

QUESTION 100

Irreligion: Simony

Next we have to consider simony (*simonia*). And on this topic there are six questions: (1) What is simony? (2) Is it licit to accept money for the sacraments? (3) Is it licit to accept money for spiritual acts? (4) Is it licit to sell things that are connected with what is spiritual? (5) Is it only a ‘favor by the hand’ (*munus a manu*) that makes for simony, or also a ‘favor by the tongue’ (*munus a lingua*) and a ‘favor by allegiance’ (*munus ab obsequio*)? (6) What about the punishment for one who commits simony?

Article 1

Is simony “an eager willingness to sell and to buy something spiritual or something connected with what is spiritual”?

It seems that simony is not “an eager willingness to sell and to buy something spiritual or something connected with what is spiritual” (*simonia non sit studiosa voluntas emendi et vendendi aliquid spirituale vel spirituali annexum*) [*Legal Experts*]:

Objection 1: Simony is a certain heresy, since *Decretals* 1, q. 1 says, “The impious heresy of Macedonius and of those who with him impugn the Holy Spirit is more tolerable than that of those who are guilty of simony. For in their ravings the former claim that the Holy Spirit is a creature and the slave of God the Father and God the Son, whereas the latter make the same Holy Spirit their own slave. For every owner (*dominus*) sells what he owns if he wants to, whether it be his slave or any other thing that he possesses.” But as is clear from what was said above (q. 10, a. 2), unbelief (*infidelitas*) resides not in the will, but rather in the intellect, just as faith does. Therefore, simony should not be defined by reference to the will.

Objection 2: To sin eagerly is to sin from malice, i.e., to sin against the Holy Spirit. Therefore, if simony is “an eager willingness” to sin, it follows that it is always a sin against the Holy Spirit.

Objection 3: Nothing is more spiritual than the kingdom of heaven (*regnum caelorum*). But it is permissible to sell the kingdom of heaven; for in a certain homily Gregory says, “The kingdom of heaven is worth as much as you have.” Therefore, it is not simony to be willing to sell something spiritual.

Objection 4: The name ‘simony’ is taken from Simon the magician (*Simon Magus*), of whom we read in Acts 8:18-19 that he “offered the Apostles money” in order to buy spiritual power, “so that if he were to lay his hands on any individuals, they would receive the Holy Spirit.” However, we do not read that he wanted to *sell* anything. Therefore, simony is not a willingness to sell something spiritual.

Objection 5: There are many other sorts of voluntary commutations besides buying and selling, e.g., an exchange (*permutatio*) and an agreement (*transactio*). Therefore, it seems that simony is inadequately defined.

Objection 6: Everything connected with what is spiritual is itself spiritual. Therefore, it is superfluous to add ‘or something connected with what is spiritual’.

Objection 7: According to some, the Pope cannot commit simony. But he can sell or buy something spiritual. Therefore, simony is not the willingness to buy or to sell something spiritual or something connected with what is spiritual.

But contrary to this: In *Register* Gregory says, “None of the faithful is ignorant of the fact that the buying or selling of an altar or of tithes or of the Holy Spirit is the heresy of simony.”

I respond: As was explained above (*ST* 1-2, q. 18, a. 2), an act is evil in its genus by the very fact that it involves an inappropriate matter. Now a spiritual thing is an inappropriate matter for selling and buying, and this for three reasons:

First, a spiritual thing cannot be equated to any earthly price (*non potest aliquo terreno pretio compensari*), just as Proverbs 3:15 says of wisdom, “She is more precious than all riches, and all things

that are desired, are not to be compared with her.” And so in Acts 8:20 Peter, condemning Simon’s depravity at its very root, says, “Keep your money to yourself to perish with you, since you have thought to purchase the gift of God with money.”

Second, as is clear in the passage quoted above, what is able to be an appropriate matter for selling is that of which the seller is its owner (*illud cuius venditor est dominus*). But a prelate of the Church is the dispenser, and not the owner, of spiritual things—this according to 1 Corinthians 4:1 (“Let a man think of us as the ministers of Christ, and the dispensers of the mysteries of God”).

Third, selling conflicts with the origin of spiritual things, which come from God’s gratuitous will. Hence, in Matthew 10:8 our Lord says, “Freely you have received, freely should you give.” And so by selling or buying spiritual things one shows disrespect (*irreverentia*) for God and for divine things. For this reason, he sins by a sin of irreligion.

Reply to objection 1: Just as religion consists in a certain sort of declaration of faith which sometimes, nonetheless, one does not have in his heart, so, too, the vices opposed to religion contain a certain sort of declaration of unbelief, even though sometimes unbelief does not exist in the mind. Accordingly, then, simony is called a heresy in keeping with its exterior manifestation, since by the fact that someone sells a gift from the Holy Spirit he in some sense is declaring himself to be the owner of a spiritual gift—and this is heretical.

