

THE  
1917 OR PIO-BENEDICTINE  
CODE OF CANON LAW

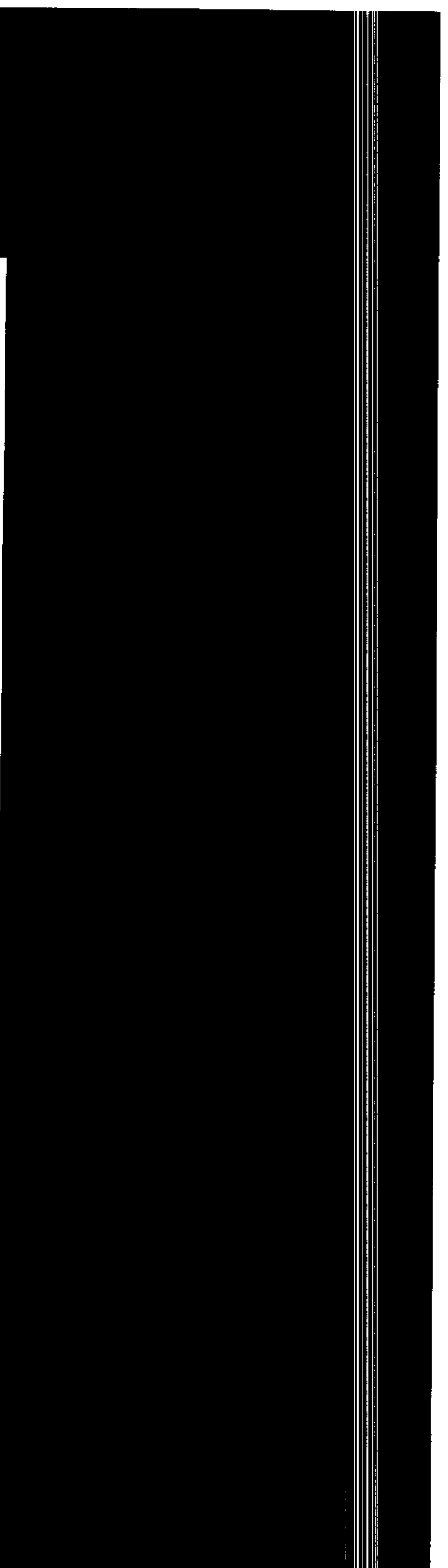
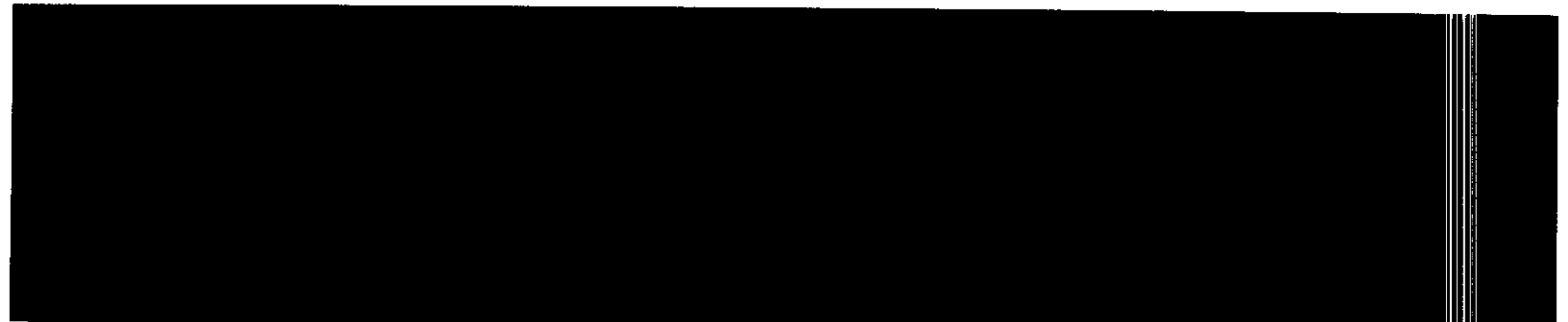
in  
English Translation

with  
Extensive Scholarly Apparatus

Foreword by  
Most Rev. John J. Myers, S. T. L., J. D., J. C. D.

