

Institutiones Morales Alphonsianae, Volume II - Treatise VII: On the Sacrament of Order

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Institutiones Morales Alphonsianae, Volume II

Treatise I: On the Sacraments in General and Treatise VII: On the Sacrament of Order

Treatise I

On the Sacraments in General

One must treat: 1. of the Nature; 2. of the Minister; 3. of the Subject of the Sacraments; 4. of Sacramentals.¹

Chapter I

On the Nature of the Sacraments

So that the nature of the Sacraments may become known, 1. certain things must be premised concerning their notion and distinction, whether numerical or specific; 2. their efficacy, or power, must be inquired into; 3. their constitution must be weighed, which is placed in matter and form.

Article I

On the Notion and Distinction of the Sacraments

1390. DEFINITION. A Sacrament of the New Law is a sensible sign of invisible grace, for sanctifying the people of God, permanently instituted by Christ.²

It is said: 1. a sensible sign, that is, one which denotes internal grace and can be perceived by an external sense. For thus the means of salvation are adapted to the nature of man, who, in operating, is subject to the senses, and at the same time they become the foundations of divine worship and of Christian society. 2. Of invisible grace, which the Sacrament produces *ex opere operato*, that is, by force of the divine institution, independently of the work of the one operating, namely of the minister conferring and of the subject receiving, provided the subject is rightly disposed. 3. Instituted by Christ, in distinction both from the Sacraments of the old Law and from the Sacramentals of the Church, which have not been instituted by Christ. There is added: permanently, or stably; for as long as the Christian religion shall remain, so long also will the Sacraments remain.³

“Therefore three things are required for constituting a Sacrament: 1. an external sign; 2. a promise of grace; 3. the institution of Christ, since all the Sacraments have their power from the passion of Christ the Lord.”⁴ See the Dogmatic theologians.

1391. NUMERICAL DISTINCTION. “It is of faith that there are seven Sacraments of the New Law, neither more nor fewer,” as the Council of Trent defined, sess. 7, can. 1.

The Council of Florence, in the Decree to the Armenians, thus demonstrates the fittingness of this sevenfold number: “For spiritual life, just as bodily life, needs seven things: 1. That the faithful be generated, and this Baptism furnishes; 2. that they be increased and strengthened, and this Confirmation gives; 3. that they be nourished, and this the Eucharist furnishes; 4. that they be healed, and this Penance bestows; 5. that the remains of sins be taken away and the powers of the soul be refreshed, and for this there is Extreme Unction; 6. that ministers of the Church be formed, and this Sacred Ordination furnishes; 7. that children be begotten and religiously educated for the worship of God and the conservation of the human race, and this Matrimony gives.”⁵

1392. SPECIFIC DISTINCTION. The Sacraments, according to their various properties, are distinguished:⁶

1. Into Sacraments of the dead, that is, Baptism and Penance, which of themselves are conferred upon the spiritually dead, that is, those lacking grace, and produce first grace; and of the living, which of themselves are not administered except to those having first grace, and work an increase of grace in them.
2. Into repeatable Sacraments, as the Eucharist, Penance, Extreme Unction, Matrimony; and unrepeatable, as Baptism, Confirmation, and Order, on account of the character which they impress indelibly.

¹On the Sacraments in general see St. Thomas, 3, q. 60-65; Salmanticenses, tr. I; Billuart, etc.; but the Roman Catechism should be read first.

²Cf. book VI, 2, and the work on Trent, sess. 7; *Exam. Ordin.*, n. 1.

³Cf. book VI, 1-5.

⁴*Exam. Ord.*, n. 2.

⁵Cf. *Catech. Rom.*, p. 2, c. 1, n. 15; St. Alph., *Condotta ammir.*, p. 2, c. 1, n. 6-12.

⁶Book VI, 6; *Exam. Ord.*, n. 4.

3. Into a permanent Sacrament, as is the Eucharist, which consists in a permanent thing; and transient Sacraments, as are all the others, “because they are Sacraments only when they are made and applied.”⁷
4. Into Sacraments necessary by necessity of means for salvation, as are, for all, at least in implicit desire, Baptism, and more probably also the Eucharist, as will be explained in its own place (n. 1563); likewise, for those fallen into mortal sin, Penance; and necessary by necessity of precept, such as are Confirmation and Extreme Unction, according to the more probable opinion, altogether to be urged. Order and Matrimony are not necessary for private persons, but for the community.
5. Sacraments are called formed, when in the one receiving they really produce grace; unformed, when indeed they are valid in themselves, but in the one receiving, on account of the obstacle which he places, they do not produce the ultimate form of the Sacrament, that is, grace.⁸

1393. Note. In the old Law there were true Sacraments, as the Council of Trent openly implies when it hands down that the Sacraments of the New Law differ from the Sacraments of the Old Law. Such was the tree of life in the state of innocence; the sacrifice of Melchisedech and circumcision in the state of the law of nature; the paschal lamb, various purifications, and consecrations of priests in the Mosaic law. Yet these Sacraments, and even circumcision itself (as the more probable opinion teaches), did not confer grace by a power proper to themselves, that is, *ex opere operato*, but *ex opere operantis*, that is, from the merit of acts of faith, religion, penance, etc., which those ministering or receiving elicited. But for blotting out original sin there sufficed, more probably, faith in Christ to come, manifested by some exterior sign, especially through circumcision.⁹

Article II

On the Power and Efficacy of the Sacraments

1394. There are two EFFECTS of the Sacraments: one common to all, namely grace; the other proper only to some, namely character.

§ 1. On the Grace of the Sacraments A twofold grace is conferred through the Sacraments: sanctifying grace and sacramental grace.

1395. Principles. I. All the Sacraments confer SANCTIFYING GRACE, which renders man a friend of God (see the Dogmatic theologians).¹⁰

This grace is FIRST or SECOND, namely: the Sacraments of the dead, Baptism and Penance, of themselves and primarily confer first grace, by which namely the sinner is justified; the other Sacraments, which are called of the living, confer of themselves and primarily second grace, that is, an increase of pre-existing grace.

We said of themselves and primarily. For: 1. The Sacraments OF THE DEAD sometimes and accidentally confer second grace, when namely they find grace already existing in the soul; otherwise they would be sterile, which assuredly would be said absurdly and impiously. 2. The Sacraments OF THE LIVING, according to the common opinion, can likewise confer first grace, when namely someone in the state of lethal sin receives the Sacrament with good faith and at the same time with attrition. That this must be said of the Most Holy Eucharist seems to be concluded from the words of Trent (sess. 13, can. 5), defining: “If anyone shall say that the principal fruit of the Most Holy Eucharist is the remission of sins, let him be anathema.” St. Thomas hands down this very thing,¹¹ not only concerning the Eucharist, but also concerning Extreme Unction; and theologians commonly agree with the Angelic Doctor, who affirm the same concerning the other Sacraments of the living. But the reason for the affirmation is that in Trent (sess. 7, can. 6) it is read: “If anyone shall say that the Sacraments of the New Law ... do not confer grace on those placing no obstacle ... let him be anathema”; now indeed, “he who approaches a Sacrament of the living with attrition, which excludes affection for sin, both actual and habitual, already places no obstacle”; therefore.¹²

Note. It can happen in many ways that one guilty of mortal sin receives a Sacrament of the living in good faith, namely: 1. if he invincibly does not know that he is in the state of sin; 2. if he invincibly thinks himself perfectly contrite, or

⁷Book VI, 190, 2.

⁸Book VI, 6, note 4; *Exam. Ord.*, n. 4.

⁹Book VI, 3-4.

¹⁰Cf. Lugo, *De Sacram.*, disp. 4, sect. 3.

¹¹3, q. 72, a. 7, ad 2; and q. 79, a. 3.

¹²Book VI, 6; *Exam. Ord.*, n. 4.

rightly absolved, when he is not; 3. if he invincibly does not know that the state of grace is required for the reception of a Sacrament, etc. (cf. n. 1547).

1396. II. "The Sacraments also confer SACRAMENTAL GRACE, namely helps for obtaining the end for which each Sacrament is instituted."¹³ See again the Dogmatic theologians.

In particular: 1. BAPTISM supplies to a man not placing an obstacle a special help, so that he may be able to conquer concupiscence, despise the enticements of the world, and perform Christian works. 2. CONFIRMATION, so that, when occasion is given, he may profess and defend the faith fearlessly. 3. The EUCHARIST, so that he may remain in the love of Christ and in union with God, by advancing in it from day to day. 4. PENANCE, so that he may detest more perfectly the crimes committed, avoid occasions of sins, persevere in grace, and be able to expiate past faults. 5. EXTREME UNCTION, so that he may be purged from the remains of sin, be relieved in illness, and more easily resist the snares of the demon. 6. ORDER confers on sacred ministers helps by which they may worthily carry out ecclesiastical offices. 7. MATRIMONY bestows powers upon spouses for restraining inordinate concupiscence, for preserving conjugal fidelity, for piously educating offspring, and for constantly fulfilling all the obligations of the conjugal state.¹⁴

1397. Questions. Q. 1. Whether Sacraments received FEIGNEDLY, or WITH AN OBSTACLE, revive when that obstacle has been removed?

Preliminary notes. 1. When a Sacrament is indeed valid, but unformed, it is said to be received FEIGNEDLY, because the one receiving in a certain way feigns that he is disposed for the fruit of the Sacrament, when he is not. 2. This feigning is called an OBSTACLE to grace, and is either material, when namely the omission of the required disposition is inculpable, on account of ignorance, forgetfulness, etc.; or formal, when the omission is culpable, so that it contains the malice of sacrilege.

Resp. 1. The Sacrament of BAPTISM, received with feigning, whether material or formal, when the obstacle has been removed through a subsequent disposition, revives. Thus commonly the authors (except Scotus and a few others) from St. Augustine and St. Thomas.¹⁵ "The reason is that sin before Baptism, or consummated in the very reception of Baptism, is not subject to the keys of the Church; whence it must necessarily be remitted through the power of Baptism alone, which, when the obstacle has been removed, has the effect previously suspended by reason of the feigning."¹⁶

2. Many probably teach the same concerning CONFIRMATION, ORDER, EXTREME UNCTION, and MATRIMONY. The reason is that Confirmation and Order absolutely, Extreme Unction in the same danger of death, and Matrimony while the same spouse is living, cannot be repeated; nevertheless it seems consonant with divine goodness that such recipients should not remain forever deprived of the sacramental grace which they need.
3. The Sacrament of PENANCE does not revive when the feigning is formal, and the reason is that then the Sacrament is invalid. But whether it revives when the feigning is only material depends on the question whether this Sacrament can be valid and at the same time unformed. Some indeed deny it, because the dispositions of the recipient required for the liceity of the Sacrament are at the same time the matter of the Sacrament required for its validity; but others commonly and more truly affirm it, for the case namely in which someone places some material obstacle; if, for example, having two mortal sins, one of theft and the other of sacrilege, he in no way thinks of the sacrilege, nor confesses it, nor grieves over it, not even implicitly, and receives absolution for the theft alone, having conceived attrition from the supernatural turpitude of that sin. For in this case, the Sacrament, in which all the essential parts are found (that is, attrition and sincere confession with absolution), cannot, on the one hand, be called invalid; but on the other hand, it is not informed by grace, because the sin stands in the way, concerning which he neither accuses himself nor grieves. Whence that confession, since it is valid, is not to be repeated, and therefore the Sacrament received with a material obstacle, when this has finally been removed, revives. Thus Suarez, Lugo with St. Thomas¹⁷ and others.
4. The EUCHARIST, as is commonly taught, whether the feigning is material or formal, does not revive, unless the obstacle is removed before the sacred species are consumed. It does not revive if the feigning was formal; "otherwise this absurdity would follow, that a priest who several times in his life had celebrated sacrilegiously, if at death he confessed with remiss attrition, would receive the whole heap of graces of so many sacrilegious Communion;

¹³Ibid.

¹⁴Cf. *Exam. Ord.*, n. 22; work on Trent, sess. VII, n. 8-10.

¹⁵3, q. 69, a. 10.

¹⁶Book VI, 87.

¹⁷In 4, dist. 17, q. 3, art. 4, ad 1.

indeed, the more often he had celebrated unworthily, the more abundantly he would be enriched with graces.”¹⁸ Nor, more probably, does it revive if the feigning was only material, because, since this Sacrament from its institution can be frequently repeated, there was no need that a broader efficacy be attributed to it.

Q. 2. How must the OBSTACLE be removed, so that the Sacrament may revive?

Resp. In order that Sacraments validly, but feignedly, received may revive, more probably there is required and suffices the same disposition which was required and sufficient in the reception itself for obtaining grace. Hence: 1. The Sacraments of the dead, namely Baptism and Penance (received with a material obstacle), revive through universal attrition. 2. The Sacraments of the living, that is, Confirmation, Extreme Unction, Order, Matrimony, and, while the sacred species have not yet been consumed, the Eucharist, likewise revive through attrition, if they were received with a material obstacle; for in such a case, even these Sacraments accidentally produce grace in one attrite. Otherwise, if they were received with a formal obstacle, because otherwise they do not seem able to revive except through the Sacrament of Penance received, either in reality with attrition, or in desire with perfect contrition.¹⁹

§ 2. On Character 1398. “Character is a certain spiritual, indelible seal, impressed on the soul of one receiving a Sacrament. It is impressed only in Baptism, Confirmation, and Order; and it signifies the power or dignity received from Sacraments of this kind.”²⁰

It is fitting, according to the Angelic Doctor,²¹ that Sacraments through which a man is constituted in some state which of itself is perpetual should impress a character, by which man is deputed to that state; but through these three Sacraments alone man is constituted in some new state which of itself is perpetual, namely through Baptism he is enrolled forever in the family of Christ, through CONFIRMATION in the army of Christ, through ORDER in the ministry of Christ. Thus there are only three Sacraments which, even if received illicitly, impress a character. Hence: “1. In Baptism character is the sign of the sheep of Christ, by which the faithful are made fit for receiving the other Sacraments. 2. In Confirmation it is the sign of the soldiers of Christ, by which they receive strength for constantly professing the Faith. 3. In Order it is the sign of the ministers of Christ, by which they acquire power for ministering the Sacraments to the faithful.”²²

Article III

On the Constitution of the Sacraments, or on Matter and Form

1399. “All the Sacraments are perfected by three things, namely by things as matter, by words as form, and by the person of the minister conferring the Sacrament with the intention of doing what the Church does.” Thus Eugene IV, to the Armenians. We shall treat of the MINISTER in chapter II.

DEFINITIONS. Generally, that has the notion of matter which is determinable and perfectible through another; but that has the notion of form which is determinative and perfective of another.²³ Hence in the Sacraments:

1. MATTER is a sensible thing, to be determined to the notion of a Sacrament through the form. It is twofold: remote, or the pre-existing sensible thing which is employed in the Sacrament, or about which the sacramental action is exercised; and proximate, which is the very application or use of the remote matter in the sacramental action. Thus in Baptism water is the remote matter, ablution the proximate matter.
2. FORM is the part of the Sacrament which determines the matter to producing the sacramental effect; and it consists in words uttered by the minister, or, for the Sacrament of Matrimony, and this alone, in signs which can hold the place of words.²⁴

1400. Principles. I. Each Sacrament has its OWN matter and form, divinely instituted. It is certain that Christ determined in species the matter and form of Baptism and the Eucharist, as is clear from the Scriptures. As regards the other Sacraments, the same is not altogether certain. For some, with St. Bonaventure, probably think that the Lord constituted the matter and form of several Sacraments, for example Confirmation and Order, only in a general way, by committing to his Apostles the care of determining those signs more particularly when occasion should be given. Yet others, with St. Thomas, more

¹⁸Book VI, 87.

¹⁹Cf. Lugo, disp. 9, n. 50 ff.

²⁰*Exam. Ord.*, n. 24.

²¹3, q. 63, a. 6.

²²*Exam. Ord.*, l. c.

²³Billuart, *de Sacram.*, diss. 1, art. 4, § 2.

²⁴Cf. book VI, 887.

commonly and more probably affirm that all matters, and also forms as to substance, were determined in species by Christ; and consequently that the diversity of sacramental rites which exists between Latins and Greeks, or between the ancient and present Church, does not pertain to the essence of the things.²⁵

Hence you will deduce: 1. Christ the Lord must be called the immediate author of the Sacraments, because, even in the former opinion, he distinguished all the Sacraments singly. 2. The Church, in the dispensation of the Sacraments, can establish or change those things which she judges to be more expedient for the utility of those receiving or for the veneration of the Sacraments themselves, yet with their substance preserved, as Trent has it, sess. 21, cap. 2.

1401. II. For making a Sacrament, certain matter and form must be applied TOGETHER by the same minister, with every essential VARIATION excluded. But that, from the institution of Christ, conjunction, invariability, and certitude of matter and form are required will be clear from what is to be said; for each must be treated singly.

1. As Regards the Conjunction of Matter and Form 1402. So that a Sacrament may be validly made, two RULES must be observed:

Rule 1. Matter and form must be UNITED or applied by the same minister and toward the same subject.²⁶ The reason is that, if one should place the matter and another the form, the words of the form would not be verified; for example, if Titius should say: "I baptize thee," while Caius pours the water, Titius would utter something false, as is plain.

Rule 2. Between matter and form there must be such a CONJUNCTION that, according to the moral estimation of men, with the nature of each Sacrament considered, the one affects the other; or, in other words, the conjunction must be such that, according to human usage, the words are judged to fall upon such a thing and to constitute with it one moral sign. Otherwise the words of the form would not express the truth.

We said with the nature of each Sacrament considered; for according to the diversity of the Sacraments, the conjunction, or simultaneity, must be diverse.

Whence: 1. In the EUCHARIST physical conjunction is required, since the demonstrative pronoun This and This cannot be verified unless the matter is present. 2. In BAPTISM,²⁷ CONFIRMATION, EXTREME UNCTION, and ORDER it suffices for validity that the matter be applied immediately before the form is pronounced, or immediately after it has been uttered. But a delay of one Our Father between the two would invalidate the Sacrament. Whence, in practice, the opinion of Cajetan, as safer, is to be advised; he requires that the form be begun before the application of the matter is completed, or conversely. 3. In PENANCE, which follows the nature of a judgment, a longer delay of time, for example of one hour, can intervene between accusation and absolution. 4. Finally, in MATRIMONY, the same interval is admitted as in contracts, namely it suffices that the consent of one be placed while the consent of the other perseveres.²⁸

2. As Regards Invariability 1403. Preliminary note. In the matter and form of the Sacraments there can occur a twofold variation or change, namely substantial and accidental. "A substantial change of matter is said to occur when, according to the common use and estimation of men, it differs, in name and in reality, from that which Christ prescribed. An accidental one is said to occur when it retains the same use and name with it. A change of form is essential when the same sense does not remain; accidental, when it remains."²⁹

1404. Principles. I. A SUBSTANTIAL change in matter or in form, whether it is made on purpose and deliberately, or from error or inadvertence, always prevents the validity of the Sacrament. The reason is that through such a change the rite instituted by Christ is taken away (cf. n. 1400).