However, notice that over and beyond the fact that Simon the magician wanted to purchase with money from the Apostles the grace of the Holy Spirit, he claimed, as Isidore reports in *Etymologia*, that the world was created not by God, but by some celestial power (*a superna virtute*). Accordingly, as is clear from Augustine’s *De Haeresibus*, ‘simoniacs’ are counted with other heretics.

Reply to objection 2: As was explained above (q. 58, a. 4), justice and all its parts— and, as a result, all the vices opposed to it—exist in the will as their subject. And so it is appropriate for simony to be defined by reference to the will. ‘With eagerness’ (*studiosa*) is added to designate the act of choosing (*ad designandum electionem*), which belongs as a principle (*principaliter*) to virtue and vice.

However, not everyone who sins by choice sins by the sin against the Holy Spirit; instead, as was explained above (q. 14, a. 1), it is only the one who sins through contempt for those things that normally draw men back from sinning.

Reply to objection 3: The kingdom of heaven is said to be bought as long as one gives what he has for the sake of God, where the name ‘bought’ is understood broadly insofar as it is taken for merit.

Still, this does not attain to the complete character of buying, both because (a), as Romans 8:18 explains, “the sufferings of the present time”—along with our gifts or works—“are not of the same worth (*non sunt condignae*) as the future glory that will be revealed in us,” and also because (b) merit consists principally in an interior affection and not in an exterior gift or act or suffering.

Reply to objection 4: Simon the magician wanted to buy spiritual power for the purpose of later selling it. For *Decretals* 1, q. 3 says, “Simon the magician wished to buy the gift of the Holy Ghost, in order that he might multiply his money by selling the signs that would be worked by him.” And so those who sell spiritual things are conformed to Simon the magician in their *intention*, while those who want to buy spiritual things are conformed to him in their *action*. On the other hand, those who sell spiritual things imitate in their *action* Giezi the disciple of Eliseus, of whom we read in 2 Kings 5:20-24 that he took money from a cleansed leper. Hence, the sellers of spiritual things can be called not only ‘simoniacs’ but ‘giezites’ as well.

Reply to objection 5: By the names ‘buying’ and ‘selling’ one means any non-gratuitous contract. Hence, exchanges of, or transactions involving, stipends or ecclesiastical benefices cannot be made by the authority of the parties without the danger of simony, as the laws define it.

However, a prelate, acting officially (*ex officio suo*), can make exchanges of this sort because of their advantageousness or necessity.

Reply to objection 6: Just as the soul is alive in its own right (*secundam seipsam*), whereas the

body lives because of its union with the soul, so, too, certain things are spiritual in their own right, e.g., the sacraments and other things of this sort, whereas certain things are called spiritual because they are attached to the first sort of spiritual thing. Hence, *Decretals* 1, q. 3, chap. *Si quis obiecerit*, says, “Spiritual things do not work without corporeal things, just as the soul does not live corporeally without the body.”

Reply to objection 7: A pope can be guilty of the vice of simony just like any other man; for a sin is more serious in a person to the extent that he occupies a higher position. For even though the things of the Church belong to him as their principal *dispenser*, they do not belong to him as their *owner* and *possessor*. And so if he were to receive money from the proceeds of a [local] church for some spiritual thing, then he would not escape the vice of simony. And, similarly, he could likewise commit simony by receiving from a layman money that does not belong to the goods of the Church.

Article 2

Is it always illicit to give money for the sacraments?

It seems that it is not always illicit to give money for the sacraments:

Objection 1: As will be explained in the Third Part (*ST* 3, q. 68, a. 6 and q. 73, a. 3), Baptism is the gateway to the sacraments (*ianua sacramentorum*). But it seems to be permissible in some cases to give money for Baptism, e.g., when a priest does not want to baptize a dying child without a payment (*sine pretio*). Therefore, it is not always illicit to buy or to sell sacraments.

Objection 2: The greatest of the sacraments is the Eucharist, which is consecrated during the Mass. But some priests receive an income or payment (*praebendam vel pecuniam*) for singing Masses. Therefore, *a fortiori*, it is not illicit to buy or to sell the other sacraments.

Objection 3: The sacrament of Penance is a sacrament of necessity, which mainly consists in absolution. But some who absolve an individual from excommunication demand money. Therefore, it is not always illicit to buy or to sell the sacraments.

Objection 4: Custom makes it to be the case that something is not a sin which would otherwise be a sin. For instance, Augustine says that having more than one wife, “when it was the custom, was not a crime.” But among certain people it is a custom that in the case of the consecration of bishops, the blessing of abbots, and the ordination of clerics something is given for the chrism (or holy oil) and other such things. Therefore, it seems that this is not illicit.

Objection 5: It sometimes happens that someone maliciously prevents an individual from obtaining a bishopric or some other high office. But it is licit for someone to ward off his own trouble. Therefore, it seems licit in such a case to pay money for a bishopric or some other high ecclesiastical office (*pro episcopatu vel aliqua alia ecclesiastica dignitate*).

Objection 6: Matrimony is a sacrament. But sometimes money is given for Matrimony. Therefore, it is licit to sell the sacraments.