Dr. Edward N. Peters  
Curator

IGNATIUS PRESS    SAN FRANCISCO



Latin edition: Codex Iuris Canonici, Pii X Pontificis Maximi, iussu c  
Benedicti Papae XV, auctoritate promulgatus. Praefatione, fontium an  
et indice analytico-alphabetico ab emo Petro Card. Gasparri, auc  
Published by P.J. Kennedy & Sons, New York, 1918

Cover design by Roxanne Mei Lum

© 2001 Ignatius Press, San Francisco  
All rights reserved

ISBN 0-89870-831-1

Library of Congress control number 00-109336

Printed in the United States of America ☉

## CONTENTS

Foreword	xxi
Curator's Introduction	xxiii
Researching the 1917 Code in English	xxxii
Acknowledgments	xxxv
Illustrations	xxxvii
Preface [to the 1917 Code, by Pietro Cardinal Gasparri]	1
Apostolic Constitution <i>Providentissima Mater Ecclesia</i> , by Pope Benedict XV, 27 May 1917 [by which the 1917 Code of Canon Law was promulgated]	21
Motu Proprio of Benedict XV <i>Cum Iuris Canonici</i> , 15 September 1917 [by which the pontifical commission for the official interpretation of the 1917 Code was established]	25
Profession of the Catholic Faith [used in accord with 1917 CIC 1406]	27

## THE CODE OF CANON LAW

### First Book General Norms CANONS 1-86

Canons:

TITLE 1	On ecclesiastical laws	8-24
TITLE 2	On custom	25-30
TITLE 3	On computation of time	31-35
TITLE 4	On rescripts	36-62
TITLE 5	On privileges	63-79
TITLE 6	On dispensations	80-86

are then] to be distributed to the poor by the Ordinary, in whole or in part according to the gravity of the fault.

**Canon 2185** (NA)

Cross-Ref.: 1917 CIC 2382

Bad will being persistent and proven, as above, the Ordinary can remove from his parish even an irremovable pastor.

### TITLE 33

#### On the manner of proceeding in inflicting suspension from an informed conscience<sup>5</sup>

**Canon 2186** (NA)

§ 1. It is permitted for Ordinaries in virtue of an informed conscience to suspend from office, whether in part or in whole, clerics under their authority.

§ 2. This extraordinary remedy may not be applied if the Ordinary can, without grave inconvenience, proceed against the subject according to the norms of law.

**Canon 2187** (NA)

In imposing this suspension, neither judicial forms nor canonical admonitions are required; it is sufficient that the Ordinary, following the prescriptions of the canons that follow, declares by simple decree the suspension to have occurred.

**Canon 2188** (NA)

A decree of this sort should be given in writing, unless circumstances require otherwise, denoting the day, month, and year; and in it:

- 1.° It should be expressly said that suspension has been carried out from an informed conscience, that is, for causes known to the Ordinary;
- 2.° There shall be indicated the time the penalty lasts; the Ordinary shall abstain from imposing this in perpetuity. But it can be

<sup>5</sup>Edwin Murphy, "Suspension *Ex Informata Conscientia*", Canon Law Studies, no. 76 (J. C. D. thesis, Catholic University of America, 1932).

imposed in the manner of a censure, such that it affects a cleric as long as does the cause for which it was imposed;

- 3.° There should be a clear indication of the acts that are prohibited, if the suspension was not given in whole but in part.

**Canon 2189 (NA)**

§ 1. If a cleric is suspended from an office in which another has been substituted for him, such as, for example, an econome in [a benefice with] the care of souls, the one who was substituted can continue to draw the fruits of the benefice to be determined according to the prudent judgment of the Ordinary.

§ 2. A suspended cleric, if he feels himself injured, can ask a reduction in the pension from the immediate Superior, who, in a judicial case, would be the appellate judge.

**Canon 2190 (NA)**

An Ordinary who conducts suspension from an informed conscience must, through a conducted investigation, have gathered such proofs as to make him certain that a cleric has truly perpetrated a delict and that it is so grave that he ought to be coerced by this sort of penalty.

**Canon 2191 (NA)**

§ 1. Suspension from an informed conscience is used justly and legitimately against an occult delict according to the norm of Canon 2197, n. 4.

§ 2. Suspension from an informed conscience can never be carried out for a notorious delict.

§ 3. In order that a public delict be punished with suspension from an informed conscience, it is necessary that there occur one of the circumstances that follow:

- 1.° If there are trustworthy and serious witnesses to a delict before the Ordinary, but by no means can they be induced to provide this testimony in a trial, and there is no other way to adduce other evidence about the delict in a judicial process;
- 2.° If the cleric himself, by threats or by other means, impedes a judicial process from being started or, once started, completed;

3.° If the conduct of the judicial process or the passing of sentence is impeded for reasons arising from adverse civil law or the danger of grave scandal.

**Canon 2192 (NA)**

Suspension from an informed conscience can be applied if out of several delicts only one of them was occult.