1405. II. An ACCIDENTAL change does not prevent the validity of the Sacrament; but, according to the gravity or smallness of the change, it induces grave or light sin. The reason for the first is that an accidental change does not take away the institution of Christ. The reason for the second is that it takes away the rite prescribed by the Church: either under grave obligation, for example when she commands that consecrated water be employed in solemn Baptism; or under light obligation, for example when she orders that even the least interruption in pronouncing the words of the form be avoided.³⁰

²⁵Book VI, 12; *H. A.*, XVII, 15; 1 *Elench. qq. ref.*, n. 60.

²⁶Gury, n. 197, III.

²⁷1 *Elench. qq. ref.*, n. 59.

²⁸Book VI, 9, 10, 446.

²⁹Book VI, 11.

³⁰Book VI, 109; cf. *Exam. Ord.*, n. 6.

Matter is changed substantially in many ways, the principal of which we shall enumerate in their proper places.

1406. Form can be changed especially in six MODES, as is indicated by these little verses:

Take nothing from the form, add nothing, vary nothing; Beware to transpose, to corrupt words, to delay.

1. By OMISSION: a change of this kind is substantial if essential syllables or words are omitted, for example the word Thee in the conferral of Baptism; but it is only accidental if non-essential words are omitted, for example I, in the same conferral of Baptism.
2. By ADDITION: this is substantial if it takes away the truth of the Sacrament, for example if you say: I baptize thee in the name of the greater Father, of the lesser Son, etc.; accidental, if it does not remove the due sense, for example if you say: In the name of the Father, who created thee, etc.
3. By VARIATION of words: this can be substantial or accidental according as the explicit sense of the form is taken away, for example if you say: In the name of the Most Holy Trinity; or is retained, for example, I wash thee.
4. By TRANSPOSITION; this ordinarily is only accidental, as: Thee I baptize.
5. By CORRUPTION of words, namely from a change of letters. Such a change is more easily substantial at the beginning than at the end of words, because the sense is more easily changed for those hearing, for example if one says: in the name of the mother instead of of the Father; than if one says: chalis instead of chalice.
6. By INTERRUPTION, by which the unity of the speech can be taken away, as if, after having said, This is, you recite a psalm or delay much; but not if, after having said, I thee, you cough, or impose silence on children, and then immediately conclude baptize, etc.

3. As Regards Certitude 1407. Preliminary note. Doubt concerning the matter or form of the Sacraments can be of law or of fact. The first is when it is doubted whether such matter, for example water extracted from flowers in Baptism, or such a form, was instituted by Christ as valid. The other is when it is doubted whether the matter or form to be employed, or already employed, is that which Christ instituted: for example, whether this liquid is water; whether the form was duly uttered.

RULES. In every doubt, whether of law or of fact, concerning matter and form, or generally concerning the VALIDITY of the Sacraments, three rules must be observed: The first is: If there is possibility, let the safest way be chosen, that is, the safer or morally certain opinion. The second: If there is no possibility, let the way be chosen which is nearest to the safest, that is, when certain matter is lacking, let doubtful or probable matter be employed, but under a conditioned form, so that counsel may be taken both for the necessity or grave utility of the recipient, and for the reverence due to the Sacrament. The third: When the impossibility ceases, what the impossibility prohibited must cautiously be supplied.³¹ The first and second rule have already been weighed in the Treatise on Conscience (n. 82). Finally, concerning the third, here:

1408. IT IS ASKED. Whether and when a Sacrament not rightly made can or must be REPEATED?

Resp. 1. If it is prudently doubted whether one of the three unrepeatable Sacraments has been validly conferred, it must again be conferred under condition: Baptism indeed, on account of the greatest necessity of this Sacrament; Order, lest it happen that the Sacraments be invalidly administered; Confirmation, lest the soldier of Christ lack strength for constantly holding and professing the faith. The reason is that, on the one hand, in doubt concerning the validity of a Sacrament, the opinion favoring souls is to be preferred; but on the other hand, no irreverence is inflicted upon the Sacrament when it is conferred under condition from a reasonable cause.

Resp. 2. If there is prudent doubt concerning the validity of a repeatable Sacrament, it CAN be conferred again under condition when notable utility of neighbor is present; but it MUST be, when the Sacrament is necessary. The reason is the same as above.

Resp. 3. To repeat, on account of an empty doubt, a Sacrament, although under condition, is of itself a grave sin. The reason is that a rash repetition of a sacramental action is grave irreverence. Nevertheless, by accident the scrupulous are excused, on account of perplexity. And he seems to sin only venially who repeats a word or syllable in the utterance of the form.

Note. When doubtful Baptism is conferred publicly, the condition must be expressed in words (as the Ritual wills), lest those standing by believe that Baptism is being repeated absolutely against the law of the Church. Indeed, it will be safer

³¹Cf. Haine, *de Sacram.*, cap. 4, dub. 11.

(or at least more becoming) to express the condition in words whenever any Sacrament whatever is ministered under condition, whether publicly or privately.³²

Chapter II

On the Minister of the Sacraments

1409. DEFINITION. The minister of the Sacraments is called the one who, in the name of Christ, whose mandatary he is, completes the sacramental action.

DIVISION. One minister is ordinary, who, according to the customary order constituted by Christ and by the Church, can make the Sacrament. Another is extraordinary, who, outside this order, makes some Sacraments, but on account of a peculiar privilege, delegation, or necessity. Thus in Baptism the ordinary minister is a priest; the extraordinary minister, in a case of necessity, is any man whatever (cf. n. 1411).

These things having been noted beforehand, we shall treat of those things which are required in the minister, 1. that he operate validly, 2. that he operate licitly.

Article I

On the Requisites in the Minister That He May Operate Validly

1410. Principles. I. For the valid making or administration of the Sacraments there is not required in the minister either the STATE OF GRACE, or PROBITY OF LIFE, indeed not even FAITH itself. This is established from Trent, sess. 7, can. 11 and 12; and the reason is that the Sacraments operate not from the disposition of the minister, but through divine power, according to the institution and merits of Christ.³³ But indeed:

1411. II. There is required in the minister POWER divinely granted. The reason is that God alone can join grace to the acts of the minister. But certain Sacraments can be conferred by Bishops alone, either exclusively, as Order, or by ordinary faculty, as Confirmation. Others fall equally under the power of Bishops and simple priests, yet with suitable subordination, as the Eucharist, Penance, and Extreme Unction. Finally others do not require for themselves a specially consecrated or deputed minister, as Baptism, which can validly be conferred by every man; and Matrimony, whose ministers are the contracting parties themselves.³⁴

1412. III. There is required in the minister at least an INTENTION, or will of doing what the Church does; but a VIRTUAL intention suffices. The reason why some intention is required is that the matter and form of the Sacraments are of themselves indifferent to the being of a Sacrament, since they can be ordered to a joke or to another end; therefore they must be determined through intention.³⁵ Now, to denote the object and quality of the intention:

It is said 1. There is required at least the intention of doing what the Church does; this is clear from the Decree of the Council of Florence, where it is said that the Sacraments are made “with the intention of doing what the Church does.” Nicholas I declared the same, who responded that Baptism conferred by a Jew or pagan is valid, “if it was conferred with true matter and form; for such a Baptism is valid, on account of the general intention of doing what the Jew or pagan has heard is done by Christians or by the Church of Christ.”³⁶

From this you will deduce: 1. That for the validity of a Sacrament there is not required an explicit intention of making a Sacrament; or of performing an external rite as formally and absolutely sacred; or of producing the effect of the Sacrament: for these are held implicitly in the intention of doing what the Church does. 2. That a mimicking intention, or another by which the intention of doing a sacred thing would be excluded, does not suffice, as is drawn from the condemnation of Luther;³⁷ nor does an intention, even a serious one, of placing an external act suffice; for that act could be directed to other ends, for example to exciting faith, as heretics will; whence the opinion of Catharinus, teaching that an external intention suffices, is scarcely probable (and therefore in no way safe), although concerning this opinion no express definition of the Apostolic See has come forth.³⁸ 3. The authors add that there is not required the intention of doing what the Roman

³²Book VI, 28-29, and 2 *Elench. qq. ref.*, 17; cf. also the MISSAL, *de Defectibus*, V, 2, where a tacit condition is valid.

³³Book VI, 13.

³⁴*Exam. Ord.*, n. 10; book VI, 113, 170, 539, 761, 897.

³⁵*Exam. Ordin.*, n. 9, 18.

³⁶Book VI, 22, end.

³⁷Trent, sess. 14, can. 9, on Penance.

³⁸Cf. Panzuti, book VI, 19-21.

Church does, but that the intention of doing what the true Church instituted by Christ does suffices. Whence those rightly baptized by heretics, who deny that the Roman Church is the true Church, are not to be rebaptized.³⁹

1413. It is said 2. A VIRTUAL intention suffices (cf. n. 272, 6). For it is certain that an actual intention is not required; although this is excellent, and therefore greatly to be desired, nevertheless it is not always possible to man, “because, besides the intention,” as St. Thomas writes,⁴⁰ “when a man wishes to intend much, he begins to think other things.” It is likewise certain that a habitual intention does not suffice (namely one which someone had at some time and has not revoked, and which endures in no effect); because an intention of this kind does not make the action elicited in a human manner, as is required in the minister, from whom the Sacraments proceed as from an operating cause. Much less sufficient will be the intention which is called interpretative, when someone, for example sleeping or drunk, has no actual intention and never had one, but would have it if he noticed. Therefore a VIRTUAL intention is required and suffices, namely that by which someone, although here and now he does not intend to make a Sacrament, nevertheless acts by force of an actual intention previously had; as if someone, for example, having had in the morning the intention of celebrating Mass, afterwards goes to the church, clothes himself with sacred vestments, etc. For, led by such an intention, the minister operates in a truly human manner, since the intention is the true cause of the act which he places. Thus all.⁴¹

Hence you will deduce: 1. A minister who in the usual manner placed the actions required for a Sacrament, provided he did not exclude the intention, afterwards doubts concerning the same only imprudently; because at least he willed to do what otherwise is usually done by himself or by others, and thus he had the intention in act exercised. 2. Even a coerced intention and one extorted by fear suffices for the validity of the Sacrament, because fear does not take away the voluntary. Matrimony is excepted, from which force and fear must be absent, at least from the definition of the Church. 3. The Sacrament is valid even if the minister perhaps erred concerning the person of the recipient, unless his intention was bound exclusively to some determinate person, which is wont to happen only in Matrimony.

1414. Questions. Q. 1. Whether a Sacrament conferred with a CONDITIONED intention is valid?

Resp. Affirmatively, if the condition is appended concerning a present or past thing; for, since the added condition has already been verified, the conditional intention passes into an absolute one. Nor does an appended condition of this kind prevent the validity of the Sacrament, nor even its liceity, if namely it is appended on account of a just cause, as we shall say in its own place (n. 1663, q. 5).

But the Sacrament is not valid if the condition concerns the future; because no Sacrament is perfected unless the form is applied to present matter. Matrimony is excepted, which, after the likeness of other contracts, can be celebrated under a condition concerning the future; for then the Sacrament is perfected when, the condition having been fulfilled, the contract is perfected.⁴²

Similarly, a Sacrament is not valid if a condition is appended which cannot be known humanly, for example, “I absolve thee, if God truly foreknows that it will be that thou restore.” The reason is that, since God has committed the administration of the Sacraments to the knowledge and will of men, a condition cannot be appended which is impassable to human knowledge.⁴³ Recall what was said, n. 1408, Note.

Q. 2. What if the minister has two contrary intentions?

Resp. 1. If those two contrary intentions are simultaneous, the predominant one prevails, namely that which would be chosen by the minister if he knew that both could not stand together; but if neither is predominant, the minister effects nothing, for the one destroys the other. 2. If one intention succeeds another, the later one prevails. Except if through the former any subsequent will whatever was revoked, at least virtually; for then the prior will, provided it is not expressly revoked, certainly prevails. If doubt perseveres, the validity of the Sacrament will be doubtful. These things can happen especially in the Eucharist and in Matrimony.⁴⁴

Q. 3. Whether, besides intention, ATTENTION also is required in one making a Sacrament?

Resp. Certainly attention is required for LICEITY, as will be seen below.⁴⁵ But the opinion of Lacroix, who affirms that attention is necessary for the VALIDITY of a Sacrament, seems improbable. For all authors say that for the validity of a

³⁹Book VI, 20-23.

⁴⁰3, q. 64, a. 8, ad 3.

⁴¹Book VI, 15-18; *H. A.*, XIV, 2.

⁴²Book VI, 25, 26.

⁴³*Ibid.*, 26; see also St. Alphonsus on Trent, sess. 7, n. 31.

⁴⁴Book VI, 24.

⁴⁵Cf. book VI, 224, and 410, dub. 5.

Sacrament, nothing else is required, besides matter and form, than the intention of the minister, as was defined by the Councils. Nor does it prevent this to say that an action which happens without attention is not human; for although a man, about to operate in a human manner, must attend to the end of the work which he intends to perfect, nevertheless it is not required that he actually attend to the work which he executes. Hence Suarez excellently teaches that a minister, although distracted, truly makes the Sacrament; because, as he says, his action is simply human and free, and proceeds from a prior intention.⁴⁶

Article II

On the Requisites in the Minister That He May Operate Licitly

Besides those things which are necessary for validity, three things are required on the part of the minister, namely that 1. he be worthy and fit; 2. that he act worthily and rightly; 3. that he confer the Sacraments on the worthy.

1. That He Be Worthy and Fit 1415. Principles. I. In order that the minister of the Sacraments be worthy and fit, there is required first that the CHURCH in some way have DEPUTED him. The reason is that the making and administration of the Sacraments is part of the sacred ministry, which Christ committed to his Church.

But one is deputed either generally or specially: generally indeed for private Baptism in a case of necessity, and for Matrimony; specially, however, for the other Sacraments; for these cannot validly be made except by a consecrated or ordained minister, nor licitly administered (indeed, if Penance is in question, not even validly), unless by a minister endowed with some jurisdiction, at least delegated.

1416. II. For the licit making and administration of the Sacraments there is required that the minister (at least if he is consecrated and ministers solemnly) be IN THE STATE OF GRACE. The reason is that holy things are to be treated holily, and because the minister must be conformed to Christ, whose person he bears and in whose name he operates.⁴⁷ “Wherefore” (thus the Roman Ritual) “he will perpetually take care of this, that he conduct life integrally, chastely, and piously; for, although the Sacraments cannot be defiled by the impure, nor the effect impeded by wicked ministers, nevertheless those ministering them impurely and unworthily incur the guilt of eternal death” (cf. n. 583).

1417. From these things it follows: 1. Pastors and other priests upon whom from office it is incumbent to minister the Sacraments are bound always to have themselves prepared for ministering the Sacraments in the state of grace. But if someone, existing in mortal sin, must minister them, he is first bound to elicit an act of perfect contrition; but he is held by no law to confess, except before Communion or the celebration of Mass, according to the Decree of Trent, sess. 13, cap. 7.⁴⁸ “But if he has an abundance of a Confessor, and the account of time and place allows, it is fitting to confess.” Thus the Roman Ritual (cf. n. 1547).

2. One celebrating Mass in mortal sin commits four mortal sins, because he unworthily consecrates, unworthily ministers, ministers to himself unworthily, and unworthily receives.⁴⁹ Yet he sufficiently expresses these in confession if he says: “I celebrated in mortal sin.”
3. A priest (or Deacon) ministering the Eucharist in mortal sin sins mortally, because he unworthily places an act by which he proximately concurs toward the sanctification of those communicating. Thus one must hold with Suarez and many against Lugo and others. Yet he does not commit several sins if he distributes Communion to several, because it is one banquet.⁵⁰
4. A Confessor commits as many sins as the persons whom he absolves while constituted in mortal sin; because each absolution is a complete judgment. But if he only hears confession, more probably he does not sin gravely, because he does not make the Sacrament.⁵¹

NB. See other things n. 1439, on the unworthy MINISTER.

1418. Questions. Q. 1. Whether one sins gravely who, necessity compelling, ministers a Sacrament in mortal sin if he HAS NOT BEEN ORDAINED to it; or, if he has been ordained, ministers it NOT SOLEMNLY?⁵²

⁴⁶Book VI, 14.

⁴⁷Cf. St. Thomas, 3, q. 64, a. 6.

⁴⁸Book VI, 33, end, and 34.

⁴⁹Ibid., 35, Hence; and *Exam. Ordin.*, n. 11, end.

⁵⁰Book VI, 35; *Exam. Ordin.*, 13; 1 *Elench. qq. ref.*, n. 62.

⁵¹Book V, 50, q. 6; VI, 36.

⁵²*H. A.*, XIV, 6, end; *Exam. Ordin.*, n. 12.

Resp. The first opinion denies this with St. Thomas; because he does not exhibit himself as a minister of the Church, but aids one suffering necessity. This opinion is indeed probable; but the second opinion, affirming, considered according to reason, seems more probable. The reason is that the obligation of ministering in the state of grace is not derived only from the consecration of the minister, but also from the sanctity of the Sacraments themselves, which must always be handled holily; and indeed under grave obligation, in a grave matter. Moreover, although a minister who is not consecrated does not act in the name of the Church, nevertheless he acts in the name of Christ, cooperating immediately with Him for the sanctification of the soul; whence whoever exercises such an office ought to be endowed with sanctity.⁵³

Hence, more probably, speaking per se, the following sin gravely: 1. a layman, or a priest, ministering Baptism non-solemnly in a case of necessity, if he ministers in mortal sin; 2. one contracting Matrimony in mortal sin; and since such a person at the same time receives and ministers the Sacrament, he stains himself with a twofold sin.⁵⁴ We have said, speaking per se; for, per accidens, a minister, whether consecrated or not consecrated, is excused if he ministers in mortal sin the Sacrament of Baptism or Penance in necessity, for example if he could not be contrite so quickly, and there were danger that the dying person would depart without Baptism or absolution, as is commonly taught.⁵⁵

Q. 2. Whether a minister sins gravely who, in mortal sin, exercises other SACRED FUNCTIONS which are not the making or administration of the Sacraments?