But contrary to this: *Decretals* 1, q. 1 says, “If anyone has consecrated an individual for money, let him be cut off from the priesthood (*alienus sit a sacerdotio*).”

I respond: The sacraments of the New Law are especially spiritual insofar as they are a cause of spiritual grace, on which no price can be set and which is such that it is repugnant to its nature not to be given free of charge (*gratuito*). On the other hand, the sacraments are dispensed by the ministers of the Church, who have to be sustained by the people—this according to the Apostle in 1 Corinthians 9:13 (“Do you not know that they who work in a holy place, eat what belongs to the holy place, and that they who serve the altar share in what is on the altar?”).

So, then, one should reply that to take money for the spiritual grace of the sacraments is the crime

of simony, which cannot be excused by any custom, since custom does not preempt natural or divine law. However, as the Philosopher explains in *Ethics* 4, ‘money’ here means “anything whose price can be set in terms of money.” Now it is neither simony nor a sin to accept things meant for the sustenance of those who minister the sacraments, in accord with the ordinances of the Church and approved customs. For this is accepted not as the price for goods (*pretium mercedis*), but as a stipend for necessities (*stipendium necessitatis*). Hence, a Gloss from Augustine on 1 Timothy 5:17 (“Let the priests who preside well ...”) says, “They receive the sustenance for their needs from the people, and they receive the reward for their dispensation from the Lord.”

Reply to objection 1: Anyone is able to baptize in a case of necessity. And since one should in no way sin, if a priest is unwilling to perform a baptism without being paid, then one should deal with this in the same way he would if there were no priest to perform the baptism. Hence, one who has care for the child in such a case could licitly baptize him or have him baptized by someone else. Still, one could licitly buy the water from a priest, since it is a purely corporeal element.

Now if there is an adult who desires baptism and is in imminent danger of death, and no priest is willing to baptize him without being paid, then he should, if possible, be baptized by someone else. But if he is unable to have recourse to anyone else, then he should in no way pay a fee for Baptism; instead, he should die without being baptized, since the lack of the sacrament will in his case be made up for by baptism of desire.

Reply to objection 2: As has been explained, a priest receives the money not as the price of consecrating the Eucharist or of singing the Mass—for this would be simony—but as a stipend for his sustenance (*stipendium suae sustentationis*).

Reply to objection 3: The money is required by the one who absolves the individual not as the price of absolution—for this would be simony—but as a punishment of the prior sin for which he was excommunicated.

Reply to objection 4: As has been explained, custom does not preempt the natural or divine law by which simony is prohibited. And so if certain things are required by custom as the price of a spiritual thing, with the intention of buying or selling it, this is clearly simony—and especially if they are required of an unwilling individual.

On the other hand, if certain things are accepted as a sort of stipend according to an approved custom, this is not simony, as long as there is no intention of buying or selling [the spiritual thing], but only the intention of observing the custom—and especially when the individual pays willingly. However, in all these matters one must carefully avoid there being the appearance of simony or cupidity—this according to the Apostle in 1 Thessalonians 5:22 (“Keep yourselves away from all appearance of evil”).

Reply to objection 5: Before one acquires—whether by election or by appointment or consultation—the right to a bishopric or to any ecclesiastical office or source of income (*praebenda*), it would be simony to ward off with money the opposition of one’s rivals, since this would be to use money in order to prepare for oneself a path to obtaining a spiritual thing. However, once the right has already been acquired, it is permissible to remove unjust obstacles with money.

Reply to objection 6: Some claim that it is licit to pay money for Matrimony, since grace is not conferred in Matrimony. But as will be explained in the Third Part of this work, this is not in any way true.

And so one needs to reply in a different way, viz., that Matrimony is not only a sacrament of the Church, but also a function of nature (*naturae officium*). And so it is licit to pay money for Matrimony insofar as it is a function of nature, but illicit to pay for it insofar as it is a sacrament of the Church. And this is why one is prohibited by law from demanding anything for the nuptial blessing.

Article 3

Is it licit to give or to receive money for spiritual acts?

It seems that it is licit to give and to receive money for spiritual acts:

Objection 1: The exercise of prophecy is a spiritual act. But as is clear from 1 Kings 9:7-8 and 3 Kings 14:3, at one time something was given for the exercise of prophecy. Therefore, it seems that it is permissible to give and receive money for a spiritual act.

Objection 2: Praying, preaching, and praising are maximally spiritual acts. But money is given to saintly men in order to ask for the support of their prayers—this according to Luke 16:9 (“Make friends for yourselves with the mammon of iniquity”). Likewise, temporal things are owed to preachers who sow spiritual things—this according to the Apostle in 1 Corinthians 9:11. Again, something is given to those who celebrate God’s praises in the Church’s office and to those who arrange processions, and sometimes annual incomes (*redditus annui*) are assigned for this. Therefore, it is licit to receive something for spiritual acts.

