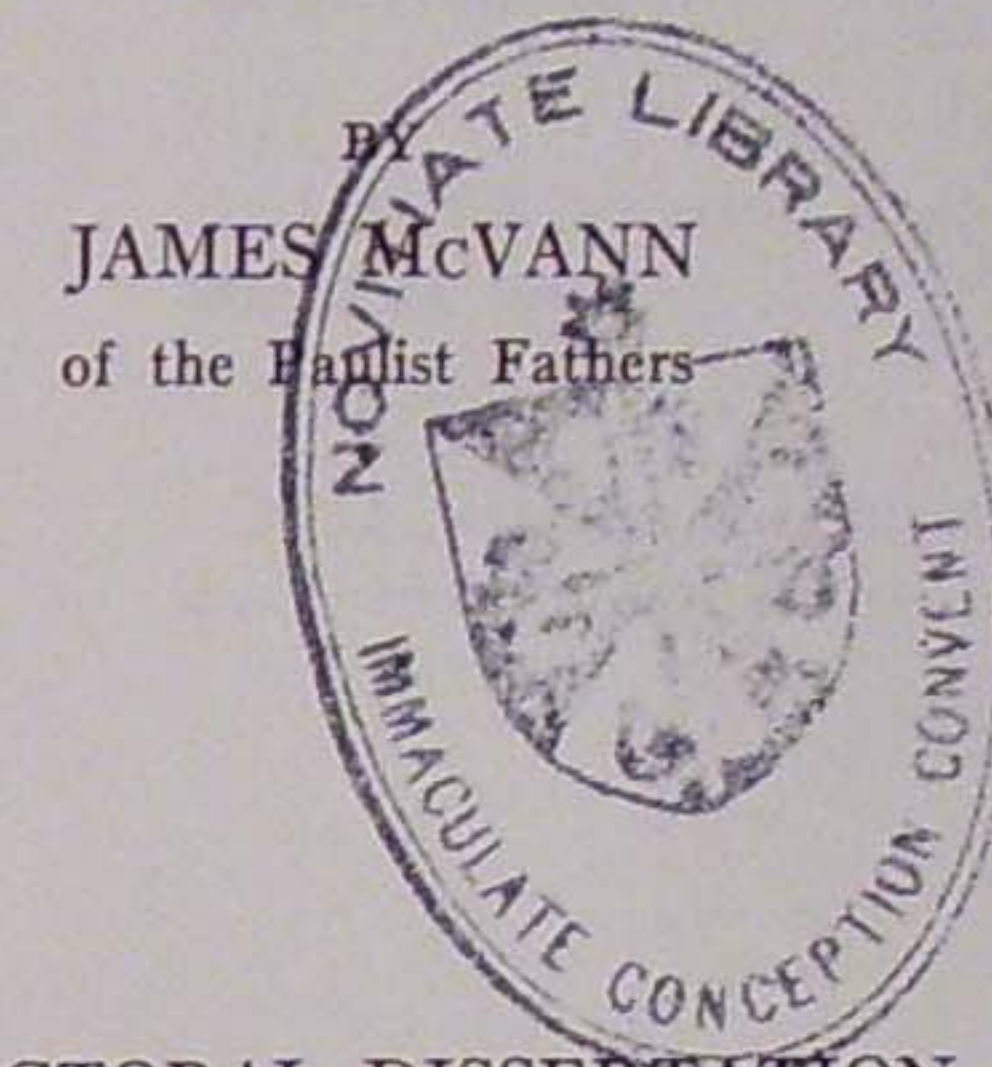


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THE CANON LAW ON SERMON PREACHING



A DOCTORAL DISSERTATION
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THIS WORK
IS
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TO
FATHER JAMES M. GILLIS

FOREWORD

A STATEMENT of the Church's laws on preaching the Word of God is always timely. Only twenty years ago Benedict XV complained that there was need of keeping out of the Christian pulpit those who did not belong there and of seeing to it that those who were admitted to preach were actuated by the right motives and fulfilled their duty in the right way.¹ Such has been the purpose of all legislation relative to preaching and there is no reason for thinking that after twenty years the Church should let up on her vigilance or that a study of her laws will be any the less useful.

Events of our own day have given Word of God a greater power than ever before. Scientific aids have brought the sound of the human voice literally to the ends of the earth, and many Church agencies, led by the Holy See itself, have recognized in radio a means to be utilized for the Gospel.² Add to that the many movements that are busy promoting the preaching apostolate—among them the Street-Preaching Guilds in England and America, the Basselin Foundation and the Preachers' Institute at the Catholic University of America.

In the following pages care has been taken to explain the canons of the Code relative to sermon-preaching not only in the works of learned commentators but also in the light of the particular legislation enacted since 1918. The reason for this choice is that the Code left much to the discretion of local Ordinaries and particular councils, whose enactments form a supplement to the general law for a given region.

Special gratitude is owed to Rev. Adam Ellis, S.J., professor in the text of the Code at the Gregorian University, Rome, for his patient guidance of this work; to Most Rev. Monsignor Giuseppe Bruno and Comendatore Casimiro Mottironi, secretary and archivist respectively of the Congregation of the Council, for access to particular legislation passed since the Code; to Monsignor William Godfrey, rector of the English College in Rome, for granting the use of the college's excellent library; to Rev. John McMahan, S.J., librarian of the Gregorian University, for obtaining needed books from distant countries; and to my superior, Rev. Thomas Lantry O'Neill, C.S.P., for sparing me other tasks that this work might come to completion.

JAMES MCVANN.

¹ Benedict. XV litt. encycl. "Humani generis," 15 jun. 1917, § "Principio," AAS, IX, 307.

² Pii XI nuntium radiophonicum "Qui arcano Dei," 2 feb. 1931, AAS, XXIII, 65-66: "Glory . . . to God, who in our days has granted such a power to men that verily their words reach out to the ends of the world."

CHAPTER I

PRELIMINARY NOTIONS

THE SERMON

THE word *concio*, of which "sermon"¹ is the English equivalent, referred first to the people assembled to hear a speech, then to the speech itself.²

In its canonical sense, the sermon may be defined as a sacred public address, given by one duly empowered by the Church, and intended to instruct its listeners in the Christian faith and move them to practice it.³

An *Address*, that is, the spoken word in the form of a set discourse. This excludes a mere conversation. Of course it comprehends whatever is conventionally used in place of speech, such as sign language for the deaf. The address is *sacred* in its setting, in the character of those who give it, above all in its subject-matter. It is *public*, being delivered in the presence of a group assembled for divine worship or just for the sake of hearing the sermon itself.

Given by one duly empowered by the Church, that is, by a man in sacred orders and bearing canonical mission from a competent superior—or, more rarely, by a non-ordained cleric or religious, or a layman bearing the same ecclesiastical approbation. The intent of the sermon, *to instruct its listeners in the Christian faith and move them to practice it*, sets it apart from all worldly speeches and makes it preeminently the means of fulfilling the divine command to teach all nations the things of the Kingdom of God.

DIFFICULTIES WITH THE DEFINITION

Though the above definition is the ordinary one, before and since the Code, a few authors depart from it because they believe it does not ade-

¹ Not to be confused with *sermo*, which St. Augustine says is the Latin for *homilia*.

² Forcellini, *Totius Latinitatis Lexicon*, II, 349-350.

³ Wernz, *Jus Decretalium*, III¹, 30, Wernz-Vidal, *Jus Canonicum*, IV², 31, De Meester, *Compendium*, III¹, 197, Vermeersch-Creusen, *Epitome, J. C.*, II, n. 673, Prümmer, *Manuale J. C.*, 484, Cocchi, *Commentarium in c. i. c.*, VI, 49.

quately mark off the sermon from catechetical instruction, which is treated in the previous title of Book Three. Santamaria says that the characteristic purpose of the sermon is to move the will.⁴ A Coronata defines it, "A discourse on some sacred theme had *ex professo* before the people, either as a crowd or as a particular community assembled for the purpose, by a priest, deacon, or at least a cleric empowered with canonical mission, with this special intent, that they who have been born and raised in the Catholic Faith may be educated and strengthened in the same."⁵

A definition of this sort does effectually exclude catechetical instruction, but so does it exclude all discourses to non-Catholics; and we are well aware that the sermons of our Lord, His apostles and of many a missionary have been preached to Jews, pagans and dissenters. Besides, one must understand that between all sermons on the one hand and all catechetical instruction on the other there cannot be a clear partition, even though each has its own rubric in the Code. For example, the Sunday catechism for adults (can. 1332) is a sermon in the strict sense of the word; Pius XI in his motu proprio *Orbem Catholicum* of Jan. 29, 1923, speaks of "conciones de catechismo."⁶ True, a distinction exists between a homily and a catechetical instruction, just as there exists between a homily and a panegyric.

Other authors, among them Vermeersch-Creusen, in their definitions of a sermon insist on the mark of greater solemnity.⁷ This is true of certain kinds of sermons, such as panegyrics or missions, but hardly true of sermons on the whole. As will be seen in the last chapter of this work, the general tendency of modern legislation is to emphasize simplicity in our preaching.

So the time-honored definition may stand.

Sermons fall into many classes: homilies on the Sacred Scriptures, panegyrics on the saints, funeral eulogies, apologetical conferences, catechetical sermons, missions, lectures to non-Catholics, retreat discourses. For the most part these divisions are of more interest to the teacher of homiletics,⁸ though the law has some concern in them as well, in some more than others.

⁴ Cit. in A Coronata, *Institutiones Juris Canonici*, II, 258; cf. Bouuaert-Simenon, *Manuale Juris Canonici*, III, 111.

⁵ Ut supra; Aichner-Friedle, *Compendium Juris Ecclesiastici*, 149, 2.

⁶ AAS, XV, 328.

⁷ Ut supra.

⁸ Longhaye, *La Prédication*, 527-532. Other names for sermon and preacher are given in Ferrarius, *De Ritu Sacrarum Ecclesiae Veteris Concionum*, I, I, capp. 2-6.

NOTION OF PREACHING

The term *praedicare* requires clear understanding, lest there be confusion over its use later in this work. Its classical and medieval meaning is to address the people, and in that sense it has found its greatest use.⁹ Yet from early times *praedicare* has had a wider meaning—to divulge abroad, publish, declaim, profess. Hence it has been used to describe the public profession of Catholic doctrine by popes and councils;¹⁰ and it has meant the public reading or chanting of a set text, as when the deacon reads the gospel in the liturgy, or in former times, in the absence of bishop and priests, recited a homily of the fathers.¹¹ As used in the Code, *praedicare* has a much wider meaning than its English equivalent, for it includes all the channels of teaching Catholic truth: official statements of popes and bishops, catechism, sermons, missions to the faithful and to unbelievers, schools and higher places of learning, the spread of literature.

CONNECTION OF MATTER

Part Four of the Third Book of the Code is entitled The Ecclesiastical Magisterium, that is, the Teaching Office of the Church. After legislating on the more solemn and infallible way of teaching Catholic doctrine (cann. 1322-1326), the Code goes on to lay down rules for preaching the faith through the ordinary, non-infallible means—catechetical instruction, sermons and missions (cann. 1327-1351)—schools and seminaries (cann. 1352-1383)—; then the Code gives other rules for protecting the faith by the previous examination of books and the prohibition of dangerous ones (cann. 1384-1405), and by exacting a profession of faith of all who take an official part in teaching Catholic doctrine (cann. 1406-1408). It is fitting, then, that after having regulated the magisterium of the Church in its extraordinary and more solemn exercise, the legislator should arrange for the every-day exercise of the magisterium in sermon preaching.

⁹ Du Cange, *Glossarium Mediae et Infimae Latinitatis*, V, 398, Forcellini-Bailey, *Totius Latinitatis Lexicon*, II, 227-228. Vatican Council, sess. III, cap. 3 de Fide, "evangelicae praedicationi," Denziger-Bannwart, *Enchiridion*, n. 1791.

¹⁰ Council of Frankfort, a. 794 and 825, *CAK* in *MGH*, par. 1, 143, 479; Gregory X in I Council of Lyons, a. 1274, c. 4 (cap. un. *de summa Trinitate et Fide Catholica*, I, 1, in 6°); Council of Prague, a. 1860, *CL*, V, 435.

¹¹ C. 1, D. XXV, 5, 7.

RELATION TO CATECHETICAL INSTRUCTION

Because of the close kinship between sermons and the teaching of catechism, something should be said of their juridical relation. Catechetical instruction is described as that simple teaching on the chief articles of faith, the commandments and the means of salvation, which is imparted at stated times to children, either in church or in school, as well as that more advanced matter given to youths in higher places of learning and to adults in church on Sundays and feasts of precept.¹² Between the two, sermon and catechism, there is much in common: the wide range of subject-matter on Catholic belief and practice, the aim of forming men's minds and souls for the things of the Kingdom of Heaven, a single origin in early Christian instruction, a great community of legislation in the Middle Ages and since the encyclical *Acerbo Nimis*.¹³ Yet each has its own place in law, indicated by separate titles in the Code. Catechetical instruction imparts elementary notions, the sermon can pass on to advanced treatment; catechism aims primarily at the understanding, the sermon at the whole man; catechism admits the laity, both men and women, as teachers; the law on sermons has always rigidly excluded women, and admitted laymen only rarely and with great care; catechism belongs to the sphere of Catholic Action, sermons to the sacred ministry of the Church. Other differences will be noted in their places—for instance, the separate obligations of a parish priest to preach a homily on Sundays (can. 1344, § 1) and to hold catechism on adults on the same day (can. 1332); again, the necessity of religious to obtain canonical mission from the local Ordinary when preaching in their own churches, which approbation they do not need for giving catechetical instruction.¹⁴

THE CHURCH'S DUTY AND RIGHT TO PREACH

Our Lord committed to His Church the responsibility of preaching when He commanded the apostles, "Going forth, teach all nations . . . teaching them to observe all things whatsoever I have commanded you," "Preach the gospel to every creature."¹⁵ For faith was to come by hearing, and hearing

¹² Wernz-Vidal, *Jus Canonicum*, IV², 46.

¹³ Pii X litt. encycl. *Acerbo Nimis*, 15 apr. 1905, AAS, II, 69-84. Later study will show how much of subsequent legislation on catechism-teaching has been applied to parochial sermons.

¹⁴ A Coronata, o. c., 252-253, 256, 258.

¹⁵ Matt. XXVIII, 19, 20, Mark XVI, 15.

through the word of Christ.¹⁶ Hence the stern charge of Paul to Timothy, that he preach the word insistently, in season and out of season, reproving, entreating, rebuking in all patience and doctrine, doing the work of an evangelist¹⁷—the same charge rests on the Church and its pastors. From the very make-up of man, it is clear that preaching must bear the heaviest share in the work of spreading Christ's Kingdom.¹⁸ Even the advent of the press and other means of disseminating news, though powerful adjuncts to preaching, can never replace it as the divinely ordained channel of instructing men to godliness.

Every duty creates its corresponding rights, those that are needful for its fulfillment. The Church, having been founded by Christ as a juridically perfect society, possesses all the means required to attain its divine purpose; ¹⁹ hence it possesses the exclusive right to teach the gospel to all nations, to control what is preached through canonical mission, vigilance and penalties. All this it can do without let or hindrance from the civil authorities, which have often interfered with the free exercise of the Church's rights relative to preaching.²⁰

JURIDICAL STATUS OF SERMON-PREACHING

It is commonly held that in the Church two powers exist, of orders and jurisdiction.²¹ The latter is subdivided into the power to rule—to make laws and enforce them—and the power to teach authoritatively. This last is the *magisterium*, described as that part of the Church's power by which it fulfills its duty to teach.²² The *magisterium* is exercised in a solemn way through the infallible definitions of popes and councils, in the ordinary way by means of other decrees of the Holy See or councils, by preaching, by teaching the catechism, by conducting schools and other places of learning.

Hence we must distinguish: the act of preaching a sermon belongs to the *magisterium* and ultimately to the jurisdictional sphere of the Church,

¹⁶ Romans X, 17.

¹⁷ II Tim. IV, 1, 2, 5.

¹⁸ Benedict. XV litt. encycl. *Humani generis*, 15 jun. 1917, AAS, IX, 306.

¹⁹ Cavagnis, *Institutiones Juris Publici Ecclesiastici*, I, cap. II; can. 1322, § 2.

²⁰ Hinschius, *System d. kath. Kirchenrechts*, IV, 476-477.

²¹ Wernz-Vidal, o. c., IV², 3 and II, 52; at greater length, Wernz, *Jus Decretalium*, II, 4-12.

²² Vermeersch-Creusen, *Epitome J. C.*, II, 457.

in the broad sense of the term; but the management of sermons, that is, the proper licensing of the preacher, vigilance over his utterances, and his punishment when he offends in the conduct of his sermons, belongs to the *regimen* of the Church—that is, to jurisdiction properly so called. By way of applying this distinction, a local Ordinary may delegate to others his power to grant canonical mission to pulpit candidates, for the Ordinary has jurisdiction in the strict sense of the word; whereas the preacher, once rightly licensed, may not delegate his authority, because the teaching power which he has received is not regulated by canons 196-208, on ordinary and delegated power.

CHAPTER II

HISTORY OF THE LEGISLATION: TO TRENT

EARLIEST PREACHING

AMONG the early Christians the divine command to teach all nations was carried out in three ways, by charismatic discourses, by instruction at the liturgy, and by missionary preaching. Of these, the first way of spontaneous speech under divine influence (the charisms) soon disappeared, with no lasting effect on sermons or their legislation. Instruction at the liturgy became of two kinds, catechetics for baptismal candidates and familiar homilies to the faithful. Missionary preaching in turn was divided into that given at home, and foreign.¹ With the history of catechetics this work has no direct concern, save where—between the eighth and fifteenth centuries, and in our own times—it has profoundly influenced the law on sermons; similarly, foreign missions will not be studied. Our chief interest lies with parochial preaching—as it came to be—and domestic missions.

In the primitive Church Justin, Irenaeus and Origen bear witness that preaching formed an integral part of the liturgy.² After the reading of the prophets and the gospel a sermon followed, in Jerusalem at times several sermons.³ The principal charge to announce the Word of God rested with the bishops who presided over the assemblies; by right they themselves preached and regulated the preaching of others.⁴

¹ Probst, *Lehre und Gebet*, 2, 3; Wernz-Vidal, o. c., IV², 31.

² Justin Martyr, *Apol.* I, 67, *MPG*, VI, 430; Origen, in *Gen. hom.* X, 1, *MPG*, XII, 215; Irenaeus, *adv. haer.* I, ix, 5, *MPG*, VII, 547-550; id., IV, xxiv, 2, *MPG*, id., 1050; id., xxxiii, 8, *MPG*, id., 1078-1079; *Clement of Alexandria*, *Stromata*, VI, 14, *MPG*, IX, 337. cf. Ruch, "Messe," in *DdT*, X, 864-904.

³ *S. Silviae Peregrinatio*, n. 25, in Geyer, *Itinera Hierosolymitana saeculi IV-VIII*, p. 74.

⁴ Probst, o. c., 4, 7. For a discussion of this and allied problems of the constitution of the early Church, see Wernz, *Jus Decretalium*, III, 25, Kraus in *Realencyklopädie für protestantische Theologie und Kirche*, 646, Hinschius, *System des katholischen Kirchenrechts*, IV, 450. For bibliographies see Kirsch, *Die Kirche in der antiken Grieschisch-Römanischen Kulturwelt*, 887 (he embodies the lists of Hergenröther) and Prat, "Origine de évêque" in *DdT*, V, 1700-1701.

The bishops admitted to the preaching office priests, deacons, and sometimes laymen.⁵ Among the last, Origen is the outstanding example. Women from apostolic times were forbidden this ministry.⁶ The simple homily was the dominant kind of sermon.⁷

THE PATRISTIC AGE

The age of the Fathers, which contains the names of such illustrious preachers as Augustine, Ambrose, the Cappadocians, Leo, saw some changes in the sermon regulations. Contemporary writers emphasized the bishop's duty to preach, minimized the part of their assistant priests,⁸ though these latter were admitted as substitutes for their pastors.⁹ Though the simpler style of the previous age continued, ornate oratory came in with Gregory Nazianzen. Sermons began to take on a theatrical air, with outcry and applause that John Chrysostom had to rebuke.¹⁰ Besides the Sunday discourses, others were preached on the weekdays of Lent; and some of the zealous doctors of the age preached every day. Some bishops traveled into other districts to speak, for which they received a stipend, as is indicated by the charge brought against Severianus for coming to Constantinople to preach for money's sake.¹¹

Of preachers other than the bishops there is less known. The Council of Nicaea did not list preaching among the duties of the deacon,¹² or was it

⁵ Probst, o. c., 18 sq. To understand the power of which the bishops were conscious to regulate the preaching of laymen, see in the same author, p. 19, the controversy over Origen waged by Demetrius of Alexandria with the bishops of Jerusalem and Caesarea.

⁶ I Cor. XIV, 34, 35; I Tim. II, 11, 12.

⁷ Thomassin, *Vetus et Nova Disciplina circa Beneficia et Beneficiarios*, III, 818, says that Cyprian introduced the more florid style of the rhetoricians.

⁸ According to Sozomen (cit. in Thomassin, o. c., 815), the exclusion of priests resulted from the Arian heresy, preached as it was by an Alexandrian priest.

⁹ "Pastores sunt doctores"—Augustine, cit. along with Leo I, Jerome, Hilary Chrysostom, in Thomassin, *ibid.*, 817-818. In the matter of admitting priests, places differed. Alexandria admitted none and imposed its usage on Africa. Valerius of Hippo, calling on his priest Augustine to preach, appealed to the custom farther east—in Caesarea, Cappadocia and Cyprus, *id.* 815-817. Other great names among priest-preachers of the time were Felix and Chrysostom.

¹⁰ Ferrarius, *De Ritu Sacrarum Ecclesiae Veteris Concionum*, 297.

¹¹ Thomassin, o. c., 816.

¹² V. Constitutiones patrum concilii, n. xviii, Hardouin, I, 506.

so even in the days of Isidore of Seville—the seventh century.¹³ Ambrose, if we may credit him with a passage in the Decree of Gratian, allowed learned and approved monks in priest's orders the preaching office.¹⁴ The "Ancient Statutes of the Church," in a passage formerly attributed to the Council of Carthage, a. 398, forbade the faithful, under pain of excommunication, to leave the church while the bishop was talking ("sacerdote verbo faciente"), commanded bishops to employ themselves in prayer and teaching, encouraged inviting visiting bishops to speak, admitted laymen only when authorized by the clergy present, renewed the apostolic prohibition against women preaching to men in the assembly, no matter how great their learning.¹⁵

The Council of Chalcedon, a. 451, forbade monks to preach abroad.¹⁶ Another indication of the current legislation is found in the Apostolic Constitutions, of about the year 380, which also excluded women from preaching.¹⁷ Leo the Great, in his celebrated epistle to Maximus of Antioch, excluded monks and laymen from the preaching office, no matter what their claim to learning.¹⁸

EARLY MIDDLE AGES

Legislation of the next century, the sixth, shows a spirit of accommodation to a new order of things. The Council of Tarragona, a. 516, allowed monks to go abroad to fill clerical offices provided they bore their abbot's

¹³ *MPL*, LXXXII, 894.

¹⁴ C. xvi. q. 1, C. XXI (v. Friedberg note 151, coll. 766).

¹⁵ Hardouin, I, 980 sq., who gives the text as of the Council of Carthage, cap. 20 (=c. 6, D. LXXXVIII), cap. 24 (=c. 63, D. I, *de consecr.*), cap. 98 (=c. 29, D. XXIII) and cap. 99 (=c. 20, D. IV, *de consecr.*). Scholars have shown that cap. 20, attributed by Gratian (in c. 6, D. LXXXVIII) to Carthage, comes from the *Statuta Ecclesiae Antiqua*, cap. 20, and was brought together there from many councils. V. Hefele-Leclerq, *Histoire des Conciles*, II, 102 sq.

¹⁶ Cit. in epistola Alexandri II ad plebem Florentinam (c. 11, q. 1, C. XVI). Cf. ed. Richter-Friedberg, n. 73, coll. 763-764.

¹⁷ Cann. 6 and 9. Text in Ferraris, *Bibliotheca Canonica, Juridica, Moralis, etc.*, VI, 371.

¹⁸ Epist. 119 (a. 453), *Collectio Ballerini* in *MPL*, LIV, 1045-1046 (=c. 19, C. XVI, q. 1). Leo has been falsely accused by Sozomen that in his time there was no preaching in Rome, *Hist. Eccl.* VII, c. 19 in *MPG*, LXVII, 1475-1478. This is amply refuted not only by the large number of Leo's own extant sermons, but also by the vigorous defense of the Ballerini, *MPL*, LV, 197, n. a. V. Grisar, *History of the Rome and the Popes in the Middle Ages*, II, 64, and Thomassin, o. c., 818.

authorization.¹⁹ The second Council of Vaison, a. 529, ordered that priests should have faculties to preach not only in the cities but also in the parishes—that is, of the outlying places; and if a priest were impeded by infirmity, the deacon should read the homilies of the Fathers.²⁰ In a letter to Bishop Ludifred, Isidore of Seville assigned to the various orders their respective duty in church: the archdeacon was to preach to the people, and the lector and deacon were to “preach” in the sense that they were to read aloud the Old Testament and the Gospel respectively.²¹ Though many bishops of this period shone for their pastoral zeal—such as Caesarius of Arles, Nicetius of Treves, the brothers Fulgentius and Isidore of Seville, and others indefatigable in instructing the newly converted northern peoples and in making regulations to the same purpose—²² there was a decline in episcopal faithfulness. The Council of Rheims, of 625 or 630, called upon the bishops to be assiduous dispensers of the Word,²³ and a little earlier King Gunthram of the Burgundians, a. 585, by an edict reminded his bishops to preach, lest through their silence the faults of sinners be imputed to them; at the same time the king provided the aid of the civil judges to compel recusants to attend the sermons of the bishops.²⁴ In the same strain the Council of Braga in Portugal, a. 572, obliged bishops to provide for the instruction of their priests and people relative to baptism, and this they were to do on visitation.²⁵

PERIOD OF ST. GREGORY THE GREAT

This zealous pope was to play an important part in the shaping of future legislation, not alone by the splendid example of his sensible interpretation of the Scriptures and by his plain speaking, but especially by means of the classic work which he wrote for a Sardinian bishop, the *Regula Pastoralis*,²⁶ in the third part of which he shows the spiritual ruler how to admonish various classes of people. Through the decrees of legislators in

¹⁹ Cap. xi, Hardouin, II, 1042.

²⁰ Can. 2, Hardouin, id., 1105.

²¹ C. 1, D. XXV.

²² Thomassin, o. c., 819-820.

²³ Hardouin, III, 576.

²⁴ *Capitularia Regum Francorum*, in *MGH*, I, 11.

²⁵ Hardouin, III, 386.

²⁶ *MPL*, LXXVII, 13-125; text also in Hedley, *Lex Levitarum*, 163-349.

the following century, this became a textbook for preachers,²⁷ just as the fifteenth chapter of Part Two—where Gregory counsels the preacher to zeal, fearlessness and discretion—was to become well known to a later age by its incorporation into the Decree of Gratian.²⁸

To Gregory the collection of Isidore assigns a regulation made in the Roman synod, that deacons should not be church chanters but should employ themselves in preaching and the pursuit of alms-giving;²⁹ apropos the deacons of the period, the Council of Toledo held in 633, asking why the levite—that is, the deacon³⁰—wears the orarium over only one shoulder, says it is “because he prays, that is, preaches.”³¹

The insistence that bishops preach was kept up by councils of the latter half of the seventh century. Toledo, of 655, commanded that bishops give themselves to divine study, lest their charges perish from hunger for the Word of God.³² A synod held in the diocese of Chalons about 670 ordered them to speak to their people on Sundays and solemnities.³³ Trullo, of 692, ordered the same, penalizing those bishops who preached outside their diocese with reduction to the presbyter state; the council further decreed that lay people who taught publicly in church were to be punished with forty days’ exclusion from the Christian communion.³⁴ Canon 20 of the same council directed that when controversy rose over the meaning of the Scriptures, preachers were to adhere to the teaching of “the lights and doctors of the Church.”

INFLUENCE OF THE CATECHUMENATE ON PAROCHIAL PREACHING

With the breakdown of the ancient catechumenate through nation-wide conversions and the general practice of infant baptism, certain regulations

²⁷ V. *CAK* in *MGH*, par. I, 287 (c. III); also the Council of Aachen, a. 836, cc. 3-6, id., 711-712: “It is necessary that the priestly ministry know the gospels, the writings of the apostles, the canonical precepts and the directions of the *Regula Pastoralis*.”

²⁸ C. 1, D. XLIII.

²⁹ Hardouin, III, 496.

³⁰ Thus in c. 3, D. XXV.

³¹ Can. 40; v. critical notes and references in *Corpus Juris Canonici*, ed. Richter-Friedberg, I, coll. 92, note 87.

³² Can. 2, Thomassin, o. c., 821.

³³ Conc. Latunense, n. xviii, *Concilia Aevi Meroving.*, in *MGH*, 219.

³⁴ Cc. 19, 20, 64, Hardouin, III, 1670 sq.

formerly embodied in catechetical instruction passed into the law on parochial sermons.³⁵ Thus the synod of Liège, a. 710, directed priests to explain the commandments of God, and on Sundays diligently to teach the things necessary for salvation.³⁶ The Council of Leipzig held by St. Boniface in 743 ordained that priests should so teach the Lord's Prayer and the Creed that the people would learn them by memory.³⁷ The English council held at Clovenshow in 747 legislated in similar fashion, adding instructions on the Mass prayers and the sacraments, which the priests were to explain in the vernacular.³⁸ The legislation of Clovenshow was renewed fifty years later at Chelsea by Lambert of Canterbury.³⁹

By this time Frankish church councils and civil legislators had fallen in with the new movement. The Capitulary of Aachen, a. 789, listed subjects for preaching that were taken directly from the catechetical teaching of a previous age,⁴⁰ namely the Creed, the vices and virtues. Similarly the Council of Frankfort of 794 decreed that all the faithful should be taught "the Catholic faith of the Holy Trinity, the Our Father and the Creed."⁴¹ Charlemagne's *Capitulary of the Bishops*, drawn up in 802, listed the things that were to be preached, which, besides the above subjects, contained a study of "the whole religion and worship of Christianity."⁴² Legislation of this kind, reappearing constantly in later councils of the new Roman Empire, was given a practical turn by the issuance of the Homiliarium of Charlemagne,⁴³ as a guide to pastors in their preaching, very much as the Catechism of the Council of Trent was intended for a similar need. In the same strain councils of the following century—Mayence in 847,⁴⁴

³⁵ Cf. Mangelot, "Catéchèse" in *DdT*, II, 1895-1968; Bareille, "Catéchèse" in *id.*, 1893.

³⁶ Harzheim, I, 32.

³⁷ Statuta xxv, Harzheim, I, 74.

³⁸ Can. 10, Mansi, XII, 398.

³⁹ Mansi, *id.*, 940.

⁴⁰ Capitular 82, Hardouin, IV, 844.

⁴¹ Can. 33, *CAK* in *MGH*, par. I, 169.

⁴² Capitulare Episcoporum IV and V, Hardouin, IV, 957. See also *Capitularia Regum Francorum*, in *MGH*, I, 56, 61-62, 77, 103, 404, 405.

⁴³ Beecher, "Homiliarium" in *CE*, VII, 447-448.

⁴⁴ Cap. 2, Harzheim, II, 154.

Tribur in 895,⁴⁵ Rome in 826⁴⁶—directed that the people should be taught the Lord's Prayer, the Creed, the virtues and vices, all in the vulgar tongue.

OTHER FRANKISH LAWS

Under Pepin, Charlemagne and their heirs, church councils and royal capitularies passed many rules intended to keep bishops and priests at their preaching. At Friuli the council of 796-7 ordered that the practice of preaching on feast days be maintained.⁴⁷ Theodulph of Orleans wrote for his clergy, "He that knows the Scriptures, let him preach the Scriptures; he that does not, let him tell the people what they need to know—to decline from evil and do good."⁴⁸ The Council of Riesbach, a. 798, forbade any outsider to speak in a church without the consent of the bishop—a measure intended to prevent contempt towards a simple-speaking bishop on account of the oratory of some golden-tongue.⁴⁹ The celebrated Rule for Canons, drawn up under Pepin from the writings of St. Chrodegang, the Council of Aachen and other sources, in its forty-ninth chapter enacted that the Word of God be spoken on Sundays and feasts in a manner intelligible to the people.⁵⁰ In the year 813 councils were held at several points of Charlemagne's domain for the purpose of consolidating religious discipline—at Arles, Rheims, Tours, Mayence and Chalons.⁵¹ All these councils urged the bishops to preach, and the priests in their parishes. They should expound the Sacred Scriptures, the Canons, the homilies and other writings of the

⁴⁵ *Cap. de praedicatione presbyterorum*, *id.*, 409. Tribur is identified with the Tribur or Starkenburg in Hesse-Darmstadt, v. Hefele-Leclercq, *Histoire des Conciles*, IV, 697.

⁴⁶ Mansi, XIV, 1001.

⁴⁷ *CAK* in *MGH*, par. I, 195.

⁴⁸ Capitularium 28, Hardouin, IV, 918.

⁴⁹ *CAK* in *MGH*, par. I, 201; cf. 198-199. Likewise in the Anglo-Saxon Church, the parish priest was obliged to explain, in English, some portion of Scripture proper to the Sunday Mass, and to preach; if unable to preach, he was bound to read some instructive lesson out of a book. The prescribed subjects were the same as in the continental regulations. V. Lingard, *The History and Antiquities of the Anglo-Saxon Church*, I, 167.

⁵⁰ Hardouin, IV, 1204.

⁵¹ Arelat. VI, *MGH*, *CAK*, I, 249, Hardouin, IV, 1004; Mogunt., *CAK*, I, 268; Remen., *id.*, 255; Turon., *id.*, 286; Hardouin, IV, 1024-5; Cabillon., *CAK*, I, 274, 276, 281.

Fathers, the Creed and Pater—if they were able; otherwise they should exhort the faithful to live rightly and avoid evil. All likewise stressed the necessity of good example as an enforcement of preaching. Chalons added that preachers, after the example of St. Paul, ought not make themselves a burden to the brethren.⁵² Tours told the bishops to translate their homilies into the rustic Roman tongue or Theotesque.⁵³ Bishop Hatto of Basle ordered his priests to preach throughout the year, fitting their subjects to the Sundays and feasts.⁵⁴ At Rome the council of 826 called on bishops to address all classes, since the devil makes no distinction and, furthermore, all are destined for heaven.⁵⁵ Councils at Paris in 829 and Aachen in 836 continued in the strain of their predecessors, Paris forbidding prelates and clergy to visit remote places lest their preaching office be neglected.⁵⁶ The Council of Meaux, a. 845, petitioned Charles the Bald to let bishops take up residence during Advent and Lent so that they might attend to their pulpit, and ordered bishops to set up a theologian for the instruction of the clergy in the doctrine they should teach.⁵⁷

Hand in hand with all this went the royal will. Ignorant priests who could not teach must be removed from their office.⁵⁸ The clergy were to be examined in their doctrine and preaching as well as in their manner of confessing the people.⁵⁹ Bishops should exclude those who did not adhere to the canonical and scriptural doctrine.⁶⁰ The people were to hold the clergy in honor and go to their sermons.⁶¹

TO THE ELEVENTH CENTURY

Among the Pseudoisidorian Decretals, which made their appearance about this time (847-852), a letter ascribed to Clement I shows something of the current regulations. It says that one must listen to the bishop and

⁵² *CAK* in *MGH*, I, 276.

⁵³ Can. xvii, Hardouin, IV, 1025. See Thomassin, o. c., 822, for an explanation of these transitional Latin and Teutonic idioms.

⁵⁴ Cap. 5, Hardouin, IV, 1241.

⁵⁵ *CAK* in *MGH*, I, 558.

⁵⁶ Paris., id., 611, 620, 621, 627, 632, 668; Aquisgran., id., 709, 711-12, 723.

⁵⁷ Thomassin, o. c., 822.

⁵⁸ *MGH*, *Capitularia Regum Francorum*, I, 46.

⁵⁹ Id., 110.

⁶⁰ Id., 61-2.

⁶¹ Id., 304.

receive from him the doctrine of faith, to seek from the priests the counsels of good living, and from the deacons the order of discipline.⁶²

In 1031 a council at Limoges said that bishops should use command and entreaty to enlist likely preachers, and denied to monks admission to preach unless they were in lector's orders.⁶³ Alexander II (1063-1075) in his letter to the Florentines reminded them of the law of Chalcedon, that monks were not to preach to the people.⁶⁴

Much legislation relative to the pulpit is contained in the Decree of Gratian, that came out in the eleventh century, as well as in the papal decretals that go to make up the rest of the *corpus juris*; but this is assigned to the periods in which it was decreed.

BRIEF ANALYSIS OF THE LATTER MIDDLE AGES

The pulpit legislation of the five centuries previous to the Council of Trent may be divided into four kinds: 1, Continuation of measures designed to keep pastors of souls at their duty, prevent abuses, and improve the doctrinal instruction given in the parish churches; 2, Laws against the irregular preaching of heretics and their sympathizers; 3, Privileges for the new orders of preaching friars, and legislation to keep their activities within the framework of Church organization; 4, Extirpation of the pardoners.

LAWS RELATIVE TO ORDINARY PREACHING

At the Fourth Lateran Council, a. 1215, Innocent III enacted three laws concerned with our subject: bishops impeded from their preaching duties by reason of infirmity, wars, preoccupation or lack of knowledge should call on suitable men to substitute for them; dioceses were not to be divided between two bishops because of language, but the bishop should have a vicar-pontiff for the other tongue; a canon penitentiary should be appointed to confess the people and give them public instruction.⁶⁵ Previously Pope Innocent wrote a letter to the bishops of Burgos and Valencia wherein he prohibited abbesses from blessing their nuns, hearing their confessions or preaching in public; the pope added the famous sentence about

⁶² Hinschius, *Decretales Pseudo-isidoriani*, 53 (=c. 2, D. XXV).

⁶³ Hardouin VI, 888.

⁶⁴ C. xi, C. XVI, q. 1.

⁶⁵ Cann. 9-10, Mansi, XXII, 998 (=c. 14-15, X *de officio judicis ordinarii*, I, 31).

our Lady, that even though she be higher in glory than the apostles, she must yield in authority to those who hold the keys.⁶⁶

At the Council of Avignon, a. 1209, bishops were directed to preach, or have others preach in their place, more frequently.⁶⁷ Oxford, of 1222, decreed the same for parish priests.⁶⁸ Constance, a. 1418, went farther: If prelates and *curates*—that is, those having the care of souls—failed to preach six or seven times, they gave cause for removal.⁶⁹

Meanwhile local councils continued to legislate concerning instructions in the parish churches. That of Gran in Hungary, a. 1114, decreed that in smaller churches the Pater and Creed should be explained, in larger churches the epistle and gospel.⁷⁰ Treves, a. 1227, ordered pastors to speak on the mortal sins, the articles of faith and the ten commandments.⁷¹ Béziers in 1246 and Albi eight years after obliged pastors to give the people every Sunday a clear account of the Creed and to exhort them to send their children of seven years and older for instruction in the Pater, Ave and Creed.⁷² Gnesen in Poland, a. 1248, enacted laws similar to those of Gran of the previous century.⁷³ A synod of Canterbury held in 1281 ordered every parish priest to instruct his people four times yearly in the vernacular, on the four articles of faith, the ten commandments, the two precepts of love of God and neighbor, the seven capital sins, seven virtues, seven sacraments, seven works of mercy; and lest any priest plead ignorance, the synod drew up the matter for these annual instructions.⁷⁴ The same year York followed the example of Canterbury. At Lavour the provincial council of 1368 ordered all pastors to teach their parishioners on Sundays and feasts the articles of faith, the decalogue, the capital sins, and all things necessary for salvation; in order to facilitate observance of this decree, the council

⁶⁶ C. 10, X *de poenitentibus et remissionibus*, V, 38. Maroto, *Institutiones J. C.*, p. 665, not. 3, points out that the Burgos abbesses had many powers of jurisdiction, even prelacy.

⁶⁷ Cap. II, Hardouin, VI, part. II sub finem, 1986.

⁶⁸ Cap. IX, id., VII, 118.

⁶⁹ Id., VIII, 1870.

⁷⁰ Hefele-Leclercq, *Histoire des Conciles*, V, 542.

⁷¹ Can. 8, Mansi, XXIII, 31-32.

⁷² Béziers, cap. 7, Mansi, id., 693; Albi, cap. 17 and 18, id., 836-837.

⁷³ Manganot in *DdT*, II, 1899.

⁷⁴ Cap. X, Mansi, XXIV, 410-413. The constant recurrence of "seven" gave a name to the Septenaries of the period.

published an abridgment of Christian doctrine for the use of parish priests.⁷⁵ This abridgement was adopted in all the dioceses of Gascogne and Languedoc, and in 1401 by the bishop of Dax.⁷⁶ In Spain the synod of Toledo, a. 1323, gave to the clergy the matter of the Septenary already become popular for parish instruction.⁷⁷ The Council of Tortosa, a. 1429, also designated the matter for Christian doctrine, and ordered the publication of a compendium that would explain, within the length of six or seven lessons, the Creed, Pater, commandments, the glories of heaven and the pains of hell.⁷⁸ Toledo in 1473 set aside the Sundays between Septuagesima and Passion for a special catechism of the people, for which purpose all pastors should have a manual containing the Creed, decalogue, sacraments, virtues and vices.⁷⁹

All this had its corresponding legislation in Germany. The Council of Strasbourg, a. 1435, commanded that when the priest spoke to the people at the Sunday Mass, he should explain the Creed in the vernacular.⁸⁰ Other councils at Eichstadt, 1447, Salzburg, 1454, Passau, 1470, and Worms, 1497, prescribed that there be diligent instruction by those burdened with the care of souls.⁸¹

IRREGULARITIES IN THE PULPIT

Besides the lawlessness of heretical or other unlicensed preachers, of which mention will be made hereafter, the Church had to correct abuses by those in good standing. Councils at Tours and Angers, both in 1443, denounced the practice of giving sermons in specially built structures (*chauraria*), and Angers enjoined that preaching be done in meekness and reverence, without outcry, impetuous lifting of the hands or excessive gestures, unless there be a good cause for such approved by the bishop.⁸²

⁷⁵ Cap. I, Mansi, XXVI, 484-493.

⁷⁶ Manganot in *DdT*, II, 1901.

⁷⁷ Saentz d'Aguirre, *Collectio Maxima Conciliorum Hispaniae*, V, 253-254.

⁷⁸ Can. 6, Mansi, XXVIII, 1147-1148.

⁷⁹ Cap. II, Mansi, XXXII, 385.

⁸⁰ Can. 56, Harzheim, V, 245.

⁸¹ Eichstadt, *de predicatore verbi divini*, id., 364; Salzburg, *Advisamenta*, etc., id., 945; Passau, can. 33, id., 477; Worms, can. 34, id., 665.

⁸² Tours, cap. VI, Hardouin, IX, 1339; Angers, cap. VII, id., 1344. For the buffoonery that disgraced the pulpit of this time see Dargan, *History of Preaching*, I, 307-308.

Previous legislation at the Council of Ravenna, a. 1311, denied the right to preach to persons short of thirty years old, and admitted only those who were serious, mature and learned.⁸³

Leo X tried to stem pulpit abuses in the Bull *Supernae Majestatis*, promulgated in the eleventh session of the Fourth Lateran Council, a. 1516. The pontiff deplored that so many preachers, forgetful of the divine purpose of their office, spoke instead what was subversive, or foolish, or idle prophecy, and fearful judgments to come; whereas the true preacher, according to Gregory, is prudent, cautious, for fear that the ignorant should be led away by violent language. Wherefore the pope interdicted all such preachers of empty prophecies and threats, with excommunication reserved to himself, save in the hour of death; and with due regard for all laws guaranteeing the right of secular priests and religious to exercise the preaching office, he ordered that none be licensed by their superiors unless their fitness were ascertained by examination, and the superiors must grant license only to prudent men; concerning sermons on future events, the pope reserved licensing for that to the Holy See, except where there was need of haste: in which case the bishop could give the license, provided that he associated with himself three or four learned men.⁸⁴

The same Lateran Council enacted that in the pulpit there must be no denunciation of persons by name, under penalty of excommunication. Preachers must follow the Holy Scriptures as received by the Church and approved doctors, under the same penalty. They should not speak according as they imagine they are led by the spirit.⁸⁵

Among the local councils shortly before Trent, Sens and Cologne, both of 1528, give further indications of abuses. The former enumerated the themes every preacher should avoid: citations of worldly criteria, the trifling arbitrations of poets, allegation of subtle and often futile questions, exaggerated and histrionic passages, ridiculous fables, the raising of laughter and guffaws, detraction of princes and priests, attacks on the tithes.⁸⁶ Cologne directed parish priests how to draw up their instructions: they should adhere closely to Catholic doctrine, avoid foolish fables, decline argu-

⁸³ Cap. I, rubrica xiii, Hardouin, VII, 1366.

⁸⁴ Hardouin, IX, 1806.

⁸⁵ Id., 1801.

⁸⁶ Id., 1962. For Erasmus' satire on contemporary preaching, see Dargan, o. c., I, 300-301.

ment with heretics in public places but treat with them in private conversations, preach against the vices of the people; the council then showed how to construct a sermon and with what prayers to end it.⁸⁷ The Second Council of Treves, held the following year, interdicted the laity from preaching.⁸⁸ That of Narbonne held in 1551 excluded all but priests and deacons, as well as monks who lacked testimonial letters of their superiors. Like Cologne, Narbonne gave detailed directions on the manner in which the parish priest should give his sermons, and the prayers and articles of faith he was to recite at the conclusion.⁸⁹

LAWS AGAINST HERETICAL PREACHERS

From the twelfth century onward, movements were afoot in Europe that were to last until the definite cleavage of the Reformation. Poor Men of Lyons, Catharini, Paterini, Albigensians, the troublesome elements of the Beguines and Beghards, finally Lollards in England and Hussites in Bohemia, were to claim a right to preach without warrant of the Church authorities, finding their justification in Scripture or alleged early Christian usage. Some claimed the right for all members, ordained or not; others, like the Lollards, demanded ordination. All concurred in denying to the Church Catholic any right to regulate preaching through the exercise of canonical mission. Accordingly in the Council of Verona, a. 1184, Lucius III condemned Catharini, Paterini, Humiliati, Poor Men of Lyons, Passagini, Josephini, for claiming the power to preach without due canonical mission.⁹⁰ Innocent III wrote a letter to the diocese of Metz, in which it appears that certain men were translating the Scriptures into the French language and preaching in the fashion of heretics, that is, secretly, and despising the priests. The pope argued for the authority of the priests, in

⁸⁷ Hardouin, IX, 1999-2002.

⁸⁸ Can. 2, Mansi, XXXII, 1441. The article "Predicacion" in *Enciclopedia Universal Illustrada*, XLVI, alleges two exceptions to the prohibition of lay-preaching, both in favor of kings as the Lord's anointed, Roger of Naples being admitted to preach at the canonization solemnities of St. Thomas Aquinas, and Emperor Charles IV, robed in deacon's vestments, chanting the gospel *Exiit edictum a Caesare* in the Christmas Mass. Certainly the latter case cannot be regarded as preaching save in the broad sense of the term of announcing the gospel.

⁸⁹ Can. 31 and 37, Hardouin, X, 453.

⁹⁰ C. 9, X *de hereticis*, V, 7.

that they are teachers in the Church, and for the necessity of canonical mission to preach.⁹¹ Innocent thereafter embodied in the profession of faith to be made by Waldensians that while preaching is needful and praiseworthy, they believed it could be carried on only with the authority of pope or prelate.⁹² Under the same pope the Fourth Lateran Council, a. 1215, excommunicated those who, under pretext of godliness, preached without license.⁹³ His successor Gregory IX wrote an epistle to the Archbishop of Milan, directing him to prohibit all lay people from preaching.⁹⁴

By the end of the fourteenth century the revolt of Wyclif became acute. William Courtney of Canterbury convoked the Council of London in 1382 to oppose his errors and declared that a priest or deacon, far from having a right to preach inherent in ordination, needed authoritative permission of the Holy See or some other prelate to do so.⁹⁵ A council held at Oxford in 1408, aiming at Lollard irregularities, decreed that all who alleged to have preaching privileges were bound to show proof to the rector of the church, and that sermons on the sacraments could be given only according to the sense of the Church's teaching.⁹⁶ Finally Martin V at the Council of Constance promulgated the Constitution *Inter Cunctas*,⁹⁷ according to which Wyclif, Hus, Jerome of Prague and their followers were excommunicated. Condemned propositions include the following: any deacon or priest may preach the Word of God without license of the Apostolic See or a Catholic bishop (art. 14); priests of Christ, living according to His law and having knowledge of the Scriptures, ought to preach for the sake of

⁹¹ C. 12, X *de hereticis*, V, 7.