Resp. Some affirm with St. Thomas, who says that all who exercise, from office, the functions of the Order received, from the Bishop even to the Porter, commit grave fault if they are in mortal sin. But others more commonly, and sufficiently probably, deny this with Suarez; and the reason is that, since all the other exercises of Orders, besides the making and administration of the Sacraments, are not proximately ordered to the sanctification of the soul, they do not seem under grave obligation to require the sanctity of those exercising them. Yet these commit venial fault, and indeed the graver, the more their action approaches the ministry of a Sacrament.⁵⁶

Hence: 1. Not improbably several authors assert that he does not sin gravely who, existing in mortal sin, touches the Eucharist immediately or mediately from office, for example by carrying it in procession, or by blessing the people. Yet the opposite opinion of St. Thomas is also very probable.⁵⁷

2. Deacons and subdeacons who, in mortal sin, minister at the altar do not sin gravely, according to a sufficiently probable opinion, even if they minister frequently.⁵⁸
3. A Bishop who, in mortal sin, makes chrism or holy oil does not seem to sin gravely.⁵⁹ Nor does a Bishop or priest sin mortally who, in mortal sin, consecrates a church, blesses sacred vestments or corporals, assists at Matrimony, blesses ashes, lustral water, etc. Thus very commonly against a few.⁶⁰
4. A preacher, preaching in mortal sin, does not sin gravely, as is taught more commonly and more probably. Yet authors commonly do not excuse him from venial sin, on account of some irreverence which is done to the divine word. Nay more, if the preacher inveighs against a vice concerning which he himself is publicly defamed, he does not seem to be excused from mortal sin; because then he gives scandal and impedes the end of doctrine.⁶¹

2. That He Act Worthily and Rightly 1419. Among SACRAMENTAL RITES, some are essential, others only accidental: ESSENTIAL rites are those which Christ the Lord Himself instituted, and without which the Sacrament is invalid. ACCIDENTAL rites are called those which the Church has prescribed for the more fitting decency and splendor of the sacramental action.

1420. Principles. I. There is a grave obligation of observing all ESSENTIAL rites of the Sacraments. This namely is required: 1. by religion; “for it is in a certain way to mock Christ, the author of the Sacraments, to employ, against His institution, signs for conferring grace in His name which He Himself did not assume for this”;⁶² 2. by charity, because

⁵³Book VI, 32; *Exam. Ordin.*, n. 12.

⁵⁴*Ibid.*, end; 1 *Elench. qq. ref.*, n. 61.

⁵⁵*Ibid.*, 33.

⁵⁶*Ibid.*, 37-40.

⁵⁷*Ibid.*, 35, end.

⁵⁸*Ibid.*, 38.

⁵⁹*Ibid.*, 39.

⁶⁰Book VI, 40.

⁶¹*Ibid.*, 41.

⁶²Reuter, p. 4, tract. 1, cap. 1, n. 14.

otherwise one's neighbor is deprived of a great spiritual good; 3. by justice, if the Sacrament is requested; for by the very fact that the minister consents to confer it, he tacitly obliges himself to its valid conferral.⁶³

Hence: 1. One ministering sins mortally if he uses false matter or form, or, outside necessity, doubtful matter or form. 2. He also sins gravely when he pronounces the words of the form corruptly, inarticulately, without devotion, if from this he undergoes proximate danger of erring in substantial matters. Otherwise venially, unless scandal or contempt is present (cf. nn. 1405 and 1406).

1421. II. All rites prescribed by the CHURCH, or received by custom, even IN ACCIDENTAL MATTERS, must be observed with diligent care.

The reason is that the Sacraments, as holy things, must be handled holily, and the precepts of the Church oblige in conscience. Whence Trent (sess. 7, can. 13): "If anyone shall say that the received and approved rites of the Catholic Church, accustomed to be used in the solemn administration of the Sacraments, may either be contemned, or be omitted by ministers according to pleasure without sin, or be changed into other new rites by any pastor whatsoever of the Churches: let him be anathema" (cf. n. 583).

Hence: 1. If the aforesaid rites are omitted or changed from contempt, it is mortal. 2. If from negligence, it is often mortal, when the omission or change is notable, or in a grave matter. But what omission, in individual Sacraments, is to be held notable matter, will be explained below in the proper places. 3. If some ceremony or laudable custom is omitted which is only of counsel, there will per se be no sin.

1422. It is asked: Whether it is of precept to use the ROMAN RITUAL in the administration of Sacraments and Sacramentals?

Resp. Affirmatively, unless perhaps other rites have been granted somewhere. This is established from the Bull of Paul V, *Apostolicae Sedis*, of June 16, 1614, in which one reads that the Roman Ritual contains "rites ... which ought to be observed" by all exercising the care of souls.⁶⁴ The Sacred Congregation of Rites declared the same thing, on April 7, 1832, and May 23, 1835, saying: "Those books alone are to be employed, and in them only blessings which are conformable to the Roman Ritual; ... nor are other formulas to be employed, provided it is not established that they have been approved by this Sacred Congregation."⁶⁵ Nor is it licit for Bishops to change the prescriptions of the Roman Ritual at will; and if perhaps a Bishop had established changes, this is not a sufficient dispensation for priests (S. R. C., January 10, 1852).⁶⁶

We have said unless other rites have been granted somewhere; for the Holy See, for diverse dioceses, has approved Rituals differing in several matters from the Roman Ritual. Moreover, customs according to or beside the law can be retained, as is clear from the Roman Ritual itself and from several declarations of the Sacred Congregation of Rites. But customs contrary to the Rubrics and decisions of the Sacred Congregation of Rites must be eliminated. Yet if abuses are general and inveterate, the Bishop "in correcting these should proceed with all patience and doctrine, and, according to the opportunity given him, should strive to eliminate them in such a way that the faithful suffer no scandal from it." S. R. C., May 9, 1857, to the Bishop of Limburg.⁶⁷

Note from the ROMAN RITUAL: 1. "In every administration of the Sacraments the priest is to be vested in a surplice, and over it with a stole of that color which the rite of the Sacrament demands; unless in ministering the Sacrament of Penance occasion, or custom, or place sometimes advises otherwise. 2. He shall also employ at least one cleric, if he has one, or several, according as the nature of the place and of the Sacrament requires, in becoming habit and likewise vested in surplice."

3. That He Confer the Sacraments on the Worthy 1423. Principles. I. A minister conferring the Sacraments on the UNWORTHY sins gravely, unless from denial graver inconveniences would follow.

The first is clear: 1. from Matthew 7:6: "Do not give what is holy to dogs..." And from 1 Corinthians 4:2: "Here now it is required among dispensers that a man be found faithful." 2. From reason; for a minister who knowingly and willingly would dispense the Sacraments to the unworthy would violate both the virtue of religion, because he would handle the Sacraments irreverently and defraud them of their effects, and the precept of charity, because he would cooperate in the sin of those receiving unworthily. The second follows from what was said on Cooperation; for it is licit, on account of proportionately grave causes, and by giving one's work to a good thing, to cooperate materially in the sins of others.

⁶³Book VI, 619.

⁶⁴Ibid., 285, dub. 4.

⁶⁵Cf. Gardellini, n. 4681, 5; 4748, 9.

⁶⁶Ibid., n. 5165, 4.

⁶⁷Benger, *Compend.*, n. 317.

Whence it is licit to minister the Sacraments to one asking unworthily, if this is necessary to avoid scandal, or unjust defamation, or violation of the sacramental seal.

1424. II. The minister ought to INQUIRE concerning the worthiness of the recipient, according to the nature of each Sacrament. Namely, Sacraments are to be distinguished in whose administration the priest is judge, from those in whose conferral he is only dispenser. Of the former kind are Baptism of adults, Penance, Order, and Matrimony with respect to the impediments of Matrimony: therefore for these Sacraments the minister ought, from positive indications, to form for himself a prudent judgment concerning the worthiness or fitness of the recipients. Of the latter kind are Confirmation, the Eucharist, and Extreme Unction, to which Sacraments all have a right who live as Catholics. Whence for administering these it suffices that it is not established to the minister that those asking are positively unworthy.⁶⁸

From the preceding principles the following RULES are drawn:

1425. Rule 1. A HIDDEN sinner asking publicly is not to be denied a Sacrament. This is established by the example of Christ, who gave Communion to Judas. And the reason is that in these circumstances Christ is judged to yield His right, both so that the sinner may not lose the reputation to which he has a right, and especially so that many very grave inconveniences, such as scandals, omission of the Sacraments, etc., may be avoided.⁶⁹

1426. Rule 2. A HIDDEN sinner, asking secretly, is to be denied the Sacrament until his penitence is established. The reason is that both reverence for the Sacrament and the good of the one asking demand this.

It is said 1. a hidden sinner, namely one whom the minister knows as such from certain knowledge, but outside confession; 2. asking secretly: this happens when the one asking is found either alone with the minister, or only with a few, and of such condition that no attention should deservedly be paid to them, as little children would be; 3. until his penitence is established; but this is established if it is known to the minister that the guilty man has made confession either with him or with another priest, even secretly. Nor is one to inquire whether absolution was given; for, even if the minister himself had denied it, he could not, without breaking the seal, admonish the guilty man, nor, as the truer opinion holds, repel him from the Sacrament under the pretext of other causes.

1427. Rule 3. A PUBLIC sinner, unless he has given sufficient signs of conversion and has removed scandal, is to be denied the Sacrament, whether he asks for it publicly or secretly. The reason is that the divine precept presses: "Do not give what is holy to dogs"; nor is an excusing cause given, as is plain from what has been said.

It is said 1. a public sinner. But a sinner is called public either absolutely, namely when his unworthiness is certain and notorious to the community, by notoriety of law, or of fact, or of reputation (cf. n. 1199); or respectively, when the unworthiness is known only to those in whose presence the Sacrament is requested. If, therefore, the community, or all those present, know the unworthiness of the one asking, the Sacrament is to be denied. And the same must be said if knowledge of a crime committed in another place will easily come into the parish, or if there already exists so grave a suspicion of it that it is equivalent to moral certainty. More probably, however, it is not to be denied if the unworthiness of the one asking is known only to most of those present. The reason is that such a sinner still possesses his reputation with respect to those who are ignorant of his crime.⁷⁰

It is said 2. the Sacrament is to be denied; under this name not only the Most Holy Eucharist is to be understood, but also the other Sacraments, even though the priest is their simple dispenser. Penance alone is excepted, which, since it was instituted for sinners, is never to be denied to anyone, unless perhaps a special prohibition has been made, for example on account of reserved censures, or because the penitent must first make satisfaction or furnish a guarantee of making satisfaction.⁷¹

It is said 3. unless he has given sufficient signs of conversion. For whenever the crime is certain and notorious, the penitence likewise ought to be certain and notorious. But a sufficient indication of conversion is had if a sinner who is not living in habitual scandal makes confession publicly or before several, so that the penitence is shortly to be manifested. It is otherwise if there were a notorious occasion first to be left, or if some retraction to be made beforehand were pressing.⁷²

1428. Let it be noted: 1. Among those who are to be kept from Communion as publicly unworthy are enumerated in the Roman Ritual: excommunicated persons who are notorious, those interdicted, and those manifestly infamous, as prostitutes, concubinarians, usurers, at least those who are public by law or condemned by sentence of a judge, magicians,

⁶⁸Book VI, 43.

⁶⁹Book VI, 50; cf. Lugo, *De Sacram.*, disp. 8, sect. 10-14.

⁷⁰Book VI, 44, 45.

⁷¹Scavini, III, n. 40.

⁷²Book VI, 47.

sorcerers, among whom are fortune-tellers, blasphemers, for example those who are accustomed by writings or words to assail religion and the Church with calumnies, and other public sinners of this kind,⁷³ as are

public customary sinners, those notoriously enrolled in condemned sects, actors and actresses exhibiting impious or shameful plays, those rebelling against the legitimate authority of their prelates, etc. To these, moreover, must be added, as is clear, those who are publicly and actually in sin, for example those manifestly here and now drunk, or women so immodestly uncovered that the uncovering is per se mortal.

2. "The Sacraments, if they are to be publicly denied, must be denied in a prudent manner. Whence all things must be avoided by the minister by which either he himself would become liable to the laws punishing defamation, or a greater impediment would be put in the way of the conversion of the unworthy person. Therefore the motives of the denial are not to be publicly explained; wherefore, if the unworthy person approaches the sacred Table with others, the priest should pass him by in such a way that he reveals nothing either by words or by nod. But if during Mass he alone approaches, let the priest remain at the altar, and through another let him inform him that he cannot offer him the sacred banquet, yet without saying why he cannot."⁷⁴

With respect to the dying in particular, see n. 1854 in the Treatise on Penance.

1429. Questions. Q. 1. What is to be done IN DOUBT concerning the crime or concerning penitence?

Resp. Distinguish. 1. If the crime is certain and penitence doubtful, the Sacrament certainly is to be denied until penitence is established, because infamy possesses. 2. If there is doubt concerning the crime, the Sacrament cannot be denied, except in the case in which a positive sign of the fitness of the one asking would be required, as was said (n. 1424).

There is excepted: 1. The Sacrament of ORDER, from which an unworthy cleric, even though hidden, must altogether be kept; because he who thrusts himself into public offices for which he is not fit is to be repelled even with infamy, if it cannot be done otherwise, on account of the public good. Thus from Trent (sess. 14, cap. 1, *de Ref.*).⁷⁵ Nor is the Bishop obliged to manifest the cause of the rejection; nor does appeal belong to the one rejected, but only recourse to the Holy See⁷⁶ (see n. 1916, q. 2).

2. MATRIMONY, at which the pastor is prohibited from assisting, for example if outside Confession he has known some impediment, as will be said in its place. Yet he can be excused, even though the contracting parties are publicly unworthy, if he assists in order to avoid death or grave evils of the community, or of the contracting parties themselves, for example lest they themselves persevere in sin, e.g. in civil marriage.⁷⁷

Q. 2. Whether fear of DEATH or INFAMY can excuse a minister if he confers a Sacrament on the unworthy?

Resp. 1. "The first opinion affirms, provided the Sacrament is not demanded in hatred of the faith, or in contempt of religion. The reason is that, if the infamy of a sinner publicly asking for a Sacrament excuses such ministration and repairs the irreverence toward the Sacrament, why ought not death or infamy to be undergone by the minister excuse him?"⁷⁸

2. But the second opinion, to which St. Alphonsus adheres, denies; because the adequate reason on account of which the Sacrament is not to be denied to a hidden sinner is not that his reputation be preserved for him, but especially, except in the case of Matrimony, that "grave inconveniences be avoided which would follow from it, namely scandals of others, by which, if a priest could publicly deny Communion on account of a hidden crime, perhaps even the good would be deterred from the reception of Communion, fearing lest because of hatred or imprudence they might be cast away by the priest, etc. But these inconveniences and scandals certainly do not intervene in a minister who would be forced by fear to minister a Sacrament to an unworthy person; indeed it would be an edification to the people if, in order to preserve reverence for the Sacrament, he exposed himself to the danger of death."

Q. 3. Whether it is licit to SIMULATE or DISSIMULATE a Sacrament, lest it be conferred on the unworthy?

Note beforehand. 1. SIMULATION of a Sacrament is had when the minister places its matter and form, or the form alone, without the internal intention of making the Sacrament. It is distinguished into formal and material. Formal is that by which the deception of another is directly intended; material is that by which the deception of another is only permitted.

⁷³Konings, n. 1233.

⁷⁴Konings, n. 1233.

⁷⁵Book VI, 50.

⁷⁶Ibid., 52.

⁷⁷Ibid., 54.

⁷⁸Ibid., 49; cf. 1 *Elench. qq. ref.*, n. 63.

2. DISSIMULATION of a Sacrament is said to be had when the fiction or defect is so exterior that it can be known of itself: as, for example, if the matter or form of the Sacrament is not placed, but in its place something else is substituted, so that something other than a Sacrament is done.

Resp. 1. It is never licit, not even materially, to SIMULATE a Sacrament. The reason is that every simulation inflicts a grave injury on the Author of the Sacraments, by abusing sacred things instituted by Him. Hence Innocent XI proscribed this proposition: "Urgent grave fear is a cause for simulating the administration of a Sacrament." Say the same concerning reception, because the same reason applies.

Resp. 2. It is licit, for cause, to DISSIMULATE a Sacrament, provided this is done apart from contempt, scandal, intention of deceiving, or another evil circumstance. The reason is that then neither is sacrilege committed, since the sacred sign instituted by Christ is absent, nor a lie, since deception of neighbor is neither intended nor necessarily had; only the truth is hidden, which, when a just cause accedes, all with St. Thomas permit⁷⁹ (cf. n. 1181).

1430. From these things you resolve: 1. It is never licit to utter the words of absolution over one indisposed, or the words of consecration over bread without the intention of consecrating, or to omit the consecration during the celebration of Mass. Nor similarly is it licit to give to one approaching the sacred Table, even one knowing and consenting, a host not consecrated in place of a consecrated one. The reason is that in this case, "although indeed a Sacrament is not simulated, which is not there, nevertheless bread is exposed to the adoration of those standing by and of the recipient himself, who, just as he would sin externally by adoring an idol, even from fear of death, so also would sin externally by adoring an unconsecrated host; and he would sin more gravely than if he communicated unworthily."

2. It is licit for a confessor to pray over one indisposed and to impart a blessing to him, lest his indisposition be disclosed to the others; for this is not an abuse of a sacred thing, since no sacramental thing is placed; nor a lie, because either of itself or from the circumstances the action can be explained, and only for a grave cause is the error of others permitted. Likewise, one can, without simulation, approach the confessional, kneel, and speak about a matter. Likewise, in the case in which someone cannot dispose himself for Communion, it is licit for him, to avoid infamy or scandal, to agree with the priest that the latter only pronounce over him the words: *Corpus D. N. J. C.*, etc., without giving a host; because then a Sacrament is not simulated.

Finally, neither is it illicit for spouses, on account of grave fear, for example of infamy or scandal, to simulate the external celebration of Matrimony; for where voluntary consent is lacking, there the matter and form of the Sacrament are lacking; whence indeed the contract is simulated, but the Sacrament is not simulated.⁸⁰

Note. On the OBLIGATION which a pastor has of ministering the Sacraments, it will be said in the Treatise on the Clerical State (n. 2271). See what has already been said, nn. 485 sqq. and 491 sqq., with respect to the obligation of charity by which other priests are bound.