**Canon 2193 (NA)**

Cross-Ref.: 1917 CIC 2225

It is left to the prudent judgment of the Ordinary whether to disclose or retain the cause or crime that led to the suspension of the cleric, applying, of course, pastoral solicitude and charity, so that, if he decides to inform the cleric of the cause, the penalty, which he will impose through a paternal warning, not only works to expunge the guilt, but also serves to reform the offender and toward the elimination of the occasion of sin.

**Canon 2194 (NA)**

If a cleric places recourse from a suspension imposed upon him, the Ordinary must send to the Apostolic See the evidence by which he showed a clerical delict really to have been committed [and] that could be punished by this extraordinary penalty.

**FIFTH BOOK**  
**ON DELICTS AND PENALTIES**

---

**FIRST PART**  
**ON DELICTS**

---

**TITLE 1**  
On the nature of delicts and their division

**Canon 2195** (1983 CIC 1321)

§ 1. By the term delict in ecclesiastical law is understood an external and morally imputable violation of a law to which a canonical sanction, at least an indeterminate one, is attached.

§ 2. Unless it appears otherwise from the circumstances, what is said about delicts also applies to the violation of precepts to which a canonical penalty is attached.

*Canon Law Digest*  
VIII: 1209; IX: 1001

**Canon 2196** (NA)

The quality of a delict is determined by the object of the law; but the quantity is measured not only by the various levels of gravity attached to the violated law, but also by the greater or lesser imputability [of the act], or by the damage inflicted.

**Canon 2197<sup>1</sup>** (NA) Cross-Refs.: 1917 CIC 1747, 2191

A delict is:

- 1.° *Public*, if it is already known or is in such circumstances that it can be and must be prudently judged that it will easily become known;

---

<sup>1</sup>Cecil Parres, "The Concept of the Division of Crimes into Public, Notorious, and Occult according to the Code of Canon Law" (diss. no. 2, Pontifical University of St. Thomas [Rome], 1952-1953).



**Canon 2349 (NA)**

Those refusing the fees legitimately required according to the norm of Canons 463, § 1, and 1507 shall be punished in accord with the prudent judgment of the Ordinary until they satisfy it.

**TITLE 14**

**On delicts against life, liberty, property, good reputation,  
and good morals**

**Canon 2350<sup>6</sup> (1983 CIC 1398)**

§ 1. Procurers of abortion, the mother not excepted, incur, upon the effect being secured, automatic excommunication reserved to the Ordinary, and if they are clerics, they are also deposed.

§ 2. Those who [attempt to] kill themselves by their own hand, if indeed death follows, are deprived of ecclesiastical burial according to the norm of Canon 1240, § 1, n. 3; otherwise, they are prevented from legitimate ecclesiastical acts and, if they are clerics, they are suspended for a time to be determined by the Ordinary and are removed from having benefices and offices to which the care of souls is attached in the internal or external forum.

*Canon Law Digest*

III: 669-70; VIII: 1213; IX: 1006

**Canon 2351 (NA)**

§ 1. With due regard for the prescription of Canon 1240, § 1, n. 4, those perpetrating a duel, or simply provoking or accepting one, and any one offering help or encouragement for one, including those on-lookers whose efforts permitted or at least did not prohibit it, of whatever dignity they might be in, are by that fact excommunicated, simply reserved to the Apostolic See.

---

<sup>6</sup>Roger Huser, "The Crime of Abortion in Canon Law", *Canon Law Studies*, no. 162 (J. C. D. thesis, Catholic University of America, 1942); Bruno Arcenas, "Viability and the Crime of Abortion" (diss. no. 20, University of St. Thomas [Manila], 1964); Martin Lavin, "Ecclesiastical Legislation concerning Abortion: Its History and Its Present Relationship to the Civil Legislation of the United States" (diss. no. 1, Pontifical University of St. Thomas [Rome], 1971-1972).

§ 2. The duelers and those who are called [seconds] are also by that fact infamous.

*Canon Law Digest*  
I: 856-57; III: 670

**Canon 2352** (NA)

An excommunication reserved to no one strikes all those, of whatever dignity they might be graced, who by any manner coerce either a man to embrace the clerical state or a man or a woman to enter into religious [life] and to give a religious profession, whether solemn or simple, or perpetual or temporary.

*Canon Law Digest*  
I: 857

**Canon 2353** (1983 CIC 1397)

One intending marriage or who, for sake of satisfying lust, carries off an unwilling woman by force or fraud, or even a consenting woman of minor age, but without consent of her parents or guardians, or without their knowledge, is considered by that fact excluded from legitimate ecclesiastical acts and moreover can be punished by other penalties for the gravity of the fault.