⁹² Epist. "Ejus exemplo", 18 dec. 1208, *professio fidei Waldensibus praescript.*, MPL, CCXV, 1511, 1512.

⁹³ Cap. 3, Mansi XXII, 990 (c. 13, X *de hereticis*, V, 7).

⁹⁴ C. 14, X *de hereticis*, V, 7.

⁹⁵ "Conclusiones erroneae," n. 5, Hardouin, VII, 1891.

⁹⁶ Cap. I, Hardouin, VII, 1938; cap. IV, id., 1940.

⁹⁷ 22 feb., 1418, Denziger-Bannwart, *Enchiridion*, 495 sq., Hardouin, VIII, 1850, 1856-8. See in the last the three-days speech of the Dominican Henry Kalteisen of Cologne, a refutation of the third article of the Bohemians, "de libera praedicatione verbi Dei" previously defended before the council by "Udalricus presbyter Orphanorum." The Hussites had quoted St. Augustine, "If deacons only read the gospel, why is their office so fearful?" and had deduced therefrom that deacons also preached. Kalteisen, evidently not well posted on the history of the question, rebutted by saying that it is a fearful office because so closely associated with the priest's Sacrifice.

edifying the people, all pretended excommunication notwithstanding, which they should not obey (art. 17); a priest receives his mandate to preach at ordination, and he must execute the mandate despite any pretended excommunication (art. 18). In the same constitution certain articles were drawn up for the examining of suspected followers of Wyclif or Hus, among them *a* whether the suspect believed that anyone of either sex could freely preach the Word of God (art. 37), and *b* whether any priest could preach when and where he pleased, even if he were not sent (art. 38).

THE ABUSES OF PARDONERS

Besides the rightly licensed preachers of indulgences, a swarm of traffickers in relics and pardons infested Europe from the outset of the thirteenth century. These were the *praedicatores quaestuarii*—in England the pardoners—whose activities could not be put down by legislation until the Council of Trent.⁹⁸ As early as the Fourth Lateran Council, a. 1215, it was insisted that alms-collectors possess pontifical or episcopal letters in order to preach indulgences.⁹⁹ Three years before, a council at Paris refused admission to pardoners, no matter whether they bore relics or not, unless for just cause and with letters from their diocesan.¹⁰⁰ Richard Poore, bishop of Salisbury, enacted the same regulation about 1217.¹⁰¹ Robert de Courçon, Cardinal Legate in France, in 1218 warned parish priests against these thieving rascals who came into parishes with the authorization of some bishop and their tickets of relaxation; rather than let such a scandal go on, the priests were to cast them out and excommunicate them as dangerous and traffickers.¹⁰² At the Council of Béziers, a. 1246, these bargainers were denounced for their depraved manner of life and for the scandal they gave by promising liberation from hell for a small sum of money; the council ordered pardoners to confine their preaching to those indulgences that were listed in their pontifical or episcopal letters.¹⁰³ In 1279 a synod at Buda

⁹⁸ For accounts of the pardoners see Chaucer's *Canterbury Tales* and Jusserand, *English Wayfaring Life*, 181, 283, 284.

⁹⁹ Hefele-Leclercq, *Histoire des Conciles*, V, 1328.

¹⁰⁰ Hardouin, VI, par. II sub finem, 2002.

¹⁰¹ *Constitutiones Richardi Poore*, const. L, Hardouin, VII, 103.

¹⁰² Text in the Bibliothèque Nationale de Paris, cit. by Magnin, "Indulgence," in *DdT*, VII², 1609-1610.

¹⁰³ Hardouin, VII, 408.

admitted only those preachers who either had licenses or were privileged by the Holy See, and applied the norm to pardoners.¹⁰⁴ At Ravenna the council of 1311, already referred to, outlawed them.¹⁰⁵ Finally they drew down the papal wrath. Clement V at the Council of Vienne, a. 1312, issued the Constitution *Abusionibus*, wherein he decried preachers of indulgences who were claiming outlandish powers on behalf of the living and the dead and so were bringing the absolving power of the Church into contempt. Against such the bishops should proceed with adequate penalties, no matter what exemption the preachers might boast.¹⁰⁶

This papal action did not stop the abuse, for thirty-six years later the synod of Dublin ordered that unless indulgence preachers were provided with letters of the Ordinary, they should be excommunicated and even imprisoned, and the priest who allowed them to speak was to suffer suspension for one year.¹⁰⁷ In 1369 Urban V wrote to England that the canonical claims of preaching-begging fraternities were a pretense, and their activity must be stopped until properly submitted to the Holy See.¹⁰⁸ Nine years after, Simon Sudbury, Archbishop of Canterbury, wrote to his clergy that since pardoners were preaching on indulgences in a shocking, frivolous manner, all former legislation which demanded proper authorization must be observed in order to weed out the undesirables.¹⁰⁹ Early the next century the University of Oxford drew up articles on the reform of the Church, in the thirty-ninth of which it condemned the ways of these preachers, who without license and even without sacred orders spoke publicly and pretended that they could absolve both living and dead from guilt and punishment (*a poena et culpa*), and said other blasphemies by which they despoiled the people and drew them down with them to hell, "foreasmuch as they held out a bootless hope and a liberty to sin."¹¹⁰

It remained for Trent to pass effective laws for the abolishment of this great curse to the Christian pulpit.¹¹¹

¹⁰⁴ Constitutio XXIX, Hardouin, VII, 798-799.

¹⁰⁵ Cap. I, rubrica XIII, Hardouin, VII, 1366.

¹⁰⁶ C. 2 *de poenitentibus et remissionibus*, V, ix in Clem.

¹⁰⁷ N. xxii, Wilkins, *Concilia Magnae Britanniae et Hiberniae*, II, 750.

¹⁰⁸ Bull. Urban. V contra quaeSTORES hospitales Jerusalem in Anglia, Wilkins, o. c., III, 84-85.

¹⁰⁹ Id., III, 131-132.

¹¹⁰ Wilkins, id., 365.

¹¹¹ Sess. V, *de ref.*, c. 2.

PREACHING PRIVILEGES OF THE FRIARS

Undoubtedly the chief event in the history of medieval preaching was the rise of the mendicant orders, whose public vocation consisted in announcing the Word of God everywhere—the towns, villages and open country.¹¹² Unlike the monks of a former age, they were not hindered by legislation but were granted many preaching privileges by successive popes. These privileges had in time to be modified by the common law, which was done first by Boniface VIII, a. 1300, in the bull *Super Cathedram*,¹¹³ wherein, conceding that both Dominicans and Franciscans had the right to preach in the open squares and in their own places, the Pope excepted the case where the bishop desired to speak himself or to have another speak in his presence; further, in order to preach in churches of the parish clergy they, like anyone else, needed the proper call. Boniface further asked prelates to be favorable to these friar preachers. His law was renewed by Benedict XI, again by Clement V in the Council of Vienne, and was extended by John XXII to the Hermits of St. Augustine and the Carmelites.¹¹⁴ The last mentioned Pope ordered that all lawsuits over preaching by regulars were to be tried not in the rigor and outcry of formal process but in the quiet of brief procedure.

LEGISLATION BY TRENT

This great council had to do for preaching what it set itself to do in general—heal old wounds in the Church and counteract the new Protestant doctrines. Of former abuses, much remained to remedy: failure of pastors to feed their flock the bread of life, unbecoming pulpit behavior, quarrels between diocesans and regulars, and wandering preachers. Among the new errors one was fundamental, the alleged universality of the priesthood, with the consequent claim to preach according to the spirit and the refusal to allow Church authorities any power over a preacher or his utterances.

Trent devoted the "reformation" chapters of the Fifth and Twenty-second Sessions to the Word of God. The Fifth Session, June 17, 1546,

¹¹² Heimbacher, *Die Orden und Kongregationen der katholischen Kirche*, I, 479 sq. (Dominicans), 669 sq. (Franciscans).

¹¹³ C. 2, *de sepulturis*, III, 7 in Clem.

¹¹⁴ C. 1, *de privilegiis*, V, 7 in Extravag. com.; c. 2, *de sepulturis*, III, 7 in Clem.; can. un., *de judiciis*, II, 1 in Extravag. com.

covered the general field of pastoral obligation and canonical mission.¹¹⁵ Preaching, said the council, is the chief duty of bishops. Hence they are to do it personally or through other competent men, otherwise they will be punished for negligence. Parish priests and other beneficiaries with the care of souls, are likewise bound to teach their people either themselves or through fit substitutes. This was to be done on Sundays and solemn feasts, with brevity and simplicity of speech, their topics the things necessary for salvation, the virtues and vices. No matter in what respect they may be free of the jurisdiction of the Ordinary, in this they are subject to his authority. Neglect of their duty for three months renders them liable to censures and other penalties according to the discretion of the Ordinary. Further, monastic superiors who fail to supply sermons in their parochial churches are to be compelled by the metropolitan acting as apostolic delegate, any law or custom to the contrary notwithstanding.

In the same session the vexing question of the regulars was taken up.¹¹⁶ They need the approval of their superiors, who are bound to examine them in their manner of life and their doctrine even for speaking in churches of their own order. Before they preach they must present themselves before the bishop to receive his blessing. To preach elsewhere than their own churches they further need the license of the bishop, which he is bound to give free of charge.¹¹⁷

Since the themes of sermons needed regulation, the session empowered bishops to interdict anyone proclaiming errors or scandals, and to procede against heresy according to local usage. Lest such preachers protect themselves with the plea of exemption, the bishops were constituted apostolic delegates. Regulars living outside their monastery were not to be licensed without reference to the Holy See; the same held also for secular priests away from their diocese, unless they were well known and approved.

Lastly the session abolished the pardoners once and for all. "Alms collectors, otherwise called *quaestuarii*, of whatever rank, must by no means dare to preach, either themselves or through others. Those continuing to do so are to be wholly excluded by bishops and local Ordinaries with effective remedies, any privileges to the contrary notwithstanding."

¹¹⁵ Sess. V, *de ref.*, c. 2. V. *Canones et Decreta Concilii Tridentini*, ed. Richter.

¹¹⁶ The three-day outburst of Bishop Martelli of Fiesole against the regulars is synopsised by Ferraris, VI, 379-380, with corrections by his editors. Cf. Pallavicino, *Istoria del Concilio di Trento*, 685-695.

¹¹⁷ Further ordered in *Taxa Innocentiana*, § "Si dichiara," Ferraris, VII, 391-398.

TRENT AND PAROCHIAL SERMONS

The Twenty-third Session, held July 15, 1563, made parishes, in the present sense of the term, a separate entity, and imposed on parish priests the duty of residence and care of souls—including the offering of Mass for their flock, preaching to them, administering the sacraments and performing good works.¹¹⁸ Therefore the Twenty-fourth Session, November 11, 1563, taking up anew the question of preaching, had to make several modifications to the earlier law.¹¹⁹ It was in their own churches that bishops were to regard themselves as obliged to preach, in person or by a substitute. In other churches they were to preach through the parish priests—or, if these were impeded, through others chosen by themselves—at least on Sundays and solemn feasts, daily or thrice a week in Advent, Lent and other times that the bishop judged expedient. Bishops were to admonish the faithful diligently to go to their own parish church to hear the word of God, wherever it could be done without hardship. Against the will of the bishop, no diocesan or regular could preach, regulars not even in their own churches. For the rest the Fifth Session had the force of law.

OTHER PROVISIONS OF TRENT

To combat the Protestant teaching of a free pulpit, the council declared anathema on any who said that bishops are not superiors over the priesthood or that canonical mission is not necessary in order to be rightful ministers of the word or the sacraments.¹²⁰

It further decreed that only those candidates were to be raised to the priesthood who after careful examination were found suitable for preaching to the people the things all should know to be saved.¹²¹

Under various headings the council legislated concerning the subject-matter of sermons. Declining to allow Mass in the vernacular, it commanded pastors of souls frequently to give an instruction on what was read in the Sacrifice.¹²² To increase knowledge and reverence for the sacraments, the people should be taught about them not only at the time of administra-

¹¹⁸ Sess. XXIII, *de ref.*, c. 1.

¹¹⁹ Sess. XXIV, *de ref.*, c. 4.

¹²⁰ Sess. XXIII, *de ordine*, c. 7.

¹²¹ Ead. sess., *de ref.*, c. 14.

¹²² Sess. XXII, *de sacrificio missae*, c. 8.

tion but at Mass as well, simply, in catechetical fashion and—if need be—in the vernacular.¹²³ The doctrine of purgatory also should be taught, avoiding all subtle questions, uncertainties, or false notions leading to superstition or fostered for gain.¹²⁴ New miracles could not be published without episcopal approbation.¹²⁵ Preachers must not propose difficult questions to the unlearned, or set forth doubtful things for certain, or comic, apocrypha, fables, obscene things, or what rouses laughter—but rather what rouses tears; ¹²⁶ or should they speak upon indulgences not published by the local Ordinary.¹²⁷ Whatever alms a regular received for his sermons belonged to his monastery.¹²⁸

The Twenty-fourth Session gave approval of a work that was to affect the history of the Catholic pulpit, the Catechism of the Council of Trent, otherwise known as the Roman Catechism. Due mostly to the energy of St. Charles Borromeo, after much preparation the session enacted a decree that a catechism be drawn up for the use of pastors in their instructions.¹²⁹ The following session requested the Holy See to see the work on.¹³⁰ This book, brought to completion after the strictest scrutiny of theologians, was to become a factor in all particular legislation down to our own day.¹³¹

¹²³ Sess. XXIV, *de ref.*, c. 7.

¹²⁴ Sess. XXV, *de purgatorio*, etc.

¹²⁵ Ibid.

¹²⁶ Sess. XXIV, *de ref.*, c. 4.

¹²⁷ Sess. XXI, c. 9.

¹²⁸ Sess. XXV, *de regularibus*, c. 2. For other legislation on this point see Ferraris, VI, 377, and the decree of Clement VIII on the reformation of the regulars, *Nullus omnino*, § 3.

¹²⁹ Sess. XXIV, *de ref.*, c. 2.

¹³⁰ Sess. XXV, c. 21.

¹³¹ Cf. *Catechism of the Council of Trent for Parish Priests*, ed. McHugh-Callan, pp. xxiii-xxv; *CE*, V, 79, and XXII, 120; *DdT*, II, 1917.

CHAPTER III

HISTORY OF THE LEGISLATION: TO THE EVE OF THE CODE

PARTICULAR COUNCILS SHORTLY AFTER TRENT

WITH the work of the Tridentine Fathers still far from completion, Reginald Pole set himself to reconstructing Catholic life in England during the Marian ascendancy. Knowing how ill-trained the general clergy were, he decreed that where the "curate"—that is, one having care of souls—was inexperienced in preaching, he should read, plainly and distinctly, the homilies prepared at the bidding of Trent; and to make up for the loss of capable preachers, the bishops were to send about their dioceses men qualified for the work.¹

Charles Borromeo, moving figure in the latter days of Trent, was likewise the first to apply its reforms through particular legislation. This he did for his province of Milan in a series of councils that began the very year that Trent closed. In the conciliar decrees a special chapter would be given to preaching, and the most detailed rules as to matter, time and manner were drawn up. Like Cardinal Pole, St. Charles directed that if there were any clergy too ignorant to preach, they were to read or recite approved homilies until a special work was prepared for diocesan use.² At sermons men were to be separated from women.³ The bishop alone was to determine preachers, even in the case of exempt places, so long as these involved the care of souls.⁴ Minute rules were made on the manner in which hearers should assist at sermons so as to derive the greatest profit.⁵ All preachers must make a profession of faith.⁶ By the Third Council of Milan a list of subject-

¹ "Reformation Angliae ex decretis Reginald Card. Poli," among the appendices of Trent, n. 56, Hardouin X, 400.

² C. Mediolan. I, a. 1565, Hardouin, X, 639, 640-2.

³ Id., v. S. C. Ep. et Reg., *Fanensi*, 22 mai., 1699, Ferraris, VI, 370.

⁴ *CL*, VI, 66, n. 9.

⁵ C. Mediolan. III, a. 1579, Hardouin, X, 961.

⁶ Ferraris, III, 606. Regulars were not held to the profession of faith unless the bishop so demanded, id., 606-7, n. 22.

matter was ready, arranged according to feast days and other occasions; this was to play an important part in subsequent legislation.⁷

Meanwhile other legislation was passed in France. The synod of Cambrai in 1586 ordered that a council of vigilance be set up in the dioceses of the province for the purpose of supervising the pulpit, and that the preachers attend conferences in the towns to better their knowledge.⁸ At the Council of Toulouse of 1590 it was decided to admit only preachers of mature age who were at least subdeacons, and the bishops were warned about giving license to those recently won over from heresy. Preachers must not turn mercenary; if the people did not contribute adequately, it rested with the bishop to make good.⁹ At Narbonne the council of 1609 determined the manner in which parish priests should give the Sunday discourse.¹⁰ That at Bordeaux in 1624 took its legislation almost verbatim from St. Charles' first Milanese council; it further ordered that preachers must be at least in deacon's orders, well versed in the faith of Trent, the Bible and the fathers, capable of undertaking the direction of souls in retreats, careful to follow the sense of the Church in their matter; religious living outside their houses must be denied the pulpit.¹¹

ROMAN DECISIONS ON BISHOPS AND REGULARS

Session XXIV of Trent had decreed that no regular could preach without asking the bishop's blessing or could proceed against the bishop's objections. The council had hardly adjourned when St. Pius V repealed the regulations in three constitutions, "Etsi mendicantium," "Ex superna," and "Ad hoc."¹² The Pope was not actuated by arbitrary motives, for in the first constitution, listing twenty-six hindrances that bishops were putting in the way of the good works and rights of mendicant orders, he made his first complaint that some bishops refused altogether to grant their blessing, re-

⁷ Hardouin, X, 767-8. *Instructio praedicationis verbi Dei ex Conc. prov. III decreto*, edit. S. Caroli Borromei jussu, cf. CL, VI, 66, n. 9.

⁸ Tit. II, Hardouin, IX, 2155-6.

⁹ Cap. V, Hardouin, X, 1794-5.

¹⁰ Cap. XXXII, Hardouin, XI, 36. In French, "le prone."

¹¹ Cap. XII, id., 93-95.

¹² "Etsi mendicantium," 16 mai., 1567, Gasparri, *Fontes*, I, n. 121; "Ex superna," 16 aug., 1567, id., n. 122; "Ad hoc," 23 sept., 1571, *Bullarum, Diplomatum et Privilegiorum S. R. P. Taurinensis Editio*, VII, 517.

ardless of the recommendation of superiors, others insisted that preachers present themselves several times a year and then gave only a written permission on which they placed a tax, still others approved or rejected at whim, thus working injury to the regulars. Therefore the pope withdrew the mendicants from the Tridentine law; henceforth they could preach in their own churches without reference to the bishop. "Ex superna" brought several other orders—canons, monastic and military—under this exemption. Noting that several bishops were not observing his ordinances, the pope brought out "Ad hoc" to reaffirm the exemption in favor of the Dominicans.

This condition did not last long, for Gregory XIII repealed the constitutions of St. Pius,¹³ and we find the Congregations settling litigation according to the mind of Trent.¹⁴

Gregory XV took a middle course. In the constitution "Inscrutabili"¹⁵ he confirmed Trent by saying that by no means are the regulars to preach outside their own churches without license of the bishop or in their own churches without asking his blessing; if they violate this law, the bishop can proceed against them as apostolic delegate. A century later Benedict XIII granted a constitution to the Dominicans, in which he confirmed their right to preach according to the norm of Trent and Pius' "Etsi mendicantium," which latter he wanted to be understood as applying to sermons preached to seculars where the bishop did not object to this or that friar for particular motives.¹⁶

By the middle of the seventeenth century the Holy See was following the law of Trent in regard to regulars,¹⁷ and in 1670 Clement X, in the constitution "Superna," wholly abolished the derogations of Pius V, interpreting the law to mean that the bishop's blessing must be at least sought by the mendicants, even though not obtained; and that in the event the bishop objected to this or that friar, they must obey, otherwise the bishop

¹³ Constitutio "In tanta," 1 mar., 1573, *Bullarum . . . Taurinensis ed.*, VIII, 39-41.

¹⁴ S. C. C. *Elboren.*, 24 jul., 1595, Gasparri, *Fontes*, V, n. 2290; *Andrien.*, 23 jan., 1608, id., n. 2369. The latter decided that it was necessary only to ask for the bishop's blessing, not to obtain it.

¹⁵ 15 feb., 1622, par. 3, 6, id., I, n. 199.

¹⁶ "Pretiosus," 25 mai., 1728, § 24, *Bullarum . . . R. R. P. Taurinensis Editio*, XXII, 533. V. Ferraris, VI, 371-2, especially the additiones cassinitenses, and Benedict XIV, *De Synodo Dioecessana*, 1, 9, c. 17, n. 7.

¹⁷ V. Innocent X "Cum sicut," 14 mai., 1648, § 3, Gasparri, *Fontes*, I, n. 232.

could act against them as apostolic delegate; the bishop, however, should act only for solid reasons.¹⁸ Furthermore, he could suspend a license once granted, yet not to such extent as to deprive an entire community of the opportunity to preach in its own church.¹⁹ The constitution went on to include among the occasions requiring the petitioning of the bishop's blessing, first, when the regulars wished to speak to the people in their own oratories, second, when they were destined to preach at the grate of nunneries under their jurisdiction.

Since the regulars of Portugal begged off observances of the "Inscrutabili" of Gregory XV because of a brief of Urban VIII,²⁰ and did not regard Clement X's "Superna" as restoring it, even though promulgated as a universal law, Clement XII in the constitution "Admonet nos"²¹ applied it to all regulars—orders, congregations, societies and individuals. Again Benedict XIV in "Ad militantis"²² took up the difficulty of bishops and regulars, now further complicated by litigations, and reaffirmed the law of Trent and the "Inscrutabili." That seems to have settled all controversy.

Another difficulty involving regular exemption rose over the ancient privilege of bishops that when they preached or had others preach in their presence, all other churches should be silent.²³ In 1579 the Bishop of Macerata was instructed to be moderate in the exercise of his right and accede

¹⁸ Clement X, constit. "Superna," 21 jun., 1670, § 1-3, Gasparri, *Fontes*, I, n. 2460. Barbosa, ut cit. in Ferraris, VI, 376, arguing from parallel legislation respecting confessors in the same constitution, says the bishop did not have to reveal his reasons on the demand of the regular superiors concerned, but only at the insistence of the Holy See. This is confirmed by S. C. C. *Mediolanen.*, jun., 1587 ad vi, Gasparri, *Fontes*, V, n. 2180 and *Aquinaten.*, dec., 1587, id. n. 2190. The reasons must be in some way related to preaching, S. C. C. *Senen.*, 28 feb., 1654, id., n. 2734, S. C. Ep. et Reg. *Zagabrien.*, 14 dec., 1674, Bizzari, 271-274. In S. C. Ep. et Reg. *Ordinis SS. Trinitatis*, 13 jun., 1610, Gasparri, *Fontes*, IV, n. 1646, the nuncio in Spain was ordered to make the bishops of Aragon desist from depriving all Trinitarians of their preaching faculties.

¹⁹ V. S. C. C. *Novarien.*, 5 feb., 1628, *Brugen.*, 17 mai., 1636, *Belgii*, 23 aug., 1636, Gasparri, *Fontes*, V, n. 2487, 2584.

²⁰ 3 mar., 1625, *Bullarum . . . Taurinensis ed.*, XXII, 292.

²¹ 11 aug., 1735, §§ 1-3, Gasparri, *Fontes*, I, n. 297.

²² 30 mar., 1742, id. I, n. 327; v. S. C. C. *Theanen.*, 15 mai., 1728, id., V, n. 3340 for an official summary of the development of the law on this point, and the solution of it all in Benedict XIV, *de Synodo Docesana*, 1. 9, c. 17, n. 7.

²³ C. 2, *de sepulturis*, III, 1 in Clem.

to the town's desire that sermons go on in other churches.²⁴ The Congregation of the Council, on the other hand, insisted that when bishops commanded regulars to be silent in their churches, they were to be obeyed to the letter.²⁵ Gradually the jurisprudence of the Roman Congregations determined that the law referred only to occasions when the bishop himself preached, not when he had a special sermon preached in his presence.²⁶

Controversy having risen between the bishops of Münster, Hildesheim, Paderborn and Osnabrück on the one hand, and exempt monastic orders within their territory on the other, whether the latter had to preach to the people wherever they had parishes, Clement XIII, in the constitution "Inter multiplices" decreed they must.²⁷

Other important decisions were: a bishop had the right to preach in the churches of regulars when on visitations,²⁸ he could send missionaries to regular parishes without the consent of the superior,²⁹ regulars who attacked the bishop in their sermons were just as liable to be punished by him as other priests,³⁰ the bishop licensed regulars where they were invited to preach the Advent and Lent in the church of a different order.³¹ A regular preacher needed to renew his blessing from the bishop if he departed from the diocese or if a long time elapsed since the last blessing.³²

RIGHT OF NOMINATION BY SECULARS

After Trent the custom still obtained whereby lay patrons, universities, town corporations or other bodies named the preacher for Advent or Lent

²⁴ S. C. Ep. & Reg. *Macerten.*, 7 mar., 1579, Gasparri, *Fontes*, IV, n. 1353.

²⁵ S. C. C. *Pacen.*, 26 apr., 1607. V. *Brundusina*, 16 mai., 1629, 10 mar., 1645, *Adjacen.*, 15 mar. (id., V, n. 2365, 2655, 2458).

²⁶ S. C. C. *Torcell.*, 21 jun., 1631, id., n. 2532. Benedict XIV, *de Synodo Dioecesana*, 1. 9, c. 17, n. 7, says there was never any difficulty save where bishops had others preach before them. Cf. Ferraris, VI, 372.

²⁷ 11 dec., 1758, §§ 5-7, Gasparri, *Fontes*, II, n. 449; v. S. C. C. *Olomucen.*, 7 jul. and 2 aug., 1755, id., V, n. 3652 (cf. n. 2795).

²⁸ S. C. C. *Bobien.*, 16 mai., 1632, S. C. Ep. & Reg., 17 jan., 1643, in Ferraris VI, 371.

²⁹ S. C. Ep. & Reg. *Senen.*, 23 jul., 1694, Gasparri, *Fontes*, IV, n. 1816, in which case the Congregation granted the bishop its own powers to compel the regulars.

³⁰ S. C. C. *Vercell.*, 21 mar., 1643, id., V, n. 2642.

³¹ S. C. C. *Senonen.*, 16 dec., 1673, id., n. 2832.

³² S. C. C. *Bituntina*, 14 nov., 1626, ad 1, Gasparri, *Fontes*, V, n. 2473.

in the lesser churches.³³ Two Roman congregations, of the Council and of Bishops and Regulars, were called upon to settle much litigation, a few of their solutions having some importance. To approve a preacher, even when his nomination belonged to others, rested with the bishop.³⁴ The time-limit for a nomination was to be determined in synod, otherwise it was Christmas or two months before Lent.³⁵ When a community or corporation presented its nominee, it should use the phrase "We nominate and present," not "We elect and depute"; the bishop was bound to accept their written nomination and make mention of it in his document licensing the preacher.³⁶ The bishop could subject the nominee to an examination, notwithstanding custom or the indulgence of previous Ordinaries.³⁷

PAPAL CONSTITUTIONS ON THE DUTY OF PREACHING

Because the Tridentine laws respecting the duty of parish priests to preach had been allowed to lapse in Spain, Innocent XIII in his constitution "Apostolici muneris,"³⁸ deploring parochial neglect of this duty through immemorial custom or because of plentiful sermons in nearby churches, commanded that Trent's provisions be restored. He told the Spanish bishops to grant benefices involving the care of souls only to those who could instruct the people in the things of salvation and were skilled in moral theology. One year later, Benedict XIII had to recall the Spanish clergy to their duty, and again in 1726 he denounced those who retarded the law through various pretexts.³⁹

In the Roman synod of 1725 Benedict XIII renewed what previous laws had said about the duty of bishops and pastors to preach; the latter

³³ S. C. C. Ep. & Reg. *Aprunite seu Theramen.*, 7 feb., 1615, Ferraris, VI, 373-5, who gives a multitude of decisions.

³⁴ *id.*, 374.

³⁵ S. C. C. *Narnien.*, 24 feb., 1625, *Theanen.*, 14 apr., 1675. Earlier decisions given by the S. C. Ep. & Reg. and cited in Ferraris limited the time to November, granting extension through December only when the candidate failed to accept the invitation.

³⁶ S. C. C. *Sutrina*, 8 mai., 1688, Gasparri, *Fontes*, V, n. 2906, *Feretrana*, 13 jul., 1743, *id.*, n. 3555.

³⁷ Clement X, constit. "Superna," 21 jan., 1670, §§ 1-3, *ut supra*.

³⁸ Constit. "Apostolici muneris," 23 mai., 1723, §§ 11, 5, Gasparri, *Fontes*, I, n. 280.

³⁹ Constit. "In supremo," 23 sept., 1724, §§ 1, 4, 9, 28, *id.*, n. 283; constit. "Pastoralis officii," 27 mar., 1726, §§ 1-3, *id.*, n. 292.

were to give sermons that were brief and understandable, following the Roman catechism; the decrees of Trent on the prebendary theologian for the instruction of the people in the Holy Scripture were to be carried out; following the sermon at the parish Mass, the preacher was to call out certain prayers for the people to learn by heart.⁴⁰

Benedict XIV checked parochial slackness in the parish sermon with three letters, "Ubi primum," "Etsi minime," and "Ad militantis."⁴¹ In the constitution "Firmandis"⁴² he directed bishops to include in the questionnaire at their parochial visitations whether the priests were providing the people with sermons.

These papal decrees were amplified by decisions of the Roman Congregations. Parish priests were not to preach elsewhere to the detriment of their own people, or could they demand a stipend for fulfilling their pulpit duty.⁴³ They were themselves to preach, save where they had a coadjutor or substitute.⁴⁴ Under no circumstance could they lay claim to the stipend provided by corporations for special preachers, even under pretext of poverty.⁴⁵ When a parish church became collegiate, and the pastor raised to the rank of provost, he did not need the consent of the chapter to preach to the people at the Sunday and feast day conventual Mass, so long as he did not exceed a half-hour.⁴⁶ It was the duty of the parish priest of a cathedral, and not of the bishop, to explain the gospel at the feast day Masses.⁴⁷ Parish priests should not shirk their duty of the Sunday sermon

⁴⁰ Tit. I, cap. 4, 5, Mansi, XXXIV, 1854-7; v. S. C. C. *Nullius Orbetelli*, 28 apr., 1736, Gasparri, *Fontes*, n. 3457.

⁴¹ Ep. encycl. "Ubi primum," 3 dec., 1740, § 3; ep. encycl. "Etsi minime," 7 feb., 1742, § 5; constit. "Ad militantis," 30 mar., 1742, § 18 (*id.*, N. 304, 324, 326).

⁴² 6 nov., 1744 § 9, *id.*, I, n. 349.

⁴³ S. C. C. *Barcinonen.*, 22 mar., 1591, ad 1, Gasparri, *Fontes*, V, n. 224; *Aversana*, 13 feb., 1639, *id.*, n. 2598.

⁴⁴ S. C. C. *Nullius*, 30 jul., 1591, *id.*, n. 2236.

⁴⁵ S. C. C. *Vestana*, 10 mar., 1621, Ferraris, VI, 97; or could they claim any stipend for their preaching, S. C. C. *Aquibra*, 19 apr., 1640, Gasparri, V, n. 2615; bishops claiming their right to a stipend for a sermon had to prove it by immemorial custom, S. C. C. *Sutrina*, 10 mar., 1618, and jul. 10, 1627, Ferraris, VI, 374.

⁴⁶ S. C. C. *Novarien.*, 10 jun., 8 jul., 1724, ad 1-2, Gasparri, V, n. 3277.

⁴⁷ S. C. C. *Pientina*, 14 sept., 1748, *id.*, n. 3602; *Lunen-Sarzanen.*, 16 aug., 20 sept., 1828, ad 1 (*id.*, VI, n. 4020), placed the same obligation on the "vicarii curati" of the cathedral parish.

when they were having special preachers for Advent or Lent.⁴⁸ The legislation calling for silence on the part of other preachers when the bishop spoke did not affect their Mass sermons.⁴⁹ It rested with the bishop to dispense his parish priests from speaking on some of the more solemn feasts.⁵⁰

SERMON MATTER IN PAPAL DECREES

Urban VIII, in his celebrated constitution "Sanctissimus,"⁵¹ forbade the preaching of miracles or graces supposed to have come by the intercession of one who has died with the reputation for holiness, unless the deceased were at least beatified; for the violation of this decree the pope launched penalties against any offenders among the secular or religious clergy.

The Holy Office in 1649 ordered preachers to abstain from citing modern teachers or authors, especially those still living.⁵²

Because of the excesses committed by certain sensational preachers of the seventeenth century, the Congregation of the Council in 1686 published an encyclical letter of Innocent XI,⁵³ forbidding theatrical effects, curious and paradoxical questions, display of memory, headlong utterance. Bishops and vicars forane were charged to be vigilant against such disgraceful performances.

Benedict XIV, in the constitution "Firmandis,"⁵⁴ after laying down instructions for catechism teaching by parish priests and others having charge for souls, directed all preachers to join simple expounding of the catechism to their exhortatory sermons.

DECISIONS OF THE CONGREGATION PROPAGANDA FIDE

In the constitution of Gregory XV "Inscrutabili" of June 22, 1622, the momentous step was taken of setting up a new Roman Congregation for

⁴⁸ S. C. C. *Pisana*, 29 mar., 30 aug., 1817, id., VI, n. 3951, 3955.

⁴⁹ S. C. C. *Torcellan.*, 21 jun., 1631, id., V, n. 2532; S. C. Ep. & Reg. *Dertonen.*, 10 feb., 1604, Ferraris, VI, 375.

⁵⁰ S. C. C. *Burgi S. Domnini*, 1 apr., 1876, Gasparri, *Fontes*, VI, n. 4234.

⁵¹ S. C. Off., decr. 13 mar., 1625, id. IV, n. 719.

⁵² 7 oct., 1649, Ferraris, o.c., VI, 377.

⁵³ S. C. C. litt. encycl. 6 jul., 1680, relat. in *CL*, I, 162, n. 8.

⁵⁴ 6 nov., 1744, § 9, Gasparri, *Fontes*, I, 349.

the conduct of all foreign missions.⁵⁵ The new body, while not passing the great number of decisions on preaching that the Congregation of the Council or that of the Bishops and Regulars did, enacted some that deserve notice. Quite early in its career it decreed for the vicars and missionaries in China that in the sermons the people be taught obedience towards civil rulers, even those that were froward, and that on the occasion of preaching no grounds be given to suspect uprising or rebellion.⁵⁶ Pastors should preach on Sundays and feasts, no matter how few attended.⁵⁷ In regard to a certain Society of Christian Virgins, founded to teach girls their Christian doctrine, they must not be allowed to preach, teach, read aloud or sing solos in public gatherings of men.⁵⁸ The bishop was bound to preach and teach catechism, yet if he became impeded the parish priest must take his place.⁵⁹ The Christians were to be exhorted, though by no means bound under sin, to attend those divine services on Sundays which, in the absence of priests, consisted in preaching and other devout exercises.⁶⁰ In a special decree for all Chaldee Catholics, their bishops were to see to it that in the parish churches on Sundays and feasts, the Mass should have an instruction on the scripture just read, especially on the gospel, by ministers chosen for the task, and in the vernacular; at which the priests and deacons should be present under penalty of suspension.⁶¹ The Congregation sanctioned the decrees of the Patriarchal Vicar Apostolic of Constantinople, among which was the ordinance that pastors give a discourse at their parish Masses.⁶² The faithful were not to be compelled to attend their parish church for feastday Mass and instruction to the exclusion of frequenting other churches or oratories, though they were to be exhorted to do so.⁶³ Each vicariate

⁵⁵ Gasparri, *Fontes*, I, n. 206. Before Propaganda issued decrees on preaching, Alexander VII (Constitut. "Sacrosancti," 18 jan., 1658, § 2, n. XV, id., n. 235) settling certain disputes among missionaries at Goa, ordered them to win the inhabitants not by force, fear or promises but by preaching and good example.

⁵⁶ S. C. de Prop. Fide, instructio ad Vic. Ap. Societ. Miss. ad exteros, a. 1659, Gasparri, *Fontes*, VII, n. 4463.

⁵⁷ S. C. de Prop. Fide, C. G.-Albaniae, 18 apr., 1757, ad 2, id., n. 4524.

⁵⁸ S. C. de Prop. Fide, instructio ad Vic. Ap. Sutchuen., 29 apr., 1784, id., n. 4598.

⁵⁹ S. C. de Prop. Fide, C. G., 28 nov., 1785, id., n. 4605.

⁶⁰ S. C. de Prop. Fide, C. P. pro Sin.-Chan-si, 4 jan., 1798, id., n. 4657.

⁶¹ S. C. de Prop. Fide, decret. 13 apr., 1807, n. xviii, Gasparri, *Fontes*, VII, n. 4691.

⁶² S. C. de Prop. Fide, C. G. 21 sept., 1840, ad 1, id., n. 4784.

⁶³ S. C. de Prop. Fide, litt. ad Vic. Ap. Bengal, 30 jun., 1845, id., n. 4814.

should provide that the clergy and faithful take part in the sacred missions provided according to the "Qui pluribus" of Pius IX.⁶⁴ The preaching apostolate should be carried out not only in the churches but privately as well, in families and homes; not in subtleties but with simplicity, with proper deference for everyone according to his station; as auxiliaries to the spoken word, apologetical books were to be spread; the people should be taught the law of God and its justice, and obedience to their rulers, even the troublesome.⁶⁵

THE CONGREGATION OF RITES

In the Congregation of Rites several matters were settled relating to ceremonies at sermons. The preacher at the Forty Hours, or other occasions with the Blessed Sacrament exposed, should speak with head uncovered.⁶⁶ Special pulpit dress was prescribed for a prothonotary.⁶⁷ There should be a bow towards the civil rulers after the canons.⁶⁸ A bishop preaching in the presence of a cardinal was not to ask his blessing, because of the high dignity of the episcopate.⁶⁹ Should the Advent or Lenten course ordinarily held in the cathedral be transferred to another church, the canons must assist in their choir dress, just as they would in the cathedral.⁷⁰ Canons obliged to attend the Lenten sermons should be present in the stalls and in choir habit, otherwise they could be punished by the bishop.⁷¹ Not only canons but other capitular beneficiaries and *mansionarii* must assist at the Lenten sermons, under penalty of fines.⁷² Asked whether a lay confraternity could have public sermons throughout Advent or Lent with the

⁶⁴ S. C. de Prop. Fide, instructio ad Vic. Ap. Indiar. Orient., 8 sept., 1869, n. 33, id., n. 4876.

⁶⁵ S. C. de Prop. Fide, instructio ad Vic. Ap. Sin., 18 oct., 1883, n. viii, id., n. 4903; instructio ad Ep. Indiar. Orient., 19 mar., 1893, n. 1, id., n. 4924.

⁶⁶ S. R. C., 16 feb., 1630; Clement XI instructio (per vic. urb.), 20 jan., 1705, Ferraris, VI, 371.

⁶⁷ S. R. C. *Mazarien.*, 28 sept., 1630, id., 377-8.

⁶⁸ S. R. C., *Vercellen.*, 2, 11 aug., 1691, 23 jan., 1700, ibid.

⁶⁹ S. R. C. *Neapolitana*, 28 apr., 1607, id., 380.

⁷⁰ S. R. C. *Callien.*, 22 mar., 1653, Gasparri, *Fontes*, VII, n. 5468.

⁷¹ S. R. C. *Castellaneten.*, 11 oct., 1661, *Pompei Stabiae*, 31 mar., 1703, id., n. 5531, 5225.

⁷² S. R. C. *Placentina*, 10 dec., 1718, ad 4, id., n. 5758.

permission of the bishop but without that of the parish priest, the Congregation replied affirmatively.⁷³

PARTICULAR LEGISLATION OF THE EIGHTEENTH CENTURY

At the provincial synod of Naples, a. 1699, a number of decrees reflect the pulpit abuses of the time.⁷⁴ If the parish priest failed to preach on the gospel each Sunday and feast, an administrator was to be put in his place. Empty fables, curious and idle questions, absurd or laughable arguments, the vain eloquence of the time, were to be excluded. In this the instruction of Innocent XI was to be followed.⁷⁵ The synod also excluded audacious comparisons in commending the deeds of certain saints, "lest the things of God and the other saints be thereby disdained." The preacher must not pass on his hearers stories or miracles of suspected faith, or try to terrify them with images and signs unbecoming the pulpit. He should denounce vices pointed out by the bishop or pastor without mentioning individuals. The scripture text should be from the Vulgate, and explained according to the mind of the Church.⁷⁶

Following the rise of sacred missions, a council at Avignon, a. 1725, ruled that preachers from outside the diocese must obtain their license from the bishop, who on the other hand was exhorted to favor these missions as fruitful in winning souls.⁷⁷ At Tarragona in 1727 special measures were taken to meet the difficulties of dialect: only such preachers as could speak the local language could be admitted, though the bishop could allow exceptions.⁷⁸

Early in the eighteenth century councils of non-Latin jurisdictions passed legislation by which the decrees of Trent were applied to their own church structure. The synod of "the Union of the Wallachians," held in 1700,⁷⁹ ordered that the gospel be preached in the Wallachian tongue so as to be understood by the people. Twenty years later the Greek rite in Russia

⁷³ S. R. C. *Urbis et Orbis*, 12 jan., 1704, id., n. 5733.

⁷⁴ In appendice ad concil. prov. Neapolitan., 1699, *CL*, I, 258.

⁷⁵ Cap. III. nn. 3, 7, 8, 10, 12, 14, 15, id., I, 160-163. V. S. C. C. litt. encycl. 6 jul., 1680, ut supra.

⁷⁶ For abuses in the Italian pulpit see Dargan, *History of Preaching*, II, 193-194.

⁷⁷ Tit. III and IV, *CL*, I, 481.

⁷⁸ Conc. Tarraconensis constitutio II, *CL*, VI, 920.

⁷⁹ That is, in Transylvania. Synodus de Unione Wallachorum, 14°, *CL*, VI, 983.

directed the parish priest to teach the catechism after reading the gospel, reading a text if incapable of committing it to memory; the district dean was constituted watchman to see that it was carried out.⁸⁰ The synod of Ruthenians held the same year listed the pastor's preaching among the points to be asked at the episcopal visitation.⁸¹ The Synod of Mount Lebanon held in 1726 imposed on all who were obliged to preach—archdeacons, archpriests, chorepiscopi, parish priests—the use of the Roman Catechism in its Arabic translation; the scripture text must be from approved Vulgate sources, Syrian, Greek or Latin; missionaries, recruited from the secular or religious clergy, especially those who have made their studies in Rome, were to be sent here and there, yet not without permission of the local Ordinary; as an exception, the council granted full powers to alumni of the Maronite College in Rome and to monks of the Congregation of Mount Lebanon there (at SS. Marcellinus and Peter), so that they could preach and hear confessions without reference to the local Ordinaries.⁸²

LATER PAPAL DOCUMENTS

Pius IX took up several matters in his encyclical "Qui pluribus."⁸³ In conformity with Trent, preaching was to be done in a spirit of kindness, exhortation and charity rather than harshness and force. Candidates for the ministry were to be fitted for the pulpit. Sermons should possess Christian simplicity rather than worldly show, yet the great truths should be expounded with a "grave and splendid kind of utterance," so that the faithful might be deterred from evil and urged on to virtue.

On returning from his Gaeta exile the pope issued another encyclical, "Nostis et Nobiscum,"⁸⁴ his mind preoccupied with threats against the Catholic faith by the irreligion of the times, by Socialist and the then Communist movements, Italian nationalism, activities of biblical-tract societies, the increase of grave sin among the people. He urged the bishops to promote sound preaching in conformity with Trent, and to favor the spiritual exercises and sacred missions. Among the pressing things to be taught were the preeminence of the Holy See, the danger of Socialism and Com-

⁸⁰ Tit. II, *CL*, II, 24-25.

⁸¹ *CL*, II, 68.

⁸² Cap. II and III, *CL*, II, 103-106.

⁸³ 9 nov., 1846, §§ 6, 7, Gasparri, *Fontes*, II, n. 504.

⁸⁴ 8 dec., 1849, id., n. 508.

munism (not the present-day Marxist doctrine but the tenets of the Communists of 1849 and 1870).

In an encyclical letter to the Austrian bishops, "Singulari quidem,"⁸⁵ Pius IX called for clerical conferences in the various sacred studies, so that parish priests and their assistants might be informed in the matter of their sermons.

In the same strain Leo XIII, in the encyclical "Humanum genus" which he directed against the Freemasons,⁸⁶ urged pastors to teach their people observance of the commandments of religion, both by timely writing and by their sermons, as a means of counteracting the influence of the sect.

PARTICULAR LEGISLATION OF THE NINETEENTH CENTURY

A detailed account of the regional or provincial legislation of the last century is called for in this study because some of it passed into the present Code and most of it remains the law for the regions where it was enacted, that is, with due account for the universal law of the Code and any subsequent particular legislation.

I. France

In France much stress was laid on preparation for the pulpit. In the seminary there was to be extensive practice in the mother tongue, and sermons were to be preached before the faculty for correction in doctrinal content, and pronunciation.⁸⁷ The council at Auxerre gave many details on the conduct of classwork, all leading to a public display of ability.⁸⁸ Toulouse of 1850 prescribed the use of the Roman Catechism in the course of studies.⁸⁹ The younger clergy were to write out their sermons, at least in outline form.⁹⁰ Priests from other dioceses who were well known and rightly

⁸⁵ 17 mar., 1856, § 10, id., n. 521. This seems to be the first papal document that takes assistant clergy into account in relation to the preaching ministry.

⁸⁶ 20 apr., 1884, § 23, Gasparri, *Fontes*, III, n. 591; cf. S. C. S. Off. instructio, 10 mai., 1884 ad 5, id., iv, n. 1085, which told preachers to stress in their sermons the things that defend the faith and that refute errors against it, as well as all that increases love for the Catholic Church.

⁸⁷ Rheims, a. 1849, *CL*, IV, 153; Avignon, a. 1849, id., 362; cf., id., 441, 485.

⁸⁸ Auxerre, a. 1851, id., 1209.

⁸⁹ Toulouse, a. 1850, id., 1062-3.

⁹⁰ Bourges, a. 1850, id., 1128.

licensed at home might be admitted to preach now and then, but not for a series of sermons; for stational sermons (that is, in Advent and Lent), missions, spiritual exercises, only those licensed by the local Ordinary.⁹¹ Twice a month the parish sermon must give way to instruction in the catechism.⁹² In rural sections, where farm work was intensified for six weeks, Tours allowed the bishop to excuse his pastors from the customary sermon on Sunday; Bourges directed that at such time the priest give a very brief sermon.⁹³ Ordinarily the sermon of the parish Mass was not to exceed twenty or thirty minutes, and in country places the entire Mass should be over in an hour and a half.⁹⁴

The French councils had detailed instruction on the content and structure of sermons. Toulouse said they were to be weighty in word, solid in argument, leavened with examples, parables, exhortations, yet brief and fitted to the grasp of the people; Bordeaux, that sound doctrine be preached on heaven and hell so as to defend these dogmas against the empty sophisms of the time;⁹⁵ no mention must be made of political affairs, or political systems,⁹⁶ yet the systems that are contrary to faith could be refuted.⁹⁷ As to manner, preachers must not proceed according to points far removed from one another, but according to the norm of the Roman Catechism or that proposed by the bishop;⁹⁸ Toulouse further directed that the matter of the Roman Catechism be followed so as to cover it all in a few years.⁹⁹ For the Advent and Lenten sermons, city pastors should obtain the services of speakers famous for zeal and piety, in other places the pastors should

⁹¹ Auxerre, a. 1851, id., 1203; cf. Tours, a. 1849, id., 271, 447; Aix, a. 1850, id., 982; Bourges, a. 1850, id., 1127.

⁹² Sens, a. 1850, id., 902.

⁹³ Tours, a. 1849, id., 271; Bourges, a. 1850, id., 1127; Rheims, a. 1849, *CL*, IV, 153; cf. id., 362, 441, 485.

⁹⁴ Bordeaux, a. 1850, id., 557; Sens, a. 1850, id., 901.

⁹⁵ Toulouse, a. 1850, id., 1063-4; Bordeaux, a. 1856, id., 701.

⁹⁶ Paris, a. 1849, id., 27; cf. Bordeaux, id., 557; Sens, id., 907; Aix, id., 982; Auxerre, id., 1204; the Council of Paris, referring to the Constitution of Gregory XVI, "Sollicitudo Ecclesiarum," 5 aug., 1831, said there must be no discrimination politically in administering the sacraments.

⁹⁷ Bourges, a. 1850, id., 1123.