Chapter III

On the Subject of the Sacraments

1431. The SUBJECT of a Sacrament is he who receives the Sacrament and is capable of the effect of the Sacrament.

That only man as wayfarer is the subject of a Sacrament is established both from Sacred Scripture and from the perpetual tradition of the Church; for he alone is capable of first grace or of its increase. Yet not every man as wayfarer is capable of all Sacraments. Thus infants are incapable of Penance and Matrimony; women, of Order; the healthy, of Extreme Unction.⁸¹

In this chapter we must treat: 1. of the requisites for valid reception of a Sacrament; 2. of the requisites for licit reception.

Article I

On the Requisites for Valid Reception of a Sacrament

1432. Principles. I. For VALID reception of the Sacraments there is not required faith, nor probity in the subject, if you except Penance. This is established from the practice of the Church, which never permitted heretics or wicked men,

⁷⁹Book VI, 59.

⁸⁰Book VI, 59-62; *Exam. Ordin.*, 16-17.

⁸¹Book VI, 79.

rightly baptized or ordained, to be baptized or ordained again. A fortiori, ATTENTION is not required, which is not even demanded in the minister.

1433. II. In every recipient, BAPTISM is prerequisite for the validity of the other Sacraments: “The reason is that the Sacraments were instituted for the Church alone, and men become of the body of the Church through Baptism alone, as Eugene IV defined in the Decree of Faith to the Armenians.”

Hence: 1. If the Eucharist were ministered to a Jew or pagan, he would indeed receive the Body of Christ, but only materially, as the pyx receives it. 2. The marriage of unbelievers, even if it were made according to the rite of the Church, would always be a mere contract.⁸²

1434. III. In ADULTS, for valid reception of the Sacraments, INTENTION is required, yet diverse according to the diverse nature of the Sacraments. The reason is that God, in His present providence of things, does not will adults to be justified or sanctified without their will and consent; and therefore He has established that the means of salvation be applied only to those willing. Whence Innocent III says: “But he who never consents, but wholly contradicts, receives neither the thing nor the character of the Sacrament.”⁸³ Therefore one who has himself merely passively, neither willing nor dissenting, and a fortiori one who resists, or one who intends to make a game, does not perceive the Sacrament.

We have said, intention is required, yet diverse according to the diverse nature of the Sacraments. The reason is that some Sacraments require one cooperation from the recipients, others another. For: 1. Some, as PENANCE and MATRIMONY, are not made except by the acts themselves of the subject, which have themselves as matter or form, and therefore for the validity of these Sacraments there is required in the recipient, as in the minister, at least a virtual intention.

2. Others, as BAPTISM and ORDER, have this proper to themselves, that they impose on the recipients obligations of a new state. But since it is in no way equitable that such obligations be imposed on an adult without his positive consent, it follows that for reception of each Sacrament there is required an intention at least habitual, that is, an intention already had and not retracted. The assertion is confirmed by the practice of the Church; for on the one hand it is prohibited in the Roman Ritual that an adult who has fallen into madness or into a sudden illness be baptized, unless before, when he was in possession of himself, he had desired Baptism; and on the other hand the Church never reiterates the Sacraments of Baptism and Order for those who received them from a will previously had.⁸⁴
3. Finally others, as CONFIRMATION, the EUCHARIST, EXTREME UNCTION, require for themselves only this, that the subject be capable of the sacramental operation, which is a benefit of God from the work worked. Whence, that they be validly received, an interpretative intention suffices, namely that which the recipient indeed never had, but probably would have had, if he were in possession of himself. Specifically concerning Extreme Unction the Roman Ritual has this: “This Sacrament is to be given to those destitute of their senses, who previously asked for it, or who would probably have asked for it.” The same is also commonly admitted concerning Confirmation and the Holy Eucharist, with Lugo, Sporer, etc.⁸⁵ Yet take notice that it is illicit, outside danger of death or perpetual madness, to confer Sacraments on adults while they do not enjoy the actual use of reason.

1435. IV. In INFANTS, and the perpetually insane, for VALID reception of the Sacraments of which they are capable, namely Baptism, Confirmation, the Eucharist, and Order, no disposition or intention is required. This is established from the practice of the Church and the common opinion. The reason is that infants are not justified or sanctified through an act of their own will, of which indeed they are incapable, but through the will of another; whence Christ and the Church are judged to supply their intention, just as in civil matters a tutor supplies for a ward.⁸⁶

Article II

On the Requisites for Licit Reception of a Sacrament

In infants and the perpetually insane, that no disposition is required in order that they usefully receive the Sacraments of which they are capable is the common opinion. But in adults, besides those things which are required for valid reception, several other things are required for licit reception of a Sacrament. Hold the following:

⁸²Book VI, 79.

⁸³Cap. *Majores*, v. fin., *de Baptismo*.

⁸⁴Book VI, 82; *Exam. Ordin.*, 19.

⁸⁵Book VI, 82.

⁸⁶*Ibid.*, 80.

1436. Principles. I. For licitly and fruitfully receiving the Sacraments OF THE DEAD, namely Baptism and Penance, there are required in adults acts of FAITH, HOPE, at least virtual, and sorrow for sins, which must at least be ATTRITION. This is established from Trent, sess. 14, cap. 1, where the dispositions necessary for justification are set forth at length. Yet sorrow in one to be baptized ought to concern actual sins, not original sin; because no one repents of the deed of another.⁸⁷

1437. II. For licitly and fruitfully receiving the Sacraments OF THE LIVING, by divine law the preexisting STATE OF GRACE is required. The reason is that the Sacraments of the living were instituted primarily for increasing sanctifying grace; therefore, speaking per se, they already presuppose

it present in the subject, although per accidens they can generate it (cf. n. 1395).

Hence: 1. He who knowingly receives a Sacrament of the living in the state of mortal sin sins gravely; and indeed more gravely than the minister who makes or ministers it, because he not only handles it unworthily, but also renders it useless, and thus impiously mocks Christ the Lord, the Author of the Sacraments. 2. He who is conscious to himself of grave fault is held to confess before he receives the Eucharist, as Trent commands.⁸⁸ If the matter concerns the other Sacraments of the living, he is held to be contrite;⁸⁹ whether he is also held to confess is denied more commonly and more probably (cf. nn. 1500 and 1684, 2).

1438. III. Besides the said conditions, the reverence owed to the Sacrament requires actual DEVOTION; the greater this is, the more abundant are the fruits perceived from the Sacrament. This is established from Trent, sess. 6, cap. 7. The reason of the first part is clear of itself. The reason of the second is that, although the Sacraments confer grace from the work worked, nevertheless divine wisdom, which in all things and through all things strives to promote the good will of man, has so instituted the Sacraments that, according to the greater disposition of the subject, a more abundant supply of graces is conferred. "Thus from the same fire," says the Angelic Doctor, "he receives more heat who approaches it more, although the fire, as far as concerns itself, pours forth its heat equally to all"⁹⁰ (cf. n. 534).

Hence it follows that in practice one must not admit the opinion which makes licit the RECEPTION of the Sacraments with a probable opinion; because such an opinion, although speculatively it is not destitute of some foundation, "almost never will be able to be brought down into practice by recipients without detriment to their own soul."⁹¹

Moreover, there are also other CONDITIONS, from the law of the Church, to be fulfilled in reception of the Sacraments; these we shall explain when we have come to the individual Sacraments. Meanwhile:

1439. It is asked: Whether it is licit for a faithful person to RECEIVE or ASK for Sacraments from an unworthy minister?

Resp. 1. When the minister is unworthy ON ACCOUNT OF SOME CENSURE or INABILITY, it is licit to ask Sacraments from him, even without grave cause, if he is tolerated; because the Council of Constance absolutely conceded to the faithful communication with tolerated persons. But if he is not tolerated, but one to be avoided, or is a heretic or schismatic, then only in extreme or very grave necessity is it licit to receive from him Penance or Baptism; probably also the Eucharist and Extreme Unction, namely in the case in which the sick person cannot receive the other Sacraments, provided scandal or suspicion of communication with intruded ministers or heretics is avoided.⁹² And these things indeed are from the law of the Church concerning censures (cf. n. 1292, 2 and 1327, Question). With respect to natural law, attend to the following RULE:

2. If the minister is certainly unworthy ON ACCOUNT OF MORTAL SIN, it is not licit, without grave cause, to ask Sacraments from him. The reason is that from the law of charity we are held to impede the sin of neighbor, when we can impede it without grave inconvenience. And this holds, even if the one ministering is the pastor, or is otherwise already prepared; because even external sin must be impeded. "Only," says St. Alphonsus, "would I except him who would receive the Eucharist from an unworthy priest who was actually ministering it to others, according to the opinion ... that it is only one sin to minister the Eucharist to several." We have said, without grave cause, namely of necessity or notable utility: when this stands, it is licit to ask Sacraments from an evil minister, because cooperation with his sin is merely material (cf. n. 519).

"Hence the doctors say that Sacraments are LICITLY received from a sinner minister: 1. if the precept of confession or communion presses; 2. if from delay of reception danger of a fall is imminent; 3. if you must fulfill the precept of hearing

⁸⁷Ibid., 86.

⁸⁸Book VI, 86.

⁸⁹Ibid., 34.

⁹⁰3, q. 69, a. 8.

⁹¹Book I, 51.

⁹²Book VI, 88; cf. VII, 339 and II, 79; cf. also 2 *Elench. qq. ref.*, n. 19.

Mass; 4. if otherwise you must remain for a long time in mortal sin, and you cannot, indeed if you do not wish to, approach another confessor, nor wait an hour, because to be liberated from sin as soon as possible is not a small utility; 5. if you must be without Communion, at least for a long time, or without the fruit of confession, even if you do not have mortal sin; 6. if otherwise you cannot gain a jubilee; 7. if you need a skilled director and do not have another, provided, adds Sporer, you would have to wait a long time for another; 8. if you wish to apply Mass for a deceased friend.”⁹³

What, YOU WILL ASK, in doubt whether the minister is unworthy?

Resp. 1. Any minister is presumed worthy, unless the contrary is established. Hence, probably, you can ask a Sacrament even from him whom you know to have sinned a little before, because he is to be presumed to have already disposed himself, at least by contrition. 2. A minister is judged unworthy if he is a customary sinner, or if he is voluntarily living in a proximate occasion of sin. Likewise, if after sin he has not confessed beforehand, before the celebration of Mass.⁹⁴

Chapter IV

On Sacramentals

1440. DEFINITION. Sacramentals are ecclesiastical ceremonies, or external acts of religion accommodated to worshiping God.⁹⁵

DIVISION. Sacramentals are reduced to four species, which are: 1. Rites and ceremonies which the Church uses in the administration of the Sacraments. 2. Blessings and exorcisms, outside the dispensation of the Sacraments. 3. Sacred things to which, either from divine institution, as to the Most Holy Name of Jesus and the sign of the cross, or from the blessing of the Church, as to lustral water, some salutary power is annexed. 4. Certain pious exercises, as prayer in a dedicated church, the Lord’s Prayer, especially recited in the name of the Church, striking of the breast, the *Confiteor*, alms prescribed by the Church.⁹⁶

The principal Sacramentals are customarily expressed by this verse:

Praying, sprinkled, eating, confessed, giving, blessing.

1. On the Power and Efficacy of Sacramentals 1441. I. “Sacramentals have some EFFECTS, yet not infallible, of which those using them piously and duly are made participants. The first is the excitation of pious movements through prevenient graces. The second is remission of venial sins, by means of movements of this kind, penance expressed or implicit. The third is remission of temporal punishment due to sins. The fourth is the putting to flight or repression of the devil. The fifth is bodily health, or a similar temporal benefit.”⁹⁷

What particular effect, in the temporal order, this or that Sacramental can especially produce is to be gathered from the institution of each, from the manner and prayers of the Church by which they are made; for individual Sacramentals have not been instituted for the same singular end, although all tend to divine worship and to our progress.⁹⁸

1442. II. “Sacramentals cause these effects, not from the work worked, but FROM THE WORK OF THE WORKER: namely by the prayer of the Church impetrating them; also by the prayer of the faithful piously using Sacramentals, for example the sign of the cross, blessed water.”⁹⁹ “Hence, after the taking of blessed water, etc., it is advised to all the faithful to excite themselves to an act of sorrow or of love.”¹⁰⁰

2. On Exorcisms and Blessings The principal place among Sacramentals is held by Exorcisms and liturgical Blessings.

1443. I. EXORCISMS, from the common opinion of the doctors, have this special property, that they infallibly expel or at least repress demons quasi from the work worked, on account of the peculiar power, conceded by Christ the Lord to the Church, of commanding demons. Recall what was said, n. 622.

⁹³Book VI, 89.

⁹⁴Ibid., end.

⁹⁵Cf. Cavalieri, tom. IV, cap. 11-15 and cap. 23-28.

⁹⁶Book VI, 90.

⁹⁷Polman, 3, p. n. 197; cf. Suarez, in 3 P., disp. 15, q. 65, sect. 5.

⁹⁸Book VI, 93.

⁹⁹Polman, loc. cit.

¹⁰⁰Book VI, 92.

1444. II. LITURGICAL BLESSINGS are rites which, in the name of the Church, are performed by sacred ministers, and thus they differ from blessings which are given in a private name by laymen, for example by parents to children. They are DIVIDED in various ways:¹⁰¹

1. By reason of effects, they are constitutive or invocative. 1. CONSTITUTIVE or consecratory blessings are those by which either persons or things are deputed to divine worship, or are permanently constituted in a sacred and religious being; they are called permanent Sacramentals, because they imitate the Sacraments which imprint a character. Of this kind are: 1. with respect to PERSONS, first tonsure, the consecration of an Abbot, Abbess, nun, etc.; 2. with respect to THINGS, the blessing of a church, oratory, cemetery, chalice, paten, chrism, sacred oils, salt for baptism, vestments for the Sacrifice, altar, wax lamb, etc. 2. INVOCATIVE blessings are those by which the kindness of God is invoked, that He may bestow something good on persons or things to be blessed; they are called passing Sacramentals, because the things so blessed do not change their state, or do not become strictly sacred, and therefore can be turned to profane uses, provided these are honorable.

Of this kind are the blessing of the Supreme Pontiff, of a Bishop, and of a presbyter in Mass, and much more the Blessing with the Most Holy Sacrament, the nuptial blessing, the blessing of a woman after childbirth, etc.; likewise the blessing of houses, fields, produce, foodstuffs, etc.

2. By reason of rite, some are REAL, in which an anointing is employed; others VERBAL, which are perfected by words alone. Likewise, some are solemn, others simple, according as they are done with greater pomp or without preparation.
3. By reason of minister, some are PAPAL, as the blessing of the Pallium, wax lamb, golden rose, and prince's sword; others EPISCOPAL or PRIESTLY, concerning which fuller things must be said.

A) To BISHOPS belong: 1. Real blessings, as of a chalice, altar, bell; likewise the blessing of chrism itself and of the sacred oils. These are found only in the Pontifical, and are so proper to Bishops that without a Pontifical Indult they cannot be delegated to presbyters. Whence things which have been blessed without an Indult of this kind ought before use to be blessed anew, if it can be done without scandal (S. R. C., decree of September 22, 1703, ad 3).¹⁰² 2. Blessings which are found in the Missal and Ritual under the title: Blessings to be done by Bishops, or by others having faculty, namely: the blessing of priestly garments, cloths and corporals, the tabernacle, that is, the pyx and lunette; likewise of a cross or images if it is done solemnly with concurrence of the people; then: the blessing and reconciliation of a church not yet consecrated, of a public oratory, or cemetery, or of the primary stone. In these, from the Ritual itself, and in those, from the Holy See by indult, Bishops receive the faculty of delegating. Yet the blessing of a cross can be done by permission of the Bishop.¹⁰³

B) To PRIESTS, without delegation, belong all blessings which are contained in the Missal and Ritual, from the blessing of water up to the blessings to be done by Bishops, or by others having faculty. Yet not a few of them are by right of the pastor, and are noted in the Ritual as to be done by the Pastor, or by another priest, understand, by permission of the pastor, according to the common interpretation. Of this kind are the blessing of nuptials, the blessing of the baptismal font, the blessing of houses on Holy Saturday, the common blessing over produce, and the blessing of fields, at least if it is done solemnly; likewise the blessing of women after childbirth, to which only women who have given birth in legitimate marriage have a right,¹⁰⁴ where custom or synodal statutes so dispose.¹⁰⁵

1445. It is asked: With what rite are blessings to be done?

Resp. "Blessings which by precept or publicly in churches or in public oratories before the people gathered for this are done, outside Mass are to be given with surplice and stole according to the nature of the time, standing and with head uncovered, with hands joined, with a minister carrying the vessel of blessed water and the sprinkler, and with the formula prescribed in the Missal or Roman Ritual, or approved by the Sacred Congregation of Rites. For blessing those things for which no special blessing is had, the blessing *ad omnia* can be used; or the sign of the cross is to be made over the thing to be blessed, with the formula: 'In the name of the Father, etc.' Then the thing itself is to be sprinkled with blessed water.

"If the cross has the image of the Crucified, the blessing for images is to be used. If the blessing is done at the altar, all things are recited on the Epistle side, and the priest uses a cope. The things to be blessed, if they are priestly vestments,

¹⁰¹ Cf. Quarti, *De sacris Bened.*; and Ferraris, verb. *Benedictio*.

¹⁰² Gardellini, n. 3663.

¹⁰³ Gardellini, n. 764.

¹⁰⁴ S. C. Conc., June 18, 1859.

¹⁰⁵ Konings, n. 1247-D.

can be placed upon the altar; otherwise, if they are candles and other things of this sort, they are to be placed upon a table before the altar, or on the Epistle side.”¹⁰⁶

3. On the Sign of the Cross and Lustral Water 1446. I. In blessings, in ceremonies, and in our actions we often use the SIGN OF THE CROSS, and most fittingly; for this sign has power: 1. by way of invocation, namely of Christ crucified and His merits; 2. as a work of faith and a profession of the Christian religion; 3. on account of the honor which we give to the cross.[^vol2-0008-fn-1]

II. The use of LUSTRAL OR BLESSED WATER is commended by antiquity; for learned men teach that it flowed from Apostolic tradition and always flourished in the Church. The sprinkling of lustral water is a symbol of interior washing; and, sanctified through the prayers of the Church, it has, from the merits of the same Church, much efficacy for producing salutary effects, and especially for warding off demons. Hence, “the sick are sprinkled with blessed water according to the prescription of the RITUAL, that they may be stronger for repelling the temptations of the demon. The corpses themselves of the dead are sprinkled with prayer, that for the souls of Purgatory the ardor may be mitigated and wholly extinguished.”[^vol2-0008-fn-2]

Note. 1. To blessed water, when a cause accedes, water not blessed can be added, provided the latter is always in a lesser quantity. 2. In time of Interdict the sprinkling of blessed water can be done, provided the people are sprinkled without any solemnity. For obtaining the effects of blessed water, moral contact suffices.[^vol2-0008-fn-3]

¹⁰⁶Konings, n. 1248.