Objection 3: Knowledge is no less spiritual than power. But it is licit to receive money for the exercise of knowledge; for instance, it is licit for a lawyer to sell his just advocacy and for a physician to sell his advice concerning health and for a teacher to sell his function of teaching. Therefore, by parity of reasoning, it seems licit for a prelate to receive something for the exercise of his spiritual power, e.g., for correcting someone or for granting a dispensation, or for something else of this sort.

Objection 4: The religious state (*religio*) is a state of spiritual perfection. But in certain monasteries something is required of those who are received [into religious life]. Therefore, it is licit to require something for spiritual acts.

But contrary to this: *Decretals* 1, q. 1 says, “Whatever is imparted by the consolation of invisible grace should absolutely never be sold for profit or for any sort of favor (*praemium*) at all.” But all spiritual things of the sort in question are imparted by invisible grace. Therefore, it is not licit for these things to be sold for profit or for a reward.

I respond: Just as the sacraments are called spiritual because they confer spiritual grace, so, too, certain other things are called spiritual because they proceed from spiritual grace and dispose one toward it. But these things are delivered through the ministry of men who have to be sustained by the people to whom they administer spiritual things—this according to the Apostle in 1 Corinthians 9:7 (“Does anyone ever serve as a soldier at his own expense? Does anyone tend a flock without getting some of the milk of the flock?”). And so it is simony to sell, or to buy, what is spiritual in these acts, whereas to receive or to give something for the sustenance of those who minister spiritual things is licit in accord with the Church’s direction and approved custom—yet in such a way that (a) the intention to buy and sell is absent and that (b) nothing is demanded, under pain of losing out on the spiritual things that are supposed to be delivered, of anyone who is unwilling to give, since this would have the appearance of a sale. On the other hand, when the spiritual things have already been delivered free of charge, one can licitly require statutory and customary offerings, along with any other type of revenue, from those who are unwilling but able to pay, as long as the authority of a superior intervenes.

Reply to objection 1: As Jerome points out in *Super Michaem*, gifts were willingly given to the good prophets for their sustenance and not in order to buy their exercise of prophecy; however, the false prophets turned their exercise of prophecy around for profit.

Reply to objection 2: Those who give alms to the poor in order to ask them for the support of their prayers do not by that practice give with the intention of buying the prayers of the poor; instead, by their gratuitous generosity they prompt the souls of the poor to pray for them freely and out of charity.

Again, temporal goods are owed to preachers for their sustenance and not in order to buy the words they preach. Hence, a Gloss on 1 Timothy 5:17 (“Let the priests who rule well ...”) says, “It is out of their

need that they accept what they live off of, and it is out of charity that it is given to them. And yet the Gospel is not for sale, as if it were preached for the sake of what they need to live. For if they sell it for these things, they are selling a great thing for a contemptible price.”

Similarly, certain temporal things are likewise given to those who praise God in the celebration of the Church’s office, whether for the living or the dead, not as a payment but as a stipend for sustenance. Also, along those lines, some alms may be received for arranging a procession for a funeral. However, if this were done by an antecedent contract or, again, with the intention of buying or selling, then there would be simony. Hence, it would be an illicit ordinance if it were mandated in some [local] church that there would not be a funeral procession for anyone unless a certain amount of money were paid, since such a statute would preclude a way for someone to fulfill a duty of piety gratuitously. However, the ordinance would instead be licit if it were mandated that a certain sort of honor would be shown to everyone who gives a fixed sum in alms, since a way of showing honor to others would not thereby be precluded. What’s more, the first ordinance has the appearance of extortion (*habet speciem exactionis*), whereas the second has the appearance of a spontaneous repayment (*habet speciem gratuitaecomensationis*).

Reply to objection 3: An individual to whom spiritual power is commissioned is obligated by his office to exercise the powers entrusted to him in dispensing spiritual things, and, in addition, he has statutory stipends from ecclesiastical funds for his own sustenance. And so if an individual accepted something for the exercise of a spiritual power, then this would be understood not as hiring out his services, which he has an *obligation* to offer because of the duties that belong to the office he has undertaken, but would instead be understood as the selling of the very use of spiritual grace. Because of this, it is impermissible for such individuals to accept anything for granting any sort of dispensation or, again, for carrying out their duties (*pro hoc quod suas vices committant*), or, again, for correcting their subjects or for failing to correct them—even though it is permissible for them to accept penitential offerings (*procuraciones*) when they visit their subjects, not as a payment for making the correction, but as an appropriate stipend.

By contrast, an individual who has knowledge does not assume the position in question because he is *obligated* to impart the use of his knowledge to others. And so he can licitly receive payment for his teaching or counsel—not in the sense that he is selling the truth or knowledge, but in the sense that he is hiring out his services. However, if he were obligated by his position to do this, then he would be understood to be selling truth itself and so he would be committing a serious sin. This is clear in the case of those who are appointed in certain churches to instruct the clerics of the church (and others among the poor) and who receive a benefice from the church for this. They are not permitted to receive anything from their students, either for teaching or for observing or omitting certain feast days.