⁹⁸ Tours, a. 1849, id., 271; cf. Albi, id., 414, the five councils of Bordeaux, id., 556, 650, 707, 824. Sens, id., 901; Bourges, id., 1128.

⁹⁹ Toulouse, a. 1850, id., 1064.

exchange pulpits.¹⁰⁰ France, where the pulpit *conférences* made their deepest mark, provided for them in her councils: Rheims declared that to meet the errors of the day, special preachers ought to be made ready by serious study and prayer, and Tours added that everything about the *conférences* be attended with cautious prudence.¹⁰¹ As for language, both Bourges and Auxerre ordered that where the people could not understand anything else, the local dialect was to be used.¹⁰²

About this time legislation began to appear throughout Europe and North America on brief sermons at all Sunday Masses said for the people, and France passed some apposite decrees. Rouen of 1850 called for a short exhortation at the morning Masses, on the things necessary for salvation and the obligations of Christians. Bourges of the same year specified that these exhortations take a catechetical form and follow the Catechism of Trent.¹⁰³ The first Council of Bordeaux determined that on set days a "prone" be read, containing an epitome of things to be believed and done; and as for the Sunday Mass, where there were two a sermon should be given at each, the pastor calling on his vicars to preach.¹⁰⁴

II. Central Europe

Councils of Germany, Austria-Hungary and Holland enacted laws somewhat parallel to the French. The young preacher should spend several years perfecting his style, and even afterwards he should write out his sermon, at least in outline.¹⁰⁵ Recently ordained priests should write out their sermons for submission to the vice-archdeacon.¹⁰⁶ In preparing their matter, they must beware of recent authors who were not guided by the

¹⁰⁰ Bordeaux, a. 1850, id., 603. At the Vatican Council many French bishops signed an official *postulata* calling on the council to draw up a special decree similar to Trent's and in its place additional rules concerning a fixed schedule of subject-matter so that within a given time the field of doctrine and morals would be covered in a regular way. "Postulata complurium Galliae Episcoporum" in *C. Vat.*, 1869. *CL*, VII, 835.

¹⁰¹ Rheims, a. 1849, id., 132; Tours, a. 1849, id., 272.

¹⁰² Bourges, a. 1850, id., 1128; Auxerre, a. 1851, id., 1203.

¹⁰³ Rouen, a. 1850, id., 525; Bordeaux I and II, id., 555, 650; Bourges, a. 1850, id., 1127, 1128.

¹⁰⁴ Bordeaux, a. 1850, id., 555; cf. Bordeaux, v, id., 824.

¹⁰⁵ Cologne, a. 1860, *CL*, V, 362; cf. Kalocsa, id., 673; Utrecht, id., 796.

¹⁰⁶ Esztergom, a. 1858, id., 49; cf. Kalocsa, a. 1863, id., 673, 698.

spirit of the Church.¹⁰⁷ As for the matter itself, Cologne of 1860 insisted that it be supernatural truth, not the naturalism in morals and the vague sense of God then current in pulpits.¹⁰⁸ Prague, referring to the encyclical of Pius IX, 9 Nov., 1846, which stated that though faith is above reason, yet in no conflict with it, told preachers to explain the internal and external reasons on which the faith was based, avoiding weak explanations; and Kalocsa warned them not to let many years go by without getting down to the fundamental truths.¹⁰⁹

Much attention was given to particular subjects. Cologne said that the faithful should be often instructed on original sin, redemption by Christ and sanctifying grace.¹¹⁰ Kalocsa listed fundamental dogmas, the benefits of salvation, the preciousness of sanctifying grace, the power of the sacraments, the Mass and Eucharist, Penance, veneration of our Lady and the Saints, man's last end, the worth of a soul; as well as the outstanding evils of the time, "blasphemy and contempt for authority."¹¹¹ Utrecht told parish priests to show the signal blessing of God's supernatural revelation and religion.¹¹² Many councils, following the lead of Pius IX in the encyclical "Amantissimi Redemptoris," insisted that the faithful be taught the fruits of the Mass, so as to assist often and devoutly.¹¹³ Many likewise ordered frequent explanation of the sacraments out of the Catechism of Trent, especially at the time of administration.¹¹⁴ Prague cautioned that denunciation of sacrilegious Communion be done in such manner that the

¹⁰⁷ Cologne, id., 362.

¹⁰⁸ Ibid. The national synod of Hungary, held at Posen in 1822, whose canons were never promulgated, speaks of the same evil of the times, that sermons are preached on a naturalistic morality, not on dogmatic truths, and that in a weak manner, the arguments being drawn from reason rather than revelation. *CL*, V, 932, n. 1.

¹⁰⁹ Prague, a. 1860, id., 435-437; Kalocsa, a. 1863, id., 697; cf. Utrecht, id., 807; Pii IX, Ep. encycl. "Qui pluribus," 9 nov., 1846, Gasparri, *Fontes*, II, n. 504.

¹¹⁰ Cologne, a. 1860, id., 297, 317.

¹¹¹ Kalocsa, a. 1863, id., 697-8.

¹¹² Utrecht, a. 1865, id., 740.

¹¹³ Cologne, a. 1860, id., 321; Prague (1860), id., 459-465; Kalocsa (1863), id., 706; Utrecht, id., 852; cf. Apostolic Letter of Pius IX to the Congress of Austrian Bishops, a. 1856, id., 1246; allocut. ejusd. pap., "Amantissimi Redemptoris," 2 mai., 1858, Gasparri, *Fontes*, II, n. 524.

¹¹⁴ Cologne, id., 319-347; Esztergom, 17; Prague, 489; Kalocsa, 642, 645; Utrecht, 812.

faithful would not be frightened away from the Holy Table;¹¹⁵ Utrecht exhorted pastors to speak strongly on the Easter duty, reminding the people of early Christian practice.¹¹⁶ Kalocsa urged sermons on the Holy Eucharist, its fruits and manner of preparation.¹¹⁷

Instruction should also be given on Penance as a remedy against sacrilegious confessions;¹¹⁸ likewise on the Sacrament of Orders, particularly at the ember times, and the people should be exhorted to pray that God send laborers into the harvest.¹¹⁹ Other topics for sermons were the significance, dignity and power of the Church's ceremonies;¹²⁰ indulgences, their nature and the dispositions needed to gain them;¹²¹ the Church, its nature, institution, purpose, gifts, dignity, necessity, infallible teaching power, rights, the errors against it (using "Quanta cura" of Dec. 8, 1864, and the "Syllabus errorum" as a guide);¹²² the laws of fasting, their reason and necessity.¹²³

As for occasional sermons, an appropriate one should be given on the anniversary of the pope's election;¹²⁴ All Souls Day would be fitting for an instruction on devotion towards the dead, yet in such manner that sound doctrine on purgatory be conveyed and abuses eradicated;¹²⁵ Prague recommended Lent for instruction on the Sacraments and Christian duties;¹²⁶ Kalocsa that Fridays be given to man's last end, sin and redemption by Christ; it likewise prescribed an address at weddings on the holiness and unbreakable bond of the sacrament, and the duties of the married state;¹²⁷

¹¹⁵ Prague, a. 1860, id., 503.

¹¹⁶ Utrecht, a. 1865, id., 823, cf. Cologne, 349, Prague, id., 509, Kalocsa, id., 648.

¹¹⁷ Kalocsa, a. 1863, id., 642, 709.

¹¹⁸ Id., 651, Utrecht, id., 827.

¹¹⁹ Id., 656, Prague, id., 515, Utrecht, id., 812.

¹²⁰ Cologne, id., 356-7, Prague, id., 447-9, Utrecht, id., 812.

¹²¹ Vienna, a. 1858, id., 171, Cologne, id., 323, Kalocsa, id., 653, 713, Utrecht, id., 832-3.

¹²² Utrecht, id., 749, 752, 759, 761, 765, 769.

¹²³ Vienna, id., 187, Cologne, id., 363, Utrecht, id., 880.

¹²⁴ Prague, id., 417.

¹²⁵ Utrecht, id., 869, Vienna, id., 191, Cologne, id., 1328, Kalocsa, id., 654, Esztergom, id., 89.

¹²⁶ Prague, id., 448.

¹²⁷ Kalocsa, id., 698, 648.

on Pentecost the pastor should speak about the Sacrament of Confirmation.¹²⁸

The catechism should have a major part in the subject-matter. Prague recommended that it be covered in three or four years; ¹²⁹ Utrecht set the Roman Catechism as a guide, yet gave place to diocesan compilations.¹³⁰ Vienna ordered sermons to be so drawn up that the chief mysteries of the faith and the commandments be treated yearly; Kalocsa, that none of these important subjects be neglected over a number of years.¹³¹

As in France, preachers were ordered to avoid all mention of politics and profane affairs.¹³² Several councils forbade another subject—talking about injuries that the pastor had received.¹³³ Other matters to be avoided were doubtful narratives, unsound proofs, miracles not yet approved by the Church, and all useless or subtle arguments.¹³⁴

The form and circumstances of the sermon received full attention. Utrecht, while granting that the manner should be varied (even allowing ornate sermons on occasion), decried any departure from apostolic simplicity and gravity.¹³⁵ Several councils gave solid advice on meeting errors of the day, Cologne cautioning preachers against putting doubts in the minds of their hearers, Utrecht adding that the preacher should use his judgment whether to mention the error involved or just stress the related Catholic doctrine.¹³⁶ Prague ordered that the ancient custom of preaching in the Mass be maintained, and the better to keep minds on the subject at hand, announcements should be put off to the end of the service.¹³⁷ As to length, Kalocsa, Vienna and Prague agreed that they should be short: verbosity detracts from the solidity of doctrine, said Vienna; and Prague directed that in the morning priests work hard to say much and teach lofty things in a few words.¹³⁸

¹²⁸ Prague, id., 496.

¹²⁹ Id., 446.

¹³⁰ Utrecht, id., 800, 807; cf. Vienna, id., 182.

¹³¹ Vienna, id., 181; Kalocsa, id., 697.

¹³² Utrecht, id., 808.

¹³³ Vienna, id., 182, Cologne, id., 362, Utrecht, id., 808. This is found also in French and American legislation.

¹³⁴ Prague, id., 447, Utrecht, id., 807.

¹³⁵ Utrecht, id., 807-8; cf. Cologne, id., 362.

¹³⁶ Prague, id., 447, Kalocsa, id., 697, Cologne, id., 362, Utrecht, id., 798.

¹³⁷ Prague, id., 447.

¹³⁸ Kalocsa, id., 698, Vienna, id., 182, Prague, id., 442.

The words should be familiar, the elocution clear and understandable.¹³⁹ Besides the parochial sermon, the councils of Central Europe saw with the French the need of brief instruction at the earlier Masses. Several ordered that where the pastor had an assistant, on Sundays and feasts, besides the longer sermons of the High Mass there should be a short homily.¹⁴⁰ Utrecht went further: each scheduled Mass should have its instruction.¹⁴¹ Prague and Utrecht legislated for afternoon and evening preaching in the large cities, in addition to the Mass sermons; they also directed that Advent, Lent, the month of May and every outstanding event have their own sermons beyond the ordinary.¹⁴² Kalocsa recognized the need of *conférences* for the sake of those who would not come to ordinary preaching. These unusual sermons were to be entrusted to learned priests, who should propound and defend the truths of the faith clearly and learnedly, refute errors, uncover the sophistries of the Church's enemies, show up the sad results of their doctrines even in social life, and so warn the minds of the unaware against their false leadership.¹⁴³ Preaching at funerals should not be allowed save where custom already favored it; in which case the dead should not be praised but the living given timely warning.¹⁴⁴ In some places the epistle and gospel were read in the vernacular at the Lenten weekday Masses: Esztergom and Prague commanded that this practice be maintained, and Utrecht recommended it.¹⁴⁵

Because the sermon formed an integral part of worship, some councils imposed a quasi-obligation on everyone to attend—each in his own parish church—with the Tridentine proviso “si commode potest.” Utrecht revived ancient legislation by forbidding the faithful to leave church during the sermon. At the same time all were severely commanded to stay away from sermons at heretical churches.¹⁴⁶

As to the obligations of various preachers, the councils went little further than Trent. Esztergom said there was to be no summer vacation from

¹³⁹ Kalocsa, id., 698.

¹⁴⁰ Vienna, id., 182; Cologne, id., 342, Kalocsa, id., 698.

¹⁴¹ Utrecht, id., 806.

¹⁴² Prague, id., 447, 448, Utrecht, id., 806.

¹⁴³ Kalocsa, id., 714.

¹⁴⁴ Prague, id., 487.

¹⁴⁵ Esztergom, id., 49, Prague, id., 449, Utrecht, id., 806.

¹⁴⁶ Prague, id., 442, 467; Kalocsa, id., 716, 718; Utrecht, id., 801, 878.

preaching for the parish priest.¹⁴⁷ Cologne allowed the canon theologian to have an assistant in filling his pulpit duty if impaired by sickness, age or other just cause, the assistant to be paid out of funds for the Church's upkeep—the *fabrica ecclesiae*.¹⁴⁸ The Austrian bishops decided to have a well-equipped preacher for university churches.¹⁴⁹ Clerics short of the deaconate must not preach or catechize in public.¹⁵⁰ Canons should assist at sermons and themselves should preach, especially on feast days.¹⁵¹

The custom of having periodic missions was warmly endorsed by various councils after the lead of Pius VI's constitution "Auctorem fidei."¹⁵²

III. Italy, Latin America and the Missions

Before going on to the conciliar enactments of English-speaking countries, something must be said of the legislation passed in Italy, Latin America, and certain mission fields (so grouped because much of it is contained in the sixth volume of the *Lacensis* collection). Seminarians were to be formed to sacred eloquence, all leading up to delivery before the college body or even in the seminary church; those who proved apt should receive special attention.¹⁵³ The younger clergy were to be organized in congregations, in which they should have opportunity to speak on diverse clerical sciences and so benefit their preaching.¹⁵⁴ "The 'postulata' of the Neapolitan bishops at the Vatican council, though it never reached the status of law, shows the mind of the period. It recommended four items for conciliar enactment: First, that the younger clergy be trained to preach by the preparatory studies of grammar, rhetoric, sacred eloquence, the scriptures, etc.;

¹⁴⁷ Esztergom, id., 41.

¹⁴⁸ Cologne, id., 340.

¹⁴⁹ Conventus Episcoporum Austriae Viennensis 1849, letter to the imperial ministry (Mittheilung "uber das Pfrunden—und Gotteshaus—Vermogen"), id., 364-5.

¹⁵⁰ Esztergom, id., 24, Vienna, id., 173, Prague, id. 434.

¹⁵¹ Esztergom, id., 43, Congress of Hungarian Bishops at Posen, id., 940.

¹⁵² 28 aug., 1794, prop. 65, Gasparri, *Fontes*, II, n. 475. V. Cologne *CL*, V, 371; cf. *Indicem rerum*, vol. V, *CL*, "missiones sacrae," "exercitia spiritualia."

¹⁵³ Congregatio Episcoporum Siciliae, a. 1850, *CL*, VI, 817; *Regulae Episcopis Commendatae* in concil. prov. Urbanitens., a. 1859, id., 101; *Consensus Episcoporum Umbriae*, a. 1849, id., 761; *Conc. prov. Veneti*, a. 1859, id., 315; *Synod. prov. Neogranaten.* (Now Venezuela), a. 1868, id., 552.

¹⁵⁴ *Consensus Episcoporum Umbriae*, a. 1849, id., 101.

second, academic congresses be held in each diocese for training the younger clergy; third, that the younger clergy preach monthly, and even weekly, under the bishop's supervision; fourth, each diocese should have its congregation of priests to give missions and spiritual exercises.¹⁵⁵ For admission to preaching a cleric had to be in deacon's orders and pass an examination set by the bishop.¹⁵⁶ In rural churches, those who said the feastday Mass should likewise preach.¹⁵⁷ Where two Masses were said, one should have the doctrinal explanation, the other a moral sermon or lesson.¹⁵⁸ Besides the canon theologian, other canons should take their turn at giving the twice weekly Advent or Lenten sermon, without any special remuneration.¹⁵⁹ For subject-matter the clergy were to follow the Roman Catechism, the instructions of St. Charles Borromeo and St. Francis de Sales.¹⁶⁰ Special sermons ought to be preached in the cities to counteract the canards of unbelievers, but with due caution.¹⁶¹

For *conférences* on religion, bishops should grant faculties only to those whom they judged fitted.¹⁶² Certain clerics were to be kept out of the pulpit, those who discoursed glibly on politics, philosophy, travel, yet seemed almost unconcerned over the observance of the commandments, the increase of the faith or the overthrow of sin.¹⁶³ Sermons could be preached at funerals, provided the deceased lived and died as a Catholic.¹⁶⁴ On this point Ravenna, quoting from St. Charles Borromeo, demanded the previous permission of the bishop, to whom the script of the speech should be sub-

¹⁵⁵ *Acta Concil. Vatican.*, *Postulata Episcoporum Neapolitan.*, cap. III, par. xxvii, *CL*, VII, 809.

¹⁵⁶ *Conc. prov. Veneti*, a. 1859, *CL*, VI, 294.

¹⁵⁷ *Congregatio Episcoporum Siciliae*, a. 1850, id., 818.

¹⁵⁸ *Sienna*, a. 1850, id., 260.

¹⁵⁹ *Synod. prov. Neogranat.* (Venezuela), a. 1868, id., 490.

¹⁶⁰ *Synod. vicariatus Sutchnensis*, a. 1803, id., 631; *Venice*, id., 293; *Urbino*, a. 1868, id., 66; "Regulae episcopis commendatae" of the same council, id., 101; *Venezuela*, id., 489; cf. special instruction of St. Charles in the III Council of Milan, and the letter of St. Francis de Sales to the Archbishop of Bourges, in Hamon-Burton, *Life of St. Francis de Sales*, II, 416-419.

¹⁶¹ *Sienna*, id., 260, *Consensus Episcoporum Umbriae*, a. 1849, id., 755.

¹⁶² *Smyrna*, a. 1869, id., 574.

¹⁶³ *Conventus Episcoporum Lauretanus*, a. 1850, *CL*, VI, 753, 762. The latter says that the younger clergy are to be trained to avoid these mistakes.

¹⁶⁴ *Venezuela*, a. 1868, id., 490.

mitted; yet allowed (along with St. Charles) a general sermon on human misery and the necessity of preparing for death.¹⁶⁵

The council of Latin-American bishops held at Rome in 1899 had to meet the peculiar conditions of their own countries: One was the shortage of priests, another the great distances. The council decreed that in country places which a priest could reach only occasionally, a suitable person should be picked out to teach the people on Sundays and feasts the things necessary for salvation; this, however, should take the form of a catechism.¹⁶⁶ Bishops were not to grant faculties to clerics not yet in priest's orders.¹⁶⁷ In preaching on purgatory, subtle questions must be avoided, as well as those that impede rather than promote edification.¹⁶⁸ All missions should include a sermon on hell.¹⁶⁹

IV. English-speaking Countries

The last councils to engage our historical study are those of the British Isles and English-speaking North America.¹⁷⁰ Of these the most important is the Second Plenary Council of Baltimore, for by its ratification in the Third Plenary Council it remains the law of the United States except where it has been replaced by the provisions of the Code.

Because of abuses arising of a system of lay-trustees, the Fifth Provincial Council of Baltimore had to renew ancient legislation forbidding laymen to preach in church, and the Second Plenary Council gave the ruling wider application.¹⁷¹ The same plenary council indicated the aim that the clergy should take in preparing their sermons, namely that Catholics be so well instructed as to give an account of their faith to earnest seekers; it likewise laid down rules for treating of the Church's authority, current heresies and systems of unbelief.¹⁷² Tuam repeated the instructions of Pius

¹⁶⁵ Ravenna, a. 1855, id., 181; cf. St. Charles Borromeo in the First Provincial Council of Milan, Hardouin, X, 695.

¹⁶⁶ *Acta et Decreta Concil. Plen. Americae Latinae*, decr. 699.

¹⁶⁷ Id., decr. 703.

¹⁶⁸ Id., decr. 705.

¹⁶⁹ Ibid.

¹⁷⁰ Contained in the *CL*, III, in *Acta et Decreta Concilii Plenarii Baltimorensis III a. d. 1886*, and *Acta et Decreta Conc. Plen. Quebec. I*.

¹⁷¹ Conc. prov. Balt., a. 1843, *CL*, III, 89; II plen. Balt., a. 1866, id., 453.

¹⁷² II plen. Balt., id., 434-5.

IX, that the preacher proclaim Christ crucified, the dogmas of our religion and the teaching of the Fathers, all set forth in a "grave and splendid kind of oration" to turn the people from evil and rouse them to piety.¹⁷³

In the method to be followed, Baltimore prescribed that the chief headings of faith and morals be explained entirely and in good order over the period of a year or two; the order could be interrupted on occasion; the Roman Catechism should serve as a guide.¹⁷⁴ Among the topics laid down were the dignity and fruits of the Mass (concerning which pastors were to admonish their faithful often); forbidden books, on which a sermon should be given once a year; and the danger of mixed marriages.¹⁷⁵ A council at Port of Spain ordered a special sermon against usury.¹⁷⁶ All topics related to temporal or political affairs must be strictly avoided: "The preacher is to say nothing about temporal matters, or daily events. Much less is he to mix himself in civil or political affairs; or dwell upon what he takes well or ill concerning the magistrates or rulers of the republic."¹⁷⁷ Priests were likewise to avoid exaggerations in speaking about the saints,¹⁷⁸ and reiterations of the theme of money—income, fees, stipends, Sunday collections.¹⁷⁹ Because of the growing habit of intemperance, the Third Council of Baltimore said that the clergy must not cease to denounce drunkenness and its occasions, especially at missions.¹⁸⁰

English-speaking councils had much to say about the length of sermons. For feast days they encouraged fully developed discourses.¹⁸¹ Sun-

¹⁷³ Allocut. "Amantissimi Redemptoris" Pii IX, 3 mai., 1858, Gasparri, *Fontes*, II, n. 524; III c. prov. Tuam., a. 1858, *CL*, III, 872.

¹⁷⁴ II plen. Balt., id., 435-6; cf. II c. prov. Quebec, a. 1854, id., 653, I, c. Prov. Australiensis, a. 1844, id., 1050-4, III c. prov. Tuam., id., 878, which made allowance for the small diocesan catechism.

¹⁷⁵ II plen. Balt., id., 496; cf. III c. prov. Tuam., id., 884; III plen. Balt., *Acta et Decreta C. Plen. Balt. III*, decr. 225; II plen. Balt., 488, after I prov. c. Balt., *CL*, III, 31, and the instruction of Pius IX to the Ordinaries of the United States, 15 nov., 1858; cf. III c. prov. Tuam., id., 870, I c. pr. Halifax, a. 1857, id., 759, II c. pr. Australiensis, a. 1869, id., 1077. The last recommended the Second Sunday after Epiphany for the sermon on mixed marriages.

¹⁷⁶ Conc. II Coloniarum Angliae, Hollandiae et Daniae, a. 1867, *CL*, III, 1115.

¹⁷⁷ II plen. Balt., id., 439, 444, 587; cf. II c. prov., Quebec, id., 653.

¹⁷⁸ II plen. Balt., id., 400.

¹⁷⁹ II plen. Balt., id., 444.

¹⁸⁰ III plen. Balt., *Acta et Decreta*, p. 146.

¹⁸¹ II plen. Balt., *CL*, III, 448, III c. prov. Tuam., id., 872.

day sermons were, however, to be brief, for with weariness all the force of a sermon is lost.¹⁸² The Third Plenary Council of Baltimore went farther and passed strong legislation in favor of the five-minute sermons at early Masses. The council said that people must not be suffered to hear God's word only seldom, and so parish priests, themselves or through others, at all Sunday and feastday Masses, summer as well, must read the gospel of the day in the vernacular, and if time permit, instruct the faithful in the law of God for five minutes, all customs or pretexts to the contrary notwithstanding; parish priests neglecting to do so were to be punished by the Ordinary. The council added that the sermon properly so-called should be delivered at the last Mass, "which among us is the community or parochial Mass."¹⁸³ Tuam similarly provided that when on occasion the instruction could not be given, at least the epistle and gospel should be read from an approved version and in the vernacular.¹⁸⁴

As for occasional sermons, while these councils did not contain measures relative to religious *conférences* such as we find in European legislation, Quebec directed its bishops to refute contemporary errors through preachers carefully selected and trained, seeing to it that none unfit be admitted to this work.¹⁸⁵ Baltimore upheld sermons at funerals wherever the pious custom existed; the preacher should avoid lauding the dead or soothing consciences with the alleged ease of entering heaven, lest hearers be confirmed in their sinful ways; the preacher ought to dwell rather on the shortness of life, the four last things, and the importance of living well.¹⁸⁶

Catholics were severely prohibited to attend the sermons of Protestants.¹⁸⁷

Finally the councils endorsed sacred missions. The Second Plenary Council of Baltimore ordered that each diocese should have its missionaries, secular or religious, to be sent by the bishop if the pastor would not engage

¹⁸² II plen. Balt., id., 440. III c. prov. Tuam., id., 878, III plen. Balt., *Acta et Decreta*, decr. 214. Tuam happily quotes St. Gregory Nazianzen, "Fulness of word is no less inimical to the ears than unlimited food to the stomach," and St. Thomas, "Short sermons are very well received, for if they are good, they are heard all the more eagerly, and if they are poor, they bother little."

¹⁸³ III plen. Balt., *Acta et Decreta*, decr. 214-216.

¹⁸⁴ II c. prov. Tuam., *CL*, III, 860.

¹⁸⁵ III c. prov. Quebec., a. 1863, id., 674.

¹⁸⁶ II plen. Balt., id., 440.

¹⁸⁷ Synod. plen. Episcoporum Hiberniae apud Thurles, a. 1850, id., 777.

them, in order to preach and exhort to penance and a Christian life, particularly at Advent or Lent or before the episcopal visitation, and to be of help to pastors—whose permission they needed to set up their sales-booths for religious articles.¹⁸⁸ A later provincial council of Baltimore said that secular priests were also to engage in the work, for the regulars admitted that they lacked the numbers to fulfill the need.¹⁸⁹ Quebec directed that bishops provide for such missions in both city and country districts, exercising care in the choice of missionaries.¹⁹⁰ The First Council of Westminster willed that bishops sponsor these spiritual exercises, and a later council of the same place in its synodal letter praised the work as counteracting the ravages of worldliness, especially in the great industrial centers.¹⁹¹ Ireland likewise promoted missions: the bishops gathered at Thurles in 1850 decreed that they were to be held in order to offset the work of the Church's enemies, and the Council of Tuam said that they were to be given by the bishop's own priests or those from another diocese.¹⁹² Similarly Australia: missions should be given in parishes every three or five years, the missionaries should not start up new confraternities without consulting the bishop and pastor, they were to receive, apart from their expenses, a stipend of five pounds sterling each for every week.¹⁹³

The plenary council held at Quebec in 1909 had the advantage of much papal legislation that was to give final shape to the Code, especially the "Acerbo nimis." The council provided that each Sunday Mass attended by the people should have its brief sermon.¹⁹⁴ A definite order should be followed in the sermons of the year, as laid down in the Tridentine Catechism and renewed in "Acerbo nimis."¹⁹⁵ The council warned preachers against the use of low, vulgar language under the pretext of trying to be understood, and in repelling errors, expressions should be avoided that would

¹⁸⁸ II plen. Balt., id., 525; cf. c. prov. Cincinnati, a. 1858, id., 201.

¹⁸⁹ X c. prov. Balt., a. 1869, *CL*, III, 587.

¹⁹⁰ C. prov. Quebec., a. 1863, id., 674.

¹⁹¹ C. prov. Westminster, I, a. 1852, *CL*, III, 942; litt. synodicae patrum c. prov. Westminster. III, a. 1859, id., 1351-4.

¹⁹² Synod. plen. Episcoporum Hiberniae apud Thurles, a. 1850, id., 776-7; II c. prov. Tuam., a. 1854, id., 862.

¹⁹³ *Acta et Decreta C. Plen. Australiens.*, a. 1895, decret. 263, 267, 269.

¹⁹⁴ *Acta et Decreta C. Plen. Quebec.* I, a. 1909, n. 321.

¹⁹⁵ *Ibid.*, n. 322 (b).

give non-Catholics just cause for offense.¹⁹⁶ In regard to the language question, a difficulty that Canada shared with the United States, it followed article 215 of the Third Plenary Council of Baltimore, ordering the preacher to use the language of his hearers, even though he was not proficient in it: for it is well known, said the council, that even though people may understand ordinary things in a language not their own, yet they may not grasp the spiritual terms used in a sermon because far removed from the ordinary speech they hear.¹⁹⁷ In regard to missions, there should be a plentiful supply of preachers and confessors at them, lest the very purpose of a mission be defeated; further, confessors should be given ample faculties to absolve by the bishop, pastors should abstain from hearing confessions, and the missionaries should stay out of parish affairs. If they observed things calling for correction, they should speak to the pastor; if that remedy failed, they should report to the bishop.¹⁹⁸ Finally, besides the formal mission, the pastor should provide an annual retreat, so that the people might advance in virtue.¹⁹⁹

The Council of Quebec is important also for the legislative blessing it placed upon lectures and missions for non-Catholics. It not only followed in the wake of earlier councils in leaving bishops to decide whether special apologetical sermons—the nineteenth-century *conférences*—by an expert preacher against the errors of the time were an advantageous thing, but taking up certain hints made in the *Testem Benevolentiae* of Leo XIII,²⁰⁰ it met the need of appealing to the many non-Catholics of the Dominion by the following warm recommendations: first, that in certain cities at opportune times explanations of scripture and Christian doctrine be given by a learned preacher tactful enough not to anger anyone's prejudices; second, that if the bishop think it wise, missions be held for dissidents either in church or "in a suitable private place"²⁰¹ by priests of proved knowledge and integrity; third, that pamphlets containing sound doctrine be zealously distributed to offset the tracts of Protestants, a practice already carried out in some places.²⁰²

¹⁹⁶ Ibid., nn. 324, 325.

¹⁹⁷ Ibid., n. 326.

¹⁹⁸ Ibid., nn. 328, 329.

¹⁹⁹ Ibid., n. 330.

²⁰⁰ Leo XIII, litt. *Testem Benevolentiae*, 22 jan., 1899, ASS, XXXI, 478-479.

²⁰¹ Quoting Leo XIII in the above.

²⁰² *Acta et Decreta C. Plen. Quebec*. I, n. 322, a and b.

CHAPTER IV

LEGISLATION JUST BEFORE AND SINCE THE CODE

IN 1894 the Congregation of Bishops and Regulars issued an encyclical letter to all bishops and regular superiors in Italy, important because its measures on preaching were embodied by Pius X in his "Sacrarum Antistitum" and thus given to the whole world.¹ The letter of the congregation aimed at pulpit abuses current in Italy. Priests were assuming the preaching office who lacked the proper training or whose lives were sadly out of keeping with the doctrine they should teach. For subject-matter they were presenting systems of moral philosophy that made no impression on consciences, or a vague philanthropy, with Christ a well-meaning Benefactor of mankind, but not the Christ who is Judge of us all and Avenger of our misdeeds; or they were treating of polemical subjects in such a lofty way as to raise difficulties about the faith among their hearers, yet without solidly establishing in their minds the fact that the Church is the pillar and ground of truth; or they were declaiming on political affairs that had much better be left to academic debate or the newspaper columns; or speaking glibly about such things as "Fatherland," "progress of civilization," "present-day science,"—topics to delight their hearers but leave their hearts unmoved. Certainly there should be polemics and *conférences*, but undertaken only by men well instructed in Christian doctrine and the controverted field. The chief source of all preaching was to be the Sacred Scripture, as Leo XIII had recently called to mind:² Scripture as interpreted by the Fathers and theologians, not as watered down by nineteenth-century critics.

These abuses the bishops and superiors of regulars must labor to extirpate. To that end bishops were not to license those who could not give a good account of themselves in examination, and were not to admit preachers from elsewhere who lacked proper license of their own bishop or superior—this especially for the more important solemnities. General superiors of regulars likewise were not to license subjects without the knowledge of the

¹ S. C. Ep. & Reg. litt. encycl., 31 jul., 1894, super sacra praedicatione in Italia, ASS, XXVII, 162 sq. A French text is given in Longhaye, *La Prédication*, 535-544.

² "Providentissimus Deus," encycl. de studio Sacrae Scripturae, 18 nov., 1893, Gasparri, *Fontes*, III, n. 621.

bishop, or send candidates to him before they had made sure of their moral conduct and manner of preaching. If a priest should err in the above matters, he was to be admonished, then removed from office and subjected to other canonical penalties insofar as they were deemed necessary. Finally the letter urged bishops and superiors to labor for the elimination of all this adulterating the word of God and all this pulpit trumpery, to the end that the sacred word might be restored to its pristine splendor.

The difficulties of the Holy See in the beginning of the present century over *l'azione cristiano-democratica* had their relation to sermon legislation. In 1902 the Congregation for Extraordinary Affairs issued an instruction, some norms of which were to pass into later law.³ Since conferences on Christian Democracy had as their character a defense of Catholic principles against socialistic errors, and so required extensive study and a prudence beyond the ordinary, no priest or cleric could take a lead in them without permission of the local Ordinary.⁴ To such activities applied the rules drawn up by the Congregation of Bishops and Regulars in 1894, which, recognizing the need of special *conférences* to repel inimical attacks, and appreciating the experience and prudence needful to conduct them, placed them under the direction of the Ordinary. Wherefore the Congregation of Extraordinary Affairs further forbade clerics any participation in such meetings save under the vigilance and guidance of the Ordinary. In regard to debates, where Catholics met with socialists to argue out their positions, since socialist doctrine must be regarded as heretical, the regulations of the Holy See on public debates with heretics applied, especially the decree of Propaganda.⁵ Coming down to practical advice, the congregation drew up rules for the preacher to stress regarding *l'azione cristiano-democratica*: the Church had always promoted the welfare of the poor and the workingman; the people should observe the spirit of Christ towards the higher classes; preachers and writers should avoid the use of such expressions as "new things," "new times," "a new direction," "the vocation of the clergy," which were already forbidden in the papal letters *Depuis le jour* and *Testem benevolentiae*;⁶

³ S. C. pro Neg. Eccl. Extraordinar., 27 jan., 1902, nn. 7, 8, 9, ASS, XXXIV, 401-413.

⁴ "Le conferenze sulla democrazia cristiana . . . da nessun sacerdote o chierico potranno esser tenute senza il permesso," etc., n. 7.

⁵ S. C. de Prop. Fide, 7 feb., 1645, Gasparri, *Fontes*, VII, n. 4457.

⁶ 8 sept., 1899, id., I, n. 642; 22 jan., 1899, id., n. 650.

the faithful were to be trained to a distrust of these notions, and they were to be exhorted to fidelity towards rightly-constituted government; above all, the clergy were to speak as the ministers of Christ.

As indicated already, Pius X, in his motu proprio "Sacrorum Antistitum"⁷ applied the prescriptions of the Congregation of Bishops and Regulars to the whole world as part of the measures to defeat Modernism, and directed that preachers, among others, should take the anti-modernistic oath. Shortly afterwards the Consistorial Congregation determined that preachers already approved were bound to take this oath; that bishops and regular superiors could not grant commendatory letters "absque nota" to their subjects who had been forbidden to preach anywhere; and that such orators as had been disapproved by any Ordinary must not be invited to preach.⁸

The same Congregation, in its well-known decree "Maxima cura,"⁹ among the causes necessary for administrative removal of parish priests, listed neglect of the pastoral duty of explaining the catechism and the gospel—that is, after the one or two warnings required by law. Canonists hold that this decree, though enacted before the promulgation of the Code, forms an integral part of the present law.

Another document of the Consistorial Congregation having an intimate relation with the present law is the "Normae pro Sacra Praedicatione."¹⁰ otherwise designated as the "Ut quae" from its opening phrase. It was issued June 28th, 1917, and by order of Benedict XV became effective immediately,¹¹ that is, between the publication and enforcement of the new Code. The contents of the "Ut quae" show that it was published for two purposes: first, to serve as a practical guide for bishops and religious superiors in applying the papal encyclical "Humani generis" of two weeks before;¹² and second, to act as a supplementary document to the canons on preaching.¹³ As Vermeersch-Creusen points out, the "Ut quae" is an *instruction*

⁷ 1 sept., 1910, AAS, II, 655-680.

⁸ S. C. Consist. declaratio 25 sept., 1910, ad x, xi, AAS, II, 740-1.

⁹ S. C. Consist., 20 aug., 1910, can. 1, n. 8, AAS, II, 636-648.

¹⁰ S. C. Consist., "Ut quae," 28 jun., 1917, AAS, IX, 328-334; Italian translation, id., 335-341; English translation in Bouscaren, *Canon Law Digest*, 622-630.

¹¹ "Ut quae," ut supra, first §.

¹² Ibid.

¹³ V. nn. 1, 4, 11, 18, 20, 30. Ayrinhac, *Administrative Legislation in the New Code of Canon Law*, 215, calls the "Humani Generis" and "Ut quae" an authorized interpretation of the canons on preaching.

(italics the authors'), not a law properly so called; from which they deduce that it goes along with the Code.¹⁴ In the few places where through inadvertence the "Ut quae" is at variance with the words of the canons, naturally the Code prevails. These discrepancies will be noted in their place. Apart from them, the regulations of the "Ut quae" should be enforced by the diocesan and religious authorities.

SINCE THE CODE

Since "Ut quae" and the Code, some enactments of importance have affected preaching. Benedict XV, in his encyclical on St. Jerome, urged that preachers be steeped in the knowledge of the Scriptures in order to guide others well, and indicated the rules laid down by Jerome for the guidance of preachers in their use of the Scriptures.¹⁵

The same pope wrote a letter to the Belgian hierarchy on the Flemish Question,¹⁶ in which he recalled some of the norms of the "Ut quae" and said that priests were to confine their explanations to the teachings on faith and morals without passing over to matters alien to their supernatural sphere; in the pulpit they were always to show forth a gravity in keeping with a herald of the divine word.

In 1920 the Consistorial Congregation sent a letter to the Ordinaries

¹⁴ *Epitome, J. C.*, II, 466. This is the authors' practical solution of the problem whether the Norms of the Consistorial Congregation, coming out as they did after the promulgation and before the application of the new Code, were abrogated or modified by virtue of can. 6. Gasparri seems to take the same view of the problem, for in his sources to the canons on preaching he does not enumerate this instruction, or does he include it in the *Codicis Juris Canonici Fontes*; appearing to imply by his omission that the instruction is not strictly a law. It cannot be argued that Gasparri omitted it because it came into force after the publication of the Code, for he has included some papal decrees put out after Pentecost, 1917, including Benedict XV's "Humani generis."

Blat classifies the *Ut quae* in the following sentence: "The present law is contained, as regards its fundamental teaching in the encyclical of Benedict XV 'Humani generis'; formally, as regards legislation, in the title (XX of the Code, book III, part IV); and the decree of the Consistorial Congregation . . . sets forth the application and commentary of these two." v. *Commentarium Textus C. I. C.*, IV, 283; Cocchi (*Commentarium in C. I. C.*, IV, 36), following Blat, calls the *Ut quae* an explanatory decree.

¹⁵ Benedict XV litt. encycl. *Spiritus Paraclitus*, 15 sept., 1920, *AAS*, XII, 411-414.

¹⁶ Benedict XV litt., 10 feb., 1921, *AAS*, XIII, 127.

of Italy,¹⁷ seeking information on the observance of the new canon law relative to the parish priests' duty to teach catechism and preach the word of God.¹⁸ Bishops were to answer, among others, the following questions: I, What steps had been taken to apply the law of these canons? II, Had the bishops declared special penalties against delinquents? III, Did all pastors and others having the care of souls explain the gospel every Sunday and Holyday of Obligation? V, List pastors and others who had not fulfilled their duty. VI, What steps had been taken by the Ordinary against the delinquents? VII, Besides the action of the Ordinary, what need was there of intervention on the part of the Congregation? IX, Indicate any other measures which the Holy See should take to enforce the Code.

In 1927 the Holy Office decreed that Ordinaries could call upon priests engaged privately as teachers in their territory, to preach at the feastday Masses they said before the people.¹⁹ The Biblical Commission decided in 1934 that the portions of the epistle and gospel to be read publicly in the vernacular must be from the old Latin Vulgate, not from Greek or Hebrew texts.²⁰ In the following year the Congregation of the Council added to the material to be covered in the four or five years course of catechism for adults, and in its questionnaire distinguished between the obligation of the Sunday adult catechism (can. 1332) and the Sunday parish homily (can. 1344, § 1).²¹

Both Benedict XV and his successor, in their addresses to the Lenten preachers of Rome, stressed the high aims for which the preachers should strive, yet on no occasion laid down canonical rules.²²

¹⁷ S. C. Consistor., 31 mai., 1920, *AAS*, XII, 299, v. Bouscaren, *Canon Law Digest*, 631. Three years later Pius XI placed all matters relating to catechism and preaching in the hands of the Congregation of the Council, v. motu proprio *Orbem Catholicum*, 29 jun., 1923, *AAS*, XV, 328.

¹⁸ Can. 1329-1336, 1344-1348.

¹⁹ S. C. S. Off. decret. de sacerdotibus magisterii munus gerentibus in publicis scholis, *AAS*, XIX, 100.

²⁰ Pont. Commissio de Re Biblica, 30 apr., 1934, *AAS*, XXVII, 315.

²¹ S. C. C. decret., 12 jan., 1935, *AAS*, XXVII, 145; for an English translation see *AER*, XCIII, 45-47.

²² Benedict XV, 11 feb., 1918, *AAS*, X, 92, 3 mar., 1919, *AAS*, XI, 111, 16 feb., 1920, *AAS*, XII, 61, 7 feb., 1921, *AAS*, XIII, 93; Pii XI, 11 feb., 1929, *AAS*, XXI, 103.

CHAPTER V
CANONICAL MISSION

NOTION

CANONICAL mission, a term applied to the teaching office of the Church, may be defined as a positive deputation of ecclesiastical authority to teach the Christian religion in a public manner.¹ It is readily seen that canonical mission refers to the power of the Church to instruct souls, of which it imparts a share, and not to the power of jurisdiction strictly so called, such as would be imparted by canonical institution or (for the internal forum) confessional faculties.

This canonical mission is not necessary for all teaching of Christ's doctrine, only for that which is public. Parents or guardians do not require it in order to instruct their charges in the catechism. Christians in general do not need it to instruct others in the faith privately when urged to do so by the bonds of charity. On the other hand, all who teach Christian doctrine in catechism classes or general religious knowledge in public or private schools require this deputation of ecclesiastical authority for the licit exercise of their office.²

Canonical mission presupposes fitness in its recipient—a fitness to be decided by the Church authorities by means of an examination; yet it does not consist merely in a declaration of fitness. It is likewise to be distinguished from "nomination and delegation," a privilege granted in former times to certain corporations or municipalities by which they could put forth a candidate for some pulpit or course of sermons at their disposal.

Canonical mission comes in one of two ways: by obtaining an office in the Church that carries with it the duty and right to preach,³ such as a residential bishop, parish priest, vicar or prefect apostolic; or by receiving

¹ Wernz, *Jus Decretalium*, III, 26; Wernz-Vidal, *Jus Canonicum*, IV, II, 27; a Coronata, *Institutiones I. C.*, II, 251. Cf. C. Trident., sess. V. *de ref.*, C. 1, sess. XXIV, *de ref.*, C. 7.

² A Coronata, *id.*, 251; Wernz-Vidal, *id.*, 27.

³ This work disregards the other powers conceded in canonical mission—teaching catechism, religious subjects in public or private schools. V. Wernz-Vidal, *o. c.*, 29-30.

a special faculty.⁴ In connection with the latter the canons use terms that require some explanation.

Faculty means the kind of canonical mission that is granted without committing to its recipient any further duty towards souls. It necessarily contains two acts: approbation, by which the candidate is passed as fit for the preaching office, and deputation, by which he receives the office itself.⁵

Sometimes the possession of the preaching faculty is not enough because of certain hindrances in the law. The preacher may also need *license*, either because he himself is bound by the ties of obedience to a religious superior (can. 1339, § 2), or because his hearers are subject to the jurisdiction of a superior apart from the one who granted him his faculty (can. 1338, § 2, 1341, § 1), or again because the authority who granted the faculty made its rightful exercise conditioned on his further permission.⁶

Sometimes the preacher may need the *consent* (or *assent*) of a superior exercising dominative power over the group to be addressed.⁷ As in the case of license, consent presupposes that the preacher is likewise competent through the possession of canonical mission. Unlike license, it does not presuppose any superiority over the preacher.⁸

NECESSITY OF CANONICAL MISSION

From the very nature of the Church's constitution, it follows that not all who wish to preach publicly may do so but only those who are rightly chosen and empowered.⁹ For Christ entrusted to the rulers of His Body on earth, and to them only, the precious task of teaching nations the way of salvation. As we have seen, the Church has always stoutly opposed irresponsible preachers and condemned any teaching that maintained a divine power to preach contained in sacred orders as such or even in the Christian laity; a resistance made dogmatic in the condemnation of certain

⁴ Can. 1328; v. a Coronata, *o. c.*, 251.

⁵ Wernz-Vidal, *o. c.*, 27-28, and after them others, who for their distinction of approbation and deputation use the analogy of the constitution of Benedict XIV "Apostolicum ministerium" (30 mai., 1753, Gasparri, *Fontes*, II, 425, par. 8), wherein the pope requires these two acts for the valid hearing of confessions.

⁶ Normae "Ut quae," S. C. Consistor., 15 jun., 1917, n. 3, *AAS*, IX, 329; cf. a Coronata, *o. c.*, II, 259.

⁷ Can. 1338, § 3.

⁸ Wernz-Vidal, *o. c.*, 28.

⁹ Leo XIII, *littl encycl.* "Sapientiae," 10 jan., 1890, § 3, Gasparri, *Fontes*, III, n. 605.

propositions of Wyclif at the Council of Constance,¹⁰ and reaffirmed at Trent against the Protestants: "If anyone say that those who have neither been rightly ordained nor sent by ecclesiastical and canonical authority, but come another way, are lawful ministers of the word and sacraments, let him be anathema."¹¹ No interior urge to preach the gospel, no sense of a divine call, no sacred order or religious profession, can make up for the lack of proper authorization. Only one, the pope, is above the need of canonical mission, for he receives his power to preach directly from his assumption of the papacy.¹²

Can. 1328.—Nemini ministerium praedicationis licet exercere, nisi a legitimo Superiore missionem receperit, facultate peculiariter data, vel officio collato, cui ex sacris canonibus praedicandi munus inhaereat.

No one is allowed to exercise the ministry of preaching unless he has received (canonical) mission from a legitimate superior, by special faculty or by appointment to an office to which the duty of preaching is attached by the sacred canons.¹³

In the strongest of terms the law commands that all preaching be done within the limits of authority. "How shall they preach, unless they be sent?", asked St. Paul.¹⁴ Throughout the ages the Church has outlawed all preaching, whatever its other merits, that has not proceeded from its own government.

The canons grant certain dignitaries the privilege of preaching. Cardinals may do so anywhere without reference to the local Ordinary (can. 239, § 1, 3°). All bishops likewise, yet not quite so freely of the local Ordinary, for they need his consent, at least presumed (can. 349, § 1, 1°). Associated with bishops in this privilege are abbots and prelates *nullius* (can. 215, § 2).

¹⁰ Denziger-Bannwart, *Enchiridion*, n. 490

¹¹ Sess. XXIII, *de ref.*, c. 7.

¹² Wernz-Vidal, o. c., 28.

¹³ For the English translation of the text of the Code, the version by Woywod, *The New Canon Law*, is followed, save where a word or phrase is changed to bring out a special sense.

¹⁴ Rom. X, 15.

All parish priests have canonical mission to preach, just as they have the right to hear confessions.¹⁵ Similarly the canon theologian.¹⁶ Canonists are agreed that religious of clerical institutes receive from the general law their canonical mission to teach catechism to the young in their charge.¹⁷

For the rest, all preachers need to be commissioned according to the norms laid down in the following canons, even religious who are to speak to the faithful gathered in their own churches.¹⁸

Though it is a serious offense to intrude into the pulpit without due canonical mission, still no penalty is laid down as incurred *ipso facto*. It rests with the prudent judgment of the ecclesiastical superior whose rights have been spurned, to deal with the violation.¹⁹

Can. 1337.—Tum clericis e clero saeculari, tum religiosi non exemptis facultatem concionandi pro suo territorio solus concedit loci ordinarius.

The Ordinary of the place alone grants the faculty to preach for his own territory, both to clerics of the secular clergy and to non-exempt religious.

The reason for this canon lies in the place the local Ordinary holds as shepherd of his diocese. The law both ancient and modern holds him responsible for the instruction of his flock. All others are his helpers, through whom he exercises his task of preaching the the gospel.²⁰

¹⁵ Normae "Ut quae," jam. cit., n. 3.

¹⁶ Ibid.