**Canon 2354** (1983 CIC 1397)

§ 1. A layman who was legitimately convicted of the delict of homicide, rape of a youth of the opposite sex, sale of humans into servitude or other evil end, usury, robbery, qualified theft, or non-qualified [theft] in the case of very notable items, arson, or the malicious and very wanton destruction of notable things, or grave mutilation or wounding or violence is by the law itself considered as excluded from legitimate ecclesiastical acts and from any responsibility, if he had any in the Church, with the obligation of repairing the damage that remains.

§ 2. But if a cleric commits one of the delicts mentioned in § 1, he shall be punished by an ecclesiastical tribunal, according to the varying gravity of the fault, with penances, censures, privation of office and dignity and, if it seems necessary, also with deposition; but a defendant culpable of homicide is to be degraded.

**Canon 2355** (1983 CIC 1390)

If someone, not by [physical acts] but by words or writings, or in any other way, imposes injuries on another and wounds his good reputation, not only can he be coerced according to the norm of Canons 1618 and 1938 to offer satisfaction for the repair of the damage, but he can also be punished by suitable penalties, not excluding, if the case involves clerics, suspension or removal from office or benefice.

**Canon 2356** (NA)

Bigamists, that is, those who, notwithstanding a conjugal bond, attempt to enter another marriage, even a civil one as they say, are by that fact infamous; and if, spurning the admonition of the Ordinary, they stay in the illicit relationship, they are to be excommunicated according to the gravity of the deed or struck with personal interdict.

*Canon Law Digest*

VIII: 1213-14

**Canon 2357** (NA)

Cross-Ref.: 1917 CIC 2358

§ 1. Laity legitimately convicted of a delict against the sixth [commandment of the Decalogue] with a minor below the age of sixteen, or of debauchery, sodomy, incest, or pandering, are by that fact infamous, besides other penalties that the Ordinary decides should be inflicted.

§ 2. Whoever publicly commits the delict of adultery, or publicly lives in concubinage, or who has been legitimately convicted of another delict against the sixth precept of the Decalogue is excluded from legitimate ecclesiastical acts until he gives a sign of returning to his senses.

**Canon 2358** (NA)

A cleric constituted in minor orders [who is] a respondent in some delict against the sixth precept of the Decalogue shall be punished for the gravity of the fault even with dismissal from the clerical state, if the circumstances of the delicts so persuade, besides [suffering] those penalties mentioned in Canon 2357, if these are in order.

**Canon 2359** (1983 CIC 1395)

Cross-Ref.: 1917 CIC 2176

§ 1. Concubinous clerics in sacred [orders], whether secular or religious, previous warnings not being heeded, are to be coerced into giving up their illicit relationship and to repair scandal by [being] suspended from

divine things [and by suffering] the loss of the benefits of office, benefices, and dignities, the prescriptions of Canons 2176–81 being observed.

§ 2. If they engage in a delict against the sixth precept of the Decalogue with a minor below the age of sixteen, or engage in adultery, debauchery, bestiality, sodomy, pandering, incest with blood-relatives or affines in the first degree, they are suspended, declared infamous, and are deprived of any office, benefice, dignity, responsibility, if they have such, whatsoever, and in more serious cases, they are to be deposed.

## TITLE 15 On the crime of falsehood

### Canon 2360 (1983 CIC 1391)

§ 1. All fabricators or falsifiers of letters, decrees, or rescripts of the Apostolic See, or those knowingly using such letters, decrees, or rescripts, incur by that fact excommunication specially reserved to the Apostolic See.

§ 2. Clerics committing the delict in § 1 can be coerced by other penalties, which can be extended even to privation of a benefice, office, dignity, and ecclesiastical pension; religious moreover are deprived of all offices that they have in the religious [institute], and of active and passive voice, besides other penalties established in the constitutions of each [institute].

### Canon 2361 (1983 CIC 1391)

Whoever, in a request seeking a rescript from the Apostolic See or from a local Ordinary, fraudulently or with *dolus* withholds the truth or expresses a falsehood can be punished by his Ordinary for the gravity of the fault, with due regard for the prescription of Canons 45 and 1054.

### Canon 2362 (1983 CIC 1391)

Fabricators or falsifiers of letters or ecclesiastical acts, whether public or private, or those knowingly using documents of this sort, are to be coerced according to the gravity of the delict, with due regard for the prescription of Canon 2406, § 1.

*Canon Law Digest*

I: 857