Reply to objection 4: It is not licit to demand or receive anything as the price for *entrance* into a monastery. However, if it is a poor monastery that is not sufficient for providing for many persons, then it is licit to allow entrance into the monastery free of charge, but to accept something in return for the provisions that the person is going to receive in the monastery—as long as the monastery has insufficient financial resources for this (*si ad hoc monasterii non sufficient opes*).

Similarly, it is also licit that if because of the devotion that someone shows to the monastery by making a large donation (*largas eleemosynas faciendo*), he is more easily received into the monastery, just as, conversely, it is licit to spur someone on to devotion to the monastery through temporal benefits, in order that he might thereby be inclined to enter the monastery—though, as *Decretals* 1, q. 2, chap. *Quam pio* says, it is not permissible, by mutual agreement, to give or to receive anything in return for entrance into a monastery.

Article 4

Is it licit to receive money for things that are connected with what is spiritual?

It seems that it is licit to receive money for things that are connected with what is spiritual:

Objection 1: All temporal things seem to be connected with what is spiritual, since temporal things are sought for the sake of spiritual things. Therefore, if it is not licit to sell those things that are connected with what is spiritual, then it will not be licit to sell anything temporal. But this is clearly false.

Objection 2: Nothing seems to be more connected with what is spiritual than consecrated vessels. But as Ambrose points out, it is licit to sell them for the redemption of captives. Therefore, it is licit to sell those things that are connected with what is spiritual.

Objection 3: The things connected with what is spiritual seem to include the right to burial (*ius sepulturae*), and the right of patronage (*ius patronatus*), and, according to the ancients, the right of the firstborn (*ius promogeniturae*) (because before the Law the firstborn exercised the priestly office), and the right to receive tithes (*ius accipiendi decimas*). But as Genesis 23:8 reports, Abraham bought from Ephron a double cave for a burial place, and as Genesis 25:31 reports, Jacob bought the right of the firstborn from Esau. Likewise, the right of patronage is transferred with the property sold and is bought back with a fee. Again, tithes have been granted to certain soldiers and can be bought back. Prelates sometimes reserve for themselves temporarily the fruits of the sources of income that they confer (*retinent sibi ad tempus fructus praebendarum quas conferunt*), even though these sources of income are connected with what is spiritual. Therefore, it is licit to buy and to sell things that are connected with what is spiritual.

But contrary to this: Pope Paschal says (and this is found in *Decretals* 1, q. 3, chap. *Si quis obiercerit*), “Whoever sells one of two things that are such that without the one, the other is unproductive, leaves neither unsold. Therefore, let no one sell a church, or a source of income, or anything ecclesiastical” (*nullus emat ecclesiam vel praebendam vel aliquid ecclesiasticum*).

I respond: There are two ways in which something can be connected with what is spiritual:

In one way, *as dependent on spiritual things*, in the way that having an ecclesiastical benefice is said to be connected with what is spiritual because such a benefice belongs only to one who holds a clerical office. Hence, things of this sort cannot exist without what is spiritual. Because of this, it is in no way licit to sell them, because if they are sold, then something spiritual is subject to being sold.

However, there are some things that are connected with what is spiritual insofar as they are *ordered toward what is spiritual*, e.g., the right to patronage, which is ordered toward nominating clerics for ecclesiastical benefices (*ordinatur ad praesentandum clericos ad ecclesiastica beneficia*), and sacred vessels, which are ordered toward the exercise of the sacraments. Hence, things of this sort do not presuppose what is spiritual, but instead temporally precede them. And so they can in some way be sold, but not insofar as they are connected with what is spiritual.

Reply to objection 1: All temporal things are connected with what is spiritual as an end. And so it is licit to sell the temporal things themselves, but their being ordered toward what is spiritual should not fall under the terms of the sale (*sed ordo eorum ad spiritualia sub venditione cadere non debet*).

Reply to objection 2: Sacred vessels are likewise connected with what is spiritual as an end. And so their consecration cannot be sold. However, in a case of necessity for the Church and the poor, their matter can be sold, as long as, with a preceding prayer, they are first broken up. For after being broken up they are understood to be sacred vessels no longer, but pure metal. Hence, if similar vessels were put together from the same matter, they would need to be consecrated again.

Reply to objection 3: We do not read that the double cave that Abraham bought as a burial place was land that had been consecrated for interment. And so it was licit for Abraham to buy the land for use as a burial place, in order that he might create a sepulcher there—just as even now it would be licit to buy

common land in order to create a cemetery there, or even a church. However, since even among the gentiles places set aside for burial are thought of as religious, if Ephron intended to receive a payment for the right to burial, then he sinned by selling the land—though Abraham would not have sinned in buying it, since he intended only to buy common land. It is even now, in case of necessity, licit to sell or to buy land where there was once a church, just as was explained above in the case of the matter of sacred vessels. Alternatively, Abraham would be excused because he thereby averted distress for himself. For even though Ephron offered him the burial place free of charge, Abraham nonetheless thought that to accept it for free would not be possible without giving offense.