¹⁷ Wernz, o. c., 45; a Coronata, o. c. 253. The latter cites several authors who treat of this exemption; cf. S. C. Ep. & Reg., 16 mar., 1866, ASS, II, 151-7, 189. Wernz-Vidal (o. c., 68) extends the same faculty of the general law to clerical institutes approved to give spiritual retreats to others, including seculars.

¹⁸ Normae "Ut quae," n. 4.

¹⁹ Wernz-Vidal, o. c., 30. For the former law see cap. 13, par. 6, X *de haeret.*, V, 7; Gregorii XV constitut. "Inscrutabili," 5 feb., 1622, § 6, Gasparri, *Fontes*, I, n. 199.

²⁰ C. Trident., sess. XXIV, *de ref.*, cc. 4, 7, sess. V, *de ref.*, c. 2; Benedict XV, litt. Encycl. "Humani generis," AAS, IX, 307; Normae "Ut quae," nn. 1-2; Cocchi, *Commentarium in C. I. C.*, VI, 50; cf. the rubric of title VIII in Book II of the Code, *De potestate episcopali deque iis qui de eadem participant*, which, comprehending as it does all the offices set up in the diocese, shows that the present law is at one with the former in regarding the preaching office as belonging to the bishop, all others being his helpers.

The word "alone" is not intended to exclude superiors of the Ordinary—the pope or those whom he delegates in the matter—but to show the customary source of canonical mission in the diocese.

"Ordinary" includes the resident bishop (can. 334), whether he be of cardinalial, patriarchal, primatial, archiepiscopal or episcopal rank, his vicar general (can. 368, § 1), the vicar capitular while a see is vacant (can. 435, § 1), an administrator apostolic (can. 431; cf. 312-8), vicar or prefect apostolic (can. 294, § 1), prelate *nullius* (can. 319). Other members of the diocesan curia have no ordinary power to grant preaching faculties, but they may be delegated to it by the Ordinary (can. 199, § 1).

"Grants the faculty to preach." Taking words as they sound, this canon is somewhat at variance with canon 1341, § 1. For there it says that preachers invited from outside the diocese need to obtain the "license" of the local Ordinary. It would seem that "license" is used in its broad sense of permission, and amounts to the "faculty" of canon 1337, for it is the general principle of old and new law that the bishop alone is the source of canonical mission within his own territory and for his own subjects.

"To clerics of the secular clergy," that is, to his own diocesans and to the secular clergy that may be invited from elsewhere. This includes clerics who live in community, yet without taking the public vows of religion (can. 680), unless they enjoy the privilege of exemption and thereby come under canon 1338.²¹ It needs be noted that this canon does not deal with pastors who by office have the right to preach, for "faculty" is used in its strict sense of canonical mission for those who do not possess the right to preach by virtue of an office entailing care of souls. Therefore when a parish priest of the diocese desires to speak in another church of the same diocese, all he needs is permission from the rector of the church.²²

"And to non-exempt religious." Exemption consists in the partial or entire withdrawal of a person from local jurisdiction. It is enjoyed by those religious who are provided for in canons 615 and 618, as well as by those clerics living in community without public vows who are granted it by privilege. These are regulated according to the following canon 1338. All others must obtain their preaching faculty from the Ordinary of the place.

Any civil authority taking upon itself to set up preachers apart from

²¹ V. Stanton, *De Societatibus Sive Virorum Sive Mulierum in Communi Viventium Sine Votis*, 149.

²² De Meester, *Compendium*, III, I, 198.

ecclesiastical approval certainly exceeds its powers.²³ At times, however, the Church has granted to certain persons or corporations the right to choose a preacher for the Lenten course or other occasions, which right stands as it was before the Code, that merely of nomination and presentation.²⁴ It is now required that such nominating persons or bodies do their inviting or presenting not themselves but through the ecclesiastical person who represents Church authority in the place where the preaching is to take place.²⁵

The phrase "the Ordinary alone grants the faculty" also means that the faculty thus granted suffices, and no parish priest, whatever his pretext, may refuse the preacher sent from the Ordinary;²⁶ that is, unless the parish priest promises to preach and *de facto* does so himself.²⁷

CANONICAL MISSION FOR EXEMPT RELIGIOUS

Can. 1338.—§ 1. Si concio habenda sit tantum ad religiosos aliosque de quibus in can. 514, § 1, facultatem concionandi in religione clericali dat eorum Superior secundum constitutiones, qui in casu potest eam concedere etiam iis qui de clero saeculari vel de alia religione sunt, dummodo a proprio Ordinario vel Superiore fuerint idonei iudicati.

If a sermon is to be given only to exempt religious and to others mentioned in can. 514, § 1, the faculty to preach is granted, in the case of a clerical religious institute, by their superior according to the constitutions; who can give it to secular priests or to those of another religious body, provided they are declared qualified by their own Ordinary or superior.

This canon is a wide change from the former law. Trent provided that regulars destined to preach to the faithful in their own churches went to their own superiors for the necessary faculty, recurring to the bishop only to ask his blessing, who had the right to object to a determined candi-

²³ Wernz-Vidal, o. c., 30.

²⁴ A Coronata, o. c., 260; cf. Augustine, *A Commentary on Canon Law*, VI, 352; Wernz, *Jus Decretalium*, III, 28, n. 10.

²⁵ Normae "Ut quae," n. 5.

²⁶ Augustine, *ibid.*

²⁷ A Coronata, o. c., 260.

date and so silence him; for preaching elsewhere regulars obtained their faculty from the bishop.²⁸ Now the law maintains the former exemption only when the preaching is done to the religious themselves or to the members of their household listed in can. 514, § 1. At the same time it includes not only regulars but all exempt religious.

Religious superiors have a strict obligation to provide their subjects, guests, servants, sick and novices with Christian doctrine, not only by having catechetical instruction,²⁹ but also by conferences and spiritual exercises.³⁰ Since this is a matter of internal discipline, where the religious group is exempt it cannot be any concern of the bishop. The present law, therefore, empowers superiors to grant faculties to any preacher, who if he be not of their own body must bear the stamp of fitness from his own superior or Ordinary. This measure thus places the older system of regular privilege within the common law, leaving all preaching to the faithful in charge of the local Ordinary.

The Latin text says "ad religiosos exemptos aliosve . . .," thereby excluding institutes of women, who are provided for in the following paragraph of the canon.

The canon further says of outside preachers "provided they are declared qualified." This does not mean necessarily that they already enjoy a faculty to preach from their own Ordinary or superior. All that is required is the declaration that they are suitable on grounds of learning and character.

"By their superior according to the constitutions." Each clerical institute determines what superior that is. The Normae "Ut quae"³¹ on this point restricts the power to Ordinaries within the religious body, meaning major superiors such as abbots, moderator generals, provincials, vicars. In this discrepancy the Code prevails. Religious constitutions cannot withhold from local superiors lacking ordinary power their right to grant canonical mission, since the right is explicitly granted in the Code,³² the word "superior" being verified in their case.³³

²⁸ C. Trident. sess. V, *de ref.*, c. 2.

²⁹ Bouuaert-Simenon, *Manuale, J. C.*, III, 112.

³⁰ Cann. 509, § 2, 565, §§ 1, 2, coll. cum can. 514, § 1.

³¹ N. 18.

³² A Coronata, o. c., 261. Blat, *Commentarium Textus C. I. C.*, lib. III, Pars IV, p. 298.

³³ A Coronata, *ibid.*

Again, the canon reads, "If the sermon is to be given only to exempt religious and others mentioned in can. 514, § 1." The question rises, what of a sermon given to exempt religious and their household, to which a number of the faithful are admitted? Certainly if the faithful are invited for an occasion within the convent or monastery chapel, and do not constitute the main body of the audience, their presence does not violate the "tantum" of the canon.

Augustine, in commenting on this canon, has a sentence which displeases a Coronata. "What was formerly considered a privilege of the regulars in the strict sense, is here applied to *all religious clerical institutes*, whether exempt or not, and the distinctive character is attached to the hearers only" (italics the author's). A Coronata reads it to mean that the canon includes non-exempt religious bodies. However, Augustine does not seem to mean that the superiors of non-exempt religious can grant the faculty provided in the canon, but that their preachers may be granted it when invited to preach before exempt religious.³⁴

Can. 1338 (cont.)—§ 2. Si concio habenda sit ad alios, vel etiam ad moniales regularibus subjectas, facultatem religiosis quoque exemptis impertit Ordinarius loci in quo concio fiet; concionator autem, verba facturus monialibus exemptis, licentia Superioris regularis praeterea indiget.

If the sermon is to be given to others, or to nuns subject to the regulars, it is the Ordinary of the place where the sermon is to be who imparts the preaching faculty, to exempt religious as well (as to seculars); the preacher destined to address exempt nuns further needs the license of the regular superior.

The reason of this paragraph lies in the duty and right of the local Ordinary to provide for and supervise all Christian instruction in his territory, except that which is wholly withdrawn from his government by law.

"To others" means all groups exclusive of those listed in paragraph 1 of the canon, and includes all non-exempt religious, male and female, lay people who do not enjoy the exemption of can. 514, § 1, as well as exempt nuns subject to regulars.³⁵ Can. 500, § 1, points out that certain nuns are

³⁴ A Coronata, *ibid.*, Augustine, o. c., 353.

³⁵ Blat, o. c., 298.

subject to regulars by virtue of their constitutions, and says that they are under the local Ordinary only in matters mentioned in the law. This is one of the cases.

"Further needs the license of the regular superior," that is, the provincial or local superior whose order has jurisdiction over the exempt nuns and has assigned him the charge of the particular body.

What of sermons to be given to sisters whose congregation has been placed under the direction of some religious institute of men by special indult of the Holy See, according to the norm of can. 500, § 3? Certainly the preacher, *a majori*, receives his faculty from the local Ordinary. Does he further need the license of the religious superior under whom they are placed? The commentators say nothing on this point. It would seem not, however, for the "care and direction" of can. 500, § 3, does not mean jurisdiction, which is the basis of the license demanded by can. 1338. Such sisters belong under the provisions of the following paragraph.

Can. 1338 (cont.).—§ 3. *Facultatem vero concionandi apud sodales religionis laicalis, quamvis exemptae, dat loci ordinarius; sed concionator nequit facultate uti sine superioris religiosi assensu.*

The faculty to preach to members of a lay religious body, even if it be exempt, is granted by the local Ordinary; but the preacher cannot use his faculty without the assent of the religious superior.

The reason for this paragraph is obvious. Though the superiors enjoy dominative power, according to the distinction made in can. 501, § 1, they do not possess jurisdiction, even when exempt, therefore they are incapable of granting faculties to preach, for that would imply jurisdiction. In 1900 Leo XIII³⁶ settled a dispute over the rights of superior generals of diocesan societies with simple vows that were set up in several dioceses, saying that the local bishop granted faculties for hearing the confessions of members of these societies and for preaching to them. The Code added the phrase about the assent of the superior.

³⁶ Constit. "Conditae a Christo," 8 dec., 1900, § 1, n. 11. § 2, n. 8. Gasparri, *Fontes*, III, n. 644.

The "local Ordinary" of the paragraph is the same as that of paragraph 2, of the territory where the sermon will be given.

Three difficulties have been seen and answered by canonists in reference to this paragraph: first, does it include women superiors?; secondly, if so, can they veto a preacher sent by the bishop?; thirdly, what provision is made for those who cannot directly veto a preacher?

As to the first difficulty, Augustine says that women superiors are not included, for they belong under the previous paragraph, which provided sufficiently for them;³⁷ other canonists say that they are included.³⁸ The latter would seem the more reasonable view, for it is the intent of the Code to respect the internal discipline of a community, of which protection women's communities have as much need as men's.³⁹

Secondly, can women superiors veto the preacher sent by the bishop? Those who take up this difficulty say that while they cannot refuse a preacher imposed specifically upon them by the bishop, women superiors may in ordinary circumstances refuse one who bears the bishop's faculty.⁴⁰

What provision, then, is proposed in cases where the superioress cannot directly override the bishop's appointment?—since the law of paragraph 3 intends some protection for women's institutes, just as it does in the allied matter of confessions (can. 521, § 2). Their liberty is adequately respected if the superioress may choose one out of several preachers proposed for the whole diocese, or may petition a special preacher to be approved for their house unless the bishop has objections. Such a liberty is needed especially in respect to the annual retreat or the more solemn occasions.⁴¹

³⁷ Augustine, o. c., 354.

³⁸ Wernz-Vidal, o. c., 39-40; Vermeersch-Creusen, o. c., 467; a Coronata, o. c., 262; cf. Cocchi, o. c., 51.

³⁹ Which is the argument used by Augustine for men's societies, 1. c.

⁴⁰ Wernz-Vidal, Vermeersch-Creusen, a Coronata, omnes ut supra.

⁴¹ Besides those cited in the preceding note, see De Meester, III, I, 199, who quotes the *Collationes Namurcenses*, (1924-5) tit. XIX, p. 174: "In requiring this assent, the ecclesiastical law intends, even as regards female religious, to grant a certain fitting liberty. As a rule superiors or superioresses can choose from among the preachers rightfully approved for the diocese as a whole (*absolute*) unless there be some special diocesan regulation."

OPPORTUNITY OF RELIGIOUS TO PREACH

Can. 1339.—§ 1. Ordinarii locorum religiosis qui a proprio Superiore exhibentur, facultatem concionandi, sine gravi causa, ne denegent, concessamque ne revocent, praesertim una simul universis domus religiosae sacerdotibus, firmo tamen praescripto can. 1340.

Without grave reason local Ordinaries must not deny the preaching faculty to religious presented by their superior, or recall a faculty once granted, especially from all the priests of a religious house at one and the same time, with due regard, however, for can. 1340.

Thus the Code softens the transition of power to grant faculties from the religious superiors to the bishops. As has been shown more than once, formerly regulars received canonical mission from their superiors for all sermons, having to present themselves to the bishop for his license when preaching away from their own churches, and for his blessing when destined to preach in their own churches; in the latter case they did not need to receive the blessing. The only effective power the bishops had was a veto against some particular preacher.⁴² We have seen how some bishops abused what power they had from Trent, so that the Holy See under St. Pius V had to revoke the Tridentine regulations for a time. So there is justification for this measure in the Code. For the mind of the law is that the ancient regulars to whom special preaching privileges were granted in the past, even though commissioning preachers among them has been taken out of the hands of their superiors and placed with the bishops, should nevertheless be maintained in their opportunity to speak the word of God;⁴³ and with the regulars the Code associates other religious, as it does in the allied matter of confessional faculties.

"Must not deny." Canonists do not agree fully over the cogency of "ne denegent" and "ne revocent," whether it is a hortatory or jussive subjunctive. Vermeersch-Creusen declares for the former in saying that the

⁴² C. Trident. sess. V, *de ref.*, c. 2, sess. XXIV, *de ref.*, c. 4, Clement X, const. "Superna," 21 jun., 1670, § 3, Gasparri, *Fontes*, I, 473-4.

⁴³ Wernz-Vidal, o. c., 40, n. 55.

bishops are admonished not to deny the faculty.⁴⁴ Augustine and a Coronata⁴⁵ hold that it is a command, and a Coronata points out that Vermeersch holds another view in *Periodica*,⁴⁶ where he says, "The license per se must be granted." Hence we safely hold to the preceptive force of the two phrases.

Religious clergy have a right to sacred employment in the diocese. Not to mention ancient privileges which have kept some of their force after the Code, can. 497, § 2, guarantees them a church or public oratory wherever they make a foundation and the opportunity to exercise the sacred ministry therein, particularly the good works laid down in their approved constitutions. And can. 608, looking in both directions, orders religious superiors to place their clerical subjects at the disposal of the local bishop for the work of the ministry, and at the same time calls on the diocesan authorities to give employment to religious, especially to those assigned to the territory of the diocese, and in particular for confessional work.⁴⁷ The Code and the older legislation have this in common, the encouragement of religious bodies to carry on priestly work (especially the works for which they were founded), and the protection of those who otherwise would suffer equivalent suppression at the hands of local authorities; at the same time both old and new law stimulate them to zeal where that is necessary.

The canon reads "to religious presented by their superiors." Religious who petition the Ordinary on their own account cannot claim this favor of law. Therefore the Ordinary may, if he wish, insist that superiors present their candidates in person or in writing, a right granted him by the former law.⁴⁸ Further, the former law—still in force due to a lacuna in the Code—held that bishops must not admit to the preaching office, without approval of the Holy See, any regular who without good cause was living away from his monastery.⁴⁹

"Without grave reason." Canonists uniformly couple this phrase with "must not deny the preaching faculty" and "must not revoke the faculty once granted." They likewise leave to the Ordinary to judge what consti-

⁴⁴ O. c., 467.

⁴⁵ Augustine, o. c., 355, a Coronata, o. c., 262.

⁴⁶ *Periodica de Re Morali*, etc., IX, 38.

⁴⁷ Cf. can. 1334.

⁴⁸ Blat, o. c., 299.

⁴⁹ C. Trident. sess. V, *de ref.*, c. 2

tutes a serious reason.⁵⁰ Among grave causes are the failure of a candidate to pass the examination prescribed in can. 1340, § 1, for knowledge and character, or his preaching heresy, errors or scandalous things described in canons 1325, § 2, 1347, § 3, 2317, or any of the themes forbidden the pulpit.⁵¹ The bishop has not only the right but the duty to exclude those whose pulpit manner is ridiculous, savors of the theater, or derogates from the dignity of the word of God. He must not act on personal dislikes, however, but on grounds that in some manner are related to preaching.⁵²

"They must not recall the faculty once granted." This stands for the same reasons as the preceding phrase and should be decided in the same way.

"Especially from all the priests of a religious house at one and the same time." This measure, inserted in the law because of certain high-handed dealings in the past,⁵³ has a good reason even in these days of better discipline, not only the disgrace to a religious house or order from a wholesale cancellation of faculties, but also the harm done to souls. The prohibition of this canon is akin to that of can. 880, § 3, which forbids the Ordinary, without consulting the Holy See, to deprive all confessors in a full-fledged religious house (*domus formata*) of their faculty at one and the same time.

"At one and the same time" is to be reckoned morally: a series of revocations within a brief period would come to the same thing.⁵⁴

The reasons, one or several, for depriving all members of a house of their faculty must be such as render each priest individually an unfit minister or at least bring disgrace on each priest through membership in the community.⁵⁵

It is not necessary that the Holy See be consulted—unlike the case of can. 880—for there is no precept to that effect.⁵⁶ While the Ordinary will go slowly in deciding so drastic a step, and normally will get in touch with

⁵⁰ Wernz, o. c., III, 36, a Coronata, 262, Augustine, o. c., 335, Blat, 299.

⁵¹ See Chap. VII of this work.

⁵² S. C. Ep. & Reg. *Zagabrien.*, 14 dec., 1674, par. "in una Senonen.," Gasparri, *Fontes*, IV, 792; S. C. C. *Senonen.*, 28 feb., 1654, n. 6, Gasparri, id., V, 324.

⁵³ S. C. Ep. & Reg. *Ordinis SS. Trinitatis*, 13 jan., 1610, Gasparri, *Fontes*, IV, 717; the resume given by Gasparri on this instruction to the Spanish nuncio is not adequate for the point; for satisfactory details see Bizzari, *Collectanea S. C. Ep. & Reg.*, 243.

⁵⁴ Blat, o. c., 299.

⁵⁵ Woywod, "Sacred Preaching," *HPR*, XXVIII, 60.

⁵⁶ Santamaria, cit. in a Coronata, o. c., 265.

the Holy See or the apostolic delegate, circumstances at times may warrant quick action, as when (almost *per impossibile*) an entire house should be involved in a cabal to violate the prescriptions of the law concerning the subject-matter or conduct of sermons, or should be lacking in the knowledge and good character required of every preacher by can. 1340. In any event, whether the revocation is justified or not, canonists uphold it as valid because there is no voiding clause attached.⁵⁷

Whether it is refusal of a faculty or revocation of the same, whether only one or a whole community is involved, according to the norm of can. 1340, § 3, recourse may be had to the Congregation of Religious or Propaganda Fide, as the case may be, but *in devolutivo*, that is, the bishop's decision stands in the meantime.

Can. 1339 (cont.).—§ 2. *Concionatoribus religiosis, ut facultate recepta uti liceat, opus est praeterea sui Superioris licentia.*

Religious are not allowed to make use of the faculty to preach without license from their superior.

The reason for this is the vow of obedience which makes religious subjects dependent on the will of their superiors;⁵⁸ and in case of monastic orders the vow of stability, which forbids occupations that interfere with habitual residence.⁵⁹ Clerics who live in community without public vows need or do not need license of their superiors, dependent on the way their engagement—be it private vow, oath or promise—relates to the conduct of their ministry; if they have an obligation to obtain permission from their superior, it is in virtue of their own constitutions, not of this law.

The superior's license need not be explicit. It is implied in the very act wherein the superior presents his subject to the Ordinary for faculties, unless the superior subsequently withdraws his permission.⁶⁰ Vidal adds that it may be implied in the faculty which an exempt superior himself grants.⁶¹ That is difficult to see, for the superior's faculty applies

⁵⁷ A Coronata, o. c., 264; for other matter on this point see the commentary on the following can. 1340, § 3.

⁵⁸ Wernz-Vidal, o. c., 40, a Coronata, o. c., 262.

⁵⁹ Augustine, o. c., 356.

⁶⁰ A Coronata, o. c., 262.

⁶¹ Wernz-Vidal, o. c., 40.

only to sermons for the religious household, while the license in question concerns public preaching.

EXAMINATION FOR PREACHING FACULTIES

Can. 1340.—§ 1. Graviter onerata eorum conscientia, loci Ordinarius vel Superior religiosus facultatem vel licentiam concionandi cuiquam ne concedant, nisi prius constet de ejus bonis moribus et de sufficienti doctrina per examen ad normam can. 877, § 1.

Under grave obligation of conscience, the local Ordinary and the religious superior are forbidden to give faculty or license to preach to anyone unless they have previously made certain of his good moral standing and sufficient knowledge by means of an examination, as demanded by can. 877, § 1.

To avoid unnecessary trouble, it should be said at the outset that in some cases, where the bishop or superior has satisfactory information from other sources, he does not need to submit the candidate to examination. This is allowed in can. 877, § 1, which concludes, "Unless there is a question of a priest whose theological knowledge has good report from other sources." And is it in harmony with the Normae "Ut quae," which declares⁶² that the ordinary way of ascertaining a candidate's learning is an examination; hence in cases out of the ordinary the bishop or superior can rest satisfied with reputable reports from elsewhere.⁶³ This is all the more true when the candidate and his qualities, moral and intellectual, are known personally to the bishop or superior in question.

Trent passed decrees to protect the pulpit from ignorance and depravity. Bishops were to examine candidates for priest's orders for their ability to teach the things necessary for salvation, they were to examine candidates for preaching on their conduct and learning, and superiors were to do the same for their subjects.⁶⁴ This legislation was kindred to other measures protecting the confessional.⁶⁵ For latter times the whole matter

⁶² Normae "Ut quae," S. C. Consist., 28 jun., 1917, *AAS*, IX, 331, n. 14.

⁶³ *Id.*, n. 16.

⁶⁴ Sess. XXIII, *de ref.*, c. 14; sess. V, *de ref.*, c. 2; sess. XXIV, *de ref.*, c. 4.

⁶⁵ Sess. XXIII, *de ref.*, c. 15.

of investigating candidates was repeated in the instruction of the Congregation of Bishops and Regulars of 1894.⁶⁶

"To anyone," that is, of their own jurisdiction, since canon 1341 provides for the case of preachers invited from elsewhere. In the latter case the obligation to examine belongs to the bishop or superior who has empowered them to preach in the first place, and the Ordinary of the place—or the superior of the house—to which they are invited may satisfy his conscience by accepting the testimonial letters they bear. On the other hand, he may, and even should, examine them if serious doubts arise as to their intellectual or moral qualities, not by reason of subjection but because of the obligation he has to protect the people or religious house committed to his care.⁶⁷

"The local Ordinary and the religious superior." This is a cumulative right. Each has the right to examine the candidate insofar as he grants either faculty or license. When a religious is to speak outside the limited scope allowed in can. 1338, § 1—to an exempt clerical community or its household—his superior is required by the Normae⁶⁸ to send him to the bishop for examination. On the other hand the Ordinary should defer to the judgment of the superior in regard to the moral character of the candidate, and he may prudently accept the examination in doctrine to which the candidate has already been subjected by his superiors.⁶⁹ Yet if the local Ordinary chooses to examine the religious, the superior has no fault to find. Similarly a religious superior granting faculties according to the provisions of can. 1338, § 1, or license according to can. 1340, § 1, may accept the results of an examination held under the auspices of the Ordinary.

"Under grave obligation of conscience." The "Humani generis" of Benedict XV enlarges on this point: "It belongs to the bishop to investigate long and extensively that he may know what learning and holiness of life they possess on whom he intends to confer the preaching office. If he acts remiss, he surely offends in a most serious matter, and upon his head will

⁶⁶ S. C. Ep. & Reg. instr. 31 jul., 1894, Gasparri, *Fontes*, IV, n. 2024.

⁶⁷ Can. 1340, § 2.

⁶⁸ N. 17. Commenting on the Tridentine law which excluded from the competence of the bishop's examination those regulars who were to preach in their own churches, a Coronata says the law no longer holds, o. c., 263.

⁶⁹ Wernz-Vidal, o. c., 41; Vermeersch-Creusen, o. c., 468; a Coronata, o. c., 263.

fall the blame for errors that unlearned preachers scatter, as well as for the scandal and evil example that the unapproved give."⁷⁰ The same words apply in turn to religious superiors.

The investigation, then, is twofold, a test of knowledge and suitability for the pulpit, and an inquiry into character. In both respects moral certainty must be reached, just as in the allied matter of confessional faculties.⁷¹

As a fact, the examination taken on the occasion of getting faculties to hear confessions will do for preaching, or the other examination taken at the concursus of the clergy.⁷² MacCarthy, speaking for the United States, says,⁷³ "Our bishops as a rule will find it more convenient if clerics who are being educated for the diocese, undergo this examination immediately before ordination, as the examination for faculties for hearing confessions usually takes place at that time. In this case the bishop may depute three members of the seminary faculty to conduct the examination. In other cases, especially in large dioceses, the bishop may find it convenient to hold this examination at stated times for those who wish to enjoy the faculty of preaching in the diocese."

First, then, as to the examination in knowledge, the Normae say that the ordinary way of applying it is by a written and oral test before three examiners, whom the Ordinary may select from among the synodal examiners⁷⁴ (or, we add, from his other clergy), or from the extradiocesan or regular clergy.

The matter of this examination is determined by its purpose, namely to find out whether the candidate is familiar with the subjects a preacher should know, Sacred Scripture, dogmatic and moral theology, ecclesiastical history,⁷⁵ to the extent, at any rate, that these subjects are taught in a well-equipped seminary. From the very nature of the test, it should probe not only the theoretical knowledge that the candidate may have but also his ability to apply it in the pulpit. It should be noted that the canon

⁷⁰ Encycl. cit., § "Hic vero summa," AAS, IX, 309.

⁷¹ Normae "Ut quae," nn. 10, 13.

⁷² De Meester, *Compendium J. C.*, III, I, 199, Bouuaert-Simenon, *Manuale J. C.*, III, 112, n. 1.

⁷³ MacCarthy, "The New Regulations on Preaching," AER, LVII, 385.

⁷⁴ Described in can. 385.

⁷⁵ Augustine, o. c., 357-8.

calls for "sufficient" learning. Following an interpretation used elsewhere,⁷⁶ the sufficiency is relative. The preacher destined to occupy a city pulpit in Lent will be expected to know a good deal more than the newly ordained who asks no more than the opportunity to give simple parish homilies.

Along with this goes a test in pulpit delivery, in lieu of which the results of lessons given in the seminary will do, or public repute.⁷⁷

The other investigation concerns the moral character of the preacher-to-be. The Normae say⁷⁸ that the Ordinary will inquire with no less zeal whether the candidate is worthy of the pulpit by his piety, honest conduct and public esteem. Though he may be spotless as to morals, a seeking after vainglory or material gain will be enough to exclude him.⁷⁹ In regard to public esteem, if the candidate has lost it (even without his own fault) so that his ministry has become useless or harmful, then the Ordinary should not pass him;⁸⁰ there is no more injustice to this than in the removal of an innocent pastor prescribed in can. 2147, § 2, 2°.

When the investigation is complete, the Ordinary may declare the candidate approved for preaching in general, or for a particular kind, for the length of a trial, for a definite time, or for good,⁸¹ by giving him a *pagella* or preaching certificate very like that granted for hearing confessions;⁸² or he may refuse to give faculties when he is persuaded he has good reason for doing so;⁸³ and by implication a superior may do the same as regards license. It suffices to notify the applicant of the refusal without need of further explanation, the Normae saying on the matter, "as rendering account for his decision to God alone."⁸⁴

The Normae place one stricture upon the Ordinary when he admits

⁷⁶ Can. 2147, § 2, 1°, concerning which commentators say the shortcoming must be measured relatively.

⁷⁷ De Meester, *Compendium*, III, I, 199.

⁷⁸ Normae, n. 14.

⁷⁹ Id., nn. 24, 28. Cf. "Humani generis," § "Jam vero," AAS, IX, 312.

⁸⁰ Normae, n. 31.

⁸¹ Id., n. 15. For the error in the text—"et non in perpetuum" for "et in perpetuum"—see Vermeersch, *Periodica*, I, 37, 2. The phrase is omitted in the Italian version that follows, AAS, IX, 338.

⁸² See Appendix II for an example.

⁸³ Normae, n. 15.

⁸⁴ Id., n. 12.

a candidate: he is not to give a diploma for preaching to those outside the diocese at all, or to his own subjects as an honorary title.⁸⁵

Can. 1340 (cont.).—§ 2. Si, concessa facultate vel licentia, compererint necessarias dotes in concionatore desiderari, debent eam revocare; in dubio de doctrina, debent certis argumentis dubitationem excutere, novo etiam examine, si opus fuerit.

If after giving faculty or license, the local Ordinary or religious superior finds that the preacher lacks the necessary qualifications, he must recall it; when there is doubt about knowledge, he must make certain, with a fresh examination if needs be.

Those who grant a faculty, can always revoke it, even without cause.⁸⁶ In this respect the older law agrees with the new: they who granted canonical mission could recall it validly, even without just cause, and even when a beneficiary was involved; against such an unjust revocation there was recourse *in devolutive*.⁸⁷

The Code says, "If . . . he finds that the preacher lacks the necessary qualifications." Hence the Ordinary or superior must have positive knowledge before withdrawing faculty or license, and so should inform himself before proceeding against a preacher.⁸⁸ Although the Code gives no more than the broad outline of reasons why the faculty or license should be taken away—shortcomings in knowledge and good morals—the Normae enumerate many cases for this strong action:

1. Lack of preparation befitting the word of God. N. 19.
2. Bringing politics into the pulpit; preaching on non-sacred themes without the bishop's consent. N. 20.

⁸⁵ Id., n. 17.

⁸⁶ A Coronata, o. c., 252. On pp. 263-4 he adds to the text of § 2 of the canon, "which applies also to religious preachers presented or commended by their superiors."

⁸⁷ Wernz *Jus Decretalium*, III, 29; cf. C. Trident. sess. V, *de ref.*, c. 2; Clement X const. "Superna," 21 jun., 1670, § 3, Gasparri, *Fontes*, I, n. 246; S. C. Ep. & Reg., 15 mai, 1868, ASS, IV, 81 sq.

⁸⁸ A Coronata, id., 365, Vermeersch, *Periodica*, IX, 41.

3. Funeral eulogies without consent of the bishop. N. 21. (In some places legitimate custom or particular legislation sanctions funeral sermons for deceased clergy).
4. Violation of the rules forbidding incautious citations from profane authors, the sayings of heretics, infidels or apostates, or the use of living authors. N. 23.
5. Seeking after applause instead of the good of souls. No. 24.
6. Distributing newspapers or handbills beforehand to "snare" an audience, or afterwards to extol the preacher's merits. N. 25.
7. A delivery out of keeping with the holiness of the pulpit—that of a mob-leader or spellbinder; instead of being simple in word, understandable in reasoning, modest and grave in comportment. N. 26, 27.
8. Turning the word of God to money-gain. N. 28.
9. A manner of life wholly out of keeping with the character of a preacher. Id.

This list need not be regarded as exhaustive. Whatever offends seriously against the matter or manner proper to the pulpit should call for action from the competent superior.

On making sure that the cause really exists, a fourfold procedure is laid down by the Code and the Normae taken together:

- a. If the preacher holds out hope of amendment and has not offended gravely, he is to be warned and reprehended once or twice. Normae, N. 29.
- b. If the preacher neglects to amend or has sinned gravely with scandal to the faithful, and is a subject of the bishop or a religious to whom he granted faculty (or a religious to whom his superior has granted faculty), he is to revoke the faculty for a time or cancel it altogether, with no human respect. N. 30 *a*.
- c. If the preacher who fails to amend or sins gravely with scandal to the faithful comes from elsewhere, or is a religious to whom someone else than the local superior has given a certificate to preach, the bishop is to deny him all preaching in his diocese and at the same time notify both the offender's Ordinary and the one who granted the certificate. In more serious cases he is to notify the Holy See. N. 30 *b*.
- d. When in doubt about the doctrine of the preacher, the Ordinary or superior should settle the doubt by certain arguments, if needs be by recurring to a fresh examination. Can. 1340, § 2.

The Normae further empower and oblige the bishop to stop a sermon, even in the midst, when the preacher violates the above regulations.⁸⁹

At this point the question rises: Can the Ordinary impose the second examination of can. 1340, § 2, upon parish priests or the canon theologian, who hold canonical mission by virtue of their office? Though no author seems to comment on the point, it should be held that the bishop can, and that for three reasons: First, since the bishop can revoke the preaching faculty of those who have it *de jure*,⁹⁰ he therefore can do the lesser thing—impose an examination on them; secondly, parish priests and others are, in the mind of the law, the assistants of the bishop in fulfilling his obligation to preach to the people, not independent preachers,⁹¹ and therefore in doubt whether they are fulfilling *his* obligation rightly he can impose an examination; thirdly, a parallel right is given by law to the Ordinary in regard to hearing confessions (can. 877, § 2), wherein the Ordinary, in doubt about a confessor's fitness, may resolve his doubt by a fresh examination, even when it is a case of parish priests or the canon penitentiary.

VIGILANCE OVER PREACHING AND PREACHERS

Though the Code does not speak explicitly of episcopal vigilance over sermons, yet it is implied in can. 1340, § 2, as well as in those general principles according to which the superintendance of all things respecting the care of souls belongs to the bishop. What the Code lacks, therefore, is found in nn. 32 and 33 of the Normae. In this instruction the Ordinary is directed to set up a commission of vigilance over preachers, which may be composed of the same clergy as the examining board. Where the preaching is of greater moment, such as Lenten sermons, conferences, occasional addresses, in distant places where the bishops or the commission of vigilance cannot be on the watch, the Ordinary is to seek reliable information from the vicar forane or the parish priest respecting the matter and manner of the preaching. Canon 447, § 1, 1° further empowers the vicar forane to watch over the preaching in his territory.

⁸⁹ N. 30 c. It seems that the commission of vigilance, parish priest and vicar forane share this power to interrupt an offending sermon, for it appears from the Normae, nn. 32, 33 that these agencies are delegated to protect the people from dangerous preachers when the bishop cannot watch personally.

⁹⁰ A Coronata, o. c., 252.

⁹¹ C. Trident. sess. XXIV, *de ref.*, c. 4.

Can. 1340 (cont.).—§ 3. *Ob revocatam facultatem vel licentiam datur recursus, sed non in suspensivo.*

When the faculty or license is withdrawn recourse may be had, but not *in suspensivo*.

When the Ordinary or religious superior silences a preacher, the act is administrative and not judicial. Therefore there cannot be question of appeal to higher courts; the legal remedy is recourse to a person higher than the one who withdrew the faculty or license, to be determined according to the standing of the silenced preacher.

A religious deprived of his faculty to speak within the monastery or his license to speak elsewhere recurs to a major superior—provincial, superior general or abbot—or he may refer his case directly to the Congregation of Religious.⁹² A religious deprived of his faculty by the bishop recurs to the Congregation of Religious. This jurisprudence applies also to members of communities without public vows.

Diocesan priests can have recourse to the bishop against anyone having ordinary power to cancel their faculties, or they may refer their case straightway to the Congregation of the Council. They do the latter if the bishop himself has withdrawn their faculty.⁹³

Meanwhile the preacher must be silent, for his recourse is *in devolutivo*, that is, the action of his superior is sustained by law until it is reversed by a higher authority.

Can. 1341.—§ 1. *Sacerdotes extradioecesani sive saeculares sive religiosi ad concionandum ne invitentur, nisi prius licentia ab Ordinario loci in quo concio habenda sit, obtenta fuerit; hic autem, nisi eorum idoneitatem aliunde compertam habeat, licentiam ne concedat, nisi prius bonum testimonium super concionatoris doctrina, pietate, moribus a proprio ejusdem Ordinario habuerit; qui, graviter onerata conscientia, secundum veritatem respondere tenetur.*

⁹² De Meester, *Compendium J. C.*, IV, I, 200, says in a broad way that a religious recurs to his major superior. That is true when he has been silenced by his religious superior, but not when the bishop has taken away his faculty. For the bishop is not amenable for his actions to the major superior within the religious institute.

⁹³ A Coronata, o. c. 265. The Congregation of Propaganda Fide has competence to receive the recourse in its own jurisdiction.

Priests from another diocese, seculars as well as religious, shall not be invited to preach unless license has first been obtained from the Ordinary of the place where the sermon is to be given. The Ordinary, unless the priest is otherwise known to him, must not grant the license until he has received from the priest's Ordinary a favorable report concerning the knowledge, piety and good character of the preacher; the Ordinary granting the testimonial is gravely bound to make a truthful statement.

The source of this law is a good deal older than the Gasparri *Fontes* indicate,⁹⁴ for it harks back to Trent⁹⁵ and, before that, to the severe restrictions passed against itinerant pardoners.

"Shall not be invited to preach." The canon, destined primarily to regulate the invitation of outside clergy by those who have the care of souls in the diocese or by others having the privilege to bring in preachers, is intended also to stop preachers from coming into a territory at their own pleasure or at the bidding of their own superiors. No cleric has the right to preach beyond the pale of his canonical mission, and no local Ordinary or religious superior has the right to send preachers beyond his own jurisdiction.

"Unless license has first been obtained." Canonists discuss whether the use of the word "license" is apt in this passage. Some say that the canon should read "faculty," because, the local Ordinary alone being the source of deputation to preach in his territory, the canonical mission he grants is really a faculty and because "faculty" is the term used in the *Normae* "Ut quae";⁹⁶ a few canonists, without explicitly finding fault with the text of the Code, use "faculty" in their commentaries.⁹⁷ Others, however, are satisfied with license,⁹⁸ Father Vidal saying that it is merely a question of terminology, since what the bishop really grants is canonical

⁹⁴ S. C. Ep. & Reg. instr. 31 jul., 1894, n. 7, Gasparri, *Fontes*, IV, n. 2024; S. C. pro. Neg. Eccl. Extraord., 27 jan., 1902, n. 7, ASS, XXXIV, 401-413.

⁹⁵ Sess. V. *de ref.*, c. 2.

⁹⁶ Nn. 4, 7, 8, 9, 10; v. *Collationes Namurcenses*, XI, 175, sq., *Le Canoniste*, XLVII, 224, sq., ut cit. in De Meester, *Compendium*, III, I, 200.

⁹⁷ Augustine, o. c., 359-360; Cocchi, o. c., 55.

⁹⁸ A Coronata, o. c., 265; Wernz-Vidal, o. c., 41.

mission, no matter by what name it is called. Certainly the Code prevails where there is conflict between itself and the *Normae*.⁹⁹

"Unless the priest is otherwise well known to him." Thus the law avoids unnecessary red tape and softens the rigor of the *Normae*, which, in commanding the Ordinary to seek the requisite information from the priest's own Ordinary or superior, lack such a saving clause.¹⁰⁰ Particular councils and bishops may leave a good deal of discretion to the parish priest who does the inviting, and on him may be placed the responsibility of making the requisite inquiries and obtaining the requisite permission.¹⁰¹

"The Ordinary shall not grant the license until he has received from the priest's Ordinary a favorable report concerning the knowledge, piety and good character of the preacher; the Ordinary granting the testimonial is gravely bound to make a truthful statement." To this general requirement the *Normae* add a number of details:

1. The license of the Ordinary shall be granted in writing, with indication of the place and the kind of preaching for which it is granted (n. 9).
2. The Ordinary must receive a favorable report from the candidate's Ordinary or religious superior (n. 10). [It appears from this regulation that in the case of religious preachers the testimony of their superiors will do in ordinary cases. If, however, the Ordinary has reason to be dissatisfied with the report of a superior, he should seek further information from the local Ordinary in question.]
3. The Ordinary or superior thus applied to is bound *sub gravi* to supply information according to his knowledge and conscience, and the Ordinary receiving the information must act in conformity with it as well as keep it secret (n. 11).
4. If the Ordinary, having before him the requested information, decides that the application for license should be denied, he should do so simply and without adding any explanation, being accountable only to God for his action (n. 12).
5. Whatever rector disregards the obligation of applying for this license on behalf of the preacher he invites, and whatever preacher knowingly accepts an invitation and preaches in such circumstances, are to be punished by the Ordinary with penalties which he can deter-

⁹⁹ De Meester, o. c., 197, n. 1; Vermeersch-Creusen, o. c., 466.

¹⁰⁰ N. 10; cf. a Coronata, o. c., 266, n. 1; Vermeersch, *Periodica*, etc., IX, 39.

¹⁰¹ Vermeersch-Creusen, o. c., 469; Cocchi, o. c., 55.

mine, not excluding suspension *a divinis* (n. 8). [It may be asked whether the penalties referred to in this paragraph can be sustained since the Code, for can. 6, n. 5, abrogated all previous penal laws that the Code does not mention. Note, however, that n. 8 of the Normae does not specify the penalty, but gives the Ordinary instructions to use his coercive power, a power fully confirmed in can. 2220, § 1. Only the bishop can declare and inflict the punishment, not his vicar general.¹⁰²]

6. The Ordinary may give an outside preacher the *pagella* described in the Normae, n. 15, just as he can for the diocesan clergy.¹⁰³

Must can. 1341, § 1, and the corresponding norms of the "Ut quae" be interpreted to mean that application should be made each time to the Ordinary, who in turn should each time seek the required information? This would place an unnecessary burden on all concerned, and canonists have pointed out a sensible way of observing the law. The instruction of the Congregation of Bishops and Regulars on which the law is based¹⁰⁴ said that the bishop was to demand letters of approval from the visiting preacher's own Ordinary *especially* when brought in to speak at the greater solemnities. In this we see a certain discretionary power left to the Ordinary. Prümmer, quoted with approval by other canonists, says,

These regulations seem to have been laid down for the more solemn and occasional sermons, for to go to the bishop for license each and every time so that an outside priest may preach at ordinary and frequently recurring occasions would be too great a burden. Therefore it seems sufficient to go ahead on the permission of the Ordinary granted habitually.¹⁰⁵

This is so even when the inviting church is not the same as the one that sought permission in the first place.¹⁰⁶ A general *pagella* is the best way of meeting the difficulty of the law in respect to pressing conditions. Cocchi further notes that in all this the prescriptions of the Ordinary should be

¹⁰² Can. 2220, § 2.

¹⁰³ A Coronata, o. c., 266, Vermeersch-Creusen, o. c., 469. See Appendix II.

¹⁰⁴ S. C. Ep. & Reg. instr. 31 jul., 1894, n. 7, Gasparri, *Fontes*, IV, n. 2024.

¹⁰⁵ Prümmer, *Manuale Juris Canonici*, 405, n. 4; cf. Vermeersch-Creusen, o. c., 469, Cocchi, o. c., 56. A Coronata says this opinion is not improbable.

¹⁰⁶ De Meester, o. c., III, 200-201.

carried out, for he is the best judge of local conditions: the constant vigilance over visiting preachers needed in one diocese may be needless in another diocese.¹⁰⁷

Particular legislation has been passed favorable to the invitation of neighboring clergy. The Fourth Council of Malines, a. 1920, ordained for its own territory that pastors, vicars and other priests stationed in districts or deaneries, even for the vacation time, may be admitted to preach in the deaneries of the diocese adjoining their own, provided they are approved—that is, by their own Ordinaries.¹⁰⁸

As for America, it happens often enough that a pastor needs assistance over weekends; his chief source of help will be from religious, whose superior frequently will be unable to supply a subject stationed in the diocese because of the shortness of notice and will have to send a religious borrowed from elsewhere. In that case the superior should seek a blanket permission from the bishop for any religious he may find it necessary to call in.¹⁰⁹ Or again it will happen that a priest from another diocese, guest of the pastor for the time being, says the Sunday Mass. There is no violation of the canon if at the Mass he reads the gospel in the vernacular and gives an instruction, for the occasion does not warrant a formal invitation. In these circumstances one canonist says that *epikeia* may be invoked.¹¹⁰

Can. 1341 (cont.)—§ 2. *Licentiam tempestive petere debet parochus, si agatur de paroeciali ecclesia aliave eidem subjecta; rector ecclesiae, si de ecclesia parochi auctoritati non obnoxia; prima dignitas, de Capituli consensu, si de ecclesia capitulari; moderator seu cappellanus confraternitatis, si de ecclesia ejusdem confraternitatis propria.*

§ 3. *Si ecclesia paroecialis sit simul capitularis aut confraternitatis propria, ille licentiam petat, qui sacras functiones jure peragit.*

The license must be sought in good time, by the parish priest in the case of a parish church or another subject to him;

¹⁰⁷ O. c., 56.

¹⁰⁸ *Acta et Decreta Concilii Provincialis Mechlinensis Quarti*, n. 203.

¹⁰⁹ Woywod, "Sacred Preaching," *HPR*, XXVIII, 63-64.

¹¹⁰ MacCarthy, "The New Regulations on Preaching," *AER*, LVII, 383.

by the rector in the case of a church exempt from the rule of the pastor; by the first dignity, with the consent of the chapter, in the case of a capitular church; by the director or chaplain of a confraternity, in the case of a church belonging to the same confraternity.

If the parish church at the same time belongs to a chapter or confraternity, the priest who by right performs the sacred functions is to apply for the license.

"License must be sought in good time." The former law gave much attention to the time-allowance an Ordinary should have in order to consider candidates for special sermons or sermon courses. Although the Code does not specify, the Normae (n. 7), mindful of the older legislation, say it should be at least two months, unless the bishop marks a shorter or longer period. The reason for this is that adequate time is sometimes needed to make inquiries. In these days of swift communication, two months may seem a long time; but of that the bishop must be the judge.

Paragraphs 2 and 3 of the canon list those who are to apply for license from the Ordinary on behalf of the invited preacher. If anyone else presumes to make application, the Ordinary is under no necessity to entertain it.

1. In the case of parish churches, the parish priest is defined in can. 451, § 1, as "the priest or moral person upon whom the parish is conferred as his title, along with the care of souls therein, to be exercised under the authority of the local Ordinary." § 2 of the same canon includes under parish priests—so far as their rights and obligations go—those quasi-pastors who govern the parishes described in can. 216, § 3, that is, the districts of vicariates—and prefectures—apostolic that are conducted in the fashion of parishes. Our canon 1341 says, "in the case of a parish church or another subject to it." Can. 1419, 3°, and 1420, § 3, describe the process whereby one benefice (in this case a parish) may enter into a union of subjection to another, so that the cleric assigned to the principal benefice assumes the responsibilities of the accessory. This happens often enough when a parish is unable to provide a living for its pastor.¹¹¹

The regulation of the above paragraph is verified also where the parish

¹¹¹ Normae "Ut quae," n. 5 c.

priest belongs to a religious body, or the church belongs to a canonical chapter, yet having a pastor in the sense of the law. In both cases the pastor, not the religious institute or chapter of canons, seeks the Ordinary's permission on behalf of the invited preacher.¹¹²

2. In the case of a church not subject to the parish priest, the rector seeks permission. Rectors are described in can. 479, § 1, as "priests to whom has been confided the care of churches which are neither parochial or capitular, nor are they annexed to the house of a religious community which is to officiate there."¹¹³

3. In the case of a capitular church, the first dignity, with the *consent* of the chapter. Though on this point the Normae read, "having heard the chapter," the Code is to be followed,¹¹⁴ and the consent of the chapter is required before the provost may petition the bishop. The Normae add,¹¹⁵ "in regard to those sermons that are held in the chapter's own church either by law or by the desire of the canons." Hence this rule is not applicable to churches where the canons sing the office and provide the sacred functions without any right to regulate the church's affairs; the rule is verified in the case of churches cited in can. 471, § 1, where the chapter as a moral body rules, exercising its parochial functions through a vicar-capitular. In that case the first dignity bespeaks permission only when the sermons to be preached pertain to the chapter; if the church is at the same time capitular and parochial, the parish priest does the asking for the sermons over which he has control.¹¹⁶ The first dignity, indicated in can. 393, §§ 1, 2, can. 408, § 1, is determined according to the constitutions and traditions peculiar to each chapter.

