

# The Remission of Censures by Confessors in the Internal Sacramental Forum

In the sacrament of penance, priests can remit *latae sententiae* censures of excommunication or interdict that have not been declared (i.e., by an ordinary or a judge in a criminal trial) – even those reserved to the Apostolic See – when the penitent is truly sorry and it would be burdensome for the penitent to remain in the state of grave sin while appropriate recourse is made (c. 1357 §1).<sup>1</sup>

## Excommunication reserved to the Apostolic See<sup>2</sup>

1. Profanation of the consecrated species; throwing it away or taking it or keeping it for sacrilegious purposes (c. 1382 §1)
2. Use of physical force against the person of the Roman pontiff (c. 1370 §1)
3. Absolution of one's own accomplice in a sin against the sixth commandment (c. 1384)
4. Direct violation of the sacramental seal of confession (c. 1386 §1)
5. Attempted sacred ordination of a woman by the one who attempts to confer it and the one who attempts to receive it (1379 §3)
6. Consecration of a bishop without a pontifical mandate (c. 1387)

## Excommunication not reserved to the Apostolic See

1. Apostasy, heresy, schism (c. 1364 §1)<sup>3</sup>
2. Procuring of abortion (c. 1397 §2)<sup>4</sup>

## Interdict reserved to the Apostolic See

1. Attempting the Eucharistic Sacrifice (c. 1379 §1, 1<sup>o</sup>)
2. Attempting absolution or hearing confession when prohibited (c. 1379 §1, 2<sup>o</sup>)

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<sup>1</sup> There are circumstances that may excuse one from incurring a *latae sententiae* penalty; see c. 1324 §§1 and 3. Delicts against the faith and more grave delicts committed against morals and in the celebration of the sacraments are defined in the norms established by the *motu proprio Sacramentorum Sanctitatis Tutela (SST)* and are reserved specifically to the Dicastery for the Doctrine of the Faith. Chaplains have the faculty to remit *latae sententiae* censures that are not reserved or declared in hospitals, prisons, and on sea journeys (c. 566 §2). In danger of death, the confessor may absolve from all penalties, whether reserved or declared.

<sup>2</sup> This chart is adapted from Woestman, *Canon Law of the Sacraments*, 481.

<sup>3</sup> While the ordinary can remit the *latae sententiae* excommunication incurred, any recourse or appeal of his decision is reserved to the DDF (*SST* art. 2).

<sup>4</sup> Pope Francis granted “to all priests, in virtue of their ministry, the faculty to absolve those who have committed the sin of procured abortion” (Francis, apostolic letter *Misericordia et misera* 12, November 20, 2016: *AAS* 108 (2016) 1319-1320; English translation accessed April 1, 2019 at [http://w2.vatican.va/content/francesco/en/apost\\_letters/documents/papa-francesco-lettera-ap\\_20161120\\_misericordia-et-misera.html](http://w2.vatican.va/content/francesco/en/apost_letters/documents/papa-francesco-lettera-ap_20161120_misericordia-et-misera.html)).

### **Interdict not reserved to the Apostolic See**

1. Using physical force against a bishop (c. 1370 §2)
2. Falsely accusing a confessor of solicitation to commit a sin against the sixth commandment (c. 1390 §1); the person cannot be absolved until the false accusation has been retracted (c. 982)
3. A non-cleric religious in perpetual vows attempting marriage (c. 1394 §2)

### **Procedure for remitting censures in the internal forum<sup>5</sup>**

1. Ascertain whether the penitent is truly sorry, and it would be burdensome for the penitent to remain in the state of grave sin while appropriate recourse is made.
2. Inform the penitent that he or she must have recourse, within one month, to the competent authority, usually the Apostolic Penitentiary, and that failure to do so would mean that the penalty would be renewed.
3. Offer to assist the penitent in making that recourse using the procedure in the resource, *When and How to Have Recourse to the Apostolic Penitentiary*. Contact the chancery office for assistance. Note: do not in any way or under any circumstance reveal the person's identity when making recourse or provide information that could lead to the betrayal of the penitent or even lead to suspicion regarding his or her identity.
4. Make an appointment for the penitent to return to receive whatever instructions have been given by the authority in question.
5. Make recourse immediately. Present the case in writing. Indicate the nature of the offense, the number of times it was committed, and any significant circumstances. All of this should be presented such that the name or identity of the penitent is protected.
6. Impose a suitable penance and ask the penitent to repair any scandal or spiritual harm that may have been caused by the offence if this can be done without exposing the penitent to any public notice. Give the penitent absolution with the intention of absolving from the censure and the person's sins. See "Appendix I" of the *Order of Penance* to do so.

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<sup>5</sup> Canon 1357 §2; John Martin, "The Cessation of Penalties," in *The Canon Law: Letter and Spirit*, ed. Gerard Sheehy et al. (Collegeville, MN: Liturgical Press, 1995) [hereafter *Letter and Spirit*] 780-781; Apostolic Penitentiary, "Instruction Giving Advice Concerning the Solution of Cases in Accordance with Canon 1357 of the *Code of Canon Law*," June 29, 1990: *CLD* 13:587-592. See also, Carlos Encina Commentz, *When and How to Have Recourse to the Apostolic Penitentiary* (Vatican City: Libreria Editrice Vaticana, 2013).