The right of the firstborn belonged to Jacob by God’s choice—this according to Malachai 1:2-3 (“I have loved Jacob and have hated Esau”). And so Esau sinned by selling his birthright, whereas Jacob did not sin by buying it, since he is understood to have averted his own distress.

Now the right to patronage cannot be sold in itself or given over for a fee, but is instead transferred with the villa when it is sold or given away.

As was explained above (q. 87, a. 3), the spiritual right of receiving tithes is not given to lay people, but only the temporal things that have been given under the title ‘tithes’.

As for the conferral of benefices, note that it would not be illicit if, before he offered a benefice to someone, the bishop for some reason ordered that some of the revenues of the benefice that is to be conferred (*aliquid de fructibus beneficii conferendi*) should be withheld and used for pious purposes. On the other hand, if he demanded something for himself from the one to whom he was offering the benefice, then this would be same as demanding a payment from him, and it would not be devoid of the vice of simony.

Article 5

Is it licit to grant what is spiritual in return for a ‘favor by allegiance’ or a ‘favor by the tongue’?

It seems that it is licit to grant what is spiritual in return for a ‘favor by allegiance’ or a ‘favor by the tongue’ (*liceat spiritualia dare pro munere quod est ab obsequio vel a lingua*):

Objection 1: In *Register* Gregory says, “It is fitting for those who serve ecclesiastical interests to rejoice with ecclesiastical remuneration” (*ecclesiasticis utilitatibus deservientes ecclesiastica dignum est remuneratione gaudere*). But serving ecclesiastical interests involves a favor by allegiance (*munus ab obsequio*). Therefore, it seems licit to give ecclesiastical benefices for allegiance that has been received.

Objection 2: Just as there is a worldly intention (*carnalis intentio*) involved if someone gives an ecclesiastical benefice in return for a favor received, and so, too, there is a worldly intention involved if one gives an ecclesiastical benefice by reason of kinship. But the latter does not seem to involve simony, since there is no buying or selling in such a case. Therefore, neither does the former involve simony.

Objection 3: What is done solely at someone’s request (*solum ad preces alicuius fit*) seems to be done free of charge, and so it does not involve simony, which consists in buying and selling. But a favor by the tongue (*munus a lingua*) is understood to be involved if one confers an ecclesiastical benefice at someone’s request. Therefore, a favor by the tongue does not involve simony.

Objection 4: Hypocrites perform spiritual works in order to obtain human praise, and this seems to involve a favor by the tongue. Yet hypocrites are not said to be guilty of simony. Therefore, neither is simony committed because of a favor by the tongue.

But contrary to this: Pope Urban says, “If anyone gives or receives ecclesiastical things, not for the purpose for which they have been instituted, but for his own profit, by means of a favor of the tongue or of allegiance or of money, he is guilty of simony.”

I respond: As was explained above (a. 2), the name ‘money’ is understood to apply to anything whose value can be measured by money (*nomine pecuniae intelligitur cuiuscumque pretium pecunia mesurari potest*). Now it is clear that a man’s allegiance is ordered toward something advantageous that can be given a monetary value, and hence servants are hired for a monetary wage. And so someone’s giving a spiritual thing in return for some sort of temporal allegiance which has been or will be shown is the same as if he were giving it for money, whether actually paid or promised, by which that allegiance can be measured.

Similarly, the fact that one grants someone’s request to obtain a temporal gratuity is ordered toward some sort of usefulness on which a monetary value can be placed. And so just as simony is committed by taking money for some exterior thing, which involves a ‘favor by the hand’ (*munus a mano*), so, too, simony is committed through a favor by the tongue (*munus a lingua*) or a favor by allegiance (*munus ab obequio*).

Reply to objection 1: If a cleric gives to a prelate allegiance that is upright and ordered toward spiritual things, e.g., assistance to the Church or her ministers, then by the very devotion of his allegiance he is rendered worthy of an ecclesiastical benefice, just as he would be because of other good works. Hence, this is not understood to be a ‘favor by allegiance’. And this is the sort of case that Gregory is talking about.

By contrast, if the allegiance is not upright or is ordered toward worldly things—because, for instance, he has served the prelate for the advantage of his own relatives or of his own patrimony or something else of this sort—then this would be a ‘favor by allegiance’ and he would be guilty of simony.

Reply to objection 2: If one confers something spiritual on someone free of charge because of kinship—or because of any other sort of worldly affection—this is, to be sure, an illicit and worldly conferral, but it is not simony. For nothing is taken in such a case, and so it does not involve an agreement to sell and to buy, on which simony is founded.

On the other hand, if one gives an ecclesiastical benefice to someone with the understanding—or with the intention—that his own relatives will be provided for out of the benefice, then this is manifest simony.

Reply to objection 3: ‘Favor by the tongue’ (*munus a lingua*) means either (a) the praise itself which pertains to human favor and which carries a price (*qui sub pretio cadit*) or, again, (b) the requests by which human favor is acquired or its contrary avoided. And so if this is what one has principally in mind (*si aliquis principaliter ad hoc intendat*), he is committing simony. But this is what one seems to have principally in mind if he gives heed to requests made on behalf of someone unworthy. Hence, this very deed is an instance of simony.