4. In the case of a church belonging to a confraternity, the moderator or chaplain of the same.¹¹⁷ Confraternities are associations of the faithful,

¹¹² Id., n. 5 d.

¹¹³ Cf. Normae "Ut quae," n. 5 f.

¹¹⁴ Id., n. 5 a. Vermeersch-Creusen, o. c., 469, Cocchi, o. c., 55; a Coronata suggests that the discrepancy between the canon and the Normae be reconciled by saying that the first dignity should obtain the consent of the chapter when asking for an extra-diocesan priest, and the advice of the chapter when asking for a diocesan priest.

¹¹⁵ Ut supra, n. 5 a.

¹¹⁶ Can. 1341, § 3; cf. a Coronata, o. c., 267.

¹¹⁷ Cf. Normae "Ut quae," n. 5 e.

erected as organic bodies or sodalities, which have for their special purpose the furtherance of public worship.¹¹⁸ They may possess their own churches, their own moderator or chaplain.¹¹⁹ To the latter belongs the duty of obtaining the permission of the Ordinary when the confraternity plans to invite an outside preacher. The church must be their own, can. 1341, § 3, providing for those churches where parish and confraternity coincide.

5. Besides the cases allowed in can. 1341, § 2, the Normae add another:¹²⁰ "For churches of clerical religious (the petition is made) by the regular superior, with due regard for the rules of each order or congregation." Two exceptions are, (a) when the church is parochial and the preaching likewise parochial, and (b) when the church is associated to a religious institute which has no right to regulate the conduct of its sacred functions.

Who presents the petition when the church belongs to lay religious or to a congregation of sisters? Although the Normae are clear enough on this point,¹²¹ saying "the rector of the church, who by law exercises the sacred functions, in the case of all churches (other than those enumerated in *a-e*) of non-clerical moral bodies, lay religious or private," nevertheless Cocchi says that in the case of a church or oratory belonging to sisters, their superior petitions the Ordinary.¹²² The eminent author appears to confuse petitioning the Ordinary with inviting the preacher, quite a separate action. For a distinction exists between the responsibility of asking the bishop's permission to invite an outside preacher and the right to send the invitation itself. The provisions of can. 1341, §§ 2 and 3, and of the Normae, n. 5, while they cover the former, cannot be said to determine those who by right do the actual inviting. So far as parochial preaching goes, the two things coincide, and the parish priest, after obtaining permission from the Ordinary, forwards the invitation to the preacher, for in this case he does the inviting who has the responsibility of preaching. But in the case of sermons to religious, men and women, they do the inviting, or at least consent to it, who govern the institute. We have a parallel where apostolic indult or custom has given a municipality or other civic corporation the right to bring in a

¹¹⁸ Can. 707, §§ 1, 2.

¹¹⁹ Can. 716; can. 698.

¹²⁰ Ut supra, n. 5 *b*.

¹²¹ Id., 5 *f*.

¹²² O. c., 55.

special preacher for Lent and other occasions: Once the Ordinary has given his permission, the corporation sends the invitation.¹²³

To return to the petition to be made to the Ordinary, the Normae, mindful of former controversies, lays down that the wording prescribed in the cases *Sutrina* and *Ripana* be followed,¹²⁴ namely, that the petitioner merely propose the preacher's name subject to the good pleasure of the Ordinary, and that the Ordinary alone use the expression "Eligimus et deputamus ad postulationem N.N."

Paragraph 3 of canon 1341 takes up the special difficulty wherein a church is at the same time parochial and capitular or belonging to a confraternity. Elsewhere the Code is mindful of such a condition, in canons 415 and 716. Briefly the rules are:

- (a) The parties concerned must follow any apostolic indult or pact made when the church was founded, provided the latter was approved by the Ordinary; in the absence of which—
- (b) the parties are to follow the ordinary rules of the Code, which assign instruction of the people at large to him¹²⁵ who has parochial responsibility, namely the parish priest.

INVITATION OF DIOCESAN CLERGY

Does can. 1341 also apply to the invitation of preachers from the diocese in which the sermon or course is to take place? Not of itself, for its terminology refers only to those from outside the diocese. One com-

¹²³ On this point a Coronata has two sentences that are debatable. He says (o. c., 268), "Nevertheless, even in this case the invitation is to be made by the priest who has charge of the church and to whom the right would pertain in ordinary law. The Code seems to have wished that he who sends the invitation should be always a priest in some office, at least in the broad sense, and that the laity should never intrude themselves in this matter. This the Instruction all the more intends." The opinion of the eminent author, although so emphatically stated, is not borne out by other commentators or by papal decisions. The sending of the invitation has never been considered of primary importance, and so long as a given corporation has the right to bring in a preacher, no solid reason exists for denying it the right to send him the actual invitation after the permission has been obtained from the bishop.

¹²⁴ Nn. 6, 7; S. C. C. *Sutrina*, 8 mai, 1688, Gasparri, *Fontes*, V, n. 2906; *Ripana*, 21 mai, 1707, id., n. 3054.

¹²⁵ Can. 415; De Meester, *Compendium*, II, 209-210, 516.

mentator, a Coronata,¹²⁶ believes that the canon does apply to preachers within the diocese, for n. 7 of the Normae speaks of them as well; and as we have seen, nn. 4 to 8 of the Normae form an official comment on the canon. But a close inspection of n. 7 will show it is speaking, not of all instances wherein preachers are invited, but only of those where municipalities or other corporations have the privilege of presenting a priest of their own choice for special sermons. In this case, says the Instruction, the bishop shall have two months in which time to investigate the candidate, and he may lengthen or shorten the time according to the importance of the preaching and the kind of preacher, "diocesan or extradiocesan." This is far from saying that the general laws laid down in can. 1341 and in n. 5 of the Normae are applicable to preachers from the diocese as well as to outsiders.

Pastors and others having the care of souls in the diocese may be invited without the need of going to the Ordinary for permission.¹²⁷ So may priests to whom he has granted a general preaching certificate. As for others, they must receive their faculty from the Ordinary, who is bound to satisfy himself as to their fitness before granting it. But this rises from other canons than 1341—namely 1337 and 1340.

THE SUBJECT OF THE CANONICAL MISSION

Can. 1342.—§ 1. *Concionandi facultas solis sacerdotibus vel diaconis fiat, non vero ceteris clericis, nisi rationabili de causa, iudicio Ordinarii et in casibus singularibus.*

§ 2. *Concionari in ecclesia vetantur laici omnes, etsi religiosi.*

Faculty to preach should be given only to priests or deacons, and not to other clerics unless for a reasonable cause, according to the judgment of the Ordinary, and in individual cases.

All laymen, religious as well, are forbidden to preach in church.

¹²⁶ O. c., 267-8.

¹²⁷ Cocchi, o. c., 56.

The office of preaching has always been regarded as part of the sacred ministry. Therefore only the clergy have been admitted to it as the general rule. From the time of St. Paul women have kept silence in the church. Laymen at first were allowed to speak—in the first centuries those who possessed special supernatural gifts, later those who showed unusual ability, and then only under the supervision of the bishop; but never has the preaching office been considered as belonging to them. In the Middle Ages this had to be reaffirmed against certain heretics, who claimed the right for all Christians, whether in sacred orders or not, without the need of canonical mission. And the Pauline prohibition about women had to be repeated against certain over-reaching abbesses, who were claiming for themselves the right to preach and hear confessions.¹²⁸

The duty to preach, committed primarily to the episcopate, is shared by their co-workers in the priesthood. At ordination the candidate is reminded, "It behooves the priest to offer, bless, preside, preach and baptize. . . . Let your doctrine be spiritual medicine to the people of God. Let the odor of your life be the delight of the Church of Christ, that by preaching and example you may build up the structure—that is, the household—of God. . . . May these, meditating on Thy law day and night, believe what they read, teach what they believe, follow what they teach."¹²⁹

By positive law certain priests are forbidden to receive this faculty. In 1923 the Congregation of Religious¹³⁰ decreed that newly-ordained members of religious institutes and of societies living in community without vows must not exercise the ministry of souls—that is, hear confessions and preach—before the completion of their fourth year of theology. This norm is also to be applied to secular clergy raised to the priesthood by dispensation during their theology course. It is customary that the rescript refer in an express way to this matter. What is forbidden to these early ordained priests is an habitual and frequent ministry, and during the school year, not during the vacation time.¹³¹

Likewise can. 565, § 3 forbids priests making a religious novice from preaching and hearing confessions. So far as preaching goes, this prohibition *a pari* affects novices in deacon's orders.

¹²⁸ C. 10, X *de poenitentis et remissionibus*, V, 38.

¹²⁹ *Pontificale Romanum*, tit. "de ordinatione presbyteri."

¹³⁰ S. C. de Relig., 27 oct., 1923, AAS, XV, 459; cf. *C. I. C. Interpretations Authenticae*, 99-100, n. 3.

¹³¹ Cappello, *Summa Juris Canonici*, II, 437.

Deacons may be granted faculties to preach. Juridically they are on a parity with the priesthood in this matter, for the law makes no distinction between the two orders, quite unlike the former legislation, which allowed deacons to preach only in extraordinary circumstances.¹³²

We find these words in the ordination to the diaconate: "It behooves the deacon to minister at the altar, baptize and preach. . . . Like a holy tabernacle you shall support and minister to the Church of God with holy care, divine preaching and perfect example. . . . Take heed that when you announce the gospel with your lips, you expound it with living deeds . . . (at the imposition of the dalmatic): Receive the power to read the gospel in the Church of God both for the living and the dead. In the name of the Lord, Amen."¹³³

While the present law puts no restriction on faculties in favor of a deacon, in actuality it is not customary to have him preach publicly, or does it promise to become so.¹³⁴ Two factors are at work to continue the present condition: First, the historical attitude towards the deacon, that his place as a preacher is secondary—for the most part no more than the reading of the gospel, reciting homilies and giving catechetical instruction having been confided to him; and second, the present status of the diaconate, the step in orders taken shortly before the priesthood, with attendant restriction to the seminary and exclusion from the parochial ministry. However, if a deacon is away on sick-leave, or assigned to a parish for duty, or on vacation, the bishop may freely give him faculties without requiring any more cause than that which justifies granting them to a priest.

Previous to the Code deacons could have a parish, and although can. 453, § 1 demands priest's orders as a condition to hold a parish validly, the law does not affect those deacons who perchance obtained their position before the Code.¹³⁵ If, for the sake of academic discussion, there should still be a parish-holding deacon, he would be not only empowered, but also obliged to preach (can. 1344, § 1).

As for other clerics, since they are already "indentured to the divine ministry"¹³⁶ and as such are capable of receiving ecclesiastical jurisdiction,

¹³² Ayrinhac, *Administrative Legislation in the New Code of Canon Law*, 221-222.

¹³³ *Pontificale Romanum*, tit. "de Ordinatione Diaconi."

¹³⁴ Vermeersch-Creusen, o. c., 470.

¹³⁵ S. C. C. *Cuneen. et Ulinen.*, 17 mai., 1919, *AAS*, XI, 351; cf. Bouscaren, *Canon Law Digest*, 246.

¹³⁶ Cocchi, o. c., 57.

the past and present law has regarded them as qualified for preaching.¹³⁷ Still the Ordinary must not give them their faculty except for a reasonable cause (of which he must be the judge), and only for a single occasion, not permanently. Practically, minor clerics are not available for preaching due to seminary restrictions. Yet because of their superior training, they are well suited to give catechism instruction and familiar addresses even to large groups. This they can do with no more than the pastor's consent, by virtue of can. 1333.

Paragraph 2 of can. 1342 excludes the laity from preaching in church and thereby maintains the former law.¹³⁸ The reason for this exclusion is found in the nature of the preaching office, that it is a participation in the power of jurisdiction—in the broad sense—which the laity do not possess in the present law.¹³⁹ This does not mean that outside of churches and public oratories or chapels the laity, especially superiors of religious institutes of men or women, and even novices, may not deliver—not sermons, properly speaking—but familiar instructions,¹⁴⁰ or that laymen cannot give a discourse in church on the occasion, for example, of a congress.¹⁴¹

Women are wholly forbidden to preach. They may be admitted to teach children their catechism, even in church, provided they have been granted canonical mission.¹⁴²

In these days a new form of preaching has risen, not taken into account by the commentators. It is the street-preaching movement, which comprises clerics and laypeople, men and women, and it has spread in England, the United States and Canada with all necessary ecclesiastical approbation.¹⁴³ The members of the various guilds undertake to address crowds on street corners, parks and other public places, explaining Catholic doctrine, answering objections peaceably, in order to dispel ignorance, cor-

¹³⁷ Wernz-Vidal, o. c. 32-33.

¹³⁸ C. 29, D. XXIII; c. 11, 19, C. XVI, q. 1; c. 14, X *de haeret.*, V, 7.

¹³⁹ De Meester, *Compendium*, III, I, 201.

¹⁴⁰ Vermeersch-Creusen, o. c., 470, a Coronata, o. c. 268, Blat, o. c. 269.

¹⁴¹ De Meester, ut supra; Bouuaert-Simenon, *Manuale J. C.*, III, 113; a Coronata, ut supra. The last adds that laymen at such occasions should not use the pulpit from which ordinary sermons are given, but another platform. Yet it may be that difficulties of sound and vision will justify the use of the ordinary pulpit.

¹⁴² Can. 1333; cf. a Coronata, o. c. 268.

¹⁴³ Sheed, *The Catholic Evidence Guild*; Ward-Sheed, *Catholic Evidence Training Outlines*; Sharpe, *Our Preaching*, 85-89; "The Catholic Evidence Guild and Seminarians," *AER*, XCIV, 501.

rect wrong notions, and so win souls to the faith. Can this activity be called preaching in the canonical sense? And if so, what provision must be made in order that the sacred canons will be respected?

To answer the first question: Though a good deal of the activity of these street-preaching guilds can be regarded as catechetical instruction or familiar conferences, as much more should be considered as preaching in the canonical sense. That will be seen readily from an inspection of the *schemata* used by the speakers both in their training courses and in their addresses.

In answer to the second, there is no difficulty about the clerical preachers, provided the laws of canonical mission are observed and the Ordinary is unusually prudent about the priests whom he licenses for this kind of work. As regards the laity, since can. 1342, § 2 forbids them to preach in the church structure, by implication it does not forbid them to speak outside. That much granted, laymen and women who undertake this apostolic work are subject fully to the local Ordinary, who himself may decide on fitness, the kind of sermons each can give, and the extent of faculties, or he may commit his power to others. The rules of the various preaching guilds have conformed strictly to all this, and so their activity has full canonical standing.

THE PRIVILEGE TO PREACH

The law itself endows certain dignitaries with the privilege to preach, wholly or partially apart from permission from the local authorities.

Can. 239.—§ 1. *Praeter alia privilegia quae in hoc Codice suis in titulis enumerantur, Cardinales omnes a sua promotione in Consistorio facultate gaudent: . . . 3°, Verbum Dei ubique praedicandi.*

Besides the other privileges which are enumerated in this Code under their own titles, all cardinals, from the time of their promotion in consistory, enjoy the faculty of preaching the word of God everywhere.

This faculty comes not only by reason of their high dignity, but also because of their close association with the Pope in the government of the universal Church. Like their other faculties granted in the same canon—

hearing confessions, blessing the people in the fashion of bishops, blessing religious articles—it obtains everywhere without exception. No local Ordinary is competent to silence them or proceed against them, for they are amenable only to the Holy See both in actions and penalties.¹⁴⁴

Can. 349.—§ 1. *Ab accepta authentica notitia peractae canonicae provisionis, Episcopi sive residentiales sive titulares:*

1°. *Praeter alia privilegia quae suis in titulis recensentur, fruuntur privilegiis de quibus in can. 239, § 1 . . . cum consensu saltem praesumpto Ordinarii loci.*

From the time of receiving due notice of their canonical provision, bishops both residential and titular; besides the other privileges listed under their respective titles, enjoy those of can. 239, § 1 . . . 3°, with the consent, at least presumed, of the local Ordinary.

Hence the law places bishops on a parity with cardinals as regards the privilege to preach everywhere, with the one limitation that they cannot exercise their right if the local Ordinary actively opposes.

¹⁴⁴ Can. 1557, § 1, 2°; 2227, § 2.

CHAPTER VI

RIGHT AND OBLIGATION TO PREACH

Can. 1327.—§ 1. *Munus fidei catholicae praedicandae commissum praecipue est Romano Pontifici pro universa Ecclesia, Episcopis pro suis dioecesibus.*

The office of preaching the Catholic faith is principally committed to the Roman Pontiff for the universal Church, and to the bishops for their respective dioceses.

THIS canon derives immediately from the divine law, which established the Church, and at its head the Pope, as the medium to proclaim the Catholic faith to the world. The Roman Pontiff carries out his preaching office chiefly by means of his infallible acts of dogmatic definition and solemn prohibition,¹ done either by himself or in conjunction with an ecumenical council; and by means of less solemn acts, contained in encyclicals and other instructions issued directly from his person or through the Roman Congregations. It must be noted that "praedicare" is here used in its broader sense of proclaiming. For the pope, though bound by the divine law to proclaim the gospel, is not held to preach by word of mouth, neither by the divine law—because there is none to that effect—nor by any ecclesiastical law, for he is above that.

The right of the pope to preach to the world implies necessarily an independence from interference or *placet* of any civil power, an independence that extends not only to the utterance itself but also to the vehicle he chooses for its diffusion.²

Besides his own communications, the pope exercises his preaching office through Vicars and Prefects Apostolic,³ who, though they may be in bishop's orders, teach their flocks as his representatives, rather than in their own right as Ordinaries.

Many of the popes have excelled in personal preaching—Leo I and

¹ V. can. 1323, § 2, can. 1324.

² Cavagnis, *Institutiones Jur. Publ. Eccl.*, III, n. 6 ss.; *Augustine*, o. c., VI, 338-339; *a Coronata*, o. c., 250.

³ *A Coronata*, o. c., 250.

Gregory I in the ancient Church, in our own times Pius X with his catechetical instructions for children, and Pius XI with his worldwide broadcasts.⁴

The same office that the Supreme Pontiff holds in the universal Church, the bishops who rule dioceses in their own name hold towards their own subjects. The reason for their authority is expressed in can. 1326, "Bishops . . . though not possessing either individuality or in particular councils, the authority of infallible teachers, are, under the Roman Pontiff, truly doctors and teachers for the faithful committed to their care."

Can. 1327 (cont.).—§ 2. *Episcopi tenentur officio praedicandi per se ipsi Evangelium, nisi legitimo prohibeantur impedimento; et insuper, praeter parochos, debent alios quoque viros idoneos in auxilium assumere ad hujusmodi praedicationis munus salubriter exsequendum.*

The bishops are bound to preach the gospel in person, unless they are legitimately impeded; in addition they should employ, besides the pastors, the help of other qualified persons for the effective discharge of their preaching office.

Throughout all the Christian ages saints and councils have repeated the phrase that long ago became an axiom in Church law: "The chief duty of the bishop is to preach."⁵ The reason is that, as chief pastor of his flock,⁶ he has the responsibility of instructing them, and in ordinary circumstances none is better equipped to warn the people within a given territory against evil—especially local dangers—and urge them in the way of virtue, than their own bishop.

⁴ *Nuncium radiophonicum*, Pii XI, 12 feb., 1931, ad universum Orbem, *Qui arcano Dei*, AAS, XXIII, 65-70; *Christus Rex*, 14 oct., 1934, id., XXVII, 577-8; *La vostra presenza*, 14 sept., 1936, id., XXIX, 373-381.

⁵ For many references see Ferrarius, *De Ritu Sacrarum Ecclesiae Veteris Concionum*, 161-168; Hardouin, I, 59, II, 993, IV, 1067, 1069-1072, 1351, 1218; in *Summa*, III, q. 67, a. 2, St. Thomas says that the duty of preaching belongs to the bishop as baptizing belongs to priests; C. Trident. sess. V, *de ref.*, c. 2, sess. XXIV, *de ref.*, c. 4, 7; Benedict XV ep. encycl. "Humani generis," 15 jun., 1917, § "Etenim praedicationis munus," AAS, IX, 307; *Pontificale Romanum*, tit. "de consecratione electi in episcopum": "Receive (the book of) the gospel, and go forth, preach to the people committed to thee."

⁶ Can. 1326.

Though this duty comes of a divine command given to the apostles and their successors in the episcopate, it is exercised dependently on the Roman Pontiff, for he designates who shall rule over a given portion of the faithful,⁷ and grants canonical mission in the bulls of election.

The former law has been modified to some extent by the Code. According to Trent,⁸ bishops were bound more specifically. They had to speak to the people at the principal Mass at their cathedral on Sundays and feasts of precept, and whenever they conferred the sacraments. If they did not preach themselves, they were bound to get another to preach for them. The parish priests were regarded as their substitutes for speaking in the parish churches, for in the eye of the law the bishop preached through them. While retaining the spirit of the Tridentine and earlier legislation, the Code altered the bishop's obligation to the extent that he is no longer bound to any one place or occasion (unless he retains for himself the pastorate of the cathedral parish, in which case can. 1344 and 1345 apply to him as to any parish priest); and besides the parish priests, he may exercise his office through other men of his choice.

The second paragraph of can. 1327 is taken almost word for word from Trent, sess. XXIV, *de ref.*, c. 4. The law has in mind only residential bishops, and applies equally to vicars and prefects apostolic, abbots and other prelates *nullius*.⁹

The obligation laid on the bishop is personal. He himself is bound to preach, unless otherwise impeded. The question rises whether the obligation is also real, as the obligation of pastors in can. 1344 is real. In other words, must the bishop find a substitute to do his preaching for him when he cannot look after it himself? Paragraph 2 of can. 1327 is none too clear on the point, and the canonists do not discuss the issue. Before the Code the law was evident. Both the Fourth Lateran Council and Trent laid down a real obligation,¹⁰ for they explicitly bound the bishops to provide other preachers to speak in their stead when they were impeded. That is likewise the mind of Benedict XV in the "Humani generis," who in the paragraph "Etenim" says: "Even though (the duty to preach) is proper to bishops, nevertheless for the reason that they cannot always and everywhere

⁷ Can. 329, § 1.

⁸ Sess. XXIV, *de ref.*, c. 7.

⁹ Can. 323.

¹⁰ Innocent III in the Fourth Lateran Council, v. c. 15, X, *de officio iudicis ordinarii*, I, 31; C. Trident., sess. V, *de ref.*, c. 2.

fulfill their duty themselves because distraught with various cares in the government of their churches, it is necessary that they do it through others." Therefore, if the wording of can. 1327 is unsure, by virtue of can. 23 and can. 6, 4°, we refer to the former law for the mind of the legislator. If it be objected that the real obligation of the bishop no longer exists because the present law seems to rearrange the former legislation, and that therefore the provision of can. 22 applies, the answer is that there has not been the thorough revamping demanded by can. 22.

The canon continues, "Unless they are lawfully impeded." The Fourth Lateran Council, from which this law is derived, said that such impediments are the burden of other necessary occupations, bodily weakness, enemy invasion and the like.¹¹ In our own times bishops are usually so burdened with other occupations imposed on them by law or circumstances that canonists are inclined to regard their Lenten pastorals and *viva voce* addresses to their people as satisfaction for their pulpit duty.¹²

Every duty has its corresponding right; and since a bishop must speak to all his flock, he is entitled to a reverent hearing in all the churches of his diocese, including those of exempt religious.¹³

The canon reads further, "In addition (bishops) should employ, besides the pastors, the assistance of other qualified men for the effective discharge of their preaching office." Where dioceses are large in extent and population, the bishop, no matter how physically fit, cannot cope with the need of the people for the bread of life. When that is so, he should engage other preachers. In some cases the parish clergy will suffice, and then there does not seem to be any obligation of taking on others, for the law makes the engagement of other preachers dependent on the bishop's own inability to meet the need.¹⁴ If the parish clergy do not suffice, the bishop should engage other fit men, from the diocesan and regular clergy, or from outside the diocese; in this matter he is free to choose.

In some places bishops have set up permanently organized groups of their own priests to go about the diocese giving missions, retreats and other special conferences.¹⁵ Though these do not constitute of themselves the

¹¹ C. 15, X, *de officio iudicis ordinarii*, I, 31.

¹² Bouuaert-Simonon, *Manuale J. C.* III, 108, n. 1.

¹³ Can. 1343, § 1; a Coronata, o. c., 269.

¹⁴ See the sources of this canon, ut supra.

¹⁵ V. *Concilium Plenarium Aemiliana et Flaminiae Regionis*, a. 1932, decret. 25; Appendix III (pp. 72-75) of this volume gives extensive statutes for such Missionary

bishop's substitute in the sense of can. 1327, nevertheless they form an excellent body from which to draw his delegated preachers.

Upon the men that the bishop chooses he may confer his own powers.¹⁶ Or he may give them ordinary canonical mission, in conformity with can. 1337, 1338, 1341. If he elects the former way, these preachers may, on his orders, go anywhere in the diocese that the bishop himself can go, and they do not need any invitation from parish priests or other rectors.¹⁷ When they are brought in from outside the diocese, there is no question of petition to have them preach on the part of those listed in can. 1341 and in n. 5 of the "Ut quae," for they act in place of the bishop. On this point Benedict XV says,¹⁸ "Wherefore those who, besides the bishops, are engaged in this task, without doubt are to be engaged (as) exercising the episcopal office." Like the bishop himself, however, they are excluded from the houses of exempt religious.

In regard to preachers on whom the bishop has conferred his own powers, there is no question of subdelegation, for the act of preaching, as has been said, is not an act of jurisdiction strictly so called. Nevertheless it is a delegated power, and as such is subject to all the rules concerning the grant, withdrawal and lapse of delegation.¹⁹

Needless to say, the bishop cannot send his delegated preachers outside the diocese, even though the law allows him to preach anywhere outside his own territory,²⁰ for this is a personal privilege granted to him by reason of his episcopal dignity.

Can. 1343.—§ 1. Ordinarii locorum jus habent concionandi in qualibet sui territorii ecclesia, quamvis exempta.

Local Ordinaries have the right to preach in any church of their territory, not excluding exempt churches.

Associations of the diocesan clergy. On the beginnings of American diocesan bands see the early volumes of *The Missionary* (Washington, D. C.).

¹⁶ R. J. in 6°, reg. 68: "Potest quis per alium, quod potest facere per se ipsum"—cited by Gasparri among the sources of this canon.

¹⁷ S. C. C. *Adrien.*, 13 sept., 1670, decided that if the pastor himself desires to preach, no one else may preach in his church, even one who has been delegated by the bishop. V. *Synopsis*, Ojetti, I, n. 1398.

¹⁸ "Humani generis," ut supra, § "Etenim."

¹⁹ Can. 199-205.

²⁰ Can. 349, § 1, 1°.

As has been already said, the bishop's obligation to preach begets a corresponding right to be heard. Can. 1343 goes further, for it assigns the right to local Ordinaries, who according to can. 198 and 294 include not only residential bishops, vicars and prefects apostolic, abbots and prelates nullius, but also vicar-generals²¹—save insofar as the bishop, by virtue of can. 368, § 1, positively excludes them—and administrators; can. 435, § 1, includes vicars capitular.

The reason for this law is that local Ordinaries, being themselves the source of canonical mission in the diocese, should not be denied the power to do themselves what they can allow others to do.²² Hence they have access to every pulpit in their territory, without let or hindrance from pastors or exempt religious. The Code has thus settled in favor of Ordinaries the long controversy whether the regulars had the right to exclude the diocesan authority from their own churches.

Has the local Ordinary the right to displace the parish priest at his parochial Sunday sermon laid down in can. 1344? The spirit of Trent and can. 1327 shows he has, for the parish priest is the vehicle of the bishop.²³ This right, however, no Ordinary will exercise as the usual thing, for it would be setting aside the desire of the law, expressed in can. 1344 and 1345, that the parish priest is the normal teacher of the flock committed to his care.

Can. 1343 (cont.)—§ 2. Nisi agatur de magnis civitatibus, potest quoque episcopus prohibere ne in aliis ejusdem loci ecclesiis verba fiant ad fideles, quo tempore vel concionem ipse habet vel coram se, ex causa publica atque extraordinaria, convocatis fidelibus, habendam curat.

Unless the city is very large, the bishop can also forbid sermons to the people in other churches of the same place at the time when either he himself delivers a sermon or he has one preached in his presence, for some public and extraordinary reason, the faithful having been called together.

²¹ Prümmer, *Manuale J. C.*, 486.

²² R. J. in 6°, Reg. 9.

²³ Sess. XXIV, *de ref.*, c. 4, in which the council says that bishops are obliged to preach in other churches than their own through the parish priest. Hence the right of pastors was not considered as absolute.

This law is substantially the same as before the Code. It came of the medieval and post-Tridentine conflict between local Ordinaries and regular preachers. Some of the latter, holding forth in the market-places and open squares of cities, or in the large churches, often drew crowds that astonish our own day. Evidently there were some such occasions that the bishops desired the presence of the people at their own sermons. Hence the attempt during five centuries to adjudicate the differences between the rights of Ordinaries and the privileges of regulars, for though the bishop had always been regarded as the first teacher in his diocese, the regulars were given many privileges to preach everywhere. The outstanding litigation in the matter was the case *Maceraten.*, March 7, 1579.²⁴

The Code reads, "Unless the city is very large." Authors agree that a large city in question should comprise 100,000 inhabitants all told.²⁵ They are nearly unanimous that all should be counted, not only the Catholics; but Augustine says that only Catholics are to be counted, and cites the very large American cities New York, Chicago and St. Louis as cases in point.²⁶ In view of the weight of authority against this view, it cannot be upheld. As Vermeersch observes, even where the major portion of the inhabitants is not Catholic, so long as the Catholics are fairly scattered about the various districts of the city, the law applies.

"The bishop." This is a change from the terminology of the previous paragraph, which spoke of the local Ordinary. It consequently includes residential bishops, vicars and prefects apostolic, prelates *nullius*,²⁷ but not the vicar general or vicar capitular, for it is clear from the former law that the matter has been so adjudicated out of deference for the office of the bishop and in order that greater efficacy be imparted to his sermons or those delivered in his presence.²⁸

"The bishop can forbid." This is his right, not his obligation. If he chooses, he may let the other sermons in the city take their normal course. He may likewise choose to silence certain churches and not others.²⁹

²⁴ S. C. Ep. & Reg., Gasparri, *Fontes*, IV, n. 1353.

²⁵ De Meester, *Compendium*, III, I, 202; Vermeersch-Creusen, o. c., 470; a Coronata, o. c., 269; Cocchi, o. c., 57; Augustine, o. c., 363-4.

²⁶ Ibid.

²⁷ Can. 215, § 2, can. 294, § 1.

²⁸ A Coronata, o. c., 269, qui cit. Santamaria, IV, 196; De Meester, o. c., 201, 202, Vermeersch-Creusen, o. c., 470.

²⁹ R. J. in 6°, reg. 35: "Plus semper in se continet quod est minus."

"Sermons to the people in other churches of the same place." "Churches" includes public oratories.³⁰ All churches, those of the diocesan clergy or religious, exempt or not, are liable to this ban, but not semi-public oratories or private chapels. The bishop cannot interdict the parochial sermons given on Sundays and feasts in conformity with can. 1344, whether they are held at the parish Mass or at another hour.

The bishop, says the canon, may forbid sermons. This prohibition does not extend to other functions. It would be an evasion of the law, however, to conduct ceremonies calculated to subtract from the very effect that the law intends.³¹

"At the time . . ." This is to be taken morally. He may therefore forbid sermons elsewhere during the hours required for the faithful to assemble as well as for the service to go on at which the preaching takes place; for when the law grants a right, it is presumed to provide all that is necessary for the exercise of the right.³²

"When he himself delivers a sermon." It need not be at a pontifical function or with the bishop clad in pontificals. ". . . or has one preached in his presence." Again, he need not preside in pontificals, or at a throne raised for him. The law expects, however, that he be physically present, for it protects just those sermons which he makes his own by the dignity of his presence.

The sermon should be to the people at large, and the condition is not verified when the preaching is done before some special community or group.³³

"For some public and extraordinary reason, the faithful having been called together." Such would be an occasion of public sorrow or rejoicing, the need of eradicating a general abuse, giving the people a special command for them to observe, a congress or a rally.³⁴ The former law required that the clergy and civil magistrates should be summoned, but the omission from the text of the Code shows that the former law need no longer be kept in that respect. Among the present canonists, a Coronata demands that the

³⁰ De Meester, ut supra.

³¹ R. J. in 6°, reg. 88: "It is certain that he offends against the law who, keeping to the words of the law, strives against the intention of the law."

³² Id., reg. 39: "When a thing is forbidden, everything is forbidden that flows from it."

³³ Vermeersch-Creusen, o. c., 470.

³⁴ De Meester, o. c., 202.



people be convened by announcements in the newspapers, by posters on the walls or doors of the churches, by preachers, or by other means ordered by the bishop.³⁵ Whatever may have been the mind of the older law on this point, there is no reason in the present law to regard these means as something to be observed before the right of the bishop may be vindicated.

It is argued among canonists whether the limitations of a public and extraordinary occasion and the summoning of the people apply to the bishop's own sermon or only to a sermon delivered in his presence. Prümmer holds that they apply as requirements to the bishop's own sermon as well.³⁶ Others take the opposite view.³⁷ On this very point Benedict XIV, writing as a private canonist, says that with the Roman authorities there was never any difficulty in regard to the prohibition of regulars' preaching at the hour that the bishop chose to speak to the populace himself; the obscure point was over the other case, when the bishop had a sermon given in his presence. In the latter case, continued Benedict, the power of the bishop to prohibit other sermons was limited to occasions of public concern, with the clergy, magistrates and people assembled.³⁸ There is no reason for thinking that the interpretation of the great canonist does not also apply to the present law.

Blat allows that the sermon to be given in the bishop's presence need not be by his mandate, but that one given with only his consent will suffice.³⁹

A Coronata further allows that when the bishop himself preaches in a public church of a small city, yet in ordinary circumstances, he may prohibit other sermons in the same town. On the other hand, when preaching in large cities, he cannot forbid other sermons even in the very parish where he is speaking.⁴⁰

Can. 1344.—§ 1. Diebus dominicis ceterisque per annum festis de praecepto proprium cujusque parochi officium est, consueta homilia, praesertim intra Missam in qua major solet esse populi frequentia, verbum Dei populo nuntiare.

³⁵ O. c., 269.

³⁶ *Manuale J. C.*, 405, n. 5. Vermeersch-Creusen (infra) believe that Augustine also holds this view, but that is not clear; v. Augustine, o. c., 363.

³⁷ Vermeersch-Creusen, o. c., 470; De Meester, o. c., 202; Cocchi, o. c., 57.

³⁸ *De Synodo Dioeclesiana*, 1, ix, c. 17, n. 7.

³⁹ O. c., 306.

⁴⁰ O. c., 269; Vermeersch-Creusen, o. c., 470.

On Sundays and holydays of obligation throughout the year, it is the proper duty of every pastor to announce the word of God in the customary homily, especially at the Mass where there is wont to be a greater attendance of people.

The Council of Trent, having given parishes a juridical existence of their own, enjoined on archpriests and other pastors, as it did on bishops, the strict duty of preaching to their people at the parish Mass (intra missarum solemnias) and before conferring the sacraments, explaining that the bishop preached through the parish priests in other churches than his own.⁴¹ In the spirit of this older legislation, Bouuaert-Simenon say that since parish priests are the only ones in whose office the duty of preaching is inherent,⁴² therefore they bear a part of the bishop's obligation and through them that obligation is fulfilled.⁴³

The duty of pastors is further seen in can. 682: "The laity have the right to receive from the clergy, according to the rules of ecclesiastical discipline, spiritual good things, and particularly the aids that are necessary for salvation."

Unlike the bishop, the parish priest has an obligation that is specific in place, time and means to be employed: in place, because prescribed for the parish church; in time, because on Sundays and holydays; in means, because it must be carried out by word of mouth, whereas the bishop's obligation may be fulfilled, to some extent at least, by his written pastorals and other warnings.

The Code associates others with parish priests in the obligation to give the parochial homily:

Quasi-pastors, defined in can. 216, § 3.⁴⁴

Parochial vicars, if they are given full power.⁴⁵ They are:

⁴¹ Sess. V, *de ref.*, c. 2, sess. XXII, *de sacrificio missae*, c. 8, sess. XXIV, *de ref.*, c. 4, 7.

⁴² This is not quite accurate, for it is also inherent in the office of canon theologian; but the remark is accurate enough for the point that the authors are making.

⁴³ *Manuale J. C.*, III, 113. It must not be thought from these remarks that the pastor's powers to preach are delegated, for they are ordinary powers, having been assigned by law (can. 197, § 1).

⁴⁴ V. can. 451, § 2, 1°.

⁴⁵ These exceptions usually refer to acts of jurisdiction such as assisting at marriages. In the absence of any contrary declaration, it is presumed that the substitute is obliged to preach the Sunday homily.

(a) The vicar—capitular or otherwise—acting for such moral persons as religious houses and chapters, and his duty to preach is contained in can. 471, § 4: “To the vicar belongs exclusively the entire care of souls, with all a pastor’s rights and obligations, as contained in the common law, approved diocesan statutes or laudable custom.”

(b) The temporary substitute (when a parish falls vacant and before a vicar *economus* can be appointed), who is sometimes a curate, sometimes a nearby pastor, and of whom can. 472, 2°, says that he is to assume charge of the parish.

(c) The vicar *economus*, for can. 473, § 1, says that he is bound to the same duties as the pastor regarding the care of souls.

(d) The vicar *substitutus*, provided by can. 465, § 4, for absences of the pastor above and beyond his annual vacation and retreat; upon this substitute involves the care of souls except insofar as the local Ordinary makes exceptions.

(e) The vicar *adjutor* or *coadjutor*, when he supplies for the pastor in all his duties—otherwise according to the contents of his instructions.⁴⁶

(f) The vicar *cooperator*, who is the ordinary assistant, according to the diocesan regulations, the instructions of the Ordinary or (in their absence) the commission of the pastor himself; can. 476, § 6, provides an ordinary norm in the matter, saying that unless otherwise expressly forbidden, he is to supply for the pastor and help him in the entire parochial ministry.⁴⁷

The *parish priests of Cathedral or collegiate churches* that are at the same time parochial; can. 415, § 2, 1°, assigns to the pastor all preaching and instruction of the faithful in Christian doctrine at the required time—in the case of the parochial homily, the time assigned in can. 1344, § 1. The same can. 415, § 5, gives the right to any such pastor, when he lacks assistants, to call upon the canons for help in the parochial ministry, and

⁴⁶ When the reason for the vicar *coadjutor* is an incapacity of the pastor that involves preaching, that duty obviously passes to the vicar without the need of word from the pastor or bishop.

⁴⁷ In some places, according to the norm of can. 476, § 2, the assistant is assigned a specific territory under the pastor, along with the care of the chapel-of-ease in the territory. In that case the Council of Maynooth binds pastor and curate *in solidum* for the spiritual care of the district (*Acta et Decreta Concilii Plenarii Episcoporum Hiberniae*, decr. 175, 176, 183), and Tuam, a. 1933, obliges the pastor to preach in the succursal church once a month (*Acta et Decreta Concilii Provincialis Tuamensis*, decr. 127).

therefore in preaching, and they are bound *ex caritate* to render him assistance in the manner determined by the bishop; where the cathedral or capitular church has a council of maintenance, it is not to interfere in the placing of the chair or pulpit from which sermons are delivered to the people.⁴⁸

Rectors of non-parochial churches; when the parish church is too far away for the faithful to reach easily, the bishop may command the rector of the nearby church even under penalty, to explain the gospel.⁴⁹

Apart from the above incumbents or participants in the parochial office, the bishop may also command priests who are staying in the diocese as teachers in public or private schools, to give a brief explanation of the gospel or some portion of Christian doctrine at the Sunday and feastday Masses that they offer in the presence of the people.⁵⁰

As for chaplains and other clerical moderators of pious associations, since they do not derive canonical mission from their office, they have no strict obligation to preach. Yet whatever sermons they give they must follow the ordinary rules of can. 1337-1342.⁵¹

“On Sundays and holydays of obligation.” These have been the times which from the beginnings of Christianity have been used to instruct the people. The feasts of precept in the universal Church are listed in can. 1247, § 1: each and every Sunday, Christmas, Circumcision, Epiphany, Ascension, Corpus Christi, Immaculate Conception, Assumption, St. Joseph, SS. Peter and Paul, All Saints—and no other. By reason of particular law or legitimate custom certain countries have assumed the burden of some special feast, and some have reduced the number of days to be observed by permission of the Holy See. Beyond that, however, no local Ordinary may impose a feastday save for a special occasion (*per modum actus*).⁵²

“And holydays of obligation.” In 1876 the Congregation of the Council entertained the complaint that certain pastors in a diocese, otherwise zealous in their parochial preaching, excused themselves from the holyday sermon prescribed by Trent on the ground of custom. The Congregation decided that the mind of Trent evidently included in the pastor’s

⁴⁸ Can. 1184, 4°.

⁴⁹ Can. 483, 3°.

⁵⁰ S. C. S. Off. *de sacerdotibus magisterii munus gerentibus in Publicis Scholis*, AAS, XIX, 100.

⁵¹ V. can. 698, § 2.

⁵² V. can. 1244, § 2.

obligation every feastday of precept, but added that a pastor would not offend against the substance of the Tridentine decrees if he let one or two feastdays go by without giving his homily, especially if he were much occupied with confessions, or the day had unusual solemnity, or if there were some other just reason. Therefore the Congregation decided that although the law of Trent should be observed on feastdays as well as Sundays, still it was left to the prudence of the bishop to dispense from this rule on some of the more solemn occasions.⁵³

"Throughout the year." What extent of negligence does the law consider an infraction of this canon? First let it be said that it must be serious negligence, for so states can. 2382 in declaring the penalty concerned: "If the parish priest seriously neglects . . . the sermon on Sundays and other feasts . . . he is to be punished by the Ordinary according to the rule of can. 2182-2185." Now to find out how much shirking of the duty to preach constitutes a grave neglect, we look to the mind of canonists before as well as since the Code, for the obligation is essentially what the Council of Trent determined.⁵⁴ The authors fall into the following groups:

1. Francisco Suarez said a parish priest might omit his feastday sermon now and then, or even rather frequently.⁵⁵ This opinion was rejected by St. Alphonsus as too vague.

2. Roncaglia held that the parish priest who evaded his obligation for one month in the year, either continuous or interrupted, offended gravely.⁵⁶ St. Alphonsus disallowed this opinion as over-rigid.

3. Bonacina, St. Alphonsus, Scavini, Bouix, Aertnys-Damen, Tanquerey, Cappello and a Coronata are of the one mind⁵⁷ that a pastor who without good cause omits his Sunday sermon for one continuous month or for three interrupted months in a year sins gravely. These authors claim that their opinion is the common one among the doctors.

⁵³ S. C. C. *Burgi S. Domnini*, 1 apr., 1876, Gasparri, *Fontes*, VI, n. 4234.

⁵⁴ Sess. V, *de ref.*, cap. 2.

⁵⁵ Suarez, *Opera Omnia*, XIII, p. 319, n. 7.

⁵⁶ Roncaglia, *Universa Moralis Theologia*, tom. 1, p. 358.

⁵⁷ Bonacina, *Operum de Morali Theologia*, Vol. II, p. 403; St. Alphonsus, *Theologia Moralis*, I, p. 549; Scavini, *Theologia Universalis Universa*, Vol. I, pp. 355-356, n. 448; Bouix, *Tractatus de Parocho*, p. 601; Aertnys-Damen, *Theologia Moralis*, tom. 1, p. 692; Tanquerey, *Synopsis Theologiae Moralis et Pastoralis*, Vol. III, p. 530; Cappello, *Summa Juris Canonici*, II, n. 532, p. 70; Matt. a Coronata, *Institutiones Juris Canonici*, II, p. 271, n. 928.

4. Ballerini, Ferraris and Barbosa by statement or implication denied that negligence of one month would be grave.⁵⁸ Ballerini would demand three continuous months, Barbosa a total of three months in a year.

5. It was the opinion of Lehmkuhl that a pastor seriously offends when he fails to preach for a continuous period, notably longer than a month—say, two months—or an interrupted period, notably beyond three months.⁵⁹ With this view De Meester is in agreement insofar as the pastor's obligation is real, that is, he is obliged to preach either through himself or through another; insofar as the obligation is personal, De Meester inclines to the opinion of Ferraris and Barbosa, holding that the pastor who neglects his obligation for a year sins gravely.⁶⁰ Concerning the stand taken by Lehmkuhl, Cappello writes, "We do not dare to say that this opinion is probable"⁶¹—yet it is the one opinion cited by Vermeersch.⁶²

6. Berardi held that the time-element is not the exclusive basis for judging the gravity of negligence. One pastor will pass by his duty for a continuous month or for fifteen occasions throughout the year, yet on the other Sundays he preaches with diligence and good results: in this instance Berardi would not allow a mortal sin; another pastor is negligent to the same extent and, besides, when he does preach it is done flippantly and without results: here is a case of mortal sin. So Berardi would have each offense judged in its circumstances.⁶³ Closely akin to this is the mind of Emmanuel Suarez, who emphasizes the rôle played by the prudent judgment of the Ordinary with due regard to the circumstances of each case and the local setting. "The parish priest who omits half of the Sunday and feastday sermons through a year in ordinary circumstances certainly is guilty of serious negligence; while another priest who is burdened with the administration of a parish some distance from his own and so is used to give his homily now in one parish, next in the other, cannot offhand be accused of grave negligence."⁶⁴

⁵⁸ Ballerini-Palmieri, *Opus Theologicum Morale*, vol. IV, n. 505; Ferraris, *Bibliotheca*, etc., vol. VI, "Parochus," art. 4, n. 71-73; Barbosa, *De Officio et Potestate Parochi*, part. 1, c. 14, n. 8.

⁵⁹ Lehmkuhl, *Theologia Moralis*, II, n. 820, p. 469.

⁶⁰ De Meester, *Juris Canonici Compendium*, I, p. 312.

⁶¹ Ut supra.

⁶² Vermeersch, *Theologiae Moralis Principia, Responsa, Consilia*, tom. 3, p. 83.

⁶³ Berardi, *Theologia Pastoralis*, I, pp. 61-62.

⁶⁴ E. Suarez, *De Remotione Parochorum*, pp. 181-182.

From all this some certain deductions may be drawn:

(a) The divine law itself seriously binds the parish priest to instruct his people. This is evident not only from Trent but also from the ancient canons, as Francisco Suarez pointed out.⁶⁵ Prescinding from any regulation of the Church, the divine law will urge as often as the people stand in grave necessity of heavenly doctrine. Then the parish priest is under grave obligation, of which he must acquit himself either personally or through another.

(b) As for Church law, Trent enacted, "When in despite of the bishop's warnings they (pastors) fail in their duty for a space of three months, let them be coerced with ecclesiastical censures, etc." Though the Code has no such wording in either can. 1344 or can. 2382, yet because the general tenor of can. 1344 is taken from Trent, we rightly apply the rule of 4° in can. 6: "In doubt whether a prescript of the canons is at variance with the former law, there is to be no departing from the former law." This reasoning has its confirmation in the fact that nearly all authors agree on the seriousness of negligence lasting for three months. Hence the rule may be stated that in ordinary circumstances a three-months neglect of duty is grave.

(c) Whether the three months are continuous or interrupted appears to be the chief point of contention among the authors. With due reverence for those who hold otherwise, it seems that since we are in a matter of crime and punishment, and so a matter calling for restriction of things odious, the milder opinion is the one to be followed, that the law means three continuous months, a greater period being required when sermons are omitted now and then through the year. Likewise in regard to the opinion that a negligence of one continuous month is serious: despite its sponsorship by so great a name as St. Alphonsus, there are other authors of acumen who reject the opinion or pass it by in silence. Being again in hateful things, it seems in keeping with the spirit of the law to follow a milder view. Yet it must be said at once that gentler interpretations have to go when the salvation of souls is at stake. Hence the Ordinary will be the judge of grave negligence in particular cases. If he believes that great harm has come to souls, even though only by neglect extending over a month (or counting up to three months through the space of a year), he certainly may go on to apply penalties.

⁶⁵ Ut supra.

The local Ordinary, either in synod or apart from it, may fix on a general rule concerning the days that the parish priests will be allowed to rest from preaching.⁶⁶ If the Ordinary does not so provide, Blat allows that a parish priest may omit his homily once or twice without fault.⁶⁷ Nevertheless, since his obligation is real, he must see to it that the Sunday sermons go on in his absence during retreat, vacation or for special reasons,⁶⁸ or when he is taken down with illness.