Treatise VII. On the Sacrament of Order

1884. After we have treated of the five Sacraments which are ordered to the spiritual life of the private man, it remains that we discuss the two others which were instituted for the advantage of religious society. - And first we shall discuss ORDER, on which, as the Roman Catechism says, all the other Sacraments so depend "that without it they partly can in no way be confected and administered, and partly would seem to lack solemn ceremony and indeed religious rite and worship."

We shall treat: 1. of the nature of Order; 2. of the Minister; 3. of the Subject of Order; 4. of Irregularities, or of the impediments of receiving Order or of Order received.

Chapter I. On The Nature Of Order

It must be spoken: 1. of the notion of Order; 2. of the effects of this Sacrament; 3. of the matter and form by which it is constituted.

Article I. On The Notion Of Order

1885. I. DEFINITION. Order, generally, is the apt disposition of things among themselves and to some end.

Order, specifically, considered in relation to our scope, is taken in two ways: 1. passively, for a certain grade, or state of men, who by some consecration are deputed to the divine ministry in the Church of Christ; in which respect it is not a Sacrament, but something permanent; 2. actively, for the sacred rite itself through which a man is enrolled into this sort of state and dignity of the divine ministry: in which sense it is something transitory, and is commonly defined: "A certain seal of the Church, by which spiritual power is handed over to the Ordained, in order to the Eucharist..."¹⁰⁷ So defined, Order comprehends also the lower grades or minor Orders, which, more probably, are not instituted by Christ the Lord, but only by the Church.

But more exactly Order, insofar as instituted by Christ the Lord, can be defined: "A Sacrament of the New Law, by which there is handed over the power of consecrating, offering, and ministering the Body and Blood of Christ, and also of remitting sins, or of serving the priest from office."

From Trent, sess. 13, cap. 1 and 2.

1886. II. DISTINCTION OF ORDERS. It is of faith that there are MANY Orders in the Church, as Trent defines, sess. 23, can. 2: "If anyone shall say that, besides the priesthood, there are not in the Catholic Church other Orders, both major and minor, through which, as through certain grades, one tends to the priesthood: let him be anathema."

SEVEN ORDERS are counted in the Latin Church, namely: four minor ones: Ostiariate, Lectorate, Exorcistate, and Acolythate; three major ones: Subdiaconate, Diaconate, Priesthood or Presbyterate. The three latter are also called sacred, both because they immediately concur in confecting or ministering the Eucharist, and chiefly because they have annexed the obligation of perpetual chastity, by which the Ordained are consecrated to God.¹⁰⁸

The distinction of Orders, according to D. Thomas,¹⁰⁹ is taken according to relation to the EUCHARIST, insofar as it is confected, distributed, and received. - Hence, either the matter is of consecrating the Eucharist, and for this the Priesthood is given; or of distributing it, and in this the Deacon cooperates with the priest; or in preparing the sacred vessels, that the matter may be received in them, which pertains to the Subdeacon; or of presenting the matter itself, and this pertains to the Acolyte. - But as regards the recipients, these ought to be clean: therefore the unclean are to be kept away. Of these there is a THREEFOLD genus: some are those who do not wish to receive the Faith, as Infidels, to whom the church is to be closed, and this pertains to the Doorkeepers; others, who indeed have received the faith, but are not yet sufficiently instructed, such as Catechumens, and to these Lectors are given; others, who indeed sufficiently abound in doctrine, but are detained by the demon, as Energumens, and to these Exorcists are deputed.

Tonsure and Episcopate do not hinder the sevenfold number of Orders. - For Tonsure is not an Order, but a disposition to Orders, as is clear from Trent, sess. 23, cap. 2. But Episcopate is the complement of Presbyterate, since Priesthood is subdivided into Presbyterate and Episcopate.¹¹⁰

¹⁰⁷Book VI, 735; *Exam. Ord.*, n. 25.

¹⁰⁸*Exam. Ord.*, n. 27.

¹⁰⁹*Suppl.*, q. 37, a. 2.

¹¹⁰Cf. Panzuti, *De Ord.*, n. 345.

1887. III. TRUTH OF THE SACRAMENT. Order, or sacred Ordination, is a true and properly so-called SACRAMENT of the New Law. For it has the three things which constitute a Sacrament, namely: 1. a sensible sign through the imposition of hands with the words joined to it, from Acts of the Apostles, c. 6, 6: "And praying, they imposed hands upon them"; 2. the promise of grace, from 1 Tim. 4, 14: "Do not neglect the grace... which was given to you with the imposition of the hands of the presbytery"; 3. the institution of Christ, from Eph. 4, 11: "He gave some... Apostles... and others pastors and doctors... unto the work of ministry"; and from Luke 22, 19: "Do this in commemoration of me": by which words the priesthood was openly instituted. It is confirmed from Trent, sess. 23, can. 3: "If anyone shall say that Order or sacred Ordination is not truly and properly a Sacrament instituted by Christ the Lord: let him be anathema."¹¹¹

1888. Questions. Q. 1. Whether the individual seven Orders are Sacraments?

Resp. 1. It is of faith that the PRESBYTERATE is a Sacrament, because at least concerning it those things are verified which we have said of Order in general, and those words of Trent (sess. 23, can. 4): "If anyone shall say that through sacred Ordination the Holy Spirit is not given, and therefore that the Bishops say in vain: Receive the Holy Spirit, or that through it a character is not imprinted: let him be anathema."

Resp. 2. It is certain, although not of faith, that the DIACONATE is a Sacrament; because in it are found the essentials required for a Sacrament, namely a certain matter, which is the imposition of hands, and a form with the promise of grace, in these words: Receive the Holy Spirit, etc. - It is established besides from Trent, sess. 23, can. 6: "If anyone shall say that in the Catholic Church there is not a hierarchy instituted by divine ordination, which consists of Bishops, Presbyters, and ministers (who are at least deacons): let him be anathema."

Resp. 3. "That the other Orders, namely the SUBDIACONATE and the FOUR MINOR ORDERS, are still Sacraments, is sufficiently probable, from D. Thomas, since to each Order a matter and form seem to have been assigned.... Nevertheless, it is more probable that they are not Sacraments; because in them matter is lacking, namely the imposition of hands, which (as we shall soon say) is more probably the sole matter of Order; and the form is also lacking which expresses the production of grace, since in the conferral of the aforesaid Orders no mention is made of grace, but only of the power which is handed over."¹¹² Add to these things that in the Greek Church the minor Orders are not found, except the Lectorate. - And hence it follows that those who are promoted to Orders lower than the diaconate with consciousness of mortal sin cannot be condemned of certain sacrilege. Make an exception as regards the Eucharist, which they receive in the Ordination itself.

Q. 2. Whether the EPISCOPATE is a Sacrament distinct from the Presbyterate?

Resp. 1. It is of faith that the Episcopate was instituted by Christ the Lord, and that through it Bishops are made, by divine right, superiors to presbyters: as is established from Trent, sess. 23, can. 6 and 7. - 2. Yet it is not of faith that it is a Sacrament distinct from the Presbyterate; for D. Thomas and not a few others deny this, who teach that the Episcopate is an extension or complement of the presbyterate: led, namely, by this reason, that through the Episcopate no broader and more sublime power of consecrating and offering is conferred. Hence, they say, it is not required that a new character be imprinted, but it is sufficient that the character of priesthood be perfected and extended to other offices: almost in the way in which, in the Ordination of a presbyter, the sacerdotal power through the final imposition of hands is extended to the power of remitting and retaining sins. But very more probably and most commonly, others teach with Bellarmine that the Episcopate is a Sacrament distinct from the Presbyterate, and that in it a special character is imprinted; both because it is conferred through the imposition of hands and through the form: Receive the Holy Spirit; and especially because through it a special power is handed over, not only as regards various sacred functions, but also as regards the Eucharist itself, namely the power of constituting the ministers of this Sacrament.¹¹³

Q. 3. Whether and how the various Orders constitute only ONE SACRAMENT?

Resp. "They constitute only one Sacrament from unity of end, since the individual Orders are ordered to confecting the one Sacrifice of the Mass; and all (in the opinion of St. Thomas) are supposed to have been instituted by Christ in those words: 'Do this in commemoration of me.' For in the Order of Priesthood the others are either contained eminently, as are the inferior Orders, or consequently with respect to the Episcopate."¹¹⁴

¹¹¹ *Exam. Ord.*, n. 25.

¹¹² *Ibid.*, n. 28.

¹¹³ Book VI, 738; VII, 314, dub. 2.

¹¹⁴ *Exam. Ord.*, n. 28.

Article II. On The Effects Of Order

We shall treat: 1. of the effects of this Sacrament, in general; 2. of the power and offices of the individual Orders, in particular.

§ 1. On The Effects Of Sacred Ordination 1889. I. The effects of Order, AS REGARDS THE ORDAINED HIMSELF, are the following three:¹¹⁵

1. The conferral of GRACE, both habitual and sacramental, according to what was said concerning the Sacraments in general (n. 1394-1396). - This grace, whose excellence is to be judged from the sublimity of the ministry,¹¹⁶ is imparted only to those who worthily receive the Sacrament.

2. The imprinting of an indelible CHARACTER, on account of which no Order can be repeated. It is established from Trent (sess. 23, can. 4). All who validly receive the Sacrament are marked with this character.

3. The conferral of the POWER of exercising the functions of the Order which is received. - This power is concerned with spiritual things, and first of all with the real body of Christ, or with the Most Holy Eucharist, with some preeminence; and it is conferred on all who validly receive the Sacrament; indeed also on those who are promoted only to the Subdiaconate or to minor Orders, although, more probably, they do not receive a character. Nor are helps of grace lacking to these, granted by reason of the prayers of the Church.

1890. II. The effect of Order, AS REGARDS THE CHURCH, is the permanence in it of the divinely instituted hierarchy. - For thus Trent speaks (sess. 23, can. 6): "If anyone shall say that in the Catholic Church there is not a hierarchy instituted by divine ordination, which consists of Bishops, presbyters, and ministers: let him be anathema." From these words it is openly gathered that the Sacrament of Order (as the Roman Catechism notes) chiefly regards the utility of the Church and its beauty.¹¹⁷

What, you will ask, is the DIFFERENCE between the power of ORDER and the power of JURISDICTION?

Resp. A threefold difference chiefly can be assigned. - The FIRST arises from the manner in which each power is ACQUIRED; for the power of Order is conferred through sacred Ordination; but the power of jurisdiction is transmitted through mission, which is defined: "The legitimate assignment of subjects, or legitimate deputation for exercising a spiritual office." - The SECOND is had from the OBJECT or END of each power: Order, or ministry, sanctifies men through rites; but the power of jurisdiction rules and directs them through magisterium and discipline. - The THIRD difference is taken from the manner in which each power INHERES IN THE SUBJECT: the power of Order inheres immutably; hence Bishops and Priests always and everywhere validly do those things which are duly performed by the force of Order alone; but jurisdiction, since it is conferred from the mission of the Church, can be limited or entirely taken away, and therefore acts of jurisdiction can be made null by a Superior. - Add that one power is able to stand without the other, as is clear in a Bishop instituted, who, although not yet consecrated, obtains jurisdiction over his diocese; while a titular Bishop has the power of Order without jurisdiction, at least proper jurisdiction.¹¹⁸

§ 2. On The Power And Offices Of The Individual Orders 1891. I. The Order of EPISCOPATE confers on a presbyter the power of confirming, ordaining, judging concerning the Faith, and consecrating things pertaining to divine worship.

The OFFICES of a Bishop annexed to the power of Order are the following: Administration of Order and Confirmation; likewise consecration of altars and churches, of oil of the sick, of catechumens and chrism, of chalices and patens, of Kings and Queens; veilings of Nuns, and the major or solemn blessing. - The offices annexed to the power of jurisdiction will be briefly explained in Part IV (cf. n. 2250 and following).

1892. II. The Order of PRESBYTERATE confers on a deacon the power of consecrating the Body and Blood of Christ, of remitting and retaining sins, and of feeding subjects by work and doctrine.¹¹⁹ It is established from Trent, l. c., can. 1. - See in what words the Offices of a presbyter are described in the Pontifical: "It belongs to a Priest to offer, to bless, to preside, to preach, to baptize" (see also n. 2266 and following).

¹¹⁵Ibid., n. 31.

¹¹⁶Cf. Selva, cap. 1.

¹¹⁷*De Ordine*, n. 34.

¹¹⁸Book VI, 735; cf. Huguenin, *Expos. Jur. can.*, tom. I, p. 147 (or 4th ed., 1887, n. 235-238); cf. S. Th. 2., q. 39, a. 3.

¹¹⁹Book VI, 735, 7.

1893. III. The Order of **DIACONATE** confers on a subdeacon the power of immediately assisting the priest in solemn Mass, by extending to him the paten with the host, and the chalice with wine, and of chanting the Gospel, and of preaching.¹²⁰ The Diaconate pertains to the divinely instituted hierarchy, as is established from what was said at n. 1888; for under the name of ministers at least deacons are comprehended. Their **OFFICES**, besides those already commemorated, are the following: 1. To baptize solemnly, but only with permission of the pastor and in grave necessity; for a deacon who, without commission, even in a case of necessity, baptizes solemnly, incurs irregularity (cf. n. 1462). - 2. To minister the Eucharist; but neither is this licit to them unless from commission, and in a case of grave necessity: such as if the priest is lacking to the people approaching Communion; otherwise he would be irregular. 3. To carry the pyx or monstrance with the Eucharist. - 4. To wash Corporals, in default of a subdeacon.¹²¹

1894. IV. The Order of **SUBDIACONATE** confers on the ordained the power of serving the deacon in solemn Mass and solemnly chanting the Epistle.

The **OFFICES** of subdeacons, besides the most grave obligation of reciting the divine Office daily and of observing perpetual chastity, can be stated briefly thus: 1. To minister to the deacon at the altar; to prepare wine, bread, linens, etc., for the Sacrifice; to chant the Epistle with the maniple in solemn Mass; to carry the chalice and paten to the altar; to pour water into the chalice; to hold the paten elevated; to carry the peace to the choir. 2. In processions to carry the cross; to wash corporals and purificators: as is prescribed in the Roman Pontifical.¹²²

If a subdeacon is lacking for solemn Mass, Superiors can, if necessity exists, permit that a cleric marked only with minor Orders be substituted for him, to chant the Epistle, but without the maniple (thus from the decree of the S. R. C. on July 5, 1698, ad 18).¹²³ For if he intended to exercise the proper office of a Subdeacon, he would incur irregularity¹²⁴ (cf. n. 1943).

1895. V. The Order of **ACOLYTHATE** confers on a cleric the power of carrying cruets to the altar, and of lighting candlesticks and lights on it. (From the **ROMAN PONTIFICAL**.) - "The **OFFICE** of an Acolyte is to prepare the ampullae of wine and water for the Sacrifice of the Mass, and to extend them to the Subdeacon; to carry candles to the same Sacrifice and to minister to it: whence he is also called candle-bearer."¹²⁵

1896. VI. The Order of **EXORCISTATE** confers on a cleric the power of expelling demons from the possessed, lest they impede them from Communion (FROM THE **ROMAN PONTIFICAL**.) The **OFFICE** of an Exorcist is to impose hands over those vexed by unclean spirits, for adjuring and casting them out; likewise for exorcizing catechumens.¹²⁶ "But in order that an exorcist be able to exorcize solemnly, there is required also the conferral of jurisdiction, or permission of the Bishop. Yet this is not by common law, but by a particular precept of Bishops prohibiting exorcism without their permission. - It was said solemnly, since any one of the faithful can privately command demons, that they not harm, nor impede the faithful from sacred actions"¹²⁷ (cf. n. 622).

1897. VII. The Order of **LECTORATE** confers on a cleric the power of reading the sacred Scriptures in church (From the **ROMAN PONTIFICAL**.) - The **OFFICE** of a Lector is: 1. To chant Lessons and read sacred Scriptures outside Mass (for in Mass it is the office of the Subdeacon); 2. to catechize, or to teach catechumens the rudiments of faith; 3. to bless bread and all new fruits. Thus the **ROMAN PONTIFICAL**.¹²⁸

1898. VIII. The Order of **OSTIARIATE** assigns to a cleric the power of opening, closing, and guarding the church. (From the **ROMAN PONTIFICAL**.) - To his office moreover it belongs to ring bells, to admit the worthy into the church, to expel the unworthy, namely infidels, heretics, and the excommunicated.¹²⁹

1899. IT IS ASKED. What are the effects of **TONSURE**?

Resp. Tonsure, although it is not an Order, nor confers any power, nevertheless by the institution of the Church obtains manifold effects and precious privileges, namely: 1. The tonsured man is transferred to the clerical state. And hence it is why the hairs themselves are cut off, and indeed in the manner of a crown, by which the royal dignity of those who have

¹²⁰ *Exam. Ord.*, n. 90.

¹²¹ *Ibid.*, n. 91.

¹²² Book VI, 805; *Exam. Ord.*, n. 57.

¹²³ Cf. Gardellini, n. 3477.

¹²⁴ *Exam.*, n. 57.

¹²⁵ Book VI, 805.

¹²⁶ *Ibid.*, 805.

¹²⁷ *Exam.*, n. 55.

¹²⁸ Book VI, 805.