On the other hand, if the requests are made on behalf of someone who is worthy, then this deed is not itself an instance of simony, since there is an appropriate underlying reason why something spiritual should be conferred on the one on whose behalf the requests are being made. Still, it can be a case of simony *in intention*, if one is focusing not on the worthiness of the person, but instead on human favor.

By contrast, if someone is asking to obtain the care of souls for himself, he is rendered unworthy by this very presumptuousness and so his requests are being made on behalf of someone unworthy.

However, if one is indigent, he can licitly seek for himself an ecclesiastical benefice that does not involve the care of souls.

Reply to objection 4: The hypocrite does not give something spiritual for the sake of praise but instead only makes a show of it; and it is more that he steals human praise by his simulation than that he buys it. Hence, this does not seem to involve the vice of simony.

Article 6

Is it an appropriate punishment for one who commits simony that he be deprived of what he has acquired by the simony?

It does not seem to be an appropriate punishment for one who commits simony that he be deprived of what he has acquired by the simony:

Objection 1: Simony is committed by virtue of the fact that spiritual things are acquired through someone's favor. But there are some spiritual things that, once acquired, cannot be lost, as is the case with all [sacramental] characters, which are imprinted through a consecration. Therefore, it is not an appropriate punishment that one should be deprived of what he has acquired through simony.

Objection 2: Sometimes one who has gained the episcopate through simony tells a subordinate to receive orders from him, and it seems that the latter should obey him for as long as [his bishop] is tolerated by the Church. But no one should receive anything from one who does not have the power to confer it. Therefore, a bishop does not lose his episcopal power if he has acquired it through simony.

Objection 3: No one should be punished for something that he has not done knowingly and willingly, since, as is clear from what was said above (*ST* 1-2, q. 74, a. 1 and q. 87, a. 7), punishment is due for sin, which is voluntary. But it sometimes happens that one acquires something spiritual that others have procured for him through simony, even though he neither knew about the simony nor willed it. Therefore, he should not be punished by being deprived of what was conferred on him.

Objection 4: No one should gain an advantage from his own sin. But if one who has acquired an ecclesiastical benefice through simony were to restore what he has taken possession of, then sometimes this would redound to the advantage of those who participated in the simony—as, for instance, when a prelate and his whole ecclesial college (*collegium*) have consented to the simony. Therefore, it is not always the case that what is acquired through simony should be restored.

Objection 5: Sometimes an individual is received into a monastery through simony and makes his solemn vows there through a profession. But no one can be absolved of the obligation of his vows because of a sin he has committed. Therefore, he should not lose the monastic state that he acquired through simony.

Objection 6: In this world an exterior punishment is not inflicted for the interior movement of the heart, of which God alone is the judge. But simony is committed by the intention or willingness alone, and this is why, as was explained above (a. 1), it is likewise defined in terms of the willingness [to buy or sell]. Therefore, it is not always the case that one should be deprived of what he has acquired through simony.

Objection 7: It is much greater for individuals to be promoted to higher offices than to remain in the offices they have already received. But sometimes, by a dispensation, those who have committed simony are promoted to higher offices. Therefore, they should not always be deprived of what they have already received.

But contrary to this: *Decretals* 1, q. 1, chap. *Si quis episcopus* says, “An individual who has been ordained shall profit nothing from any ordination or promotion that has been effected through a business deal (*per negotiationem*); instead, he shall lose the office or care [of souls] that he has acquired with his money.”

I respond: No one can licitly retain what he has acquired against the will of its owner; for instance, if an individual responsible for dispensing the goods of his master were to give someone something against the will and direction of his master, the one who received it could not licitly keep it. Now our Lord, of whom the prelates of the Church are the dispensers and ministers, has ordained that spiritual things are to be given free of charge—this according to Matthew 10:8 (“Freely you have received, freely should you give”). And so if anyone acquires spiritual things by means of a favor, he

cannot licitly keep them.

In addition, as it is laid down in *Decretals* 1, q. 1, chap. *Si quis episcopus*, those who engage in simony, both the sellers and the buyers of spiritual things—and even their go-betweens—are punished by other punishments as well, viz., by infamy, by being deposed if they are clerics, and by being excommunicated if they are lay people.

Reply to objection 1: An individual who receives Holy Orders through simony does, to be sure, receive the character of Holy Orders because of the efficaciousness of the sacrament, but he does not receive the grace or exercise of Holy Orders, because he has taken the character like a thief, as it were (*quasi furtive*), against the will of its Principal Owner (*contra principalis domini voluntatem*). And so he is suspended by the law itself, both (a) *as regards himself*, so that, namely, he may not be in charge of the exercise of his own Orders (*de executione sui ordinis se non intromittat*) and (b) *as regards others*, so that, namely, no one may share with him in the exercise of his Orders, regardless of whether his sin [of simony] is a public sin or a hidden sin. Nor can he reclaim the money that he paid in such a shameful way, even if the other party is holding on to it unjustly.