May the parochial homily be omitted during Advent and Lent when the pastor, in conformity with can. 1346, § 1, has invited special preachers? The Congregation of the Council took up this problem a century ago.⁶⁹ It was a difficult one in the former law, for it involved settling whether these special preachers substituted for the bishop or for the pastor; if for the latter, then it would seem that he was excused. But there was the further difficulty from the words of Trent, that the parish priest was bound to do his duty unless impeded. The congregation refused to make a categorical reply, but at first said that the custom of each parish should be observed; later it directed that the decree of the archbishop of Pisa be followed in the matter.

So the question remained unsettled. Of the three canonists who have faced the problem since the Code, a Coronata says, "The custom of omitting the parochial sermon is unreasonable and so cannot be tolerated" and cites documents that have nothing to do with the issue;⁷⁰ Augustine says, "Nor can the pastor be dispensed from this sacred obligation during Lent or Advent, when other preachers take the pulpit, or other churches in the city have such preachers," and he too gives references that do not pertain;⁷¹ Cocchi makes a forthright statement without offering sources, "Today local Ordinaries require this explanation"—that is, the explanation of the gospel by the pastor.⁷²

⁶⁶ Augustine, o. c., 165; a Coronata, o. c., 271.

⁶⁷ O. c., 307; a Coronata, id., 270.

⁶⁸ Can. 465.

⁶⁹ S. C. C. *Pisana*, 29 mar., 30 aug., 1817, Gasparri, *Fontes*, VI, n. 3951, 3955.

⁷⁰ O. c., 271. He cites Const. Innocent. XIII "Apostolici ministerii," § 11, 23 mai., 1723 (Gasparri, *Fontes*, I, n. 280), and S. C. C. *Burgi S. Domnini*, alluded to above. Both these documents are concerned with the duty of the pastor to preach on all Sundays and feasts.

⁷¹ O. c., 365. He cites S. C. C. *Burgi S. Domnini* (ut supra) and the very *Pisana* (ut supra) that leaves the point unsettled.

⁷² O. c., 59.

Particular legislation in Belgium provides that a parish priest should call on an outside priest once a year, to prepare the people for the celebration of Perpetual Adoration by means of suitable instructions over a period of some days.⁷³

The Code proceeds, "In the customary homily." In its strict sense, a homily is that familiar explanation of the Scriptures which proceeds verse by verse and ends with a moral exhortation.⁷⁴ The law does not intend, however, to confine the parochial sermon to this limited homiletic style, for the word is used in its older sense of a sermon in general. Any style of development will do, so long as it conforms to the laws of Trent and Innocent XIII, namely that the words of the preacher be easy to grasp and the whole thought fitted to the capacity of the faithful,⁷⁵ avoiding any ornate and formal styles. Granted the general affectiveness of the gospel homily in the strict sense of the term, circumstances will warrant a change from it both in matter and manner.

Besides the homily, the pastor may be required by particular law or the command of his Ordinary to announce, at the time of the Sunday sermon, the divine services of the week, the feastdays, days of fast and abstinence, indulgences, mandates of the Ordinary, banns of ordination and marriage,⁷⁶ papal encyclicals and episcopal pastorals.

"It is the proper duty of every pastor to announce the word of God." No contrary custom, no matter how old, can derogate from this duty.⁷⁷ Neither can the zeal of priests in nearby churches or the fewness of his own flock serve to absolve the pastor.⁷⁸ The duty is preeminently a personal one, and rightly so, for the pastor has received from the bishop a portion of the flock committed to the bishop to instruct in godliness; and pastors are equipped to know the spiritual needs of their people. Hence each parish

⁷³ *Acta et Decreta Concilii Provincialis Mechliniensis Quarti*, a. 1920, n. 311; cf. Bouuaert-Simenon, *Manuale J. C.*, III, 113, n. 3.

⁷⁴ Bouuaert-Simenon, o. c., III, 113.

⁷⁵ Sess. XXIV, *de ref.*, c. 4, 7; Innocent XIII const. "Apostolici ministerii," § 11, Gasparri, *Fontes*, I, n. 280; cf. Ayrinhac, *Administrative Legislation in the New Code of Canon Law*, 228.

⁷⁶ *Acta et Decreta Conc. Prov. Mechlin*, IV, ut supra, n. 309; cf. De Meester, o. c., II, 314.

⁷⁷ "Quae potius corruptela est," Innocent XIII in const. "Apostolici ministerii," 13 mai., 1723, Gasparri, *Fontes*, I, n. 280; cf. S. C. C. *Burgi S. Domnini*, 1 apr., 1876, id., VI, 591-3; De Meester, o. c., II, 312; Berardi, *Theologia Moralis* (4th ed.), 53 sq.

⁷⁸ Benedict XIII, const. "In supremo," 23 sept., 1724, Gasparri, id., n. 283.

priest must carry out the duty himself unless lawfully impeded. Even where the law itself provides him with assistants, it is not the intent of the law that he shift the whole burden on to them.

Since the obligation is real as well as personal, the parish priest who is impeded for a time or permanently must see to it that someone else will give the Sunday homily in his place. The impediments recognized by law are physical and moral impossibility, legitimate absence, the duty of saying the conventual Mass, the greater advantage of the people.⁷⁹ Even apart from these reasons, he may from time to time call in a substitute without the need of referring the matter to the Ordinary for his permission.⁸⁰ And when the excusing reasons are not due to the pastor's incapacity but are rather inherent in the occasion—for example, the solemnity of the day, or many confessions⁸¹—then there is no necessity for calling in a substitute.

"Especially at the Mass where there is wont to be a greater attendance of people." These words do not imply that the pastor has a similar obligation at the other Sunday and feastday Masses, for the following canon 1345 provides for them; its implication is rather that the pastor may choose another time, in the afternoon or evening, if he judges that it will be a more effective (unless particular legislation obliges him to give the parochial sermon at the principal Mass, as it does in some cases).

In further explanation of the above phrase, it should be said that the Tridentine legislation made it obligatory on the faithful to attend the feastday Mass of their own parish church, and so it could without difficulty designate this Mass as the one at which the parish priest was to speak to his people. With the breakdown of the obligation to attend only the parish Mass and the new possibility of assisting at one of many Masses, the Code had to make the law more flexible. Therefore, in order to reach the large number of the faithful, the Mass that is mostly attended is recommended. Local legislation may be more exact and attach the parish sermon to a certain Mass—the High Mass, for example.

May the sermon be given at another time than during the Mass? That will depend on particular legislation, and if that is lacking, on local condi-

⁷⁹ De Meester, o. c., II, 311-312. The author allows that when the pastor is impeded and the substitute cannot be had, he may pass up his obligation once or twice.

⁸⁰ A Coronata, o. c., 272; who adds that in case of absolute impossibility the Ordinary need not be approached for permission.

⁸¹ S. C. C. *Burgi S. Domnini*, ut supra.

tions. The intent of the law is that as many of the parishioners as possible receive this instruction. Where, therefore, the pastor knows that his afternoon vespers or evening service is sparsely attended, it is difficult to see how he can then acquit himself of the obligation of can. 1344.⁸² Such a choice would not be in keeping with the spirit of the law.

SUNDAY HOMILY VS. CATECHETICAL INSTRUCTION FOR ADULTS

Can. 1332 obliges pastors to hold a catechetical instruction for adults on Sundays and holydays of obligation. May they fulfill this obligation of can. 1344 by one and the same act? Certainly the obligations themselves are distinct, as Trent,⁸³ the regulations of Pius X,⁸⁴ the Code,⁸⁵ and a recent enactment of the Congregation of the Council⁸⁶ all bear out.

For the affirmative there is only Ayrinhac, who, citing Berardi,⁸⁷ says that the two may possibly be combined.⁸⁸ Augustine, while not commenting directly on the point, complains of the great burden that canons 1330-1332 can be to pastors in missionary countries and says that these canons need some modification according to the discretion of the Ordinary.⁸⁹

⁸² Nevertheless a Coronata allows (o. c., 271) that where the adult catechetical instruction of can. 1332 is more needed, the parochial homily may be given at the evening services.

⁸³ Sess. V, *de ref.*, c. 2.

⁸⁴ *Acerbo nimis*, 15 apr., 1905, ad VI, Gasparri, *Fontes*, III, n. 666.

⁸⁵ Can. 1332, 1344, 2382.

⁸⁶ S. C. C. 12 jan., 1935, *AAS*, XXVII, 145, summarized in Bouscaren, "Decree of Catechetical Instruction," *Canon Law Digest*, Supplement, 69-76; wherein the questionnaire sent out by the Congregation makes the distinction between the cursory sermon and the adult catechism.

⁸⁷ Berardi, *Theologia Pastoralis*, n. 112 (p. 44).

⁸⁸ Ayrinhac, *Administrative Legislation in the New Code of Canon Law*, 223.

⁸⁹ O. c., 345. The author, after noting the wise moderation exercised by the Code in applying *Acerbo nimis* to the new law, says, "But even the rulings of the Code need some modification in missionary countries, including our U. S., as we know from experience. Take, for example, a pastor who has to attend two missions, twelve or more miles apart. He has perhaps to start a fire in both churches, then to hear confessions, sing high Mass in at least one church, and preach in both, perhaps in different languages. Then he ought to teach catechism for another hour before making his train—and all this with an empty stomach. These are not fanciful, but real conditions, which cannot be compared to those existing around Treviso, Mantua or Venice. Hence it must be left to the diocesan Ordinaries to determine how far the prescriptions of the Code can be carried out."

For the negative a Coronata holds that the obligations are distinct and cannot be satisfied by the one discourse.⁹⁰ His side seems to be borne out by Pius X, who says in the *Acerbo nimis* that anyone who thinks that the homily will do in place of the catechism judges incorrectly, for the homily presupposes that the faithful are already grounded in the fundamentals imparted in the catechism.⁹¹ Though Pius is here arguing for the necessity of having catechism instruction in general, what he says may well be taken as relating to the point at issue.

It would seem, therefore, that the two obligations cannot be satisfied by the same act. The Sunday homily of can. 1344 cannot be so framed that it will serve as the catechetical instruction of can. 1332 and still keep to its own purpose.

What, then, may the pastor do to fulfill can. 1332 and still take advantage of the obligatory attendance of the faithful at the Sunday Mass? The answer to this difficulty depends on whether the church has only one scheduled Mass or many.

If the church has two or more scheduled Masses, the discourse at one of them may be the adult catechism prescribed by can. 1332, at the other the homily called for by can. 1344. For can. 1332 says that the pastor is to conduct catechetical instruction for adults at an hour which he considers suited to the attendance of the people, and can. 1345, which legislates for scheduled Masses other than those at which the parochial homily is given, desires that there be a short explanation of the gospel or of a portion of Christian doctrine, leaving to the bishops to draw up more detailed instructions. Hence several particular councils since the promulgation of the Code have directed pastors to follow the scheme of the *Acerbo nimis* at the low Mass sermon, turning it into a catechetical instruction for adults;⁹² and in like manner many bishops have published diocesan lists for the low Masses wholly in the spirit of the *Acerbo nimis* and can. 1332.⁹³

⁹⁰ O. c., 271.

⁹¹ Ut supra, n. 12.

⁹² *Acta et Decreta Conc. Plen. Episcoporum Hiberniae*, a. 1927, at Maynooth, *decr.* 373; *Acta et Decreta Conc. Prov. Mechliniensis IV*, a. 1920, n. 310; *Die Diözesan-Synode des Erzbistums Köln*, a. 1937, *dekrete* 116; *Estatados Sinodales de la Diocesis de San Cristobal* (Venezuela) a. 1936, *estatudo* 627. *Conc. Plen. Lusitanum, Acta et Decreta* (Lisbon) a. 1926, can. 400, provides that where the adult catechism is poorly attended, the priest should draw up his Sunday homily in such a way that the truths of the faith and the duty of a Christian life will be covered each year.

⁹³ V. *Program of Instructions*, Archdiocese of Chicago, a. 1936-7, 1937-8; *Pro-*

Where there is only one scheduled Mass for the people, the pastor must be guided by any particular legislation, and if that is lacking he must use his judgment. If he believes that the people are in need of careful grounding in the fundamentals, he should instruct them in the catechism (for in a choice between the catechism and a homily, the former must prevail,⁹⁴ especially since some of it deals with things at least relatively necessary for salvation), at the same time putting off the sermon of can. 1344 to later in the day;⁹⁵ if he is convinced that they are in need of the warnings and encouragements that are part of the homily, he should give them that, postponing the adult catechism to the afternoon or evening service.⁹⁶

Can. 1344 (cont.)—§ 2. *Parochus huic obligationi nequit per alium habitualiter satisfacere, nisi ob justam causam ab Ordinario probatam.*

The pastor cannot fulfill this obligation habitually through another priest, unless he has a just cause, to be approved by the Ordinary.

Since his duty is at the same time personal and real, the pastor must perform it himself; and when he has good reason for being dispensed from his personal obligation, then he must see that someone else does it. From time to time he may call in a substitute without reference to the Ordinary (such is the implication of the word "habitually"), and even without grave cause—when, for example, he wishes to give his flock the chance of hearing another preacher. But to do this as a constant practice calls for some just reason, such as increasing infirmity, or difficulties in speech. For a pastor may have other excellent qualities to justify his continuing in office and be at the same time unequal to his preaching office.⁹⁷ In weighing reasons, the

gram of Instructions, Diocese of Springfield in Illinois, a. 1935-6, 1936-7, 1937-8; The Messenger, Diocese of Covington, Nov. 19, 1937 (vol. XII, n. 9), p. 1.

⁹⁴ Cappello, *Summa J. C.*, II, 72.

⁹⁵ A Coronata, o. c., 271.

⁹⁶ Councils at Venice (*Concilii Venetii prov. Secundi, Acta et Decreta*, a. 1928, decr. 412) and Milan (*Synodus Dioecesis Mediolanensis XLI*, a. 1931, constitutio 628) have ordered that the catechism for adults be held at the evening service. Milan allows it to be held after Mass only in extraordinary cases, for serious reasons and with the permission of the Ordinary.

⁹⁷ Vermeersch-Creusen, o. c., 471.

Ordinary must be the judge. Needless to say, all this does not apply where a parish priest has been given a coadjutor with instructions to do his preaching for him, or where he has a staff of curates with whom he takes turns at preaching the Sunday sermon.

Can. 1344 (cont.)—§ 3. *Potest Ordinarius permittere ut solemnioribus quibusdam festis, aut etiam, ex justa causa, aliquibus diebus dominicis, concio omittatur.*

The Ordinary may permit that on the more solemn feast-days, and for a good reason also on some Sundays, the sermon be omitted.

It has been the constant practice of the legislator to deny summer vacations from preaching.⁹⁸ Short of that, the Ordinary may allow omission of the parochial sermon on some of the greater feasts, such as Christmas or Easter, usually because of the lengthy ceremonies; but not on all feast-days. On this point the Council of Malines observes that in Belgium the Ordinaries do not give any such permission because on the greater feasts the very people come to church who are badly in need of a sermon.⁹⁹ Similarly, says the Code, the Ordinary may allow the sermon to be omitted on some of the Sundays, where there is good cause. We have seen the French councils of the nineteenth century permitting parish priests in country parts to omit their sermons during the harvest time so that the people might be in the fields as soon as possible.¹⁰⁰

The permission of the Ordinary may be expressed or tacit.¹⁰¹ it may be given in particular cases or published as a general rule in the diocesan synod.¹⁰²

⁹⁸ *Acta et Decreta Conc. Plen. Balt. III*, decr. 216; Woywod, "On Preaching," *HPR*, XXVIII, 169-170; the current legislation of Philadelphia forbids any vacation from preaching at the Sunday Masses in summer, *Synodus Dioecesis Philadelphiensis IX*, a. 1934, n. lii a. The Council of Algiers in Africa permits omission of the parish sermon during two months of the summer (*Decreta Concilii Secundi Provincialis Algeriensis*, a. 1925, can. 24), very likely because of the great heat. Other places so circumstanced may pass similar legislation, in council or by the Ordinary.

⁹⁹ *Acta et Decreta Conc. Prov. Mechlin, IV*, ut supra, n. 308.

¹⁰⁰ *CL*, IV, 271, 1127.

¹⁰¹ Suarez, *De Remotione Parochorum*, 180.

¹⁰² Vermeersch-Creusen, o. c., 471.

OBLIGATION OF THE CANON THEOLOGIAN

Can. 400—§ 1. Canonici theologi est, diebus et horis ab Episcopo cum Capituli consilio designatis, publice in ecclesia explanare sacram Scripturam; sed Episcopus, si id utilius judicet, potest eidem alia doctrinae argumenta in ecclesia explicanda committere.

It belongs to the canon theologian to explain the Sacred Scriptures publicly in church, on the days and hours determined by the bishop with the advice of the chapter; moreover the bishop, if he judges it more useful, may commit to him other doctrinal arguments to be expounded in church.

Eugene II in his Roman synod of 826 ordered that clerical teachers be set up in places where they were needed for instruction in the liberal arts and letters.¹⁰³ In 1179 Alexander III at the Fourth Lateran Council directed that a special benefice be set up in cathedrals for an instructor of clerics;¹⁰⁴ which command Innocent III amplified in the Fourth Lateran Council, a. 1215, providing that in every metropolitan church there should be a theologian for the purpose of teaching clerics and others the "sacred page," yet without being given a canonry.¹⁰⁵ By the time of the Fifth Lateran Council it was presupposed that the latter restriction had been lifted, and Trent drew up rules governing the office of canon theologian, extending it to certain collegiate churches.¹⁰⁶ Pius IV numbered the canon theologian among those who were to take the profession of faith prescribed for public teachers.¹⁰⁷ Though in the Tridentine legislation the teaching of Holy Scripture was the scope of this official, canonists held that he fulfilled his duty also by expounding dogmatic, scholastic or moral theology. And though Gregory XVI in a constitution of 1844 tried to restore Scripture teaching to the place assigned it by Trent,¹⁰⁸ the larger scope allowed by canonists prevailed and became law in can. 400, § 3.

¹⁰³ Vide c. 12, D. XXXVII.

¹⁰⁴ V. c. 1, X *de magistris*, V, 5.

¹⁰⁵ V. c. 4, X *de magistris*, V, 5.

¹⁰⁶ Sess. V, *de ref.*, c. 1.

¹⁰⁷ Const. "In sacrosancta," 13 nov., 1564, Gasparri, *Fontes*, I, n. 107.

¹⁰⁸ Ep. encycl. "Inter praecipuas," 5 mai., 1844, Gasparri, *Fontes*, II, n. 502, § 3.

The first paragraph of can. 400 assigns to the canon theologian the duty of teaching the Sacred Scriptures in the cathedral or collegiate church where he holds his benefice. How often he must do so is not determined in the Code; the jurisprudence of the Congregation of the Council, which has issued the bulk of legislation relating to this office, has demanded a minimum of forty times a year¹⁰⁹—which comes to once a week after the canon's vacation is deducted. On the day that he fulfills his preaching office, the canon theologian is excused from choir duty without deduction from his salary or the daily distributions (can. 420, 2°).

For serious reasons the bishop may assign other topics to the theologian, and to the bishop likewise belongs the choice of the topics.

Can. 400 (cont.)—§ 2. Canonicus theologus munus expleat suum per se, vel si ultra sex menses fuerit impeditus, propriis expensis per alium sacerdotam ab Episcopo deputandum.

The canon theologian is to fulfill this duty himself, or if he is impeded beyond six months, through another priest designated by the bishop and at his own expense.

This does not apply if the impediment consists in teaching in the seminary, as provided in the third paragraph of the canon.

Can. 400 (cont.)—§ 3. Episcopus gravi de causa potest canonico theologo committere ut, loco lectionum in ecclesia, sacras disciplinas in Seminario doceat.

For a grave cause the bishop may have the canon theologian teach the sacred sciences in the seminary in place of the church lessons.

Because of the upheavals of the last two centuries, with their consequent loss of church property, many seminary investments, burses and the funds for teaching benefices have vanished. Hence it has been judged necessary in many cases to employ the canon theologian, already possessed of a living, as a member of the seminary staff. This alone will constitute the

¹⁰⁹ Wernz-Vidal, o. c., II, 734.

"grave cause" demanded by the above paragraph. On the days that the canon theologian is engaged in the classroom he is dispensed from choir.¹¹⁰

Should the canon theologian fail to perform his task, can. 2384 directs the bishop to bring a gradual pressure on him, by warnings, threat of penalties, by deducting a portion of his income in order to give it to his substitute. If the negligence continues throughout an entire year after the warning, the bishop is to visit him with suspension from his benefice. And should the negligence persevere for another six months, the bishop is to deprive him of the benefice itself.

OBLIGATION OF OTHERS TO PREACH

Besides those who exercise diocesan or parochial care of souls, others are bound by law to preach to those who come under their charge, inasmuch as familiar instruction comes under the heading of preaching in general.

Can. 509.—§ 2. *Curent superiores locales: . . . 2° ut saltem bis in mense, firmo praescripto can. 565, § 2, christianae catechesis habeatur instructio pro conversis et familiaribus, audientium conditioni accommodata, et, praesertim in religionibus laicalibus, pia ad omnes de familia exhortatio.*

Let local superiors provide . . . that at least twice a month, with due regard for can. 565, § 2, a catechetical instruction be held for the lay brothers and servants, in keeping with the understanding of the hearers, and, especially in lay religious communities, a pious exhortation to all the household.

In this canon the catechetical instruction and the devout exhortation form one obligation. To it are bound local superiors, both lay and clerical; who therefore do not need to have any special faculty or license—as the case may be—from the local Ordinary or a higher superior for the reason that they are already granted it by law, which regards such discourses as within the scope of their domestic power.

¹¹⁰ S. C. C. *Rappolen.*, 9 jul., 1921 (*AAS*, XVI, 397), provides that any canon theologian teaching in the regional seminary where that exists in place of diocesan seminaries, is entitled to his salary and the daily distributions, and he need not provide a substitute for his church lectures, provided that the bishop has, for grave reasons, transferred him from his church lectures to the diocesan seminary—which by a legal fiction includes the regional.

OBLIGATION OF SERMONS AT OTHER SUNDAY MASSES

Can. 1345.—*Optandum ut Missis quae, fidelibus adstantibus, diebus festis de praecepto in omnibus ecclesiis vel oratoriis publicis celebrantur, brevis Evangelii aut alicujus partis doctrinae christianae explanatio fiat; quod si loci Ordinarius id praeceperit, opportunis datis instructionibus, hac lege tenentur non solum sacerdotes e clero saeculari, sed etiam religiosi, exempti quoque, in suis ipsorum ecclesiis.*

It is to be desired that at all the Masses celebrated in churches and public oratories on holydays of obligation in the presence of the people, a short explanation of the gospel or of some portion of Christian doctrine be given; and if the Ordinary of the place has ordered this by means of a timely instruction, not only are the secular clergy bound to the law, but religious clergy as well, the exempt included, as regards their churches.

This law has peculiar urgency in places where, despite advances in profane knowledge, there exists great ignorance of religious things.¹¹¹ Furthermore, in many localities a condition obtains whereby people who are otherwise faithful in their Christian duties, including Sunday Mass, will never hear the word of God from one end of the year to the other. Trent did not foresee this condition when it prescribed Sunday preaching merely at the parochial Mass, for it was that Mass that the people were bound to attend. By the time of Benedict XIV the Tridentine scheme had broken down by reason of the extensive permission given to the faithful to fulfill the duty of their Sunday Mass in other churches.¹¹² The new order of things might have led to some chaos in the matter of popular instruction in the word of God but that the same pope allowed rectors of non-parochial churches to instruct the people who came to them for Mass when the parish church was difficult to reach, and gave bishops a certain discretionary power to make sure that the people who did not come to the ordinary Christian doctrine would not be suffered to go altogether without instruction.¹¹³ After that,

¹¹¹ A Coronata, o. c., 270.

¹¹² Ep. encycl. Benedict. XIV, "Magno cum," 2 jun., 1751, §§ 12, 14, Gasparri, *Fontes*, II, n. 413.

¹¹³ Benedict. XIV, ep. encycl. "Etsi minime," 7 feb., 1742, §§ 14, 15, Gasparri, *Fontes*, I, n. 324.

many of the nineteenth-century councils made it obligatory to impart some words to the faithful at low Masses; some councils contented themselves with commanding the gospel to be read in the vernacular, others went farther and directed that an instruction be given lasting five or ten minutes.

"It is to be desired." The canon, therefore, is not obligatory on the clergy until further imposed by order of the Ordinary; yet it is the wish of the Church that low Mass sermons be given. Very likely the legislator of the Code found too much diversity of conditions in non-parochial Masses to justify a uniform law. Hence until the local Ordinary or a particular council lays down apposite regulations, the canon remains a guiding norm.

"That at all Masses celebrated in churches and public oratories on holydays of obligation in the presence of the people." "Holyday" includes Sunday.¹¹⁴ The Council of Maynooth points out that the canon refers to all Masses at which the parochial sermon of 1344 or the catechetical instruction is not given.¹¹⁵ The law refers, above all, to the Masses at the parish church,¹¹⁶ then to other public churches and oratories, not to semi-public oratories or to those private chapels where, according to can. 1249, the faithful may fulfill their Mass obligation.¹¹⁷ Though it would seem at first sight that any Mass attended by the faithful falls under this law, the general interpretation of particular legislation is to include in it only scheduled Masses. "In the presence of the people," says Blat, means when the faithful are present "publicly and in a considerable number"—*publice et cum aliquo concursu*;¹¹⁸ nothing in the law or other commentators confirms this limitation of the canon: a handful of the faithful will make the canon effective.

"A short explanation of the gospel or of some portion of Christian doctrine be given." Many councils have ordered that the gospel text be

¹¹⁴ Can. 1247.

¹¹⁵ *Acta et Decreta Conc. Plen. Episcoporum Hiberniae*, a. 1927, decr. 374.

¹¹⁶ Augustine inadvertently gives this can. 1345 the rubric "Instruction in Christian Doctrine in Other Than Parish Churches," o. c., 366 (italics my own—author).

¹¹⁷ Sharpe, commenting on the canon in *Our Preaching*, 231, says "Masses on shipboard, even on pleasure cruises . . . should be accompanied by preaching." He cannot mean that there is any juridical obligation, for, with the exception of a few ships which have a chapel permanently set aside for Catholic worship, with a stationary altar, the place where Mass is said on shipboard cannot be called a church or public oratory as required by the canon. Such obligation as the celebrant has to preach will rise from charity, not from this law.

¹¹⁸ O. c., 307.

read in the vernacular, always from an approved edition based on the Latin Vulgate; while some have been contented with that much, others have gone further and have commanded an instruction. This instruction, says the canon, consists in an explanation of the gospel¹¹⁹ or of some portion of Christian doctrine. As textbook for the latter, according to the uniform recommendation of councils from the post-Tridentine period to the present, the Catechism of the Council of Trent is best, supplemented by diocesan catechisms.

"Short explanation" is a relative term. According to the Third Council of Baltimore, five minutes was the time to be allowed the low Mass instruction. Other legislators allow up to twenty minutes. The average comes to ten minutes.

"And if the Ordinary of the place has ordered this in a timely instruction. . . ." The enforcement of the canon is in the hands of the bishops, who have the right to make it mandatory and drawn up directions related to its observance which automatically bear the sanction of the Code. This has been done in many regions by the bishops in particular council,¹²⁰ in their own synod¹²¹ or through extra-synodal commands. The instruction of the Ordinary on this point may relate to the Masses at which the short sermon is to be given, its length, subject-matter, the epistle and gospel that are to precede it.

¹¹⁹ To which Fortesque would add the epistle of the Mass as alternate material, *The Mass, A Study of the Roman Liturgy*, 285, n. 1.

¹²⁰ The following regional, national and provincial councils have made the canon mandatory: Maynooth, *Acta et Decreta Conc. Plen. Episcoporum Hiberniae*, a. 1927, decr. 374; Tuam, *Acta et Decreta Conc. Prov. Tuamensis*, a. 1933, decr. 125; Naples, *Conc. Plen. Campanum: Decreta*, a. 1932, decr. 42; Malines, *Acta et Decreta Conc. Prov. Mechliniensis Quarti*, a. 1920, n. 308; Turin, *Acta Conc. Plen. Pedemontani*, a. 1927, can. 6; Bologna, *Conc. Plen. Aemiliana et Flaminiae Regionis*, a. 1932, decr. 27; Lisbon, *Conc. Plen. Lusitanum*, a. 1926, cann. 397-398; Seville, *Conc. Prov. Hispalense*, a. 1924, can. 259; Utrecht, *Acta et Decreta Conc. Prov. Ultrajectensis*, a. 1924, § 7; Florence, *Conc. Plen. Etruscum*, a. 1933, decr. 26; Malta, *Conc. Regionale Melitense, Decreta, Conc. Plen. Etruscum*, a. 1933, decr. 26; Malta, *Conc. Regionale Melitense, Decreta*, a. 1935, decr. 28; Portland, *Acta et Decreta Conc. Prov. Portlandensis in Oregon*, a. 1932, decr. 15. Councils at Venice (*Conc. Venetii Prov. Secundi, Acta et Decreta*, a. 1928, decr. 394, 423, and Sicily (*Conc. Plen. Sicilum*, a. 1920, pars. I, tit. II, cap. 1, art. 1) exhort the observance of the canon, and Sicily (can. 5) commands the reading of the gospel in the vernacular at every Mass.

¹²¹ Vienna, *Die Erste Wiener Diözesansynode*, a. 1936, kan. 281; San Cristobal, *Estatutos Sinodales de la Diocesis de San Cristobal, Venezuela*, a. 1936, estat. 628; Philadelphia, *Synodus Dioecesis Philadelphiae IX*, a. 1934, art. lii, a.

"Not only the secular clergy but religious as well are bound," that is, by this canon and the instructions of the local Ordinary. Visiting priests are included in the scope of the canon.¹²² So are all religious, not only in their own churches, but *a fortiori* when they preach elsewhere. Those who enjoy exemption are likewise bound, but only in the circumstance that the faithful are present,¹²³ and not merely their own household as described in can. 509, § 2, 2^o, for that canon adequately provides for the instruction of the household.

The bishop may issue printed explanations of the gospel or Christian doctrine for the clergy to read instead of giving their own sermon, especially where the clergy are not capable of preparing their own sermons.

PENALTIES FOR NEGLIGENCE OF PAROCHIAL SERMONS

Can. 2382.—*Si parochus graviter neglexerit . . . concionem diebus dominicis ceterisque festis . . . ab Ordinario coerceatur ad normam can. 2182-2185.*

If a parish priest seriously neglects . . . his sermon on Sundays and feastdays . . . he is to be punished by the Ordinary in the manner prescribed by can. 2182-2185.

It is part of the duty of the bishop to guard against abuses against the laws of preaching.¹²⁴ The Code therefore empowers him to proceed against shirking pastors.

"Parish priest" refers only to those who hold a parish benefice, for the punishment of can. 2182-2185 leads up to its deprivation. Hence to coerce other priests who, like pastors, are bound to the obligation of can. 1344—rectors, substitutes, assistants—the bishop must choose other means.

"Seriously" has been adequately commented on in can. 1344.

"His sermon on Sundays and feastdays." This obviously refers to the sermon prescribed in can. 1344. Does it also refer to the exhortation which the bishop may order to be given at the other low Masses in virtue of can. 1345? At first sight it would seem not, for can. 2182, to which we are re-

¹²² Blat., o. c., 307, who cites can. 14, § 1, 2^o.

¹²³ A Coronata, o. c., 270.

¹²⁴ Can. 336, § 2.

ferred by can. 2382, mentions only can. 1344, and the authors who comment on the matter, without excluding 1345 explicitly, only cite 1344.¹²⁵ Yet the "Maxima cura," basis of all this legislation, uses the phrase "neglect of parish duties . . . in a matter of serious moment, as . . . in the explanation of the catechism and of the gospel," which reminds one of the "explanation of the gospel" in can. 1345.¹²⁶ This much can surely be said, that if the bishop judges that the pastor, in neglecting can. 1345, is working a serious harm to a good number of the souls committed to him, action may be taken against the pastor according to the norms of can. 2182-2185, for the whole purpose of this process, according to the "Maxima cura,"¹²⁷ is the salvation of souls.

The Ordinary will also have to decide how much omission of the low Mass sermon will constitute a serious neglect. From the nature of things, it will have to be more than the neglect reckoned to be serious in regard to can. 1344.

"He is to be punished by the Ordinary in the manner prescribed by can. 2182-2185." These canons make up Title Thirty-two in the Fourth Book of the Code, which describes the procedure against a parish priest who is remiss in fulfilling its pastoral duties. Though can. 2382, being part of the Fifth Book, is penal, it invokes a procedure—that of can. 2182-2185—which is of itself administrative and not penal. Since, however, the effect is in the nature of a punishment for neglect of duty, the procedure itself must be regarded as penal in certain respects, and it should have applied to it certain safeguards and limitations that the law places on penal procedure, such as those of can. 2218 and 2219.

May the bishop, before applying can. 2182-2185, invite the offending pastor to resign? The reason for doubting that he may is the jussive "coerceatur" of can. 2382; furthermore, the causes leading up to resignation, enumerated in can. 2147, § 2, do not necessarily come from the pastor's fault and they cannot be remedied, while on the other hand the neglect of can. 2382 presupposes serious fault and can be remedied. It seems, how-

¹²⁵ Blat, o. c., lib. V, 299; Vermeersch-Creusen, o. c., III, 206; Cocchi, o. c., VII, 634.

¹²⁶ S. C. Consist. decr. "Maxima cura," 20 aug., 1910, can. 1, 8^o, Gasparri, *Fontes*, V, n. 2074.

¹²⁷ Id., §§ "Quamvis" and "Quapropter."

ever, that the bishop may ask the pastor's resignation before proceeding to punitive measures, for in the circumstances the "Maxima cura" allows him to do so,¹²⁸ and can. 2147, which lists the causes which justify asking the pastor to resign, admits that the list is not exclusive of others.¹²⁹ If, therefore, the bishop believes that the situation can be saved by resignation and by provision of some benefice that does not entail parochial duties, according to can. 2154, he may choose that way in order to spare the priest the stigma of trial and condemnation.

"In the manner prescribed by can. 2182-2185." There is no need to undertake a comprehensive commentary on these canons, for which the standard works may be consulted.¹³⁰ Suffice a brief review of them, along with some remarks warranted because of their relation to preaching.

Can. 2184 says in part that the bishop should warn a parish priest who neglects his preaching, at the same time reminding him of the strict obligation involved and the penalties prescribed by law for his offense. This is not the unofficial fatherly warning which canonists recommend as a preliminary, and of which the bishop must be the judge whether it will be useful or whether the case is too urgent to admit it; the warning of can. 2182 is rather the processual monition described in can. 2143.

In collecting evidence of pulpit negligence, the bishop ought not rely on hearsay but seek the testimony of witnesses whose word is beyond question. They will include those whose duty it is to watch over preaching in the diocese—the commission of vigilance, the vicars forane, pastors designated for the purpose.¹³¹ Others of weighty word are nearby pastors, the curates, or sober-minded parishioners.

Can. 2183 describes the next step: if the pastor, having been warned, will not mend his ways, the bishop is to rebuke and punish him with penalties suited to the nature of his crime, once he (the bishop) has decided, after hearing the advice of two examiners of the clergy and the defense offered by the offending pastor, that there is sufficient proof to show that the priest has shirked his duty repeatedly over a notable period of time and to a serious

¹²⁸ "Maxima cura," ut supra, can. 8, relat. ad can. 1.

¹²⁹ § 2: "Hae causae sunt praesertim quae sequuntur."

¹³⁰ Suarez, *De Remotione Parochorum*, 181-188; Wernz, *Jus Decretalium*, V, 903 sq.; Wernz-Vidal, o. c., VI, n. 740 sq.; Vermeersch-Creusen, o. c., III, 187 sq.

¹³¹ S. C. Consist. "Ut quae," ut supra, nn. 32-33.

extent without having any good cause to excuse him. Does the canon mean that there must be a further period of negligence than that leading to the monition of can. 2182? On this point Suarez would allow one period of negligence to suffice, for the canon does not require any more than a failure to amend, and where it says "again and again, over a notable period," it has in mind the negligence that has given rise to the whole proceeding.¹³² Surely it is against the spirit of the "Maxima cura" and the Code to allow negligence to go on in order to accumulate instances for this intermediate judicial step.

In case that the parish priest shows amendment by resuming his sermons, and later on—say a month—lapses again into his neglect, may the case pass on to the next step of can. 2184? In that case yes, for the pastor's neglect constitutes a moral whole. Authors mark three years as the limit within which the bishop may continue proceedings, from the analogies of can. 672, § 2 and 1703. It remains with the Ordinary to decide whether the new lapse is part of the older offense or springs from a new motive of ill-will.¹³³

The process continues in can. 2184: if both rebuke and punishment have no effect, after the Ordinary has proved a persisting, culpable, serious neglect of duty on the part of the priest according to can. 2183, he may at once remove a "movable" pastor from his parish; as for an "irremovable" pastor, the bishop is to deprive him of all or a part of the income from his benefice, according to the seriousness of his offense (note the *may* in respect to "movable" pastors, the *should* in respect to the "irremovables"). For this step, so Suarez argues, the same clergy examiners should be consulted as for can. 2183, if we accept the parallel of can. 2157 and 2174.¹³⁴ This argument is sound, for can. 2144 says that the examiners of the clergy take an oath at the outset of the process, from which it would appear that they are kept on for its duration; furthermore, they are already equipped to know the merits of the case and to judge of a lack of amendment.

For the step taken in this canon there should be some fresh evidence of pulpit neglect, enough to show the continued ill-will of the pastor.

Finally, can. 2185 says of an "irremovable" pastor that if the neglect still goes on and is proved, the Ordinary is to remove the culprit from his

¹³² Suarez, *De Remotione Parochorum*, 184-5.

¹³³ Id., 186.

¹³⁴ Id., 189.

parish. For this, as is clear, fresh evidence of shirking should be brought forward.

Against the Ordinary's decree of removal the pastor, whether "moveable" or "irremovable," is entitled to recourse to the bishop within ten days, or to the Holy See within the same time,¹³⁵ that is, to the Congregation of the Council, of Religious, or of Propaganda, according to their jurisdiction.

OBLIGATION OF LENTEN AND ADVENT SERMONS

Can. 1346—§ 1. Curent locorum Ordinarii ut tempore Quadragesimae, itemque, si id expedire visum fuerit, tempore Adventus, in ecclesiis cathedralibus et paroecialibus sacrae conciones frequentius ad fideles habeantur.

Local Ordinaries should provide that during Lent, and also, if they judge it practical, during Advent, sermons be had more frequently for the faithful in cathedral and parish churches.

The sacred seasons of Lent and Advent, and to a lesser degree the month of May, have long been times of unusual fervor among Christians. Not a little of this has been due to solicitude of the Church's rulers to provide special exhortation in keeping with the season. Lenten preaching goes back to the early days of catechumenal preparation for Easter baptism. Our law comes substantially from Trent,¹³⁶ with some modifications as to frequency.

"Local Ordinaries should provide." The obligation rests with the bishops, not directly with the parish priests. Bishops have applied the law in particular councils and by their own local regulations, keeping in mind conditions in their dioceses.

"That in Lent, and also, if they judge it practical, during Advent." The mind of the Church is strongly for Lent, that time being traditionally given to conversion of heart. No option is granted Ordinaries on this point as it is with Advent. As for Advent, that rests with local legislators. In Belgium it has not been customary to have Advent sermons for many years.¹³⁷

¹³⁵ So decided in S. C. C. *Romana et aliarum: de fatalibus ad recurrendem*, 12 jan., 1924, *AAS*, XVI, 164 sq.

¹³⁶ Sess. XXIV., *de ref.*, c. 4.

¹³⁷ Bouuaert-Simenon, *Manuale J. C.*, III, 114; item De Meester, *Compedium*, III, I, 202, n. 7, who adds that the Ordinary may provide for special preaching at other times, for example, a Eucharistic Triduum.

"More frequently," that is, than the Sunday and feastday sermons of the two preceding canons 1344 and 1345.¹³⁸ This is a modification over the Tridentine law, which ordered daily sermons, or at least thrice-weekly, according to the judgment of the Ordinary.¹³⁹ The Code leaves further determination to the zeal of the Ordinary. A brief survey of particular legislation since the Code shows that councils have very little legislation on the point, taking for granted the seasonal preaching, especially the Lenten, in their areas.¹⁴⁰ Some councils promote a week of spiritual exercises for the faithful as an adjunct or substitute for Lenten sermons, and for the special purpose of preparing the people for their Easter duty.¹⁴¹

"In cathedral and parish churches." These are the churches where by law the care of souls is exercised. May an Ordinary command other churches and public oratories to make similar provision for Lenten or Advent sermons? It would seem from the purpose of this law and the responsibility resting on the Ordinary for all souls in his territory, that he may go beyond the words of the canon in his own enactments and so order at least those places that are frequented by the faithful, especially when the faithful that frequent them are distant from the parish church.

When the bishop provides for special sermons in the cathedral or some parish church, he cannot forbid other churches in the city or parish from having their own sermons at the same time, unless the case of can. 1343, § 2, is verified.¹⁴²

¹³⁸ Cocchi, o. c., 59.

¹³⁹ Sess. XXIV., *de ref.*, c. 4.

¹⁴⁰ *Conc. Plen. Siculum*, a. 1920, can. 21, § 1, can. 23; *Acta et Decreta Conc. Prov. Mechlin. IV*, a. 1920, n. 311; *Conc. Prov. Venetii II*, a. 1928, decr. 435; *Acta Conc. Plen. Pedemontani*, a. 1927, can. 15; *Conc. Plen. Etruscum*, a. 1933, decr. 32; *Decreta Conc. Prov. Toletani*, a. 1930, decr. 280; *Conc. Prov. Hispalense*, a. 1924, can. 269; *Conc. Plen. Lusitanum*, a. 1926, can. 3; *Decreta Conc. II Prov. Algeriensis*, a. 1925, can. 26; *Acta et Decreta Conc. Prov. Ultrajectensis*, a. 1924, cap. II, § 11. Utrecht, l. c., renews the old Dutch legislation on the reading of the gospel in the vernacular and the brief exhortation at the weekday Masses of Lent.

¹⁴¹ *Conc. Plen. Campanum*, a. 1932, decr. 44; *Conc. Plen. Siculum*, a. 1920, can. 22; *Estatutos Sinodales de la Diocesis d. S. Cristobal, Venezuela*, a. 1936, est. 636. *Conc. Plen. Etruscum* ut supra, can. 31, § 2, provides for the spiritual exercises to be held in the last days of Lent.

¹⁴² A Coronata, o. c., 270; cfr. S. C. Ep. & Reg. *Maceraten.*, 7 mar., 1579, Gasparri, *Fontes*, IV, n. 1353.

Can. 1346 (cont.)—§ 2. Canonici aliique de Capitulo huic concioni, si in propria ecclesia continuo post chorum habeatur, interesse tenentur, nisi justo impedimento detineantur; et illos Ordinarius, poenis quoque adhibitis, ad id adigere potest.

Canons and others belonging to the chapter must remain for this sermon if it be held in their own church immediately after choir, unless they are kept away by a just impediment; and the Ordinary may compel them even by the leveling of penalties.

This law has for its reason the scandal that would be given the faithful if the chapter were to desert the church in a body before the sermon.¹⁴³

"Canons and others belonging to the chapter." Certain dignitaries are included in the chapter, unless individual constitutions rule otherwise;¹⁴⁴ these also must remain for the sermon. There is some difficulty whether the lesser beneficiaries are bound by the canon. If we take can. 393, § 2, literally, they do not belong to the chapter.¹⁴⁵ Nevertheless Augustine,¹⁴⁶ and after him Blat.¹⁴⁷ include them in the law, by reason of an old decree of the Congregation of Rites.¹⁴⁸ In the doubt whether the law now affects lesser beneficiaries we turn to can. 6, 4^o, which says that the older law is to be maintained. This interpretation conforms to the spirit of can. 1346, § 2, for the sight of the *mansionarii* leaving the choir before the sermon would appear just as much a scandal as the departure of the canons themselves.

"Must remain for this sermon." The former legislation called for their presence in the choir stalls, clad in their canonical garb, not anywhere in the building.¹⁴⁹ The legislation still holds good.

"If it be held in their own church." This phrase causes canonists some

¹⁴³ Vermeersch-Creusen, o. c., 472.

¹⁴⁴ Can. 393, § 2.

¹⁴⁵ Wernz-Vidal, o. c., II, 708-9.

¹⁴⁶ O. c., 367.

¹⁴⁷ O. c., 308.

¹⁴⁸ S. R. C., *Callien.*, 22 mar., 1653, *Decreta Authentica Congregationis S. Rituum*, n. 944; cf. *Castellaneten.*, 1 oct., 1661, Gasparri, *Fontes*, VII, n. 5531; *Placentina*, 10 dec., 1718, id., n. 5758.

¹⁴⁹ S. R. C. *Callien.*, ut supra, quod refert Gasparri, *Fontes*, VII, n. 5468; *Castellaneten.*, ut supra; *Pompei Stabiae*, 31 mar., 1703, id., n. 5725.

difficulty. It is clear enough as applying to canons of the cathedral. But what of those whose church is collegiate? The first paragraph of the canon mentions only cathedral and parish churches. On this point a Coronata and Augustine say that the law applies also to collegiate chapters, as it did formerly.¹⁵⁰ Vermeersch-Creusen allows the tenability of this view without making it his own,¹⁵¹ and Cocchi acquiesces with evident reluctance.¹⁵²

The canons are also bound to assist in the church which, though not their own, they are using for choir temporarily.¹⁵³

"Immediately after choir." The chapter's presence is all the more required when the sermon is inserted during the service, for example between two consecutive canonical hours or during the conventual Mass.

"Unless they are kept away by a just impediment." Whatever excuses from choir is also a legitimate excuse from the accompanying sermon, such as duty elsewhere with the bishop, official occupation as canon theologian or penitentiary, as vicar general or vicar capitular, sickness, and the causes given in can. 420, § 1, and 421, § 1.

"And the Ordinary may compel them even by the leveling of penalties." In this case the "Ordinary" is the bishop, not the vicar general, for in matters of punishment the latter is excluded unless he has a special mandate from the bishop.¹⁵⁴ The Congregation of Rites decreed in 1718 that the penalty may take the form of a fine,¹⁵⁵ which provision still stands, for the present law is substantially the same as before the Code. The fine may consist of all or a third part of that day's distributions.¹⁵⁶

The chapter should not be held strictly to attend all the extraordinary sermons of the year ordered by the bishop, but only those of Lent and perhaps also of Advent, unless the constitution or statutes of the chapter call for attendance at other times.¹⁵⁷

¹⁵⁰ A Coronata, o. c., 270; Augustine, o. c., 268.

¹⁵¹ O. c., 971-2. Cf. *Castellaneten.* and *Placentina*, ut supra.

¹⁵² O. c., 60. Particular legislation directs that Advent and Lenten sermons be given in collegiate churches; v. *Concilii Venetii Prov. Secundi: Acta et Decreta*, a. 1928, decr. 435.

¹⁵³ S. R. C. *Callien.*, ut supra; v. a Coronata, o. c., 270, Augustine, o. c., 368.

¹⁵⁴ Can. 2220, § 2.

¹⁵⁵ S. R. C. *Placentina*, ut supra.

¹⁵⁶ Wernz-Vidal, o. c., 46.

¹⁵⁷ Ibid.

THE PREACHING STIPEND

Bishops and parish priests are not allowed to demand a stipend for the preaching they do by virtue of can. 1327, § 2, 1344, § 1, even under the plea of poverty; for the income they receive from their benefice or the equivalent salary they draw from the diocesan or parish funds is the material recompense for their care of souls. They may, however, take whatever is spontaneously offered them.¹⁵⁸ This rule is binding on all who are associated with the parish priest in the duty of caring for souls—quasi-pastors, administrators, vicars coadjutor, assistants.

Other preachers who bear no office entailing the care of souls are entitled to a stipend, and to obtain it they must look to those who invited or presented them. In the case of Lenten or other courses within the gift of corporations, wherever the custom exists that one party chooses the preacher and another party pays his stipend, the custom should be maintained.¹⁵⁹

The preacher of the word of God, the "sower of immortality" as St. Thomas Aquinas calls him,¹⁶⁰ should remember that he is not to seek earthly gain from his labor or turn his holy calling to profit, but that he should seek Jesus Christ.¹⁶¹

DUTY OF ASSISTING AT SERMONS

Can. 1348.—*Monendi et adhortandi diligenter fideles sunt ut sacris concionibus frequenter intersint.*

The faithful are to be zealously admonished and exhorted to attend sacred sermons frequently.

This canon bears a close relation to can. 467, § 2: "The faithful are to be admonished to go to their parish church frequently, where they can do so conveniently, and there be present at the divine offices and hear the word of God."

The Council of Trent made it obligatory for the faithful to attend

¹⁵⁸ A Coronata, o. c., 272.

¹⁵⁹ Ibid.; cf. S. C. C., 21 aug., 1784, Ojetti, *Synopsis Rerum Moralium et Juris Pontificii*, n. 1397, 1401.