¹²⁹ *Exam. Ord.*, n. 53.

been called into the lot of the Lord is splendidly expressed. - 2. Clothed with a surplice, he can intervene in choir for singing the divine Offices. 3. He acquires the privilege of forum, by which he is exempted from the jurisdiction of the lay forum. 4. He also acquires the privilege of the canon, so that those injuriously striking him incur excommunication reserved to the Pope, if the striking is grave; but to the Bishop, if light. 5. The tonsured man becomes capable of an ecclesiastical benefice, provided he has 14 years. 6. He becomes capable of every ecclesiastical jurisdiction, for conferring benefices, bringing censures, and judging spiritual causes. - 7. He becomes proximately apt to receive Orders. For although one not yet tonsured is validly ordained, nevertheless he receives Orders illicitly, and sins gravely against the precept of Trent (sess. 23, cap. 1).¹³⁰

Article III. On The Matter And Form Of Order

Here we shall PRE-NOTE two things: - The first is that the controversy which is moved concerning the form and matter of Order pertains least of all to practice, since in the administration of the Sacraments the safer part must necessarily be chosen. - The other is that the minor Orders and Subdiaconate, which the more probable opinion denies to be Sacraments, on account of a certain analogy with the Sacraments, likewise consist of matter and form. These things having been pre-noted, we say:

1900. I. Of the Orders which more probably are not Sacraments, the REMOTE MATTER is the instruments, but the PROXIMATE matter is the handing over of these instruments; and the FORM is the words which the Bishop pronounces in the handing over of the instruments.¹³¹ Thus commonly. - Hence:

1. A DOORKEEPER is ordained in the handing over of the keys of the church. If several are ordained, it is not required that individuals succeed one another in touching the keys; it suffices that the touch be made by twos or fours jointly, provided it be done with the right hand, at the time when the Bishop pronounces the formula. Thus the S. R. C., March 11, 1820.¹³² But if keys of a Church or Oratory are lacking, the Ordainer can use any key whatsoever. (S. Congr. de Prop. F. to the Apostolic Vicar of Cochinchina, March 23, 1844.)¹³³

2. A LECTOR is ordained by the handing over of the book of prophecies and epistles. If in place of the book of epistles or lectionary a Bible or Breviary were handed over, the Ordination would be not only valid, but also licit; otherwise, if another book were handed over.¹³⁴

3. An EXORCIST is ordained by the handing over of the book of exorcisms.

4. An ACOLYTE is ordained by the handing over of empty ampullae, or at least of one, and of a candlestick with an extinguished candle; because it is his part to prepare the light and the wine and water for Mass. But the character (if any is imprinted) is imprinted in the handing over of the cruets, because in this latter handing over the more principal power is conferred.¹³⁵

5. A SUBDEACON is ordained both by the handing over of an empty chalice with an empty paten placed upon it, and by the handing over of the book of Epistles.

Among the Greeks, the imposition of hands is had for the matter of the subdiaconate; yet they deny that the Sacrament is conferred by that imposition.¹³⁶

1901. II. Of the Orders which are certainly Sacraments, the ESSENTIAL MATTER, according to the more probable opinion, is the imposition of hands alone; but the FORM is the words which accompany the imposition of hands. But the handing over of the instruments is ACCIDENTAL matter, although integral. - This opinion is proved: 1. from those texts of Scripture which commemorate that both deacons and Bishops and presbyters were ordained through the imposition of hands; 2. from the Fourth Council of Carthage, where it is said: "When a deacon is ordained, the Bishop alone shall place his hands over his head"; and from Trent (sess. 14, cap. 3, on Extreme Unction), where it is declared that the ministers of Extreme Unction are priests duly ordained through the imposition of the hands of the presbytery. Add that the handing over of instruments was not introduced before the eighth or ninth century. Therefore, if priests in the first centuries were

¹³⁰ *Exam.*, n. 47, 48.

¹³¹ Book VI, 739.

¹³² Gardellini, n. 4565, ad 7m in Civitaten.

¹³³ *Collect. S. Sed.*, n. 818 (cf. also 816, 817).

¹³⁴ *Exam.*, n. 54.

¹³⁵ *Ibid.*, n. 56; Book VI, 745.

¹³⁶ Book VI, 746; *Exam.*, 57.

validly ordained through the imposition of hands alone, it follows that Ordination essentially consists in the imposition of hands.¹³⁷

Yet neither are the two contrary opinions improbable: of which one teaches that the matter of the diaconate, as also of the inferior Orders, consists in the handing over of the instruments alone, but the form in the accompanying words; while the other opinion contends that both the handing over of the instruments and the imposition of hands are required for the essence of the diaconate, with the corresponding form.¹³⁸

Therefore, FOR PRACTICE, according to the safer opinion which must be held:

1. The MATTER of the Diaconate is both the imposition of the hands of the Bishop over the head of each one of the Ordinands, and the handing over of the book of Gospels; and its FORM is the accompanying words.

2. The MATTER of the Presbyterate likewise is twofold, namely the handing over of the chalice with wine and water, and of the paten with bread placed upon it, and then the imposition of hands. But in the Ordination of presbyters this is threefold: the first, when the Bishop extends both hands over the head of each Ordinand, saying nothing; the second, when together with the presbyters he holds the right hand extended over the Ordinands, pronouncing these words: "Let us pray, most dear brethren, etc."; the third finally, when after Communion he again imposes both hands on the head of each, saying: "Receive the Holy Spirit, etc." Hence it is asked, which of these three impositions is the essential matter? And we respond: It is certain that the first is not essential, since no form corresponds to it. But neither is the third imposition essential, according to the common opinion, both because it was not in use among the Latins through the first twelve centuries, and because it supposes them already consecrated priests, since they have already consecrated the Eucharist with the Bishop.

It remains therefore to be said that the second imposition (which is properly that of the presbytery) is the essential matter.¹³⁹

3. The necessary MATTER of the Episcopate is certainly the imposition of the hands of the consecrating Bishop, to whom two other Bishops assist, or in a case of necessity, two priests, by dispensation of the Apostolic See. - Probably there is also required for validity the imposition of the book of Gospels over the head and shoulders of the Ordinand, with the accompanying words. - Indeed, according to several, there also pertain to the essential rite both the anointing of chrism on the head, and the handing over of the pastoral staff and ring. This must be held in practice, although it is little probable.¹⁴⁰

1902. It is to be noted, says St. Alphonsus, that in conferring sacred Orders there is required: 1. that the matter be handed over by the same Bishop who pronounces the form. But D. Thomas teaches that it is otherwise in the conferral of minor Orders.¹⁴¹ There is required 2. that the chalice and paten which are handed over either to the subdeacon or to the presbyter be consecrated, although many say that this is only of precept.¹⁴² In the Ordination of a presbyter there is required 3. that together with the chalice and paten both species of bread and wine be handed over at the same time, to express the power over the whole Sacrifice.¹⁴³ There is required 4. that the cup of the chalice and the paten be touched at the same time; although it is commonly taught that it is not absolutely required that the host be touched immediately, just as neither is the wine ever touched immediately.¹⁴⁴

Likewise, in the judgment of St. Alphonsus,¹⁴⁵ for complete security physical contact of the instruments is required, and therefore moral contact of them does not suffice. And from this it follows that the Ordination of a priest who touched only the paten or only the chalice is sufficiently doubtful, and that, on account of such doubt, it must be repeated under condition.¹⁴⁶ Yet mediated contact suffices, namely if the chalice or the book is touched by means of some veil or glove: for he who thus touches, in the sense of all, is truly said to touch.¹⁴⁷

As regards the UNION of form and matter, the Holy Doctor furthermore notes that it is not required that the contact of

¹³⁷Cf. Book VI, 12 and 741; *H. A.*, XVII, 16.

¹³⁸Book VI, 748.

¹³⁹Book VI, 749; *H. A.*, XVII, 16; cf. 1 *Elench. qq. ref.*, n. 65.

¹⁴⁰Book VI, 755; cf. Panzuti, *De Ord.*, L. 6, n. 350.

¹⁴¹Book VI, 744; cf. Craisson, n. 3969.

¹⁴²Book VI, 747.

¹⁴³*Ibid.*, 750.

¹⁴⁴*Ibid.*, 752.

¹⁴⁵*Ibid.*, 743.

¹⁴⁶Cf. Decision of the S. C. C., May 28, 1796 (*Thesaur. Resol.*, tom. 65, p. 10); cf. also *Vindic. Alph.*, p. IV, q. 3.

¹⁴⁷Book VI, 743, fin.

the instruments be made from the beginning of the pronouncing of the form even to the end; but that it suffices if it is made before the form is terminated, or after it has been begun.¹⁴⁸

1903. IT IS ASKED. Whether, how, and at what time defects committed in Ordination are to be SUPPLIED?

Resp. 1. GRAVE defects, certainly or probably committed, are to be supplied. Indeed, anxiety alone, arisen from a positive doubt, is a sufficient cause for repeating under condition the Ordination of a deacon, presbyter, and Bishop. - But empty doubts or true scruples are to be despised: for Bishops and other officials so watch over sacred Ordination, that moral certitude concerning its validity is always had, unless something positive stands in the contrary.¹⁴⁹

2. As regards the MANNER of correcting errors, one must distinguish: - "If the defect is concerning the essentials, namely concerning the matter and form, the Ordination must altogether be repeated; and indeed the whole, if the defect, or doubt concerning it, is concerned with the handing over of the first power over the real body of Christ; but if it is concerned with the second power concerning the mystical body, only the second must be repeated. But if the defect is concerning accidentals, then, if it is of a light thing, for instance if the Ordained did not say the Canon, such a ceremony or a similar one need not be repeated; but if in a grave thing, for example if the anointing of hands was lacking, or if the new priest did not pronounce the words (i.e., the whole form) of consecration with the Bishop, then the defect must be supplied as soon as possible, and by the same Bishop, if it can be done; otherwise the Ordained would sin gravely by neglecting this, or by ministering in the Order."¹⁵⁰ Yet a hidden defect is to be supplied secretly, to avoid scandal and the disturbance of others.

3. As regards the TIME in which defects are to be supplied, the Holy Doctor has these things:¹⁵¹ "If they are defects concerning accidentals, they can probably be supplied at any time. But if concerning essentials, the Salmanticenses say the same with others; but from the more probable and more common opinion, they are to be supplied at the stated times of Ordinations, as is gathered from cap. *Presbyter, de Sacr. non iterand.*; unless the matter concerns only a doubt of the validity of the Ordination, as several Doctors probably opine." Thus, for example, from the Response of the Congregation of the Holy Office, August 19, 1851, if bodily touch of the instruments was lacking in the Ordination of a deacon, it must be supplied; but it can be supplied "privately and secretly in the action of Mass, and even outside the times of general Ordination."¹⁵²

Moreover, this also is to be noted, that those things which depend on the institution of the Church, for example in the conferral of tonsure or of minor Orders, can likewise be supplied by the will of the Church.¹⁵³

Chapter II. On The Minister Of Order

In the minister some things are required that he confer Orders VALIDLY; others, that he confer them LICITLY.

Article I. On The Requisites In The Minister That He Ordain Validly

1904. Besides intention (concerning which in the Treatise on the Sacraments in general, n. 1412), conceded power is required in the minister of sacred Ordination. Wherefore these things are established.

Principles. I. A consecrated Bishop is the ORDINARY minister of the Sacrament of Order. It is of faith, and is established both from the Decree of Eugenius IV to the Armenians and from Trent (sess. 23, can. 7), and from the constant tradition of the Church. Nor does it hinder the validity of Ordination that the Bishop is heretical, degraded, simoniacal, censured, or irregular; provided all substantial things are observed.¹⁵⁴

Hence "Ordinations of the Lutherans are had as null, on account of defect both of character in the one ordaining, and of the form instituted by Christ. Thus likewise Anglican Ordinations are certainly doubtful, indeed far more probably invalid. Otherwise one must hold both concerning Greek schismatics, and concerning the Jansenists in Holland."¹⁵⁵

¹⁴⁸*Exam. Ord.*, n. 29.

¹⁴⁹Cf. Book VI, 757.

¹⁵⁰*Exam. Ord.*, n. 94; cf. Book VI, 758.

¹⁵¹*Exam.*, *ibid.*, 94.

¹⁵²*Collect. S. Sed.*, n. 824.

¹⁵³Cf. Lehmkuhl, II, n. 586; Gardellini, n. 5054, where there is an example of sanation.

¹⁵⁴Book VI, 761.

¹⁵⁵Haine, *De Ord.*, q. 8.

1905. II. A simple priest can, as EXTRAORDINARY minister, confer by commission of the Supreme Pontiff tonsure and the four minor Orders. - It is established both from various Councils, and from privileges conceded by law or by the Holy See.¹⁵⁶

Hence regular Abbots can, from Trent (sess. 23, cap. 10, *de reform.*), validly and licitly confer minor Orders and tonsure on their subject Religious. - But on others, even their secular subjects being excluded, they can no longer licitly confer them; indeed, neither validly, as is evinced from various Responses of the S. C. of the Council issued after Benedict XIV, unless there is some special concession for the particular case.¹⁵⁷

1906. Questions. Q. 1. Whether the Supreme Pontiff can grant to a SIMPLE PRIEST the faculty of conferring SACRED Orders?

Resp. The common opinion denies that a simple priest can ever confer the presbyterate. Whether he can confer the subdiaconate, indeed even the diaconate, by commission of the Supreme Pontiff, is controverted. Some affirm, others deny; others finally, and indeed probably, deny concerning the diaconate and affirm concerning the subdiaconate, because this Order does not have, as the diaconate does, an immediate relation to the Body of Christ, nor was it always counted among the sacred Orders.¹⁵⁸

Q. 2. Whether for the validity of episcopal Ordination the assistance of THREE BISHOPS is required?

Resp. 1. It is certain that an Ordination is valid which, with permission of the Apostolic See, on account of necessity, has been performed by only one Bishop, two (or even no) presbyters assisting. - It is established from the practice both of the present Church, and also of the Apostles.¹⁵⁹

2. It is more probable that such an Ordination, even performed without permission of the Holy See, is valid, although illicit: for Benedict XIV reports that some particular case was decided by Clement XI in this sense,¹⁶⁰ yet he adds that the aforesaid question was not defined by this decision. - Hence, since the opinion which denies the validity of such an Ordination is still probable, St. Alphonsus teaches that the Ordination is to be repeated under condition.¹⁶¹

Article II. On The Requisites In The Minister That He Ordain Licitly

1907. The minister, in order that he ordain LICITLY, ought to have ordinary or delegated jurisdiction over the Ordinand.¹⁶² "Each one," says Trent (sess. 23, cap. 8, *de ref.*), "is to be ordained by his own Bishop." - Now then,

I. A Bishop can have ORDINARY jurisdiction over the Ordinand by a FOURFOLD TITLE: namely, by title of origin, domicile, benefice, and triennial familiarity. It is established from the Bull *Speculatores* of Innocent XII, issued in the year 1694;¹⁶³ by which the following things also were established:

1. That someone be licitly ordained by reason of ORIGIN, it is required that he was naturally born from the diocese of the one ordaining. Nor indeed does it suffice if by a chance case he was born there, for example on the occasion of the parents' commerce, legation, office, journey, business, or other temporal stay, even if long-lasting. For then the chance birth is not attended to, but the place of the domicile of the father; in which also the son is censured by law to have been born, and from which he is called native.¹⁶⁴ - But if the Ordinand is an illegitimate son, the domicile of the mother is attended to;¹⁶⁵ if he is an exposed son, the place in which he was exposed;¹⁶⁶ if a baptized infidel, the place in which he was baptized. Thus from the Constitution *Cupientes* of Paul III, § 3.¹⁶⁷

2. That someone be licitly ordained by reason of DOMICILE, there is strictly required either ten years' habitation, or the transfer of the greater part of goods into that place, and besides a notable, although only successive, residence in the

¹⁵⁶Book VI, 762.

¹⁵⁷Cf. Lucidi, c. I, n. 31 and 32; Bizzarri, *Collect.*, p. 139.

¹⁵⁸Book VI, 762.

¹⁵⁹Cf. Craisson, n. 1735.

¹⁶⁰*De Synodo*, lib. 13, c. 13, n. 9 et 10.

¹⁶¹Book VI, 755.

¹⁶²Book VI, 769.

¹⁶³*Bullar. M.*, IX, 374.

¹⁶⁴Book VI, 770-772.

¹⁶⁵*Ibid.*, 773, fin.

¹⁶⁶*Ibid.*, 777.

¹⁶⁷*Bullar. M.*, IV, I, 204.

same place; and in either case there ought to be added an oath concerning the intention of remaining there perpetually¹⁶⁸ (cf. n. 203). - Hence, adolescents who complete the curriculum of studies in the seminary of another diocese, since they do not have the intention of remaining there perpetually, are to be ordained by their own Bishop, but with testimonials of the Bishop of the place in which they have devoted themselves to studies.¹⁶⁹ Thus the S. C. C. on July 11, 1840.¹⁷⁰ Moreover, as regards the right of ordination, it is free to a son under paternal power, although he is not his own master, provided he is adult, to establish his domicile wherever he shall have wished.¹⁷¹ If someone has two domiciles, he can be ordained by the Bishop of either domicile.¹⁷² - But quasi-domicile never suffices.

3. That someone (already tonsured) be ordained licitly by reason of BENEFICE, there is required: 1) that he be in peaceful possession of some ecclesiastical Benefice, whether this Benefice is residential or not, although the whole consists in distributions, indeed although it is removable on the part of the one provided. A perpetual coadjutorship suffices (that is, with future succession), provided the coadjutor has the right of receiving from it a congruous prebend: likewise, a perpetual commendam, namely one which gives full administration of an ecclesiastical Benefice.¹⁷³ - But the title of Masses does not suffice, nor a pension, although perpetual and ecclesiastical, nor a lay chaplaincy; because they are not true Benefices. There is required 2) that the Benefice, burdens being deducted, by itself (i.e., without addition of patrimony), suffice, according to the synodal tax or the custom of the region, for congruous sustenance of life. Yet it is left to the judgment and conscience of the Bishop to establish whether the burdens of Masses are to be deducted or not; as is established from the Response of the S. C. of the Council, on July 17, 1723.¹⁷⁴

But if someone has several Benefices in diverse dioceses, he can be ordained by any Bishop of those dioceses, provided the conditions stated above are present. Thus commonly.¹⁷⁵ (See other things at n. 1922.)

4. That someone be ordained licitly by reason of FAMILIARITY, there is required: 1) that the Bishop has retained him in his actual service, through a morally whole triennium, and has fed him at his own expense; although the triennium was begun before his promotion to the Episcopate. - 2) That the Bishop actually confer on him an ecclesiastical Benefice sufficient for sustenance, any fraud ceasing, at least within the term of one month from the day of the Ordination made.

