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TITLE IV.

PENALTIES AND OTHER PUNISHMENTS (Cann. 1331 - 1340)

CHAPTER I.

CENSURES

Can. 1331 §1. An excommunicated person is forbidden:

1/ to have any ministerial participation in celebrating the sacrifice of the Eucharist or any other ceremonies of worship whatsoever;

2/ to celebrate the sacraments or sacramentals and to receive the sacraments;

3/ to exercise any ecclesiastical offices, ministries, or functions whatsoever or to place acts of governance.

§2. If the excommunication has been imposed or declared, the offender:

1/ who wishes to act against the prescript of §1, n. 1 must be prevented from doing so, or the liturgical action must be stopped unless a grave cause precludes this;

2/ invalidly places acts of governance which are illicit according to the norm of §1, n. 3;

3/ is forbidden to benefit from privileges previously granted;

4/ cannot acquire validly a dignity, office, or other function in the Church;

5/ does not appropriate the benefits of a dignity, office, any function, or pension, which the offender has in the Church.

Can. 1332 The prohibitions mentioned in [⇒](#) can. 1331, §1, nn. 1 and 2 bind an interdicted person. If the interdict has been imposed or declared, however, the prescript of [⇒](#) can. 1331, §2, n. 1 must be

observed.

Can. 1333 §1. Suspension, which can affect only clerics, prohibits:

- 1/ either all or some acts of the power of orders;
- 2/ either all or some acts of the power of governance;
- 3/ the exercise of either all or some of the rights or functions attached to an office.

§2. A law or precept can establish that a suspended person cannot place acts of governance validly after a condemnatory or declaratory sentence.

§3. A prohibition never affects:

- 1/ the offices or the power of governance which are not under the power of the superior who establishes the penalty;
- 2/ the right of residence which the offender may have by reason of office;
- 3/ the right to administer goods which may pertain to the office of the person suspended if the penalty is *latae sententiae*.

§4. A suspension prohibiting a person from receiving benefits, a stipend, pensions, or any other such thing entails the obligation of making restitution for whatever has been received illegitimately, even if in good faith.

Can. 1334 §1. Within the limits established by the preceding canon, either the law or precept itself or the sentence or decree which imposes the penalty defines the extent of a suspension.

§2. A law, but not a precept, can establish a *latae sententiae* suspension without additional determination or limitation; such a penalty has all the effects listed in [⇒](#) can. 1333, §1.

Can. 1335 If a censure prohibits the celebration of sacraments or sacramentals or the placing of an act of governance, the prohibition is suspended whenever it is necessary to care for the faithful in danger of death. If a *latae sententiae* censure has not been declared, the prohibition is also suspended whenever a member of the faithful requests a sacrament or sacramental or an act of governance; a person is permitted to request this for any just cause.

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CHAPTER II.

EXPIATORY PENALTIES

Can. 1336 §1. In addition to other penalties which the law may have established, the following are expiatory penalties which can affect an offender either perpetually, for a prescribed time, or for an indeterminate time:

- 1/ a prohibition or an order concerning residence in a certain place or territory;
- 2/ privation of a power, office, function, right, privilege, faculty, favor, title, or insignia, even merely honorary;
- 3/ a prohibition against exercising those things listed under n. 2, or a prohibition against exercising them in a certain place or outside a certain place; these prohibitions are never under pain of nullity;
- 4/ a penal transfer to another office;
- 5/ dismissal from the clerical state.

§2. Only those expiatory penalties listed in §1, n. 3 can be latae sententiae.

Can. 1337 §1. A prohibition against residing in a certain place or territory can affect both clerics and religious; however, the order to reside in a certain place or territory can affect secular clerics and, within the limits of the constitutions, religious.

§2. To impose an order to reside in a certain place or territory requires the consent of the ordinary of that place unless it is a question of a house designated for clerics doing penance or being rehabilitated even from outside the diocese.

Can. 1338 §1. The privations and prohibitions listed in [⇒](#) can. 1336, §1, nn. 2 and 3, never affect powers, offices, functions, rights, privileges, faculties, favors, titles, or insignia which are not subject to the power of the superior who establishes the penalty.

§2. Privation of the power of orders is not possible but only a prohibition against exercising it or some of its acts; likewise, privation of academic degrees is not possible.

§3. The norm given in ⇒ can. 1335 for censures must be observed for the prohibitions listed in ⇒ can. 1336, §1, n. 3.

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CHAPTER III.

PENAL REMEDIES AND PENANCES

Can. 1339 §1. An ordinary, personally or through another, can warn a person who is in the proximate occasion of committing a delict or upon whom, after investigation, grave suspicion of having committed a delict has fallen.

§2. He can also rebuke a person whose behavior causes scandal or a grave disturbance of order, in a manner accommodated to the special conditions of the person and the deed.

§3. The warning or rebuke must always be established at least by some document which is to be kept in the secret archive of the curia.

Can. 1340 §1. A penance, which can be imposed in the external forum, is the performance of some work of religion, piety, or charity.

§2. A public penance is never to be imposed for an occult transgression.

§3. According to his own prudent judgment, an ordinary can add penances to the penal remedy of warning or rebuke.

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