¹⁶⁰ Comment. in Matthaeum, V.

¹⁶¹ S. C. Consist. "Ut quae," ut supra, n. 28.

Mass on Sundays and feasts in the parish church.¹⁶² With the rise of an adverse custom which permitted the Mass obligation to be fulfilled in other churches, the consequent duty of assisting at the parish sermon broke down too, to such an extent that Benedict XIV could report of his own time that the Ordinary could no more than exhort the people to attend their pastor's preaching.¹⁶³

Above all ecclesiastical law there always remains the divine law which obliges all to hear the word of God. Suarez bases this upon the divine precept of charity to oneself, which binds everyone to use the means useful for salvation as well as those that are necessary, such as would be hearing sermons.¹⁶⁴ This obligation of the divine law becomes doubly urgent when a person is laboring under gravely culpable ignorance of religious things that cannot be dispelled by any other means.¹⁶⁵

Since it is the desire of the Church that the spiritual life of the faithful be centered about their parishes, can. 467, § 2, places upon pastors of souls the duty of exhorting the faithful to attend the parochial sermons when it can be done without inconvenience, yet without making it a matter of strict precept. If the faithful are unable to come to their own parish church, can. 1348 still admonishes them to assist at the word of God.

All are free to attend preaching, whether they be in good standing, or excommunicated (both *tolerati* and *vitandi*),¹⁶⁶ or personally interdicted.¹⁶⁷ During the time of local interdict—unless the decree of interdict prescribe otherwise—there may be preaching in the cathedral and parish churches, or in the only church of a town, and at this preaching all may assist.¹⁶⁸

EXCLUSION FROM THE PREACHING OFFICE

Can. 1347.—§ 3. *Si, quod absit, concionator errores aut scandala disseminat, servetur praescriptum can. 2317; si haereses, in eum praeterea, ad normam juris, agatur.*

¹⁶² Sess. XXII, *de observandis et evitandis in celebratione missae*; cf. sess. XXIV, *de ref.*, c. 4.

¹⁶³ *De Synodo Dioecessana* (lib. xi. c. 14, n. 12 sq.), p. 400.

¹⁶⁴ (Tom. I, de religione, lib. 2, cap. 16, n. 10) *Opera Omnia*, XIII, 320; cf. St. Alphonsus, *Theologia Moralis*, lib. III, n. 269 (vol. I, p. 549).

¹⁶⁵ A Coronata, o. c., 271.

¹⁶⁶ Can. 2259, § 1. This exception is very ancient, going back to c. 17 of the *Statuta Ecclesiae Antiqua* (v. Richter-Friedberg notes on c. 67, D. I, *de consecr.*).

¹⁶⁷ Can. 2275, 1°.

¹⁶⁸ Can. 2271, 2°.

If it should unfortunately happen that a preacher disseminates errors or scandals, can. 2317 is to be applied; if his preaching is heretical, he is to be dealt with according to the rules of law.

The Church has always carefully guarded the pulpit. Even when in the Council of Trent it gave much latitude to regular preachers, in the event that they preached error, scandal or heresy the local bishop was fully empowered to proceed against them as delegate of the Holy See.¹⁶⁹

Can. 2317, to which reference is made in the above paragraph reads as follows: "Those who in public or in private persistently defend doctrine that has been condemned by the Apostolic See or in a general council, yet not as formally heretical, are to be excluded from the ministry of preaching the word of God, hearing sacramental confessions, and from all teaching offices whatsoever, besides other penalties which have perchance been determined in the sentence of condemnation, or which the Ordinary, after a monition, believes necessary to repair the scandal."

Since we are in the field of penalties, it is needful to weigh each phrase.

Can. 1347, § 3, says, "If the preacher disseminates errors or scandals." This finds further expression in can. 2317: "Doctrine that has been condemned by the Holy See or by a general council, but not as formally heretical."

Heresy is the act of adhering to a doctrine which directly or indirectly, contrarily or contradictorily, opposes some truth of Catholic faith; or it is any doctrine so opposing Catholic truth. "Formally heretical" is that doctrine which has been declared heretical as such. Short of that are other teachings censured by the Holy See or a general council without attaching the note of heresy to them: (a) some because of the doctrine they contain, such as "proximate to heresy," "savoring of heresy," "erroneous," "positively rash," "negatively rash"; (b) others because of the manner of expressing them, "equivocal," "ambiguous," "presumptuous," "misleading," "suspect," "ill-sounding," "offensive to pious ears"; (c) still others because of the evil results that may follow, "scandalous," "schismatical," "seditious," "unsafe."¹⁷⁰ Doctrines bearing any of these censures fall afoul of the canon.

¹⁶⁹ Sess. V, *de ref.*, c. 2.

¹⁷⁰ Tanqueray, *Synopsis Theologiae Dogmaticae*, II, 115-116 (19th ed.).

Can. 2317 says, "Those who persistently teach." Such punishment is not for slips of the tongue, words spoken in ignorance, but for statements stubbornly insisted on. Persistence requires that the culprit know that the doctrine is condemned, and generally he is warned, though not necessarily, by means of a juridical admonition.¹⁷¹

"Doctrine condemned by the Holy See or by a general council." Though can. 7 declares that under the name of the Holy See come the Roman congregations, tribunals and offices "unless it appear otherwise from the nature of the case or the context of the term," still it is required in this case that the condemnation by a Congregation be not drawn up in the *common form* but in the name and authority of the Roman pontiff.¹⁷²

"Are to be excluded from the office of preaching the word of God, the hearing of sacramental confessions, and from all teaching offices whatsoever." This is technically described in can. 2279, § 2, 7°, as suspension from a certain and definite ministry.¹⁷³ The penalty is *ferendae sententiae* and so requires the active intervention of the bishop, who, however, is not free to decide whether he will silence the culprit or leave him alone, for both can. 1347 and 2317 are commands.

In some cases the condemnation of certain doctrines carries the penalty of excommunication or suspension *latae sententiae*. These apply, even though they were drawn up before the Code, for can. 2317 upholds them in the phrase "besides other penalties which have perchance been determined in the sentence of condemnation."¹⁷⁴

The bishop may also inflict other punishments provided that he has warned the offending preacher and is convinced that the punishments are needful to repair the scandal given.

Can. 1347, § 3, continues, "If the preacher disseminates . . . heresies, he is to be dealt with according to the rules of law." Heresy is defined in can. 1325, § 2, as "the persistent and external error of a baptized person

¹⁷¹ Wernz-Vidal, o. c., VI, 447.

¹⁷² *Ibid.*, n. 2.

¹⁷³ Yet not the *censure* of suspension, for can. 2317 does not attach any censure to the crime save what is attached to the doctrine itself.

¹⁷⁴ Wernz-Vidal, o. c., V, 448, Blat, lib. V, 203-204. The phrase of can. 2317, "Salvis aliis poenis quas sententia damnationis forte statuerit" is sufficient to satisfy the requirement of can. 6, 5°, that a penalty, to continue under the Code, must be mentioned in the Code.

against some article that has been declared of faith by the Church." To offend on this point, the preacher must know that he is proclaiming heresy and he must persist in it. If he does so, he incurs the following penalties:

1. He incurs *ipso facto* excommunication reserved in a special way to the Holy See (can. 2314, § 1, 1°).
2. He becomes irregular because of crime (can. 985, 1°).
3. Unless on being warned he retracts, he is to be deprived of any benefice, pension, office or other position he holds in the Church; he is to be declared *infamous*; and after the warning has been repeated, he is to be deposed (can. 2314, § 1, 2°).

The last is *ferendae sententiae*.

Paragraph 2 of can. 2314 provides for the lifting of the excommunication incurred by the offending preacher. In the forum of conscience the absolution is in a special manner reserved to the Holy See. If, however, the crime is referred to the external forum of the local Ordinary through any means, including a voluntary confession, the same Ordinary—but not the vicar general without special mandate—may absolve the culprit by his ordinary power in the external forum, provided there has been a previous abjuration juridically carried out as well as the other requirements of law. After this absolution in the outward forum, the preacher may then be absolved from sin by any confessor in the forum of conscience. An abjuration is regarded as juridically carried out when done in the presence of the local Ordinary or his delegate and at least two witnesses.

When the bishop deems it necessary to denounce the preacher to the Holy See, the Congregation competent to receive the denunciation is the Holy Office.

OTHER PENALTIES RELATED TO PREACHING

I. Among the vindictive penalties relating to clerics is the prohibition to exercise the sacred ministry—and therefore preaching—in other than certain places.¹⁷⁵

II. Clerics possessing benefices, offices or dignities, may, by way of punishment, be excluded from some ministry connected with them, for example the ministry of preaching, for a certain time.¹⁷⁶

¹⁷⁵ Can. 2298, 1°.

¹⁷⁶ Can. 2299, § 2.

III. Those are to be excluded from preaching who, because of their way of living or some other reason, even apart from their own fault, have lost public good esteem so that their ministry becomes useless or harmful.¹⁷⁷

IV. (a) Preachers who fail to keep the rules laid down for the pulpit as the matter, manner and motives of their preaching,¹⁷⁸ for a first or second offense—provided that hold out hope of amendment and have not transgressed seriously—are to be warned and reprimanded by the bishop.

(b) In case they neglect to amend, or offend gravely with scandal to the faithful, the bishop:

1. As regards his own subject or a religious to whom he has given preaching faculties, is to revoke the faculty for a time or take it away altogether, without any human respect;
2. As regards extradiocesan priests or religious to whom not he but another has given the preaching document the bishop is to interdict him from preaching in his diocese and give notice to the Ordinary or the priest and the one who gave him faculty to preach; in the more serious cases he should not fail to inform the Holy See;
3. In circumstances that warrant it, the bishop may and even should stop a sermon when the preacher is offending gravely against the regulations on pulpit conduct.¹⁷⁹

This last item needs some explanation. The phrase "when the preacher sins gravely" is to be understood in the light of what has been said above, that the grave sinning must be accompanied by scandal to the people. This happens when the preacher uses unseemly language or illustrations, offers as his authorities notable heretics or evil-living men, strives after applause, airs his own grievances, or urges money for himself.

A difficulty rises over the question of penalties in relation to n. 40 of the "Ut quae." Can. 2376 empowers the Ordinary to punish those who of their own fault fail to undergo the annual examination prescribed in can. 130 for those who are still within the first three years after ordination. N. 4 of the "Ut quae" says that the Ordinary may require an annual examination, oral and written, over a period of years, in the manner he thinks best, in conformity with the law of the Code respecting the junior-clergy examinations. If the bishop chooses to have this test, may he punish

¹⁷⁷ S. C. Consist. "Ut quae," ut supra, n. 31.

¹⁷⁸ Id., n. 19-28.

¹⁷⁹ Ibid., n. 30.

those who culpably fail to take it by applying can. 2376? It would appear so, for the "Ut quae" text says, "in conformity with the prescriptions of the Code concerning the yearly examinations, etc." As regards the penalties themselves, can. 2376 does not specify any, saying only that they be "fitting." By analogy with the following can. 2377 it would not be exceeding the spirit of the law if the bishop were to withdraw preaching faculties, either for a time or permanently, provided he observes the restriction of can. 1339 not to take away faculties from all the members of a religious house at one and the same time.

CHAPTER VII

CONTENTS AND CIRCUMSTANCES OF THE SERMON

SUBJECT MATTER

Can. 1347.—§ 1. *In sacris concionibus exponenda in primis sunt quae fideles credere et facere ad salutem oportet.*

In sacred sermons should be explained above all else the things which the faithful must believe and do to be saved.

Our Lord has given Christian preachers the content of their message: "Preach the gospel, teaching them to observe whatsoever I have commanded you."¹ St. Thomas expressed the scope and field of preaching: "To enlighten in the things to be believed, to guide in the things to be done, to point out what must be avoided, and, now threatening, now exhorting, to proclaim saving things to men."² Trent summed up the mind of many councils when it wrote, "Let them (the preachers) teach the faithful with saving words what they should know to be saved, announcing to them briefly and simply the vices to be avoided and the virtues to be practised in order to avoid eternal punishments and attain to eternal life."³ Thus the subject-matter of true preaching is essentially sacred, comprising Christian belief and morals. Shortly before the Code went into effect, Benedict XV praised canon 1347 for being a marvelous compendium of the subjects that should be treated in the pulpit, namely dogmatic and moral theology.⁴ He had previously written in the same strain in "Humani generis" that the double purpose to be attained is to diffuse the light of God's truth and to quicken and nourish the supernatural life of one's hearers.⁵

Rightly, therefore, the "Ut quae" reaffirmed the constant general law that sermon themes are essentially sacred.⁶ On this point Benedict XV was

¹ Mark XVI, 15, Matt. XXVII, 20.

² Comment. in Matt. V.

³ Sess. V, *de ref.*, c. 2.

⁴ Sermon to the Lenten preachers, a. 1918, *AAS*, X, 92.

⁵ Benedict. XV litt. encycl. "Humani generis," 15 jun., 1917, § "Utrumque igitur," *AAS*, IX, 305 sq.

⁶ S. C. Consist. "Ut quae," 28 jun., 1917, n. 20, *AAS*, IX, 331.

most emphatic when speaking to the Lenten preachers of 1918 and 1920: "Let them preach the whole gospel and only the gospel."⁷

Nevertheless the Code admits the possibility of non-sacred themes, for that is the implication of "in primis" in the text. The instruction "Ut quae" reflects the mind of the lawgiver: "If the preacher wishes to treat of other arguments not strictly sacred, which are nevertheless in keeping with the house of God, he must ask and obtain permission from the local Ordinary; and the Ordinary should not grant permission unless after mature consideration and for reasons of necessity."⁸ At once the universal exception is drawn: "It is absolutely forbidden all preachers to treat of political matters in church."

Can. 1347 (cont.)—§ 2. Divini verbi praecones abstineant profanis aut abstrusis argumentis communem audientium captum excedentibus; et evangelicum ministerium non in persuasibilibus humanae sapientiae verbis, non in profano inanis et ambitiosae eloquentiae apparatu et lenocinio, sed in ostensione spiritus et virtutis exercent, non semetipsos, sed Christum crucifixum praedicantes.

Let the heralds of the divine word abstain from profane or deep themes that are beyond the average grasp of their hearers; let them carry on their ministry of the gospel not in the persuasive words of human wisdom, or in the profane display and finery of empty, calculating eloquence, but in showing forth spirit and power, preaching not themselves but Jesus crucified.

Realizing how strong can be the temptation to yield to ambition, and to forget the One whom the preacher has been put forward to represent, the Holy See here embodies in its law the impassioned words of St. Paul wherein he declares to the Corinthians the manner of his preaching.⁹

⁷ AAS, X, 94, XII, 66.

⁸ N. 20, ut supra.

⁹ I Cor. II, 1-4. Commentators on this canon set down the explanation of Cornely, that St. Paul meant by "spirit" the divine grace which helped him to convince his hearers and by "power" the internal grace which moved his hearers to receive the faith which he placed before them. V. Vermeersch-Creusen, o. c., 367, De Meester, o. c., 203.

As to subject-matter, manner, sources and other circumstances of the sermon, the broad lines of can. 1347, §§ 1 and 2 must be filled in for the most part from particular legislation. Some details are supplied by the instruction "Ut quae" of the Consistorial Congregation as well as from various parts of the Code, and some from previous law which, despite its enactment before 1917, has a permanent application.

SUBJECT-MATTER COMMANDED OR RECOMMENDED

1. In a general way, dogmatic and moral subjects.¹⁰ The list of pulpit themes is laid down in the Roman Catechism under the main headings of the Creed, the Our Father, the Commandments both of God and of the Church, the Sacraments, virtues and vices, the duties of each one's state in life, the four last things.¹¹
2. The particular subject for each day is not defined in the universal law. Generally it will refer to the gospel of the Sunday or feast, or to the mystery or saint to which the feast is dedicated.¹²
3. The mystery of the Holy Sacrifice of the Mass.¹³
4. Frequent, even daily assistance at Mass and the reception of Holy Communion.¹⁴
5. The Holy Spirit. Pastors are to instruct their people concerning the Third Person of the Trinity frequently and at length.¹⁵
6. Matrimony and its impediments. The pastor must teach his people with prudence on this subject.¹⁶
7. The canonical precepts of the annual confession and the Easter Communion are to be preached at the Lenten sermons.¹⁷
8. Modesty of dress is to be occasionally inculcated, and parents are

¹⁰ Can. 1347, § 1; Benedict XV to the Lenten preachers of Rome, anno 1918, AAS, X, 92.

¹¹ S. C. Ep. & Reg., instr. 31 jul., 1894, n. 2, Gasparri, *Fontes*, IV, n. 2024; litt. encycl. Pii X "Sacrorum Antistitum," 1 sept., 1910, id., III, n. 589.

¹² A Coronata, o. c., 271.

¹³ C. Trident., sess. XXII, *de sacrificio missae*, c. 8.

¹⁴ Can. 1273; cf. S. C. C. decret., 20 dec., 1905, "Sacra Tridentina Synodus," n. 6, Gasparri, *Fontes*, VI, n. 4326.

¹⁵ Leo XIII, ep. encycl. "Divinum illud munus," 9 mar., 1897, ASS, XXIX, 655.

¹⁶ Can. 1018.

¹⁷ Can. 859, § 1 and 906; *Rituale Romanum*, tit. IV, can. III. Note that this warning to the people is to be made on the occasion of the sermon; it need not be the theme of the sermon.

to be warned to be watchful over their children in this matter. The feasts of Our Lady lend themselves to the topic.¹⁸

9. Catechetical instruction for the young. Pastors and preachers are to urge on parents their duty of seeing to it that their children receive Christian doctrine.¹⁹

10. The Sacred Scriptures.²⁰

11. The sacraments, especially before their administration.²¹

12. Infant baptism, to be conferred as soon as possible. The people are to be warned frequently on this grave obligation.²²

13. Obedience to rulers.²³

14. The danger of reading bad books, especially those that are prohibited.²⁴

15. Christian education of the young.²⁵

16. A good press.²⁶

SUBJECT-MATTER FORBIDDEN OR CAUTIONED

1. All matter protected by the seal of the confessional is strictly forbidden to be mentioned in the pulpit.²⁷ On this point the Holy Office warns particularly preachers of retreats and missions. All are forbidden to mention, even indirectly, whatever has been submitted to the power of the keys, although everything has been concealed that might betray the penitent. The motive is lest the confessional be rendered odious.

¹⁸ S. C. C. instr. 12 jan., 1930, *AAS*, XXII, 26, i and x; cf. Pius XI, Sermon to the Lenten preachers, an. 1929, *AAS*, XXI, 104.

¹⁹ S. C. Consist. instr. 12 jan., 1935, *AAS*, XXVII, 145 (synopsized in Bouscaren, *Canon Law Digest*, Supplement, 71); cf. Benedict. XIV ep. encycl. "Etsi minime," 7 feb., 1742, Gasparri, I, n. 324, § 7.

²⁰ C. Trident. sess. XXIV, *de ref.*, c. 7.

²¹ *Ibid.*

²² Can. 770.

²³ S. C. de Prop. Fide ad Vic. ap. Societ. Miss. ad Exteros, an. 1659, Gasparri, *Fontes*, VII, n. 4463.

²⁴ Can. 1405, § 2; cf. C. Plen. Balt. III, n. 225. Pernicone, *The Ecclesiastical Prohibition of Books*, 216, observes that ordinarily it is unwise to call out bad books and papers by name; a general description, together with an explanation of the related Church law, will suffice.

²⁵ Can. 1372, § 2.

²⁶ Pius XI to the Lenten preachers, a. 1929, *AAS*, XXI, 103.

²⁷ S. C. S. Off. instr., 9 jun., 1915, *Il Monitore Ecclesiastico*, an. 1917, p. 200; cf. Cappello, *de Sacramentis*, II, 756-7.

2. Likewise wholly forbidden is any attack on particular persons—all the more when it is a question of the Ordinary or the civil authority.²⁸

3. Political affairs are excluded from the pulpit.²⁹ This does not mean that political things that have relation to religion must be left alone. As Woywod and Vermeersch-Creusen point out,³⁰ the faithful should be instructed in the duties imposed on citizens by reason of the popular ballot.

4. Funeral eulogies, says the "Ut quae," are permitted only with the previous and explicit consent of the Ordinary, who has the right, before granting his permission, to review the manuscript.³¹ This prohibition had special reference to conditions in Italy where such occasions have led to political demonstrations. Where this danger does not exist, the Ordinary may in a general way define what eulogies he will allow. In some places custom sanctions sermons at the funerals of the clergy. It is in all cases strictly forbidden that the laity give funeral orations either in the church or on the way to the cemetery, if the latter forms part of the sacred ceremony.³²

5. Profane authors, continues the "Ut quae," are to be used only with the greatest caution, especially the dicta of unbelievers, heretics and apostates, and never the authority of living persons; the Instruction adds that Christian faith and honest morals have no need of these champions.³³ Does "living persons" mean all contemporary authors or just those who are heretics, unbelievers or apostates? A Coronata, commenting on this passage of the "Ut quae," implies the latter, for he says, "Let them avoid citations from unbelievers, particularly those still living."³⁴

²⁸ Ferraris, *Bibliotheca*, "Praedicare," nn. 99-100; a Coronata, o. c., 273.

²⁹ "Ut quae," ut supra, n. 30; Pius XI, letter to the bishops of Lithuania, 24 jun., 1928, *AAS*, XX, 256.

³⁰ Woywod, "On Preaching," *HPR*, XXVIII, 173-174; Vermeersch-Creusen, o. c., 472; cf. *Statut. Namurcen.*, n. 52, § 2 ut cit. in De Meester, o. c., 204.

³¹ N. 21.

³² Ayrinhac, *Administrative Legislation in the New Code of Canon Law*, 227; Vermeersch-Creusen, o. c., 472, n. 3; Bouuaert-Simenon, o. c., 472, n. 3; De Meester, o. c., III, 204, n. 2; a Coronata, o. c., 264.

³³ N. 23. The synod of San Cristobal, ut supra, Estatuto 638, wisely allows that apostates and others may be quoted in confusion of their own errors.

³⁴ O. c., 264. This is also the interpretation of the Council of Malines, a. 1920, n. 303.

6. All fallacy in doctrine and in the presentation of arguments is to be avoided, and all narrative of lying prodigies.³⁵

7. Questions of the authenticity of relics are not to be raised in the pulpit—that is, questions based on mere conjecture, from only probable arguments, or prejudiced opinions, especially when couched in terms that savor of mockery or disrespect.³⁶

8. Matters related to the Sixth Commandment should be handled with the greatest circumspection.³⁷

9. No preacher dare indulge in verbal injury, direct or indirect, against the pope, any cardinal, papal legate, the Roman Congregations and Tribunals, or their major officials. Offending preachers are to be punished by the Ordinary even by censure where it is necessary, and by other punishments calculated to satisfy for the scandal given.³⁸

10. The more difficult and subtle questions of Indulgences are to be left alone when preaching to the uneducated.³⁹

11. Treatment that portrays Christ or Christianity in the rôle of philanthropist, in which the arguments used refer to this life rather than to the next, is strictly excluded from the pulpit.⁴⁰

12. Likewise all that smacks of the newspaper column, or of academic strife.⁴¹

13. And finally, all subjects alien to the priestly office.⁴²

St. Gregory points out that a preacher may offend not only by what he says but also by his silence in the things that he ought to say.⁴³

³⁵ De Meester, *Compendium*, III, I, 204. The Council of Malines says that in defending truth, one must not allege that which is false, either in doctrine, argument or fact. Tell what is historically true, avoiding lying wonders, but in doing so, one must take care not to deceive the simplicity of the faithful or scandalize it. N. 303.

³⁶ Can. 1286.

³⁷ Pius XI, litt. encycl. on the Christian education of youth, *AAS*, XXII, 72, wherein he quotes the warning of Cardinal Silvio Antoniano to those responsible for the training of children, that they exercise great care in the matter.

³⁸ Can. 2344.

³⁹ C. Trident. sess. XXV, *de purgatorio*; cf. Cappello, *De Sacramentis*, II, 808.

⁴⁰ S. C. Ep. & Reg. instr. 31 jul., 1894, n. 6, Gasparri, *Fontes*, IV, n. 2024; cf. Leon. XIII litt. encycl. "Providentissimus Deus," 18 nov. 1893, n. 3, id., III, n. 621.

⁴¹ Pii X litt. encycl. "Pieni l'animo," 28 jul., 1906, *ASS*, XXXIX, 326, enacted in connection with excesses within the Azione Popolare Cristiano-democratica.

⁴² Benedict. XV litt. "Cum semper" (to the Belgian bishops on the Flemish question), *AAS*, XIII, 127. V. Bouscaren, *Canon Law Digest*, 630.

⁴³ *Regula Pastoralis*, pt. II, cap. XV, *MPL*, LXXVII, 30 (=c. 1, D. XLIII).

In all this, can. 336 enjoins upon bishops a special vigilance to see that abuses in the word of God are not suffered to go unchecked. The Instruction "Ut quae" directs them to set up diocesan commissions of vigilance, which can be the same as the board for examining pulpit candidates. In the absence of such a commission the bishop should look to the vicars forane and the pastors to watch over sermons of greater moment in the distant parts of the diocese.⁴⁴ Those who offend the regulations must be warned, silenced, even stopped in the midst of their words.⁴⁵ As Pius X observed, it is far better that the people be satisfied with the simple catechism of their pastor than that they should suffer harm from such preaching.

SACRED SCRIPTURE AND THE SERMON

The chief source of all preaching is, needless to say, the Scriptures, not interpreted according to private judgment—which too often is warped by passions—but according to the mind of the Church, which is to be found in the Fathers and councils.⁴⁶

The question may arise about the text to be used. Many particular councils of the last century and the present have commanded that before the parochial sermon and the low Mass exhortation the portion of the gospel contained in the liturgy for the day should be read out in the vernacular, and in some cases also the epistle. Must this be a translation from the Latin Vulgate edition, or may it be an approved translation from the "original" texts—Hebrew or Greek, as the case may be? To this question the Commission for Biblical Affairs has answered that for such use the text must be from the Latin Vulgate, that is, "a version . . . made from the text approved by the Church for the sacred liturgy."⁴⁷

That granted, may the preacher use another approved version than the

⁴⁴ N. 32, 33; not to be confused with the council of vigilance set up by order of Pius X in his "Pascendi Domino," 8 sept., 1907, *ASS*, XL, 647-9, whose force was renewed subsequent to the Code by a decree of Holy Office, 22 mar., 1918, *AAS*, X, 136.

⁴⁵ Instruct. S. C. Ep. & Reg., 31 jul., 1894, ut supra; Pius X, "Pieni l'animo," ut supra.

⁴⁶ C. Trident., sess. IV, decr. *de edit. et usu sacr. libror.*; C. Vatican., sess. III, cap. II, *de revel.*; Pii X litt. encycl. "Pieni l'animo," 28 jul., 1906, *ASS*, XXXIX, 326.

⁴⁷ 30 apr., 1934, *AAS*, XXVI, 315; resume given in *Authenticae Interpretationes C. I. C.*, 139, n. 2. The Scriptures as the chief and vivifying source of pulpit doctrine and eloquence are described by Leo XIII in his encyclical "Providentissimus Deus," 18 nov., 1893, n. 3, 4, Gasparri, *Fontes*, III, n. 621.

Latin Vulgate either as the basis of his explanation or as quotable text in the body of his sermon? In the absence of any authoritative decision, it appears that the practice may be sustained.

Hand in hand with Scripture as a source of preaching must go Tradition, as interpreted by the approved authors.⁴⁸

CYCLE OF INSTRUCTIONS

The "Acerbo nimis" of Pius X directed that pastors should follow the scheme of the Catechism of the Council of Trent in such a way as to cover all the matter in four or five years: the Creed, Sacraments, Commandments, prayer and the precepts of the Church;⁴⁹ to which list the Congregation of the Council in 1935 added the evangelical counsels, grace, the virtues, sin, and the four last things.⁵⁰ Though these regulations were intended primarily for the adult catechism prescribed in can. 1332, custom and particular legislation have come to apply them to the parochial instruction of can. 1344 and 1345, especially to the short Sunday instruction at the low Masses.

This cycle of instructions, says the "Acerbo nimis," shall be covered in a period of four or five years. Particular councils have chosen one period or the other. The Plenary Council of Bologna, for example, prescribes four years, the first being given to the Creed, the second to the Commandments of God and the Church, the third to the Sacraments, the fourth to prayer and Christian justice; each year has forty-five subjects and an additional five electives.⁵¹ In many places, by order of particular councils or the local Ordinaries, special lists are posted for each year, and in some instances the treatment is given in detail.⁵²

Benedict XV, speaking to the Lenten preachers of 1920,⁵³ narrated with approval how Monsignor Martinez Izquierdo, first bishop of Madrid, enacted that no preacher should close his exordium without announcing to

⁴⁸ *Acta et Decreta C. Prov. Mechlin. IV*, a. 1920, n. 303.

⁴⁹ *Litt. encycl.*, 15 apr., 1905, Gasparri, *Fontes*, III, n. 666, n. 16, ad VI.

⁵⁰ S. C. C. decr. 12 jan., 1935, *AAS*, XXVII, 150.

⁵¹ *Conc. Plen. Emilianae et Flaminiae Regionis*, in *Appendice IV° b*, *Programma di Catechismo agli adulti diviso in Quadrennio*, pp. 82-87.

⁵² V. *Program of Instructions on the Creed for the Ecclesiastical Year 1937-1938*, archdiocese of Chicago; idem, diocese of Springfield in Illinois. The New York archdiocese for the same year prescribed *Turning to God*, by Edward M. Betowski, as the manual to be followed in the low-Mass instructions. V. *The Catholic News*, New York City, Nov. 27, 1937.

⁵³ *AAS*, XII, 65.

his hearers the precise article of the catechism that he intended to explain in his theme.

ANNOUNCEMENTS ACCOMPANYING THE SERMON

In connection with parochial preaching, certain information may require announcing, such as the feasts of the coming week, the fasts, the indulgences that may be gained,⁵⁴ marriage and ordination banns, notices from the chancery, financial statements, papal encyclicals and pastorals of the Ordinary. Some places have allowed these announcements to be relegated to leaflets that will be distributed at the service or throughout the parish,⁵⁵ and others have warmly recommended that the printed announcements carry a lesson of the gospel and some information about the liturgy.⁵⁶

Only in grave instances should announcements be allowed to displace the sermon, for the social or financial activity of a parish is a small matter over against the divine commission to preach the gospel. The annual reading of the financial report may be regarded as serious enough to set aside the sermon for that day; although in these times of popular literacy there is no reason why such things cannot be printed for distribution.

The Instruction "Ut quae" forbids the distribution of handbills or newspaper advertisements that extol the merits of the preacher before or after the sermon.⁵⁷ In regard to that, the Instruction does not seem to forbid simple, sober notices in the public press, particularly in diocesan or parish publications.

THE MANNER OF THE PULPIT

Since the preacher may build up or destroy not only by what he says but also by the way he says it, the Council of Trent gave the broad direction that he should speak piously, prudently, avoiding useless questions.⁵⁸ Can. 1347 tells him to abstain from worldly, difficult arguments that go beyond the grasp of his hearers and, in the words of St. Paul, to carry on his gospel not in the persuasive words of human wisdom, or in displaying a vain, ambitious eloquence, but in the showing forth of the spirit and power; preaching not himself, but Christ crucified.⁵⁹ On this point the "Ut quae" quotes the letter of St. Jerome to Nepotian:

⁵⁴ *Acta et Decreta C. Prov. Mechlin. IV*, a. 1920, n. 309.

⁵⁵ *Id.*, n. 310.

⁵⁶ *Conc. plen. Siculum*, a. 1920, can. 6.

⁵⁷ *Ut supra*, n. 25.

⁵⁸ *Sess. XXIV, de ref.*, c. 7.

⁵⁹ I Cor. II, 4.

"I desire not that you be a declaimer, a pettifogger, a noisemaker without sense. To roll out words, or to build up admiration with the crowd by headlong speech, belongs to unlearned men. . . . Nothing is so cheaply attained as deceiving a low crowd, an unlearned gathering, by volubility of language—a crowd that admires the more, the less it understands."⁶⁰

Therefore the "Ut quae" adds⁶¹ that the preacher shall fit both his reasoning and his language to the ordinary grasp of his hearers; in delivery and gestures, let him observe the gravity and modesty that befits the ambassador to Christ.⁶² Still earlier Pius X quoted with approval the words of St. Gregory: "They have taken care to preach to the unlettered people plain and understandable things, not the lofty and difficult."⁶³

This does not mean that natural means must be cast aside. "The word of God is worthy of the best and most beautiful frame into which human eloquence can put it, but it must be a dignified sacred oratory, and the preacher must be conscious of the fact that God alone can produce any good from his efforts."⁶⁴

It must also be borne in mind that in the volume of legislation concerned with the manner of the sermon, the law distinguishes between the simple parochial discourses⁶⁵ and the great moving orations that often are called for at popular missions and other special occasions. In the latter case the "gravi ac splendido orationis genere" of Pius IX is justified.⁶⁶

For the ceremonies attendant on preaching and the rules on pulpit dress, see the approved authors.⁶⁷

⁶⁰ N. 26, ut supra.

⁶¹ N. 27.

⁶² Cf. Letter of Benedict XV to the Belgian bishops on the Flemish Question, 10 Feb., 1921, *AAS*, XIII, 127.

⁶³ Pii X litt. encycl. "Acerbo nimis," 15 apr., 1905, Gasparri, *Fontes*, III, n. 666, ad 17.

⁶⁴ Woywod, "On Preaching," *HPR*, XXVIII, 174.

⁶⁵ V. the extensive directions given in Berardi, *Theologia Pastoralis*, 47-54, concerning this kind of preaching.

⁶⁶ In litt. encycl. "Qui pluribus," nov. 9, 1846, Gasparri, *Fontes*, II, n. 504, ad 7.

⁶⁷ Wapelhorst, *Compendium Sacrae Liturgiae*, 34, 211, 214, 254, 308, 584; Martinnucci-Menghini, *Manuale Sacrarum Caeremoniarum*, p. 1, V. I, p. 399; Ferraris, o. c., VI, 370. Sharpe gives an excellent resume in *Our Preaching*, 239-266. The authority on pulpit dress, especially of prelates, is Nainfa, *Costume of Prelates of the Catholic Church*, 63-64, 208-209.

THE QUESTION OF READING SERMONS

No general legislation has been enacted relative to whether sermons may be read. In the Middle Ages it was allowed that where a priest was too ignorant to be able to speak his own words, he should at least read the homilies of the Fathers. Now the moral theologians hold that a pastor who reads out of a devout book does not satisfy his obligation to preach to his people. Some say that if he has so tenuous a memory that he cannot remember what to say, he should provide that another preach in his place, or that the bishop be notified of his difficulty.⁶⁸ Berardi is more lenient; while admitting that the pastor who just reads out of a book does not satisfy his obligation, he says that if a pastor, faced with a difficult memory, conducts himself as one reciting rather than reading and has before him a sermon written by himself or at least transcribed and adapted to the needs of his people, at the same time adding timely admonitions, he fulfills his obligation.⁶⁹

All this refers to a parish priest's duty to preach rather than to preaching in general. Always granting the greater desirability of direct, forthright preaching without the aid of copy, custom or personal circumstances will warrant the use of notes or even the reading of manuscript.

THE QUESTION OF LANGUAGE

From the time of Tertullian, Augustine and Jerome, the Church has insisted that the idiom of the pulpit should be that which is understood by the people. Throughout the break-up of the Latin culture into the many languages of medieval and modern Europe, legislation has been wholly in favor of the vernacular.⁷⁰ As has been seen in the historical chapters, wherever even the national language is not understood in a given place, the local dialect should be used.⁷¹ Particular legislation of recent times has been of the same mind.⁷²

⁶⁸ Ballerini-Gury, *Compendium Theologiae Moralis*, I, n. 1063 (p. 890), Ojetti, *Synopsis*, I, n. 1398 (p. 1103).

⁶⁹ Berardi, *Theologia Pastoralis*, I, n. 138 (pp. 58-9); the diocesan synod of Philadelphia strictly forbids reading a sermon instead of delivering it from memory, *Synodus Diocesana Philadelphiensis IX*, a. 1934, p. 35.

⁷⁰ V. Grisar, *History of Rome and the Popes in the Middle Ages*, III, 240-241.

⁷¹ This may be the fuller meaning of "lingua vernacula, si opus sit" of Trent, sess. XXIV, *de ref.*, c. 7.

⁷² *Decretos del VIII Conc. Prov. Limense*, a. 1927, decreto 158, 159. The

Problems of a conflict in languages may rise in a parish. There does not seem to be any apposite jurisprudence in the Roman congregations; each region must work out its own rules. In Africa the Council held at Algiers in 1925 directed that for the sake of non-French nationalities a priest of the same nationality or speech should be brought in once a year to give instruction and hear confessions.⁷³

KINDS OF PREACHING

Besides the parochial homilies, panegyrics, funeral orations and "grand" discourses already considered, other forms of preaching require special study because of the laws in their regard. They are sacred missions to the Catholic people, retreats, missions and lectures for non-Catholics, and apologetical conferences.

I. Missions to the Catholic People

Can. 1349.—§ 1. Ordinarii advigilent ut, saltem decimo quoque anno, sacram, quam vocant, missionem, ad gregem sibi commissum habendam parochi curent.

§ 2. Parochus, etiam religiosus, in his missionibus instituentis mandatis Ordinarii loci stare debet.

Ordinaries are to watch that at least every ten years pastors provide a sacred mission—as it is called—for the flock entrusted to them.

Parish priests, religious included, should follow the directions of the Ordinary in holding the missions.

Ever since the seventeenth century, missions to our Catholic people have been a standard method of renewing faith and religious practice. Begun in 1617 by St. Vincent de Paul among the country poor of France, they were taken up by the older preaching orders and by new congregations instituted for the purpose, such as Vincent de Paul's own Priests of the Mission (the

Plenary Council of Ireland, held at Maynooth in 1927, while directing that sermons always be in the language understood by the people, said that with due regard for that rule and the need of prudence, the priests were to be favorable to the use of Gaelic (decr. 355).

⁷³ *Decreta Conc. II Prov. Algeriensis*, can. 27.

Lazarists), Eudists, the priests of the Venerable de Bus, Passionists, Redemptorists, Fathers of the Holy Cross, of Mercy, of the Precious Blood, Paulists, as well as many groups of diocesan priests organized as mission bands.⁷⁴ Though each society will have its own way of conducting missions, all pursue the same aim of holding a series of stirring sermons on the great truths for the purpose of restoring the faith of the people, rousing contrition for sin and breaking down vice; along with these penitential sermons there have always been elementary instructions on the chief dogmas, the commandments and the duties of various states of life. Sermons and instructions have been accompanied by special devotions and congregational singing; a number of priests have been brought in to hear confessions, with faculties to absolve from reserved cases.

Popular missions have always enjoyed the strongest recommendations of Popes and particular councils, all the more needed because of opposition from Jansenistic clergy and proscription by civil governments. Benedict XIV directed the Cardinal of Naples to encourage them and divide up the territory so that the preaching bands would be more effective.⁷⁵ Pius VI condemned as rash, evil sounding, dangerous, harmful to the word of God, the statement of the Synod of Pistoia that these missions were an empty noise with at most only transient effects.⁷⁶ Pius IX urged upon the bishops of Italy and Austria the good work of the spiritual exercises and the missions as useful for fostering piety and rousing confirmed sinners to repentance.⁷⁷ These and other papal pronouncements have been reinforced by the unchanging endorsement of particular councils from the seventeenth century

⁷⁴ V. Schroeder, "Parochial Missions" in *CE*, X, 391-394. These missions have been variously designated in canonical literature: popular missions, sacred missions, sacred expeditions, popular spiritual exercises, spiritual exercise of the missions. In some legislation they are called parochial retreats.

⁷⁵ Benedict XIV, "Gravissimum," 8 sept., 1745, in *Bullarium Benedict. XIV*, CXL (*Omnia Opera*, XV, 567 sq.).

⁷⁶ Pius VI, const. "Auctorem fidei," 28 aug., 1784, ad LXV, Gasparri, *Fontes*, II, n. 475. Later charges against the missions are made in Hinschius, *System des Katholischen Kirchenrechts*, IV, 487.

⁷⁷ Pius IX, ep. encycl. "Nostis et nobiscum," 8 dec., 1849, n. 11, Gasparri, *Fontes*, II, n. 508; id., Ep. encycl. "Singulari quidem," 17 mar., 1856, n. 9, Gasparri, II, n. 521.

to the present days, in France,⁷⁸ Italy,⁷⁹ Central Europe,⁸⁰ the British Isles,⁸¹ English-speaking America⁸² and other places.⁸³

"Ordinaries" refers obviously to local Ordinaries, not religious superiors,⁸⁴ for it belongs only to the bishop, and those associated with him in ordinary power, to rule over the faithful and see that they are provided with spiritual nourishment. The local Ordinary has full power to regulate the time a mission will be held, to draw up a schedule for visiting bands, to send his own appointees to a parish,⁸⁵ and grant preachers faculties for preaching and confessions. Those religious bodies or non-religious communities who have obtained apostolic approbation to give missions cannot exercise their privilege without the consent of the Ordinary, granted in the form of a faculty prescribed in can. 1337.⁸⁶

Hence every pastor, whether he belongs to an exempt order or not, before he arranges for a mission, should obtain permission from the local Ordinary. Because of the very nature of mission work, the granted per-

⁷⁸ v. *CL*, IV, 131, 132 (Reims I, 1849); 174 (Reims II, 1853); 430 (Albi, 1850); 602 (Bordeaux I, 1850); 1002, 1020 (Aix, 1850); 1128 (Bourges, 1850).

⁷⁹ *CL*, VI, 69-70 (Urbino, 1859); 187, 195 (Ravenna, 1855); 261, 280 (Siena, 1850); 323 (Venice, 1859); 238, 251 (Pisa, 1850); 818 (Assembly of bishops in Sicily, 1850); 800, 809 (Assembly of bishops at Loreto, 1850).

⁸⁰ *CL*, V, 76 (Esztergom, 1858); 186 (Vienna, 1858); 371 (Cologne, 1860); 480 (Prague, 1860); 713 (Kalocsa, 1863); 882 (Utrecht, 1865); 981, 987, 1087 (Meetings of bishops at Würzburg, 1848); 1172, 1173 (Assembly of Bavarian bishops at Freising, 1850).

⁸¹ *CL*, III, 776-777 (Thurles, 1850); 829 (Cashel, 1853); 862 (Tuam II, 1854); 811 (Dublin, 1853); 949 (Westminster, 1852).

⁸² *Id.* III, 210 (Cincinnati II, 1858); 525-526 (II plen. Baltimore, 1866); 674 (Quebec, 1863).

⁸³ Port of Spain, a. 1867, *CL*, III, 1114; New Granada, a. 1868, *id.*, VI, 539-544; Quito, a. 1869, *id.*, 436; Ponticherry, a. 1844, *id.*, 655.

⁸⁴ *Blat*, o. c., 334, would have "Ordinaries" also refer to major superiors of exempt religious. While granting that these superiors may have a solicitude for the welfare of souls entrusted to the pastoral care of their subjects, it must be denied that they come under can. 1349, § 1; for they have no competence to busy themselves in the parochial discipline. All previous legislation refers the business of supervising missions to the bishop, and there is no reason for regarding the present law as a departure. § 2 of the canon speaks expressly of the local Ordinary.

⁸⁵ S. C. Ep. & Reg., Senen., 23 jul., 1694, Gasparri, *Fontes*, IV, n. 1816.

⁸⁶ Wernz-Vidal, o. c., 63-64; a Coronata, o. c., 274, Cocchi, o. c., 66.

mission should contain faculties for confessions.⁸⁷ According to can. 899, § 3, missionaries may absolve, *ipso jure*, those sins which the Ordinary has reserved to himself, during the time of the mission.

"Are to watch." The bishop has many ways of overseeing this apostolic work by questions at visitation,⁸⁸ inclusion of apposite information in the annual report of the spiritual condition of his parishes, requiring a report from the pastor shortly after the mission closes.⁸⁹

"At least every ten years." This is the minimum. The Council of Naples in 1699, first to pass important legislation relative to the conduct of missions, decreed there should be general missions yearly in the cities, particular missions in other places whenever possible, surely before episcopal visitation.⁹⁰ Later particular councils departed from the plan of one general mission for a whole city, and ordered each parish to have its own exercises every seven or five years; this interval has been adhered to in recent legislation.⁹¹ *Motu proprio* the bishop may command that a parish hold its mission oftener than the prescribed time if he judges that the spiritual condition of the place justifies the step.⁹²

"That pastors provide a sacred mission for the flock entrusted to them." Pastors in this canon include all who are bound *ex officio* to provide for the spiritual care of a flock, whether it be a parish in the strict canonical sense, or a quasi-parish, or a filial parish. Ever since the mission became a fixture in Catholic life, the zeal of pastors has been measured by their care to provide their people with this excellent means of grace.

From the very nature of things, the obligation is not fulfilled by a series

⁸⁷ To deny missionaries confessional faculties would be to defeat the purpose for which the Church has fostered this effective means of repentance.

⁸⁸ V. Questionnaire after episcopal visitation, n. 30, in *Acta et Decreta Conc. Prov. Tuamensis*, a. 1933, p. 98.

⁸⁹ *Conc. Plen. Lusitanum: Acta et Decreta*, a. 1926, can. 412.

⁹⁰ Synod. prov. Neapol., a. 1699 (in relation of Card. Cantelmo to the S. C. C.), *CL*, I, 255.

⁹¹ Malines (1920, n. 211), 7 years, if possible; Maynooth (1927, decr. 375), 5 years; Venice (1928, decr. 440), every 10 years in each parish, including subsidiaries; Turin (1927, can. 14), if possible 5 years; Toledo in Spain (1930, decr. 313), desired every 5 years; Portland in Oregon (1932, decr. 38), at least every 3 years. Sharpe says that triennial missions, with a yearly renewal, seems customary in the United States, o. c., 237. St. Alphonsus said that a good pastor would not let four or five years pass without a mission, *Home Apostolicus*, Tract. VII, n. 31, p. 89.

⁹² Wernz-Vidal, o. c., 64.

of sermons, no matter how effective, that is given by the parish staff. One purpose of a mission is to give the people ample opportunity to go to other than their own priests.⁹³ Then it is more likely that preachers coming from elsewhere will be able to denounce local vices and disorders without the suspicion of personal animus.

The Code has nothing to say about the circumstances of a mission—its personnel, subject-matter, length, component exercises. These have been determined by particular legislation and custom, especially the customs of the missionary communities themselves; and the bishop may determine certain things. § 2 of the canon gives him full power to direct the missions held in his diocese. He may, for example, order parishes to take definite turns in arranging their missions so that people from nearby parishes may profit by them.⁹⁴

It was the desire of St. Alphonsus that missions should last five weeks. Custom has reduced that time to a minimum of eight or ten days.⁹⁵ The period doubles or triples when the people are divided into groups, such as married men, single men, married women, single women, with special exercises for children.

Custom by this time has made sacrosanct the leading subjects: the soul's supernatural purpose, judgment, hell, God's mercy, final perseverance. Various preaching communities have their own arrangement of topics and exercises, to which it is well that pastors accede because of the experience that has compiled them. The rules of certain religious congregations require that their missionaries obtain express permission from the pastor to preach on specified subjects, such as temperance. The Council of Lisbon instructs pastors to acquaint the preachers beforehand with the spiritual needs and the vices that are common in the parish.⁹⁶

As for personnel, legislation has said no more than it be composed of priests fitted for the work. Both general and particular law has been indifferent whether the missionaries are of the religious clergy or secular priests. The history of parochial missions shows that both have done apostolic, fruitful work. If the religious have been eminently successful in

⁹³ The Council of Aix, a. 1850 (CL, IV, 1020), advised ordinary confessors against hearing their penitents' confessions in this time.

⁹⁴ Blat, o. c., 314.

⁹⁵ *Conc. Plen. Aemilianae et Flaminiae Regionis*, a. 1932, decr. 23; *Conc. Prov. Hispalense*, a. 1924, can. 260; *Conc. Prov. Mechlin. IV*, a. 1920, n. 211.

⁹⁶ *Conc. Plen. Lusitanum*, a. 1926, can. 413.

many localities, it must be remembered that much may be said for communities that belong to the secular clergy, such as the Vincentians, Eudists, Fathers of the Precious Blood, Paulists. Besides these societies founded to give missions, bands of diocesan priests have been organized in a number of countries, to work under the direction of their own Ordinary, and these too have done a praiseworthy labor.⁹⁷ Canonists who say that religious clergy are to be called to give missions or that missions are generally to be entrusted to them,⁹⁸ must be taken as speaking for their own region.