But by the name of familiars of a Bishop are understood all who serve the Bishop (not now titular, but residing in his own See) and live at his expense, even if they do not dwell in his buildings; provided they live in the place where the Bishop is, or nearby. - Indeed, by the name of familiars are understood the very servants of the servants, provided fraud is absent: which would be present if the Bishop permitted his familiars to have other servants under themselves, so that he could ordain them; and provided all are fed at his expense: for then all, in reality, are reputed as servants of the Bishop.¹⁷⁶

1908. II. A foreign Bishop obtains DELEGATED jurisdiction from DIMISSORIAL LETTERS legitimately granted. Dimissorial letters differ from testimonial letters in this, that in the latter there is given only an attestation concerning the birth, age, morals, and doctrine of the Ordinand, who is exhibited as worthy, to whom Orders may be conferred; but through the former there is given, together with the aforesaid attestation, consent and permission, so that the subject can be ordained by a foreign Bishop (cf. n. 1363).

Now, dimissorial letters are LEGITIMATELY granted: 1) by the Supreme Pontiff for the whole Church; 2) by a Legate *a latere* or an apostolic Nuncio, for his province; 3) by the proper Bishop of the Ordinands, although not yet consecrated, or absent from the diocese; 4) by the Vicar general, provided he has a special mandate, or the Bishop is so far distant from his own diocese that he could not be approached except after the journey of one day;¹⁷⁷ 5) by the capitular Vicar, or Chapter, after one year of vacancy for all subjects; but within the year for laymen alone to be initiated with first tonsure,¹⁷⁸ or for clerics alone who are said to be constrained (*arctati*), namely to receive Orders, on account of a Benefice requiring personal service (cf. n. 1369); 6) by a regular Prelate, i.e., the General or Provincial; or if a monastery is not subject to these, by the local Prelate, for his respective subjects.

¹⁶⁸Book VI, 770, 5; 778-779.

¹⁶⁹Book VI, 777, 5.

¹⁷⁰Cf. *Thesaur. Resol.*, tom. 100, p. 213.

¹⁷¹Cf. *Acta S. Sed.*, vol. X, p. 479, 491.

¹⁷²Book VI, 773.

¹⁷³Cf. De Angelis, L. I, Tit. XI (p. 206).

¹⁷⁴Book VI, 774-776.

¹⁷⁵*Ibid.*, 777, 4.

¹⁷⁶*Ibid.*, 780; cf. Del Vecchio, I, n. 642.

¹⁷⁷Book VI, 787.

¹⁷⁸From the declaration of the S. C. C., February 10, 1594, apud Lucidi, cap. 2, n. 71, ad I.

1909. But concerning these things we NOTE: 1. Regularly, the Bishop is bound to ordain his subjects by himself. But if a just cause brings an impediment to him, let him dismiss them to another Bishop to be ordained only after they have been approved and examined, as was decreed in Trent (sess. 23, cap. 3, *de ref.*).

2. Permission granted to someone, that he be ordained by a foreign Bishop, does not expire by the death or removal of the one granting it, unless it is revoked by the successor.¹⁷⁹

3. With dimissorials there is not understood to be granted to the foreign Bishop the faculty of dispensing the Ordinand over irregularity, or other canonical impediments. But on one dismissed for the Subdiaconate, minor Orders can be conferred, and also Confirmation itself, because the lesser is included in the greater.¹⁸⁰

4. From the declaration of the S. C. of the Council, January 16, 1595, it is in the discretion of the Bishop to examine those dismissed to him, although they had already been examined; which nevertheless it is not fitting to do without cause. - But to a foreign Bishop, who is summoned to fulfill the place of the Diocesan, it is not licit to subject the Ordinands to examination. He will nevertheless be able to abstain from Ordination, if a just cause occurs to him. Thus from the decision of the S. C. C., August 22, 1721.¹⁸¹

1910. IT IS ASKED. By whom are REGULARS to be ordained?

Resp. A special privilege being set aside, after Trent, granted by name, Regulars are to be ordained by the Bishop of the place where they dwell as of the family.¹⁸²

Wherefore it must be NOTED: 1. By the name of Regulars also Novices come, provided they have already passed a notable time in the novitiate, and promise with an oath that they will remain perpetually in the monastery, as far as lies in them. But they can also be ordained by the Bishop of origin.¹⁸³

2. If the diocesan Bishop is absent, or is not about to have Ordinations at the next legitimate time, or even if the See is vacant, it is lawful for regular Prelates to send subjects to any Bishop whatever.¹⁸⁴

3. Regular Prelates must always give dimissorials to their subjects not only to a foreign Bishop, but also to the proper Bishop. If they are given to a foreign Bishop, there must be inserted in them the authentic testimony of the Vicar or Secretary of the proper Bishop, concerning the cause on account of which he does not ordain.¹⁸⁵ But Regulars do not need this testimony, to whom the faculty has been granted of receiving Orders from any Catholic Bishop whatever¹⁸⁶ (see other things n. 1925, at the end).

Note. The other things required in the Minister, which regard the mode of Ordination, see nn. 1901 and 1902.

Chapter III. On The Subject Of Order

1911. The SUBJECT of Order is a male and baptized man, who, if he is an adult, must have at least a habitual intention of receiving the Sacrament.¹⁸⁷ These things are required for VALID reception of Order, as is established from what was said concerning Sacraments in general, nn. 1433 and 1434. See besides, as to the Episcopate, n. 1924, 1.

But for the LICIT reception of Order, CONDITIONS of a threefold kind are required. The first kind embraces those things which are intrinsic to the Ordinand, or regard his soul, namely divine vocation, the intention of becoming a cleric, competent knowledge, and probity of life.¹⁸⁸ The second kind embraces many extrinsic things, which are required of the Ordinand, such as immunity from censure and irregularity, canonical age, Confirmation, the exercise of the Order received, and title of sustenance. The third kind finally regards the very mode of Ordination, such as Ordination by degrees, interstices, time, place, reception of the Eucharist, and the legitimate Bishop, who at the same time ordains and celebrates Mass. - Each point is to be weighed accurately.

¹⁷⁹Ibid., 787; cap. *Si super gratia, de Offic. deleg.*, in 6.

¹⁸⁰Book VI, 789, dub. 2.

¹⁸¹Cf. Benedict XIV, *de Syn.*, L. 12, c. 8, n. 7.

¹⁸²Book VI, 768.

¹⁸³Book VI, 765; *H. A.*, XX, 114.

¹⁸⁴Book VI, 768.

¹⁸⁵*H. A.*, XX, 113; Book VI, 768, 788, Not. 8.

¹⁸⁶Cf. Honorante, *Praxis Secret. Trib. Vic.*, cap. XII, p. 113 sqq.

¹⁸⁷*Exam. Ord.*, n. 32.

¹⁸⁸Book VI, 802; cf. *Selva*, p. 1, cap. 10; cf. also St. Alph., *Notif. V*, to his Clergy.

Article I. On The Conditions Which Regard The Soul Of The Ordinand

Besides the STATE OF GRACE, which is necessary for receiving the Sacrament of Order,

1912. I. DIVINE VOCATION is required in the Ordinand, as is established from Heb. 5:4: "Nor does anyone take the honor to himself, but he who is called by God, as Aaron." And from John 15:16: "You have not chosen me, but I have chosen you." The sublimity of Order, the holiness of the office, and the gravity of the burden plainly demand this divine vocation for themselves (cf. n. 2142).

The principal SIGNS of divine vocation are, says St. Alphonsus:¹⁸⁹ 1. suitable knowledge; 2. probity of life (concerning which matters we must soon treat); 3. right intention or the desire of devoting oneself to the divine glory and the salvation of souls. But the signs from which it becomes known that someone is not called are, among others: a certain deformity of body, infamy, a habit of sinning, especially against chastity, natural levity, weariness of piety, sloth, a worldly disposition.¹⁹⁰ "He who, without vocation explored from such signs, thrusts himself into the sacred ministry, certainly cannot be excused from grave presumption...; and since here he exposes himself to great danger of damnation, I do not know how he is excused from grave fault."¹⁹¹ - And those Bishops commit themselves to this danger of salvation so much the more, who promote those not called to sacred Orders, according to that saying of the Apostle (1 Tim. 5:22): "Do not impose hands quickly on anyone, nor communicate in the sins of others." Nor therefore is it to be wondered at, that in canon law it is prescribed, and expressly in can. *Nullus*, dist. 24: "that no one be ordained, unless he shall have been approved."¹⁹²

1913. II. From Trent (sess. 23, cap. 4, *de ref.*) there is required an INTENTION OF BECOMING A CLERIC, i.e., of ascending to higher Orders: namely, if someone accepts a Benefice, to which offices of a higher Order are annexed; otherwise the Council requires in the Ordinand only the intention of remaining in the clerical state.¹⁹³ "Let not those be initiated with first tonsure," it says, "of whom there is not a probable conjecture that they have chosen this kind of life not by fraud for fleeing secular judgment, but so that they may render faithful worship to God."

Hence: 1. He who receives minor Orders or first tonsure for the end that he may decline the lay forum, having in mind to return to secular life, sins; and indeed, according to the more probable opinion, mortally, insofar as he acts in fraud or gravely defrauds the Church, by abusing its sacred ministries for temporal ends. Yet another probable opinion "says that he does not sin mortally, because from Trent someone is then understood to commit fraud, when he receives Orders so that he may escape some secular judgment already begun, and this indeed will be mortal; otherwise it will be only venial by reason of the disordering of the end intended by the Church."¹⁹⁴

2. He who, after receiving minor Orders, takes a wife, speaking in itself, does not sin gravely; indeed not even lightly, if he does this from a just cause. - We said speaking in itself; for one who, being certain of his clerical vocation, withdraws from it in order to enjoy the world, can scarcely be judged to be established in a good state of soul.¹⁹⁵

Note. Concerning a Cleric ordained by force or fear, see n. 1434.

1914. III. COMPETENT knowledge is required. From the Council of Trent (loc. cit.) it is required for those to be initiated to tonsure "that they have been taught the rudiments of faith and know how to read and write." For those to be initiated to minor Orders, "that they understand the Latin language." For subdeacons and deacons, "that they be instructed in letters, and in those things which pertain to exercising the Order." Finally, for those to be initiated to the priesthood, "that, after a diligent examination has preceded, they be approved as suitable to teach the people those things which it is necessary for all to know unto salvation, and to administer the Sacraments" (cf. n. 1787). But what is required for a Bishop, see among the Canonists.

To what has been said THREE things are still to be added, namely: 1. The Bishop is bound, unless he is certain from another source concerning the knowledge of the Ordinands, to examine his own subjects, "having called to himself for this purpose expert and suitable men," as Trent speaks (sess. 23, cap. 7). - 2. All who possess the degree of knowledge required by Trent, the Bishop can ordain with a safe conscience. Yet it is licit to require greater knowledge from his own subjects; and this, in present times, is laudably required in many places. - 3. The common opinion holds that less knowledge is required in Regulars devoted to the contemplative life, because they are ordained only for the service of

¹⁸⁹Book VI, 802.

¹⁹⁰Cf. *Praxis*, n. 93.

¹⁹¹Book VI, 803.

¹⁹²Ibid.

¹⁹³Ibid., 785.

¹⁹⁴Book VI, 785, dub. 3.

¹⁹⁵Ibid., dub. 2.

choir and altar. Nevertheless, it must be said otherwise if Regulars are to be deputed to all priestly offices, as is commonly done today.¹⁹⁶

1915. IV. PROBITY OF LIFE is required, by which namely the cleric, existing faithful to the divine vocation, may furnish a certain pledge of future perseverance. Hence Trent (sess. 23, cap. 12): "Let Bishops know that only the worthy are to be assumed to these Orders, and those whose approved life is old age." And St. Thomas: "Not any sort of goodness suffices, but excellent goodness is required." Hence the Apostle (1 Tim. 3:6) prohibits neophytes from being ordained, that is, as the same Angelic Doctor explains, those who are neophytes not only in age, but also those who are neophytes in perfection.

From positive law, especially from Trent, sess. 23, caps. 5 and 7, *de ref.*, and from the Pontifical, THREE SCRUTINIES must be sent before sacred Ordination. - The first is made by the pastor or by another appointed by the Bishop; and for this a proclamation must be made both in the parish of origin and in the parish of habitation of the Ordinand, if they are different. The second scrutiny is instituted by the Bishop himself with certain examiners, on Wednesday, or a few days, before Ordination: to this end, namely, that "he diligently investigate and examine the birth, person, age, instruction, morals, doctrine, and faith of the Ordinands." - The third scrutiny is made in the very Ordination (namely of deacons and presbyters) through those words of the Bishop: do you know that they are worthy? - These today are, together with the attestation itself of the archdeacon, a mere ceremony (cf. n. 1917). See more among the Canonists.¹⁹⁷

1916. Questions. Q. 1. What must be done by the Bishop, that he sufficiently prove Candidates for sacred Orders?

Resp. St. Alphonsus:¹⁹⁸ "For this proof, to be sought out by the Bishop, it does not indeed suffice that he himself knows nothing evil concerning the Ordinand; but he must become certain concerning his positive probity, according to the sublimity of the grade to which he pants to ascend, as Suarez, Sanchez, the Salmanticenses, etc., commonly say with St. Thomas... On which matter, Bishops in seeking this proof ought not to be content with the simple attestation of pastors, who, led by human respects, easily indulge clerics in granting attestations of this kind; but besides, after secret information has been taken from others worthy of trust, they must become certain, not only that the one to be initiated has not been evil, namely that he has not been quarrelsome, has not given scandal by frequenting games, depraved conversations, etc.; but also that he is positively good, that is, that he leads a spiritual life, is assiduous in churches, frequents the Sacraments and prayer, devotes himself to study, etc. Someone will say: If this were observed, ministers would indeed be lacking in the Church. Benedict XIV rightly responds to this: It is better to have fewer ministers, but upright and useful, than many who will be of no value."

Q. 2. What must be done by a Confessor with a cleric habituated in a base vice?

Resp. 1. An Ordinand¹⁹⁹ who is habituated in the base vice of lust (or of drunkenness²⁰⁰), although he is disposed for the Sacrament of Penance, by that very fact is not yet disposed to receive sacred Order; but for some time he must devote effort to rooting out the depraved habit. The reason is, because, that someone ascend to the dignity of sacred Order, the simple and actual state of grace does not suffice; but there is also required surpassing and habitual goodness, which, according to the common law, is not acquired immediately. - But if one habituated in a base vice wished to ascend to sacred Order immediately, without experiment of amendment, that man, as rash, would also render himself unworthy of sacramental absolution.

Resp. 2. If nevertheless the penitent were endowed by God with such compunction, which would free him from his former frailty (which can rarely be supposed), and he firmly resolved to avoid sins and occasions, and to use efficacious remedies, so that he could lead a life worthy of a priest, he could be absolved, although he wished to receive Order immediately. But indeed, in this case also, for one wishing to be ordained immediately, it is more advisable that absolution be deferred, so that he may be better proved by an experiment of time; provided that from the delay there is not to be feared a proximate danger of infamy.²⁰¹

Q. 3. Whether a cleric, who has been judged worthy of some Order, can be compelled to receive it?

Resp. Neg., in itself, according to the decision of the S. PENITENTIARY (August 27, 1829), which responded that a cleric is not to be compelled, who, although chosen by his Superiors and judged worthy by his confessor for the sacred ministry,

¹⁹⁶Book VI, 791-792; *Exam. Ord.*, n. 35-36.

¹⁹⁷Cf. De Angelis, L. I, Tit. 12; Grandclaude, in the same title.

¹⁹⁸Book VI, 803.

¹⁹⁹Ibid., 63-67.

²⁰⁰Ibid., 67, Prob. 3.

²⁰¹Cf. H. A., tr. ult., 16-17; and Benedict XIV, *de Synodo*, lib. 11, cap. 2, n. 17-18; likewise *Vind. Alph.*, p. 6, c. 2, § 4; Ciolli, *Opusc. Del Chierico ordinando* (Florence, 1885).

refuses to obey their admonitions, by reason of humility, or fear of dangers; nor did it judge that a deacon was to be compelled to receive the Order of the presbyterate, even if he is chosen by Superiors as most apt, and is judged worthy by his confessor.²⁰² - But except: 1. if it is judged that the absolute will of God intervenes through extraordinary signs, either exteriorly, or interiorly in the intimate state of the soul, manifested to the Ordinand; 2. if there is present a grave necessity of the Church, for which otherwise provision cannot be made.

Note. Innocent XI, through the S. C. OF BISHOPS AND REGULARS, October 9, 1682, commanded the Archbishop of Milan and all the Bishops of Italy and the adjacent islands, that individual Clerics, about to receive Orders both minor and major, should devote themselves for ten continuous days to SPIRITUAL EXERCISES. Nevertheless, from introduced custom, for sacred Orders alone, ten whole days are required (cf. n. 1367).²⁰³

Article II. On The External Conditions Required In The Ordinand

From the Tridentine law there are REQUIRED in the Ordinand:

1917. I. IMMUNITY FROM CENSURE AND IRREGULARITY. - The one to be ordained must be immune from censure and irregularity; for censure deprives of participation in the goods of the Church; and irregularity induces incapacity for Order: therefore each impedes Ordinations.

And hence it is why the Bishop, from the prescription of the Pontifical, before the Ordination has begun, commands, under penalty of excommunication, that no one bound by either impediment approach; just as neither one enrolled, or not approved, or a foreigner, protesting that he does not wish to ordain unworthy persons of this sort. If nonetheless someone of this kind should approach, his Ordination would have to be judged valid; because the aforesaid things today pertain to mere rite, or are customarily prefaced only for terror: whence it cannot be supposed that the Bishop truly wished to bind his intention to such a protestation, unless the contrary is positively established.²⁰⁴ “For the Bishop,” says Benedict XIV²⁰⁵ with Navarre, Gobat, and Lugo, “lest he become guilty of grave sin, is bound to have the absolute intention of conferring Order on the man present, when he imposes hands.”²⁰⁶

1918. II. CANONICAL AGE. Trent (sess. 23, cap. 12) establishes these things as to the major Orders: “No one hereafter is to be promoted to the Order of the Subdiaconate before the twenty-second year of his age, to that of the Diaconate before the twenty-third, to that of the Presbyterate before the twenty-fifth.” In which law, a begun year is held for completed. - Nor indeed can one be ordained without dispensation, to whom only a few hours are lacking; because the required year can in no way be said to have been begun. - For the Episcopate it is established thus in law: “Let no one be elected Bishop, unless he has already passed, or completed, the thirtieth year of age.”²⁰⁷ - For minor Orders and tonsure, no age is assigned in law; it suffices that the one to be initiated possess the use of reason, and therefore that he be at least seven years old.²⁰⁸

Dispensation over age is reserved to the Roman Pontiff, who is not accustomed to grant it, except for receiving the Priesthood, on account of the necessity or utility of the Church.²⁰⁹ He who knowingly is promoted to major Orders before the legitimate age sins gravely;²¹⁰ yet he does not incur suspension (which formerly was incurred): as is drawn from the Constitution *Apostolicae Sedis*.

