A. *Latae Sententiae (i.e., automatic) excommunications:*

1. Apostasy, heresy, schism (*CIC* 1364)
2. Violation of the sacred species (*CIC* 1367; reserved to Holy See)
3. Physical attack on the pope (*CIC* 1370; reserved to Holy See)
5. Unauthorized ordination of a bishop; this penalty is incurred by both the ordaining bishop and the bishop who is ordained (*CIC* 1382; reserved to Holy See)
6. Direct violation by a confessor of the seal of confession (*CIC* 1388; reserved to Holy See)
7. Procuring an abortion (*CIC* 1398)
8. Mechanically recording or divulging by a technical instrument in the communications media what was said by either a confessor or a penitent in a sacramental confession, whether performed by oneself or by another (Congregation for the Doctrine of the Faith, *Urbis et Orbis*, 23 September *AAS* 80 (1988): 1367).

B. *Some Notes on Abortion*

Abortion is probably the most common type of *latae sententiae* case the priest is likely to hear in confession. If the sin of abortion is confessed, the priest should first consider whether the automatic censure actually applies. For example, if *any* one of the following conditions apply then the penitent has *not* incurred the *latae sententiae* penalty. See *CIC* 1323 & 1324, which lists a number of factors removing imputability for a *latae sententiae* penalty. The presence of any one (or more) of these factors *removes* canonical imputability, not merely diminishes it. From these excusing factors the most likely instances in an abortion case are given here below:

1. Did the penitent know that the sin carried with it a penalty of automatic excommunication?
2. Was the penitent under the age of 17 at the time of the offense?
3. Did the penitent act out of force or fear?
4. Did the penitent have an imperfect use of reason? (E.g. mental retardation, psychological impairment, etc.)

Additionally *CIC* 1324 gives further mitigating factors and notes that while the violator may not necessarily be exempt from a penalty, s/he is *not* liable to the penalty established in law, and that instead the penalty “must be tempered or a penance employed in its place if the delict was committed.”

It seems that in many cases, in light of these sorts of considerations we could reasonably conclude that the penitent probably did *not* incur an automatic excommunication. Hence, there
will not be any censure that needs to be remitted, and the abortion may be absolved as would any other serious sin.¹

¹For a good commentary Canon 1324 in reference to a procured abortion see Huels, The Pastoral Companion, pp.148-150.