The missionaries are not to mingle in the internal affairs of the parish, says the Second Council of Baltimore.⁹⁹ Several councils have found it needful to counsel great circumspection about money, lest scandal be given by an appearance of desire for filthy lucre; and some of them have specified just where money over and above expenses should be sent.¹⁰⁰ The presence of the missionaries by no means impairs the full jurisdiction of the parish priest.¹⁰¹

II. Retreats

Side by side with missions, the preaching of retreats has been a powerful means of sanctification in the post-Tridentine Church. The spiritual exercises, although their rudiments are found in earlier Christianity, begin with St. Ignatius Loyola and his *exercicios espirituales*.¹⁰² The work of this saint, not long ago declared by Pius XI the heavenly patron of the spiritual

⁹⁷ *Conc. Plen. Lusitanum*, *ibid.*; *Conc. Plen. Aemil. et Flam. Regionis*, a. 1932, decr. 25, et Appendix III, pp. 72-75; Schroeder, "Parochial Missions" in *CE*, X, 391-394. Of the councils of the last century Cashel (a. 1853, *CL*, III, 829), Prague (a. 1860, *id.*, V, 480), and Baltimore (a. 1866, *id.*, III, 525-526) refer explicitly to the secular clergy as missionaries.

⁹⁸ V. Bouuaert-Simenon, *Manuale J. C.*, III, 116.

⁹⁹ II *Conc. plen. Balt.*, a. 1866, *CL*, III, 525-526.

¹⁰⁰ II *Con. plen. Balt.*, *ibid.*; *Acta et Decreta Conc. Plen. Episc. Hiberniae*, a. 1927, decr. 376; *Estatutos Sinodales de la Diocesis d. S. Cristobal, Venezuela*, a. 1936, est. 648; *Conc. Plen. Siculum*, a. 1920, can. 26; *Conc. Venetii Prov. II*, a. 1928, decr. 441; *Conc. II Prov. Vallisoletanum*, a. 1930, decr. 272.

¹⁰¹ San Cristobal, *ut supra*, est. 647. Statute 650 of the same synod provides that where a mission is given in a parish that has no parish priest, the Ordinary will grant the superior of the mission band not only powers relative to jurisdiction but also special faculties to meet the circumstances.

¹⁰² V. Debuchy, "Spiritual Exercises of St. Ignatius Loyola," in *CE*, XIV, 224-229.

exercises,¹⁰³ at once took first place as the method of conducting retreats. Many popes approved of it in glowing terms,¹⁰⁴ great saints such as Charles Borromeo,¹⁰⁵ Francis de Sales and Vincent de Paul promoted its use particularly by candidates for orders, and particular councils over the past three centuries applied it to the clergy and the faithful.¹⁰⁶ Pius VI defended the popular use of the exercises, along with popular missions, in his condemnation of the Pistoia articles.¹⁰⁷ Pope Pius XI showed special favor to the Ignatian method of the spiritual exercises in his official statements, saying that (a) while there are other methods, it is certain that the way of Ignatius surpasses them all;¹⁰⁸ (b) among methods it has always held the foremost place, and it deserves praise for its admirable power of adaptation to the requirements of various conditions of life.¹⁰⁹

The term "spiritual exercises" covers a wide field of preaching which may be defined as an arrangement of meditations and other exercises of piety under the direction of a spiritual guide for the purpose of advancing souls on the path of perfection. The exercises fall into two kinds, those given for the people at large and those held for the benefit of smaller groups of the clergy, religious or the laity.

The former kind, the exercises given for the faithful in their parishes, has a good deal of resemblance to missions. Indeed a good deal of particular

¹⁰³ Pius XI, const. "Summorum Pontificum," 25 jul., 1922, *AAS*, XIV, 42.

¹⁰⁴ Among them Paul III, litt. ap. "Pastoralis Officii," 31 jul., 1548; Alexander VII, litt. ap. "Cum sicut," 12 oct., 1647; Benedict XIV, litt. ap. "Quantum secessus," 20 mar., 1753, and litt. ap. "Dedimus sane," 16 mai., 1753 (these four cited in *AAS*, XXI, 703-704); Leo XIII, ep. "Ignatianae commentationes," 8 feb., 1900, *Leonis XIII Acta*, VII, 373.

¹⁰⁵ In Conc. Prov. Mediolan. IV, Hardouin, X, 900.

¹⁰⁶ The *Collectio Lacensis* lists over fifty such councils in the period between 1720 and 1868, prominent among them being II plen. Baltimore, a 1866, *CL* III, 525-526; III prov. Tuam, a. 1858, id., 874-877; prov. Kalocsa, a. 1863, *CL* V, 679-681; I prov. Bordeaux, a. 1850, *CL* IV, 590; prov. Venice, a. 1859, *CL* VI, 317-318.

¹⁰⁷ Pii VI const. "Auctorem fidei," 28 aug., 1794, n. 65. Gasparri, *Fontes*, II, n. 475.

¹⁰⁸ Pius XI, litt. ap. "Meditantibus Nobis," 3 dec., 1922, *AAS* XIV, 627; cf. eund. pontif., "Summorum Pontificum," ut supra.

¹⁰⁹ Pius XI, encycl. "Mens nostra," 20 dec., 1929, *AAS*, XXI, 689. Just six months before, Monsignor Jorio, then Secretary of the Congregation of the Sacraments, in his official animadversions on the case "Romana et aliarum," declared St. Ignatius to be the author of the spiritual exercises, v. *AAS*, XX, n. 1, transl. in Bouscaren, *Canon Law Digest*, 489-492.

legislation, past and present, referring to missions refers also to the "popular" exercises.¹¹⁰ Yet the spiritual exercises, even when held for the people at large, should differ in some respects from missions, for missions aim primarily at winning souls to repentance and a Christian life, while parochial retreats are designed to bring them along the path to perfection;¹¹¹ missions usually require a number of priests for preachers and confessors, retreats had better be given by one director. Apart from that, popular retreats are governed by the same laws as missions, namely, that outside preachers cannot be brought in without the faculty of the local Ordinary, and in inviting them all the procedure laid down in the Code must be observed.¹¹² Recent councils held in Italy have desired or commanded that these retreats be held in parishes annually for a week, usually in the last days of Lent, so that the people may be prepared for their Easter duty.¹¹³

The latter kind, those for smaller groups, are more closely akin to the intent of St. Ignatius in drawing up the Spiritual Exercises.¹¹⁴ They are given to definite groups of the clergy—either ordained or still in their seminary studies—, of religious and their novices, of the laity. The Code provides for the triennial¹¹⁵ retreat of the diocesan clergy in a house and for a time to be designated by the Ordinary (can. 126), an annual retreat for religious (can. 595, § 1, 1°) and seminarians (can. 1367, 4°), a retreat of eight days for those completing their religious postulancy (can. 541) or novitiate (can. 571, § 3), retreats of varying duration for those about to receive tonsure, minor or major orders (can. 1001).¹¹⁶ In regard to retreats,

¹¹⁰ II Conc. plen. Balt., a. 1866, *CL*, III, 525-526, 466; New Granada, a. 1868, id., VI, 540; *Conc. Plen. Campanum*, a. 1932, decr. 44, § 1; *Conc. Plen. Siculum*, a. 1920, can. 22; *Conc. Plen. Etruscum*, a. 1933, decr. 31, § 2.

¹¹¹ *Acta et Decreta Conc. Plen. Quebec. I*, a. 1909, decr. 329 a, 330.

¹¹² Ut supra, cap. V; v. Wernz-Vidal, o. c., 68.

¹¹³ *Conc. Plen. Campanum*, a. 1932, decr. 44, § 1; *Conc. Plen. Siculum*, a. 1920, can. 22; *Conc. Plen. Etruscum*, a. 1933, decr. 31, § 2.

¹¹⁴ V. Annotations I-XX of the Exercises (in Longridge's translation, *The Spiritual Exercises of St. Ignatius Loyola*, pp. 3-23).

¹¹⁵ Some councils have prescribed or recommended annual retreats for the clergy: III Quebec, a. 1863, *CL* III, 675; II plen. Baltimore, a. 1866, id., 525-6; I Bordeaux, a. 1850, id., IV, 590.

¹¹⁶ Cf. the resolution of the Congregation of the Sacraments, "Romana et aliarum," 2 mai., 1928, and the related animadversions of Monsignor Jorio in *AAS*, XX, 359, 360-2, on the question whether can. 1001 should be observed to the letter even when all the sacred orders are to be conferred in a short space of time.

besides papal recommendations,¹¹⁷ many particular councils have encouraged them, directing that houses be set aside for them and the laity exhorted to take advantage of them.¹¹⁸

As with all preaching, these enclosed retreats must follow the ordinary rules about obtaining the proper faculty, license and consent from the superiors concerned.¹¹⁹ The one exception to all this in the case where "the spiritual exercises are carried out in their customary manner in the monasteries of those religious orders whose proper work it is—from their very purpose as approved by the Holy See—to conduct the exercises, even when seculars make them."¹²⁰

III. LECTURES AND MISSIONS FOR NON-CATHOLICS

Can. 1350.—§ 1. Ordinarii locorum et parochi acatholicos, in suis dioecesibus et paroeciis degentes, commendatos sibi in Domino habeant.

Local Ordinaries and parish priests should regard the non-Catholics dwelling in their dioceses and parishes as commended to them in the Lord.

In these words of the Code bishops and pastors are entrusted with an apostolic mission to bring about the conversion of non-Catholics with the best and most efficacious means at their disposal.¹²¹ Their duty in the matter is most grave, resting as it does on the divine law.¹²²

"Local Ordinaries" in this canon does not refer to vicars—or prefects-apostolic, or does "parish priests" refer to quasi-pastors in the territories lacking full ecclesiastical organization,¹²³ for the second paragraph of the

¹¹⁷ S. C. de Prop. Fide, inst. (ad vic. Ap. Indiar. Orient.) 8 sept., 1869, n. 33, Gasparri, *Fontes*, V, n. 4876.

¹¹⁸ I Bordeaux, a. 1850, *CL*, IV, 603; Prague, a. 1860, id., V, 481; Utrecht, a. 1865, id., 883; *Conc. Plen. Campanum*, a. 1932, decr. 44, par. 1; *Conc. Plen. Aemilian. et Flamin. Regionis*, a. 1932, decr. 24; *Conc. Prov. Ultrajectensis*, a. 1924, cap. III, §§ 4, 5, 6; *Conc. Prov. Portlandensis in Oregon*, a. 1932, decr. 42.

¹¹⁹ See can. 1337, 1338, 1340, 1341 and their commentary earlier in this work.

¹²⁰ Wernz-Vidal, o. c. 68, who applies to the post-Code period a custom honored before the Code; v. Wernz, *Jus Decretalium*, III, 53.

¹²¹ Vermeersch-Creusen, o. c., 474; Wernz-Vidal, o. c., 62.

¹²² A Coronata, o. c., 275.

¹²³ Blat, o. c., 315.

canon reserves all endeavors towards non-Catholics in such territories to the direction of the Congregation Propaganda Fide.

The canon has nothing to suggest as means of pursuing the apostolate towards non-Catholics. In general canonists list prayer as the most powerful weapon,¹²⁴ and after that preaching and the distribution of literature.¹²⁵ Our concern is with preaching only.

The preaching apostolate has taken on two forms, direct controversy with spokesmen of the opposition, and simple explanation of Catholic belief in "missions" to non-Catholics.

The former method, that of direct controversy, even though used by St. Augustine against the Donatists, by St. Francis de Sales against the Geneva theologians, and much in vogue during the struggle of the Reformation, has never been looked upon kindly either in papal or in particular legislation.¹²⁶ The reason for this attitude is obvious: such debates often lead only to bootless strife, the teachings of error are set forth appealingly before the faithful who attend, scandal is given to them, or the Catholic champion is unequal to his task. Accordingly can. 1325, § 3, forbids Catholics (*a fortiori* the clergy) to hold disputations or conferences with non-Catholics, especially those of a public nature, unless they previously obtain permission from the Holy See, or if the case is urgent, from the local Ordinary. These conferences include round-table discussions, union-of-the-Church meetings, open forums, public debates. In no case will the Church assent to participation in the conferences of various religious bodies that seek a common denominator in religious belief or implicitly deny the Catholic Church to be the depository of divine revelation.¹²⁷ As for the

¹²⁴ Augustine, o. c., 370; Cocchi, o. c., 67.

¹²⁵ A Coronata, o. c., 275; Augustine, o. c., 371; Blat, o. c., 315. The distribution of books and tracts among well-disposed pagans has been officially recommended in S. C. de Prop. Fide, inst. (ad Vic. Ap. Indiar. Orient.), 8 sept., 1869, n. 18, Gasparri, *Fontes*, VII, n. 4876.

¹²⁶ S. C. de Prop. Fide, 8 mar., 1625, Gasparri, *Fontes*, VII, n. 4428; ead. congr. (C. P.), 7 feb., 1645, id., n. 4457; ead. congr., 8 dec., 1662, id., n. 4467; S. C. pro Neg. Eccl. Extraord., instr. 27 jan., 1902, ad VIII, ASS XXXIV, 401-413; *Primum Conc. Sinense*, a. 1924, decr. 626.

¹²⁷ S. C. S. Off. 4 jul., 1919, AAS, XI, 309 sq. (which contains an apposite instruction to the English bishops in Sept. 16, 1864, 310-312, and a letter of Card. Patrizi "to certain English Puseyites" 8 nov., 1865, 312-316); Pius XI, litt. encycl.

disputations, permission may be granted when there is no danger of scandal to the faithful or fear of perversion and where a reasonable hope exists of effecting some definite good and the Catholic part can be entrusted to a priest of ability.¹²⁸ Under the rules of this canon also come debates with socialists¹²⁹ and communists whenever they seek by their arguments to attack the faith.

In some countries where Catholics live in the midst of a non-Catholic population, such as England, the United States and Canada, another method of approach has developed over the last seventy-five years, in the form of "missions" to those outside the Church—so-called because of certain resemblances to the popular missions of can. 1349. For the most part these missions to non-Catholics consist of a series of lectures on Catholic belief and practice, discussed in a way to clear the misunderstandings of our separated brethren. The lectures are held in churches, halls, and even in the open—wherever there is likelihood of drawing an audience. Opportunity to propose difficulties is given through personal interviews or by means of the "question box," a receptacle wherein written questions may be left to be answered publicly by the preacher. Literature is distributed, mostly gratis. Or the lectures are combined with a mission to Catholics, in such a way that the invited non-Catholics are enlightened, and the faithful—perhaps without realizing it—are instructed in the fundamentals of the faith. This form of apostolate has been promoted by many bishops, who have set to it their diocesan mission-bands or brought in preaching communities, notably the Passionists, Redemptorists and Paulists—the last-mentioned having been instituted largely for that purpose.

Towards this method of spreading the faith legislation has been more than favorable. In 1895 Leo XIII, gently rebuking Catholic participation in the World's Parliament of Religions at the Chicago Exposition, called attention to the Paulist method of speaking openly to non-Catholics, explain-

"Mortalium animos," 6 jan., 1928, *AAS*, XX, 7-16 (transl. by R. A. McGowan, *The Promotion of Church Unity*, Washington, N. C. W. C., 1928, p. 20); cf. Leo XIII, litt. ap. de coetibus vulgo dictis "Parliaments of Religion," 28 sept., 1895, *AER*, XIII, 395.

¹²⁸ It should be noted that can. 1325, § 3, refers to discussions on the things of the faith; v. a Coronata, o. c., 249. In other matters Catholics are free to take part in discussions within the bounds of prudence.

¹²⁹ S. C. Pro Neg. Eccl. Extraord., 27 jan., 1902, n. 7, ad VII, *ASS*, XXXIV, 401-413; a Coronata, o. c., 249; Augustine, o. c., 336.

ing Catholic dogma and refuting objections; this method the pope recommended as one to be promoted by each bishop in his diocese.¹³⁰

Less than four years later Leo approved of holding these lectures in public halls, provided the place was fitting.¹³¹ The Council of Quebec held in 1909 warmly commended to its bishops this way of bringing non-Catholics to the faith and laid down wise regulations for the conduct of the lectures.¹³² More recently the Council of Portland in Oregon placed it at the discretion of the Ordinaries to hold non-Catholic missions, which should be conducted in parish churches in the manner and at the time designated by the Ordinary.¹³³

Needless to say, Ordinaries and preachers should observe great prudence in regard to non-Catholic missions. In some places they may be inopportune because of the strife they will occasion.¹³⁴ As in the case of public debates with Protestants and others, they should be entrusted only to preachers capable of defending the faith without loss of prestige to the Church.

IV. APOLOGETICAL CONFERENCES

To meet intellectual assaults on the faith, zealous preachers of the eighteenth and nineteenth centuries chose the weapon of public *conférences*, in which the great truths of Catholicity were explained elaborately, often with great eloquence, and in relation to the philosophical, scientific, economic and political problems of the time. These conferences have had a profound influence in France, Germany and Italy, the pulpit of Notre Dame in Paris being illustrious for its *conférenciers*.

Despite their great value to the cause of religion, polemical conferences have been the cause of much anxiety to the ecclesiastical authorities. In some cases the preachers become embroiled in the factional questions of their day, or they lacked the mental stature for the responsibility they assumed, or they descended into the political arena. Accordingly we find the French and German councils of the past two centuries counseling an exceeding prudence in this regard, and the consensus of recent councils has been

¹³⁰ Litt. ap. de coetibus vulgo dictis "Parliaments of Religion," 28 sept., 1895 (to the ap. delegate at Washington), *AER*, XIII, 395.

¹³¹ Ep. "Testem Benevolentiae," 22 jan., 1899, n. 13, Gasparri, *Fontes*, III, n. 640.

¹³² *Acta et Decreta Conc. Plen. Quebec. I*, a. 1909, n. 332.

¹³³ *Acta et Decreta Conc. Prov. Portland. in Oregon IV*, a. 1932, decr. 39; in decr. 40 the council urges conducting enquiry-classes for non-Catholics.

¹³⁴ Woywod, "On Preaching," *HPR*, XXVIII, 176.

that they cannot be conducted by all fruitfully, opportunely or prudently.¹³⁵ The instruction on preaching issued by the Congregation of Bishops and Regulars in 1894¹³⁶ and reaffirmed by Pius X¹³⁷ contains sage legislation that is still as applicable as it was a generation ago:

1. Polemical *conférences* are sometimes useful and even necessary in order to arm minds against the errors of the day.
2. To Catholic pulpits should not be admitted hollow oratory that treats of theoretical problems rather than practical, political issues rather than religious, topics more at home in the newspaper columns and academic halls than in the pulpit.
3. Polemics should not be confided to any shoulders but the stronger and more capable. Preachers must use great prudence in what they say, choosing for their apology what is needful to a given audience, basing their arguments on supernatural grounds rather than the natural, careful not to set out error in such a way that it makes a deeper impression than the truth explained after it.
4. In general, controversial conferences are not to be preferred to moral sermons, for in Catholic countries mischief comes from the will rather than the intellect. From time to time the preacher should set aside his polemics in favor of a moral discourse, lest his audience be always occupied with intellectual errors to the detriment of their own struggle against the vices.

HOUR FOR THE SERMON

From the time of Trent, the proper hour for the parochial homily has been within the Mass, especially when it was to be preached on the subject of the Holy Sacrifice.¹³⁸ Custom and particular law further reinforced this regulation, and the Code secured it in can. 1344, § 1, yet with due allowance for a more suitable hour. The time for the parochial sermon is so sacred that can. 415, § 4, prohibits Ordinaries to tamper with it in settling disputes between pastors of capitular churches and the incumbent canons con-

¹³⁵ Thus *Acta et Decreta Conc. Prov. Mechlin. IV*, a. 1920, n. 304; v. *Conc. Plen. Siculum*, a. 1920, can. 21, § 2, *Decreta Conc. Prov. Toletani*, a. 1930, decr. 283, *Acta Conc. Plen. Pedemontani*, a. 1927, can. 16, *Conc. Plen. Lusitanum*, a. 1926, can. 458, *Acta et Decreta Conc. Prov. Ultraject.*, a. 1924, cap. iv, §§ 8, 9, *Conc. Plen. Etruscum*, a. 1933, decr. 34.

¹³⁶ S. C. Ep. & Reg., instr. 31 jul., 1894, n. 3 and 4, Gasparri, *Fontes*, IV, n. 2024.

¹³⁷ Pii X motu proprio "Sacrorum Antistitum," 1 sept., 1910, sub. cap. "de sacra praedicatione," Gasparri, *Fontes*, III, n. 689.

¹³⁸ Sess. XXII, *de sacrificio missae*, c. 8; sess. XXIV, *de ref.*, c. 7.

cerning the precedence of capitular functions over parochial.¹³⁹ Even in case of interdict the parochial sermon must not be interfered with, whether the interdict be general or local.¹⁴⁰

Both at the parochial Mass and the other low Masses and the precise time is after the gospel, a custom that has come from the period of the apostolic Fathers and has always enjoyed the richest liturgical reasons.¹⁴¹

It must be noted that wherever the abuse has sprung up of continuing the Mass while the sermon goes on, it has been severely rebuked by the Holy See.¹⁴²

The prescription of Trent that bishops and pastors should also preach before administering the sacraments has not been sustained in the Code and cannot be regarded any longer as obligatory save where the divine law of charity makes it necessary because of the ignorance of those receiving the sacraments or (in the case of baptism) assuming a responsibility through them.

As for other sermons, the prohibition of Trent against preaching at night has been set aside by custom and adverse legislation. Economic or social reasons may require sermons after nightfall, or the climate make them necessary, as in Northern Africa.¹⁴³

THE PLACE TO PREACH

The customary place for all instruction of the faithful is the church edifice, for such instruction has been regarded traditionally as an integral part of divine services. The authorities will readily discountenance any other place for the parish sermon or sacred mission. Other kinds of preaching, however, will obviously be held in the place where they are likely to be most effective: enclosed retreats in rooms set aside for them, lectures and missions for non-Catholics in the halls or auditoriums approved for the

¹³⁹ Religious superiors are similarly bound in can. 609, § 3.

¹⁴⁰ Can. 2271, 2°, 2272, § 3, 2°.

¹⁴¹ Ferrarius, o. c., 389-398. Beecher in *CE*, VII, 449, allows a sermon after the Communion, alleging the example of St. Francis de Sales, St. John Chrysostom and even St. Paul. Wapelhorst says of the *missa cantata* that with the Ordinary's consent the celebrant may preach to the people after his own Communion and before the Communion of the people, *Compendium Sacrae Liturgiae*, p. 214, citing S. R. C., D. 3059, 10.

¹⁴² *Il Monitore Ecclesiastico*, XXIV, 271 sq.; v. *Conc. Venetii Prov. II*, a. 1928, decr. 426.

¹⁴³ *Decreta Conc. II Prov. Algeriensis*, a. 1925, can. 26.

purpose by the local authorities, provided they are reputable,¹⁴⁴ outdoor preaching on the street-corners or public places that likewise seem good to the authorities. In regard to the last mentioned, we cannot apply to them the legislation of former times that forbade outdoor sermons, for that was intended to control the excesses of theatrical preaching.

The laws which relate to conducting divine services in heretical temples and houses of common worship apply similarly to sermons there. In 1624, the Congregation of Propaganda Fide, asked whether missionaries invited to preach in the churches of schismatics could accept the invitation, replied that where they were asked to preach Catholic doctrine without restriction and even against the errors of the schismatics, they could do so; where asked to preach in general on the virtues and vices that should be practiced or shunned by Catholics and schismatics alike, they must decline.¹⁴⁵

Priests are sometimes asked to address interdenominational meetings that are not strictly religious services. They are not to accept the invitation without permission from the Ordinary, and no case is imagined so urgent as to justify a presumed permission. In granting or refusing permission the Ordinary will be guided by considerations of the usefulness of a given address for the good of souls, taking also into account the qualities of the preacher, the likelihood of scandal to the faithful and the danger of giving rise to indifference.

PROFESSION OF FAITH BEFORE PREACHING

Can. 1406.—§ 1. Obligatione emittendi professionem fidei, secundum formulam a Sede Apostolica probatam, tenentur . . . 7°. Coram loci Ordinario ejusve delegato . . . sacri concionatores antequam facultate donentur (id munus) exercendi.

The following persons are bound to make the profession of faith according to the form approved by the Holy See . . . before the local Ordinary or his delegate . . . sacred preachers, before they receive the faculty to exercise (their ministry).

¹⁴⁴ Leo XIII, ep. *Testem Benevolentiae*, 22 jan., 1899, Gasparri, *Fontes*, III, n. 640, ad 13.

¹⁴⁵ S. C. de Prop. Fide, a. 1624, ut rel. ap. Ballerini-Palmieri, *Opus Theologicum Morale*, II, p. 44.

The formula prescribed in the canon was first ordered by Trent¹⁴⁶ and named, after Pius IV, the "profession of faith according to the *formula piana*."¹⁴⁷ Its text is given in the new Code between the *motu proprio* of Benedict XV. "Cum juris canonici codicem" and the first canons.¹⁴⁸ All who preach by reason of their care of souls or by reason of special privilege have to take it anyway—cardinals, bishops, vicars and prefects apostolic, abbots and prelates *nullius*, vicars capitular, the canon theologian, parish priests, rectors of churches.¹⁴⁹ Hence the cited portion of the canon refers to those who, lacking juridical responsibility for souls, are set to preaching with faculties from the Ordinary or their own superior.¹⁵⁰

The obligation of the canon is personal: it cannot be fulfilled by proxy.¹⁵¹ And no custom to the contrary can excuse from it.¹⁵²

The canon says, "before the local Ordinary or his delegate." What of the preacher brought into speak to exempt religious or their dependents according to the norm of can. 1338, § 1 and can. 514, § 1? Supposing that he has not taken the profession of faith before the local Ordinary by reason of other pulpit occupation in the diocese, does he now take it before the religious superior who, in terms of can. 1338, will grant him his faculty? It seems not, for can. 1406 does not list superiors as competent to receive the formula except in one instance, 9°, when they appoint other superiors to office in clerical religious bodies. Hence the preacher will have to be sent to the local Ordinary, or the superior in question may ask delegation to act for the Ordinary in receiving the profession of faith from his preacher.

Does the formula have to be renewed at each new grant of faculties? Since the law does not refer to the point, the Ordinary must use his own judgment. It may be argued from the parallel of can. 1406, § 2, that each fresh faculty calls for another profession.

Needless to say, when the double faculty is sought to hear confessions and preach, the one profession of faith will suffice for both.

When the preacher fails to fulfill the obligation of this canon without

¹⁴⁶ Sess. XXIV, *de ref.*, c. 1, 12.

¹⁴⁷ Pii IV const. "Injunctum nobis," 13 nov., 1564, Gasparri, *Fontes*, I, n. 108.

¹⁴⁸ See also *Rituale Romanum*, ed. juxta typic., Desclée et Socii, Tornaci, 1926, pp. 792 and (93), together with the Oath against Modernism.

¹⁴⁹ Can. 1406, 2°, 3°, 4°, 5°, 7°.

¹⁵⁰ V. Can. 1337, 1338.

¹⁵¹ Can. 1407.

¹⁵² Can. 1408.

being justly impeded, can. 2403 prescribes that after due canonical warning and the time assigned for opportunity to amend, he should be deprived of his office.

Along with the Tridentine profession of faith, the law requires preachers to adhere to another formula, the Oath Against Modernism of Pius X.¹⁵³ Subsequent to the publication of the present Code, the Holy Office decreed in 1918 that the oath, even though of a transitory nature and therefore not included in the Code, nevertheless should be kept up until the Holy See ordains otherwise.¹⁵⁴ Hence those who preach by reason of their obligation to care for souls take this oath before the Ordinary who gives them canonical institution; likewise Lenten preachers; other preachers before the Ordinary who grants them faculties. In the last case it is not necessary to take the oath each time that the faculties are prorogued.¹⁵⁵

PREPARATION IN MINOR SEMINARIES

Can. 1364.—In inferioribus Seminarii scholis: . . . 2°. Linguas praesertim latinam et patriam alumni accurate addiscant.

In the lower classes of the seminary the students should learn carefully especially the Latin and the vernacular language.

Though neither the law before the Code nor the present law give any place to direct preparation for preaching in the curriculum of minor seminaries, there is great store placed on the learning of the language of the fatherland. As we have seen in the historical part, the reason for this insistence in particular councils before the Code was to bring about an effective pastoral ministry, especially in the pulpit; and that same reason obtains in the present law.¹⁵⁶ Pius XI repeated the injunction of the Code, that the language of the country should be learned carefully.¹⁵⁷ Recent

¹⁵³ Pii X motu proprio "Sacrorum Antistitum," 1 sept., 1910, AAS, II, 655; text ib., 669-672, and in Micheletti, *Jus Pianum*, 505-510.

¹⁵⁴ S. C. S. Off., 22 mar., 1918, AAS, X, 136.

¹⁵⁵ Vermeersch-Creusen, o. c., 404.

¹⁵⁶ Wernz-Vidal, o. c., 119, Blat, o. c., 341; cf. Heck, *The Curriculum of Major Seminaries in Relation to Contemporary Conditions*, 118.

¹⁵⁷ Ep. "Unigenitus," 19 mar., 1924, AAS, XVI, 141.

surveys show how the law is being applied in our seminaries;¹⁵⁸ from them it appears that the native tongue stands second only to Latin in the number of hours devoted to it.

Tending towards the same purpose is the literary training imparted in the philosophical department of major seminaries.

PREPARATION IN MAJOR SEMINARIES

Can. 1365.—§ 3. *Cursus theologicus . . . praeter theologiam dogmaticam et moralem, complecti praesertim debet studium sacrae Scripturae, historiae ecclesiasticae, juris canonici, liturgiae, sacrae eloquentiae et cantus ecclesiastici.*

The theological course . . . besides dogmatic and moral theology, should comprise especially the study of sacred Scripture, Church history, canon law, liturgy, sacred eloquence and ecclesiastical chant.

The Council of Trent insisted that all candidates for priest's orders should know how to teach the things necessary for salvation, and to that end ordered that they must undergo an examination previous to ordination.¹⁵⁹ Though the council, in setting up the modern seminary, did not list homiletics as a subject to be taught, subsequent particular legislation provided for special training in that branch. Of utmost importance in the shaping of the present law was the decree of 1907, *Programma Generale Studiorum*,¹⁶⁰ and the commentary of the Roman pedagogue Micheletti;¹⁶¹ in the scheme of the latter, the teaching of homiletics was to have two hours a week given to it in the first years of theology and one hour a week in the subsequent three years, in addition to previous training in one's native language and the art of oratory.

Can. 1365 says, "The theological course . . . should comprise . . . the

¹⁵⁸ Heck, o. c., 68, 112; Bayer, *The Course of Study in the Catholic Preparatory Seminary: A Survey of Fifty-five Institutions* (an unpublished master's essay for the Catholic University of Washington, cit. in Heck, ut supra); Agathangelo e Langasco, *De Institutione Clericorum in Disciplinis Inferioribus*, 224-232.

¹⁵⁹ Sess. XXIII, *de ref.*, c. 14.

¹⁶⁰ S. C. Ep. & Reg., decr. 10 maii, 1907, ASS, XL, 342-346.

¹⁶¹ Micheletti, *De Regimine Ecclesiastico Religiosorum necnon Seminariorum*, in vol. II, "De Ratione Studiorum in Sacris Seminariis."

study . . . of sacred eloquence." This does not mean that a special course need be set aside for teaching the subject, for canonists point out that the list of subjects given in addition to dogmatic and moral theology do not require their own formal lectures but can be combined with other house exercises: sacred eloquence, for example, may be taught by means of the practical exercises in sermon-delivery customary in most seminaries.¹⁶²

The only official commentary related to seminary training for the pulpit is contained in the Instruction "Ut quae":¹⁶³

1. Ordinaries and religious superiors are strictly bound to form their clerics to a holy and salutary style of preaching during the time of their studies, both before and after ordination.
2. Hence they shall see to it that these clerics, during their theological course, are taught the various kinds of preaching; that they have ready access to and appreciate the outstanding models of every kind of sermon left by the Fathers, besides those that are found in almost every page of the New Testament.
3. Ordinaries shall take pains that the young are taught in the delivery and action to be observed in preaching, in such wise that they will demonstrate a seriousness, simplicity and clearness that does not smack of the stage but is in keeping with the word of God and shows that the preacher, speaking from conviction and his heart, has for his sublime purpose that for which his ministry was intended.
4. While this goes on at the seminary or house of studies, the superiors will endeavor to find out for what kind of preaching each student has the most aptitude, so that they may report on it to the Ordinary.

It is obvious from the above that the regulations apply equally to houses of study for clerical religious. These have all the more reason for zeal in applying the regulations because of their own preaching apostolate. The special instruction on sacred studies put out for them and for communities without public vows shows the will of the Holy See that they should bend their efforts towards preparation for ministerial preaching and sacred missions.¹⁶⁴

¹⁶² Vermeersch-Creusen, o. c., 485; Cocchi, o. c., 104, places sacred eloquence in a third rank among the theological studies (dogmatic and moral theology are in the first rank, in the second are the Scriptures, Church history, canon law and pastoral theology).

¹⁶³ Ut supra, nn. 34-37.

¹⁶⁴ Instr. S. C. de Relig., 1 dec., 1931, n. 8. AAS, XXIV, 74-81; cf. Ep. apost. Pii XI, "Unigenitus Dei Filius," 19 mar., 1924, AAS, XVI, 136-137.

A recent survey already referred to¹⁶⁵ shows the conformity of American seminaries to the spirit of the law. Of the thirty seminaries whose schedules were examined, fourteen had a course in homiletics lasting over four years, five over three, one over three and a half, three over six, one over two and a half, three over one. Of number of hours a week, one (the seminary which confined its course to one year) had three, seven had two, one had 1.75, one had 1.5, twenty had one. The number of clock-hours devoted to a course ranged from 288 to 30, with an average of 142.¹⁶⁶

The Congregation of Seminaries and Universities has issued some memoranda relative to training in sacred eloquence. Following on the Constitution "Deus Scientiarum Dominus"¹⁶⁷ it published detailed instructions for the reorganization of Catholic Universities, in which it listed sacred eloquence as a subject to be taught in the theological faculty.¹⁶⁸ It previously said that in conformity with the spirit of the "Acerbo nimis" of Pius X, seminary training should not be such as to fashion great orators but effective teachers of catechism.¹⁶⁹ In 1938 the Congregation published an *Enchiridion Clericorum* on sacred studies, wherein, commenting on can. 1365, § 3, is said that the professor of pastoral theology may give lessons in sacred eloquence.¹⁷⁰ The same work repeats the counsel of Leo XIII to the archbishop of Florence, that the clergy are to be so trained in solid doctrine that they may "teach, refute, strengthen, move, overcome, all for the salvation of souls."¹⁷¹

FURTHER TRAINING AFTER ORDINATION

The Instruction "Ut quae" does not stop the pulpit education of clerics with ordination but provides a further training. Ordinaries are to take care

¹⁶⁵ Heck, *The Curriculum of Major Seminaries in Relation to Contemporary Conditions*, a. 1935.

¹⁶⁶ Id., 51, 52-53, 67. This work offers sound constructive criticism for the improvement of homiletics courses, pp. 85-87; cf. Fr. Fulgence Meyer, "The Courses of Homiletics in our Curriculum," *AER*, LXXVII, 337, and "The Decay of Preaching" (signed "Senex") id., LXXXIX, 575-581.

¹⁶⁷ AAS, XXIII, 241-262.

¹⁶⁸ Ordinationes S. C. de Sem. & Universit. Stud., AAS, XXIII, 281.

¹⁶⁹ AAS, XVIII, 853. The training imparted in religious houses of study will be different because of the special preaching apostolate for which the candidates are being prepared.

¹⁷⁰ *Enchiridion Clericorum*, Documenta Ecclesiae Sacrorum Alumnis Instituendis, S. C. de Sem. & Stud. Universitat., n. 1111.

¹⁷¹ Id., n. 495, cit. *Leonis XIII Acta*, XII, 280, sq.

that the initial instruction which their clergy have received in the seminary or houses of study shall be perfected after ordination. For that purpose, in conformity with the information which they have of each one, they will engage them first in the easier and humbler kinds of preaching, such as teaching catechism to children, giving short explanations of the Gospel, and the like. They may also prescribe that their clergy undergo a yearly examination in preaching for some years after ordination. This examination, held *in curia*, may be oral and written, and the Ordinary may conduct it in the manner that seems best to him, in conformity with the prescriptions of the Code concerning the annual examinations to be taken by the clergy after their ordination to the priesthood.¹⁷²

From the text and context it is evident that these norms apply to the religious clergy as well as the diocesan.¹⁷³

GENERAL PREPARATION OF THE PREACHER

Above and beyond his fundamental training in the seminary, the preacher should prepare himself for his sacred office by holiness of life and continued study. Benedict XV quotes S. Peter Damian: "For the preacher two things are necessary above all, that he abound in truths of spiritual doctrine and that he shine in the splendor of a religious life."¹⁷⁴ Trent has put the two qualifications very briefly: "Let them be proved of morals and doctrine."¹⁷⁵

First, then holiness. The instruction "Ut quae" quotes St. Jerome:¹⁷⁶ "Let not your deeds shame your word, lest as you speak in the assembly someone should remark to himself: 'Why then don't you do the things that you preach?'—He is a soft teacher who on a full stomach speaks of fasting. . . . Let the mouth, mind and hand of the priest all agree." St. Thomas says:¹⁷⁷ "If the teaching is good and the preacher evil, he is the occasion of blasphemy against the doctrine of God." The last sermon of Benedict XV to the Lenten preachers of the city of Rome has this earnest passage:¹⁷⁸ "He who does the work of the evangelist should not limit

¹⁷² Normae "Ut quae," ut supra, nn. 38-40; v. can. 130, § 1, 590.

¹⁷³ Cf. n. 34, "ordinarii et Superiores religiosorum, etc."

¹⁷⁴ "Humani generis," ut supra, § "Itaque," AAS, IX, 314.

¹⁷⁵ Sess. XXIV, *de ref.*, c. 4.

¹⁷⁶ N. 28, par. 2; cf. c. 1 *de privileg.*, V, 7 in Extravag. Comm.

¹⁷⁷ Comment. in Matth. V.

¹⁷⁸ AAS, XII, 67.

himself only to preaching from the pulpit, but he should take care that all his life is a continuous sermon. Let his recollection at the altar be a sermon; the gravity of his comportment on the streets, when visiting, in public society—the seriousness of his familiar discourses, the affability of his manner in meeting those who approach him—let all be a sermon." The year before, on a similar occasion the pope insisted that the preacher be a "man of God" as described by St. Paul both in his life (*proprietas*) and preaching (*operatio*).¹⁷⁹

With holiness there should be study. "The lips of the priest shall keep knowledge"¹⁸⁰ and "because thou hast rejected knowledge I will reject thee"¹⁸¹ are texts often given by saints and legislators to remind the preacher that he must be industriously at his books. At his ordination he was reminded, "Let thy doctrine be the medicine of the people of God."¹⁸² Chief among his studies should be the Scriptures, for, as Benedict XV pointed out, he who is not steeped in the Scriptures cannot be expected to lead or teach others.¹⁸³ To that the "Ut quae" adds the study of the Fathers and Doctors of the Church.¹⁸⁴ Here the remark of a great document on preaching is most apt: "It is well known and founded on experience that wise preaching, deftly arranged and efficacious, is sought in vain from those who are not grounded in studies, especially the sacred."¹⁸⁵

Other qualities which the preacher should possess are given in the *Corpus Juris*. Gratian advises him to possess the virtue of discretion, knowing when to keep silence and when to speak out boldly. He quotes St. Gregory the Great:¹⁸⁶ "For as the unguarded word will draw into error, so an indiscreet silence will leave in error those who might be taught." Gratian, still making the point that the preacher should speak out bravely when it is time, quotes an ancient document attributed to Pope Anacletus:¹⁸⁷ "We are aware that many persecute their teachers with the end that they will leave them alone to fulfill the pleasure of their own will. But the

¹⁷⁹ Cf. St. Thomas, *Summa Theolog.*, 1^a, q. XIII.

¹⁸⁰ Malach. II, 7.

¹⁸¹ Osee IV, 6.

¹⁸² *Pontificale Romanum*, de ordinatione presbyterali.

¹⁸³ Litt. encycl. "Spiritus Paraclitus," 15 sept., 1920, AAS, XII, 408-409.

¹⁸⁴ Ut supra, n. 22.

¹⁸⁵ S. C. Ep. & Reg. instr. 31 jul., 1894, n. 1, Gasparri, *Fontes*, IV, n. 1062.

¹⁸⁶ C. I, D. XLIII (*Regula Pastoralis*, cap. XV, pt. II, c. 4).

¹⁸⁷ C. 3, D. XLIII (v. Hinschius, *Decretales Pseudo-Isidorianae*, 69).

teachers are not on that account to go back on their zeal and good purpose, knowing that they are blessed who suffer persecution for justice' sake."

In several places St. Thomas sets down qualities the preacher should possess. He ought to have stability, not wavering from the truth; clearness, not teaching with obscurity; utility, seeking God's honor, not his own.¹⁸⁸ Speaking of any holy science he says that the instructor in it should have faith, by which the things of his science are most certain; he should have the "word of wisdom" (*sermo sapientiae*), a knowledge of divine things, which are the first principles of his science; and he should have the "word of knowledge" (*sermo scientiae*), a knowledge of human things, so that he possesses many illustrations and an understanding of the effects of his science."¹⁸⁹ St. Thomas tells the preacher to speak so efficaciously that he will teach others, draw and delight them with the word of God, win them to carry out his words.¹⁹⁰ No one should assume the office of preacher until he has been purified and practised in virtue.¹⁹¹

IMMEDIATE PREPARATION

As for the actual preparation of a sermon, the general law-giver leaves that wholly to particular legislation, the moral theologian and the instructor in homiletics. Ballerini points out two extremes to avoid: *a.* Sermons tooled and elaborated with cunning art, overwrought with niceties and then committed to memory; these do not satisfy the pastor's obligation to preach simple sermons,¹⁹² though in certain other circumstances they may be justifiable. *b.* The utterances of those who, lacking all preparation, roll out whatever comes to their mouth without order, clearness, devotion or zeal; these cheapen the word of God and create weariness and disgust in their hearers.¹⁹³

The splendor or lowliness of an occasion should not be the determining factor in the amount of industry given to the immediate preparation. The recent Council of Lisbon shrewdly remarks that priests should prepare their homily all the more carefully, the more unlearned are their hearers.¹⁹⁴ The

¹⁸⁸ Comment. in Matth., V.

¹⁸⁹ *Summa Theol.*, 1a, 2ae, CXI, 4.

¹⁹⁰ Id., 2a, 2ae, CLXXVII, 1.

¹⁹¹ Id., 3a, XLI, 3, ad 1um.

¹⁹² C. Trent., sess. V, *de ref.*, c. 2.

¹⁹³ Ballerini-Gury, *Compendium Theo. Moral.*, I, n. 1062, p. 890.

¹⁹⁴ *Conc. Plen. Lusitan.*, a. 1926, can. 401, § 1.

Council of Malines exhorts its clergy to bring the same industry to plain instructions as to occasional sermons.¹⁹⁵

The same council desires that sermons, even catechetical instructions, be written out.¹⁹⁶

IN CONCLUSION

It is the earnest desire of the author that this work will help to further the purpose of all legislation relating to the pulpit, so well described in a great document of Leo XIII¹⁹⁷—"that sacred preaching . . . freshly adorned with its mighty, native splendor and its supernatural efficacy, may at length be restored to its aim, the glory of God, the eternal salvation of souls, the spiritual profit of the Church and of the whole Christian world."

¹⁹⁵ *Conc. Prov. Mechlin.* IV, a. 1920, n. 301.

¹⁹⁶ Ibid.

¹⁹⁷ S. C. Ep. & Reg., instr. 31 jul., 1894, in fine, Gasparri, *Fontes*, IV, n. 2024.

APPENDIX I

PREACHING AND THE DIACONATE

LEGISLATION of recent centuries has made the position of deacons in respect to preaching clear: they are ordinary subjects for preaching faculties.¹ This was not always so, and commentators on can. 1342, § 1, or the *Pontificale Romanum*, tit. *de ordinatione diaconi*, should practice discernment in estimating ancient texts, some of whom seem to indicate a regular preaching office in the diaconate. Deacons in the first six centuries exercised the office of reciting aloud the Sacred Scriptures, and the verb *praedicare* is used to describe that act;² from time to time they also read aloud the homilies of the fathers, when the bishop or priest was hindered from preaching.³ True, deacons of the period had a large share in the instruction of catechumens.⁴ And we find instances where a deacon of high ability would be admitted to public preaching at the bidding of his bishop.⁵ Yet it does not seem that preaching, as we understand the term, was for a long time regarded as an ordinary part of the deacon's office.⁶

¹ Can. 1342, § 1; S. C. C. *in una Caputaquen.*, 14 dec., 1666, Ferraris, VI, 371; Edict. a mandato Clement. XI, 20 jan., 1705, *ibid.*

² S. Isidore's letter to Ludifred, *MPL*, LXXXII, 895=c. 1, D. XXV; cf. St. Thomas, Supplementum, q. XXXVIII, a. 4, "pronuntiatio doctrinae ministris committitur."

³ III Council of Vaison, a. 529, can. 2, Mansi, VIII, 728; Caesar of Arles, cap. 28, *in vita*, ut cit. in Thomassin, o. c., II, 819. Elsewhere (I, 319) Thomassin ventures to say that the recitation of the gospel by the deacon was in the likeness of preaching.

⁴ Thurston, art. "Deacon" in *CE* IV, 648-649. St. Thomas says (*Summa Theologica*, III, q. LXVII, a. 1, as 1^{um}) that it belongs to the deacon to instruct the faithful under the form of catechism.

⁵ See the cases cited by Catalanus, *Pontificale Romanum* (Romae, typ. Antonii de Rubeis, 1738, 3 vols.) I, 112. On the other hand Leontius, Arian bishop of Antioch, was censured for allowing his deacon Aetius to preach (Philostorgius, III, xvii, *MPG*, LXV, 509-510).

⁶ "Ambrosiaster" (Comm. in Epist. ad Ephes., c. 4, *MPL*, XVII, 388) says, "Hence it is that now the deacons do not preach to the people." The theologian Isaac Habert (*Liturgia Ordinum*, part. IX, cit. in Catalanus, ut supra) held at some length that the office of preaching pertains to deacons only apart from their order, *extra ordinem*.

APPENDIX II

A FORM FOR THE PREACHING CERTIFICATE¹

N. N.

miseratione divina episcopus L.
dilecto nobis in Christo R. D. N. N.

Cum de tua vitae ratione, moribus egregiis, ecclesiastica gravitate, sacrarum disciplinarum peritia, integritate doctrinae per legitimas probationes certiores facti simus; facultatem tibi in Domino . . . (ad annum vel sex menses, etc.) . . . concedimus ut exercitia spiritualia . . . (ad moniales, etc.) . . . tradere; sacras missiones, novendiales vel triduanos sermones ad pietatem fovendam habere, item per mensem maium aliosque menses peculiari alicujus mysterii vel Sancti venerationi dedicatos e pegmate dicere possimus.

Te tamen in Eo, qui Via, Veritas et Vita est quique rationem villicationis tuae repetet, districte et graviter admonemus, ut in tuis concionibus, quas semper secundum Ecclesiae et Sanctorum Patrum sensum habebis, non in persuasibilibus humanae sapientiae verbis, sed cum simplicitate sermonis auditorum captui accommodati, Jesum Christum crucifixum praedices, virtutes doceas, peccata odisse suggeras, omnesque in lege Domini secundum Evangelium erudire studeas. Quod ut quidem aptius ac fructuosius perficias, Deum largitorem luminum enixe atque humiliter exorare, et dicendi materiam sedulo ante concionem expendere ne desinas. Interim nomine Evangelici Patrisfamilias, qui mittit operarios in vineam suam, copiosam tibi benedictionem impertimus.

Datum L., ex aedibus episcopi, die . . . , mensis . . . , anni . . .

N. N.

episcopus

(l. s.)

N. N.

cancellarius

(To which may be added prorogation):

Prorogamus ad . . .

die . . . , mensis . . . , anni . . .

¹ With acknowledgements to the Vicariate of the City of Rome.

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ABBREVIATIONS

- AAS—*Acta Apostolicae Sedis*.
 AER—*American Ecclesiastical Review*.
 ASS—*Acta Sanctae Sedis*.
 CE—*Catholic Encyclopedia*.
 CL—*Collectio Lacensis*.
 DdT—*Dictionnaire de Théologie Catholique*.
 Gasparri—*Fontes*—Gasparri-Serédi, *C.I.C. Fontes*.
 Hardouin—*Conciliorum Collectio*, etc.
 Harzheim—*Concilia Germaniae*.
 HPR—*Homiletic and Pastoral Review*.
 Mansi—*Sacrorum Conciliorum . . . Collectio*.
 MGH—*Monumenta Germaniae Historica*.
 MPG—Migne, *Patres Graeci*.
 MPL—Migne, *Patres Latini*.

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CORRECTION

On page 53, line 3, *for* "Sacrarum Antistitum" *read* "Sacrorum Antistitum."