On the other hand, if an individual is guilty of simony either because (a) he conferred Holy Orders through simony, or because (b) he gave or received a benefice through simony, or (c) he acted as a go-between for simony, then if his sin is public, he is suspended by the law itself, both as regards himself and as regards others, whereas if his sin is hidden, he is suspended by the law itself only as regards himself and not as regards others.

Reply to objection 2: One ought not to receive Holy Orders from a bishop whom he knows to have been promoted through simony, either because of the bishop's command or even because of [the threat of his own] excommunication. And if he is ordained, he does not receive the exercise of his Orders, even if he does not know that the bishop is guilty of simony; instead, he needs a dispensation.

However, some claim that if he cannot prove that [the bishop] is guilty of simony, then (a) he should obey by receiving Holy Orders, but (b) should not exercise his Orders without a dispensation.

But it is unreasonable to make this claim. For no one ought to obey anyone in such a way as to share in an illicit deed with him. But [a bishop] who is suspended by the law itself, both as regards himself and as regards others, confers Holy Orders illicitly. Hence, no one should, for any reason at all, share in his deed by receiving Holy Orders from him.

On the other hand, if [the simony] is not clear to [the subordinate], then he should not believe in another's sin, and so he should with a good conscience receive Holy Orders from him. Moreover, if the bishop is guilty of simony in some way other than by his promotion's being an instance of simony, then the individual can receive Holy Orders from him if his simony is a hidden sin, since, as has been explained, in that case he is suspended only as regards himself and not as regards others.

Reply to objection 3: Being deprived of what one has received is not only a punishment for sin, but it is also sometimes the effect of an unjust acquisition, e.g., when someone buys an item from someone who cannot sell it.

And so if someone *knowingly and willingly* receives Holy Orders or an ecclesiastical benefice through simony, then (a) not only is he deprived of what he has received—so that, namely, he does not have the exercise of his Orders and gives up the benefice along with the fruits realized from it—but also (b) he is further punished, since he is marked with infamy and is obligated to restore not only the fruits he has realized, but also those that could have been realized by a diligent owner (though this should be understood to mean the fruits that are left over once one deducts the expenses laid out as a cause of the fruits, with the exception of those fruits that were expended in other ways for their usefulness to the Church).

On the other hand, if his promotion is procured by others through simony *without his willing it or knowing about it*, then he does, to be sure, lose the exercise of his Orders and is obligated to give back the benefice that he has acquired, along with the fruits that remain (though he is not obligated to restore

the fruits that he has spent, since he possessed them in good faith)—unless perhaps an enemy of his was going to use the money fraudulently for someone else’s promotion, or unless he himself had explicitly opposed the [original] transaction. For in that case he is not obligated to renounce the benefice, unless perhaps he has afterwards consented to the agreement by paying what had been promised.

Reply to objection 4: Money or possessions or fruits that have been received through simony must be restored to the [local] church at whose loss they were given away—despite the fact that the prelate or someone from his ecclesial college (*collegium*) was at fault, since their sin should not do harm to the others—so that, as far as is possible, those who have sinned do not gain an advantage from their sin. However, if the prelate and his whole ecclesial college are at fault, then the restitution should, under the authority of a superior, be made to the poor or to another [local] church.

Reply to objection 5: If some individuals have been accepted into a monastery through simony, they should withdraw. And if the simony was committed with their knowledge in the time after the General Council [Lateran IV], then they should be expelled from their monastery without hope of return and made to do perpetual atonement under a stricter Rule, or in some house that belongs to the same religious order if a stricter Rule is not found.

However, if this happened in the time before the General Council, then they should be transferred to other houses belonging to the same religious order. And if this cannot be done, then they should, by way of dispensation, be received back into the same monasteries, lest they wander about in the world, but with their previous positions changed and assignments made to lower positions.

By contrast, if, whether before or after the General Council, they were accepted through simony but without their knowledge, then, as has been explained, after they have withdrawn, they can be accepted again with their positions changed.

Reply to objection 6: As far as God is concerned, the willingness alone makes the individual guilty of simony. But as regards the exterior ecclesiastical punishment, viz., being obligated to renounce [what he has acquired], the individual is not being punished as someone guilty of simony—though he does need to repent of any bad intention.

Reply to objection 7: The Pope alone is able to grant a dispensation [for promotion in Holy Orders] to someone who has knowingly benefitted [from simony].

However, in other cases the bishop is also able to grant a dispensation, but in such a way that the individual first renounces what he has acquired through simony. He then receives a dispensation, either (a) a *small* dispensation (*dispensatio parva*), in order that he might have communion as a lay person, or (b) a *large* dispensation (*dispensatio magna*), so that after he repents, he might remain in another [local] church with his own Orders, or (c) a *major* dispensation (*dispensatio maior*), so that he might remain in the same church but with Minor Orders, or (d) a *maximal* dispensation (*dispensatio maxima*), so that he might exercise even the Major Orders within the same church, though he may not accept a position as a prelate.