1919. III. CONFIRMATION RECEIVED. - “Let not those be initiated with first tonsure,” says Trent, “who have not received the Sacrament of Confirmation.” It is commonly taught that this obligation is only under light fault, because the words of the Council denote propriety rather than a formal precept.²¹¹ Nevertheless, the S. C. of the Council declared (September 27, 1601) that he who received tonsure or Orders not confirmed cannot, as badly promoted, ascend to other Orders, nor retain Benefices, concerning which he was provided, without dispensation of the Pontiff; for he is held as irregular.²¹²

1920. IV. EXERCISE OF THE ORDER ALREADY RECEIVED. The Council of Trent prescribes,²¹³ that the one to be initiated

²⁰²Craisson, n. 1956.

²⁰³Cf. Benedict XIV, *Instit.*, 104, n. 5 sqq.

²⁰⁴Book VI, 784.

²⁰⁵*De Synodo*, lib. 8, cap. 11, n. 1.

²⁰⁶Thus *Exam. Ord.*, n. 32, in ed. 7 (tom. 3, p. 169); cf. Craisson, n. 3978.

²⁰⁷Cf. Decret. Gratiani, dist. 78.

²⁰⁸Book VI, 799; *Exam. Ord.*, n. 43.

²⁰⁹Book VI, 800.

²¹⁰*Ibid.*

²¹¹*Ibid.*, 183 and 786.

²¹²De Angelis, L. I, tit. XI, n. 9, p. 226 (Renzi and Nicolius have, year 1621).

²¹³Sess. 23, caps. 11 and 13.

have exercised the Order previously received, and indeed in the church to which he was assigned. - But the Salmanticenses think this is not of grave precept; since the words of the Synod are more consultative than preceptive, namely these: "let them exercise themselves in each one, according to the prescription of the Bishop."²¹⁴

1921. V. TITLE OF ORDINATION, or security by which provision is made for the Ordinand in sacred Orders concerning honest and perpetual sustenance. A title is required by the Councils, and especially by Trent,²¹⁵ both lest clerics, from lack of sustenance, be compelled to exercise some vile craft or to beg, and so that they may be able more freely to attend to spiritual things, without being distracted by solicitude for temporal things. And this law is so firm, that the Bishop granting Order or dimissorials without a title is himself bound, unless he was deceived, to feed the needy Ordained until he obtains a title for him.²¹⁶ And if he shall have ordained someone thus, with the pact that the Ordained not seek food from him, he incurs by the law itself a three-year suspension reserved to the Pope. From the Const. *Apostol. Sedis* (cf. n. 1362). But if after the Subdiaconate has been received the title perishes, one cannot ascend to a higher Order without a new title.²¹⁷ This is established from Trent.²¹⁸

1922. Especially a THREEFOLD TITLE is given, namely of Benefice, patrimony, and religious poverty.

1. The title of ECCLESIASTICAL BENEFICE is the most powerful title of Ordination. Concerning this the Council of Trent establishes thus: "Let no secular cleric hereafter... be promoted to sacred Orders, unless first it is legitimately established that he peacefully possesses an ecclesiastical benefice which honestly suffices for his living." - Therefore there is required 1) a Benefice, or a perpetual right of receiving fruits from the goods of the Church on account of some spiritual office constituted by ecclesiastical authority.²¹⁹ 2) Sufficient for living, that is, according to the tax of the diocese of origin; or of the diocese where the benefice is, if it is residential. But if the defect of the benefice is slight, someone is licitly ordained; otherwise, if it is notable, e.g., of a fifth part. It can nevertheless be supplied from other goods, provided another title, e.g., of origin or domicile, exists, conferring on the Bishop the right of ordaining (cf. n. 1907, 3). - 3) Peacefully possessed; whence, a benefice certain for the future does not suffice, nor a benefice whose possession is unjustly impeded; but that one suffices whose revenues can be received only after the priesthood has been received.

Moreover, no one initiated in sacred Orders can resign his benefice, "unless mention has been made that he was promoted to the title of that benefice; nor is that resignation to be admitted, unless it is established that he can live comfortably from elsewhere; and a resignation otherwise made is null." Thus Trent, in the cited place.²²⁰

2. The title of PATRIMONY "obtains, when the Ordinand is furnished with such goods, certain, stable, and fruitful, coming from elsewhere than from the Church, as are judged, in the judgment of the Bishop, to suffice for his congruous sustenance."²²¹ But that this title may be valid, from Trent, the patrimony must be: 1) perpetual, e.g., a perpetual census, although it can be redeemable; 2) constituted over a certain and immovable thing, and one by its nature fruitful, peacefully possessed,²²² and not burdened by debt or mortgage; 3) approved in the episcopal Curia, and set out to the synodal tax by a legitimate instrument; 4) firm and inalienable unless, from a just cause, the license of the Bishop intervenes.²²³ - It can be constituted under the clause: until the cleric is provided for or obtains other goods; but the prior title is not extinguished, unless a new one has been subrogated by the Bishop. Thus from the S. C. C., July 12, 1687. It can likewise be constituted in nominative bonds of public debt, provided they are supposed to mortgages, as commonly happens.²²⁴

To patrimonies are reckoned perpetual pensions, perpetual legacies of Masses; indeed also manual, or lay, Chaplaincies, provided they are conferred under the condition until the ordained one is provided for, and in legal form, recognized in the episcopal Curia.²²⁵

3. The title of POVERTY, instituted by St. Pius V, "is placed in religious profession, by virtue of which, those who have emitted solemn vows in an approved Religion; either from the revenues of goods, if the Religion itself possesses any; or

²¹⁴Book VI, 801; *Exam. Ord.*, n. 45.

²¹⁵Sess. 21, cap. 2, *de ref.*

²¹⁶Book VI, 813.

²¹⁷Loc. cit.

²¹⁸Book VI, 813.

²¹⁹Instruction of the S. C. DE PROP. FIDE, April 27, 1871, n. 3 (apud Gury-Cretoni, II, p. 671), or apud *Collect. S. Sed.*, n. 785, where April 17, 1871.

²²⁰Book VI, 815, 816.

²²¹Cited Instruction, n. 2.

²²²Cf. 1 *Elench. qq. ref.*, n. 88.

²²³C. Haine, *De Ord.*, q. 16.

²²⁴Book VI, 817; cf. *Acta S. Sed.*, vol. I, p. 344.

²²⁵Cf. Lucidi, cap. 3, n. 396-426.

from the pious largesses of the faithful, have all things in common, of which they need for sustaining life.”²²⁶ But Religious of simple vows, or not yet solemnly professed, cannot receive sacred Orders, unless they have a patrimony or another title. - Except the Religious of the Society of Jesus, who after simple vows can be ordained, from the concession of Gregory XIII; and if they are dismissed from the Society, it is not bound to the supplying of congruous sustenance, as Benedict XIII declared in perpetuity.²²⁷

1923. Besides these titles, others are commonly admitted from Pontifical Indult, especially in regions where no benefices, or only slight ones, exist, or where civil law prevents sacred patrimonies from being constituted. Of this sort are:

1. The title of service of a Church. This title, formerly ordinary, but now extraordinary, is granted under this law, that the Ordinands be bound perpetually to some Church, from whose service they can be sustained. - We say perpetually; for they can never be removed from that church; but neither can they themselves depart from it, unless otherwise provision has been made for them.²²⁸

2. The title of common table, which is customarily granted to clerics living in a common discipline of life, although they emit only simple vows, or even none. - Akin to this is the title of a College, Seminary, etc. Nay more, in Germany, with the Holy See permitting or tolerating, the title of table is admitted, i.e., the promise of a pension to be paid to the ordained, if on account of old age or sickness they should become unable to undergo sacred duties.²²⁹

3. The title of Mission. This title is granted to alumni of the Congregation de Propaganda Fide and to others who devote themselves to apostolic Missions. - But it is granted under this pact, that the Ordinands promise with an oath that they will devote their labor to the Missions for which they have already been destined, or will afterwards be destined.²³⁰

Let the following things be NOTED, for practice: 1. The sin “is grave, unless a dispensation is obtained from the Holy See, to ordain or be ordained without a title, or with a false title (i.e., one which does not exist); or, if the matter is about patrimony, with a fictitious or fiduciary title, or with none, or an unjust one, or one liable to restitution or resolution.”²³¹

2. “If, when the title generally has been lost, or even the title of Mission, another is not substituted for it, the Priest does not on that account remain suspended; but Ordinaries are bound to compel the Ordained to the subrogation of another title, as has been provided by the sacred Canons.” - Thus the S. C. DE PROP. FIDE, September 1, 1856.

3. “Likewise Regular Priests, who have pronounced solemn vows, and by Apostolic indulgence are permitted to live in the world; or who have emitted simple vows, and have departed from their Congregations or Institutes, lest they be compelled, with disgrace to their proper grade, to beg, are bound to provide for themselves concerning a canonical title. - But in places of Missions they are at least bound to prove that means are supplied to them, by which, as is fitting, they may provide for their own sustenance.”²³²

Article II. On Those Things Which Regard The Mode Of Ordination

1924. As to the MODE, the following things are required:

It is required 1. That Ordination be done BY DEGREES, namely with their legitimate order preserved in the reception of Orders. If someone is ordained by leap,

he sins gravely, and is prohibited from the exercise of the Order received, as long as he has not received the Order omitted.²³³ - Although an Ordination of this sort is gravely illicit, it is nevertheless valid, except in the case in which someone should receive the episcopate before the priesthood (cf. n. 1888, q. 2). - From legitimate cause, the Bishop can (from Trent, sess. 23, cap. 14) dispense in the suspension or incapacity with those promoted by leap, if they have not ministered; but if they have ministered, they now need an Apostolic dispensation (cf. n. 1372).

It is required 2. that Ordinations be received through the appointed INTERSTICES of times. On this matter many things are to be NOTED: 1) The Bishop can, when he pleases, confer first tonsure with some minor Order, because first tonsure is not an Order. 2) Between the minor Orders some interval is indeed required; but how great it ought to be, Trent did not

²²⁶Cited Instr. DE PROP. FID., n. 4.

²²⁷Book VI, 814.

²²⁸Cited Instr., n. 5.

²²⁹Grandclaude, *Jus. can.*, L. I, tit. XI, sect. 5, § 2.

²³⁰Cf. Konings, n. 1522.

²³¹D’Annibale in *Comment. Const. APOST. SEDIS* (ed. 3), n. 183.

²³²Cited Instr., n. 11 and 12.

²³³Book VI, 793.

determine, indeed it says: “Unless it should seem otherwise to the Bishop.” 3) That someone ascend from minor Orders to the subdiaconate, the space of one year is required; unless necessity, or the utility of the Church to which the future subdeacon is to be assigned, in the judgment of the Bishop, demands otherwise. 4) Between the subdiaconate and the diaconate likewise the space of one year is required; but any reasonable cause excuses, according to the judgment of the Bishop. - 5) Between the diaconate and the presbyterate likewise the space of a year is required, unless on account of the utility and necessity (namely moral necessity) of the Church, it should seem otherwise to the Bishop. All these things are from Trent, sess. 23, caps. 11 and 13.²³⁴

“But if it is a question of Regulars, to whom the Apostolic See, after Trent, granted the privilege of exemption from interstices, the judgment does not pertain to Bishops, but to Regular Superiors.”²³⁵

You will ask, whether several Orders can be conferred on the same person ON THE SAME DAY?

Resp. 1. Tonsure and minor Orders can licitly be conferred on the same day, where custom has obtained. 2. Major Orders cannot, without grave sin, be conferred on the same day, as is established from Trent, cited cap. 13; nor, by force of law, the subdiaconate with minor Orders. Indeed, the S. C. C., in a Cagliari case, February 21, 1728, denied that this could be introduced by custom, although Authors commonly affirmed it.²³⁶

It is required 3. that Orders be received ON DAYS ASSIGNED BY LAW. Now, by ordinary law, tonsure can be conferred on any day, place, and hour. - Minor Orders are legitimately conferred on one or two (or at least few), on Sundays and Feasts of precept (even those abrogated in favor of the faithful²³⁷), nevertheless in the morning time, provided a general Ordination does not seem to be made. From received custom they can also be conferred on Wednesday of Ember Days, or on Friday before the Saturday of general Ordination. Major Orders are to be conferred only (within the solemnities of Masses) on the Saturdays of Ember Days, the Saturday before Passion Sunday, and Holy Saturday. - The Consecration of a Bishop is made at any time of the year, yet on Sunday, or on the natal day of the Apostles.²³⁸

From special indult, or privilege (such as certain Institutes, missionary Bishops, etc. enjoy) sacred Orders can be conferred, outside the times, on Sundays and on Feasts of precept even abrogated;²³⁹ provided the days are interpolated, or not continuous, as has been declared many times by the SS. Congregations.²⁴⁰ Yet broader privileges, if certainly granted to anyone, do not seem to have been revoked²⁴¹ (cf. n. 2187, 5, concerning the privilege of Regulars).

It is required 4. That Ordination be had IN THE DUE PLACE, namely in the cathedral Church, or the worthier church of the diocese, as Trent speaks.²⁴² If nevertheless the Ordination is not general, but of a few, it can be done in a private chapel, as the S. C. C. declared November 20, 1592.²⁴³ - By the name of due place is understood also the proper diocese; for it is not licit in another's territory, without the faculty of that Bishop, to exercise an act so solemn. Indeed from Trent,²⁴⁴ one ordaining thus incurs suspension from the exercise of Pontificals, and the Ordained from the exercise of the Order received (cf. n. 1368). Yet they except Tonsure, since this is conferred without Pontificals.²⁴⁵

It is required 5. that the Ordinands, as the Pontifical prescribes, receive the EUCHARIST. This prescription nevertheless does not oblige under grave fault except priests alone who concelebrate with the Bishop. “Indeed those to be initiated to minor Orders are not bound to communicate even under light fault, as is commonly taught.”²⁴⁶

It is required 6. that the same Bishop who ordains ALSO CELEBRATE MASS; otherwise the mystery of unity would be divided, as Innocent III²⁴⁷ and Benedict XIV²⁴⁸ say. Nevertheless, the Ordination would be valid if one celebrated and

²³⁴Ibid., 795; *Examen Ord.*, n. 41.

²³⁵De Angelis, lib. I, tit. XI, n. 7, fin.

²³⁶Cf. Benedict XIV, *Inst.*, 106, n. 12 and 13.

²³⁷S. R. C., March 16, 1833 (Gardell., n. 4708).

²³⁸Book VI, 794.

²³⁹Book VI, 797, dub. 3 and 4; *De Priv.*, 115-116.

²⁴⁰Cf. Lucidi, cap. I, n. 113-124; Gardell., n. 4751, 2.

²⁴¹Cf. Ferraris, V. *Ordo*, art. 2, n. 13.

²⁴²Sess. 23, cap. 8.

²⁴³Cf. Lucidi, cap. II, n. 127.

²⁴⁴Sess. 6, cap. 5, *de Ref.*

²⁴⁵Book VI, 798; *Exam. Ord.*, n. 43.

²⁴⁶Book VI, 801.

²⁴⁷In cap. *Quod sicut*, § 1, *de Elect.*

²⁴⁸*De Synod.*, L. 8, cap. 11, n. 5.

another ordained, as the S. C. C. declared, since Mass is not of the essence for the validity of Orders.²⁴⁹

Let it be noted besides: 1) “The newly ordained presbyters must, together with the ordaining Bishop, read Mass, beginning from the prayer *Suscipe sancte Pater*.” Thus the Roman Pontifical.²⁵⁰ They truly consecrate with the Bishop, although only one Sacrifice is made; wherefore they must attend to this, that they pronounce the words of consecration at the same point of time as the Bishop, and, as far as can be done, complete the form together with him.²⁵¹ Thus the Roman Pontifical. 2) They must also say the Gospel with the same Bishop at the end of Mass (S. R. C., November 12, 1831, in a Marsi case, ad 12).²⁵² But if Ordination is made with chant, they are bound to read without chant the Preface and the other things which are chanted by the Bishop (S. R. C., *ibid.*, ad 11). - 3) They must read Mass, not standing, but kneeling on the ground; and therefore they must not perform during the Sacrifice all the actions which the Bishop himself performs, for example make crosses with the hand over the Oblata, genuflect, etc. (S. R. C., September 20, 1749²⁵³). - See more among the expositors of the Rubrics.²⁵⁴

1925. Questions. Q. 1. How do the PRAYERS oblige, which the Bishop imposes on the Ordained by way of penance?

Resp. It is more probable that they oblige only under light fault, from the more common interpretation.²⁵⁵ - Now 1) “The words of the Roman Pontifical: *Nocturnum talis diei*, understand of the single Nocturn on a ferial day, or of the first on Sunday, as in the Psalter (i.e., of twelve Psalms with their antiphons of the time), which the ordaining Bishop can designate, either of the day itself on which he has the Ordination, or of another at his discretion.” Thus the S. R. C., August 11, 1860, in Granada.²⁵⁶ But when the Bishop expresses nothing else than that which the words of the Pontifical report, it is to be said to be the Nocturn of the feria which corresponds to that day on which the Ordination was made.²⁵⁷ 2) The three Masses imposed on new priests (under venial fault) are to be celebrated on the first days on which it is licit to celebrate votive Masses; yet they are not to be applied for the Bishop, since that is not expressed, and the Bishop adds: And also pray for me.²⁵⁸

Q. 2. To what are priests bound by force of the OBEDIENCE which they promised to the Bishop in Ordination?

Benedict XIV responded, writing in the Bull *Ex quo dilectus*: “We acknowledge that a presbyter, by force of this sort of promise, is held bound, among other things, by this law, that he cannot depart from the service of the Church to which he shall have been assigned without the license of the Bishop.” Except, if he is an exempt Religious, or wishes to embrace the religious state, as will be said below (n. 2138). But in the Ordination of Regulars the disposition of the Roman Pontifical is to be observed as to the formula itself: *Promittis Ordinario tuo obedientiam* etc. Thus the S. R. C., July 22, 1848.²⁵⁹

1926. Note. The penalties which those badly Ordaining and those badly Ordained incur, we have sufficiently explained in the Treatise on Censures (n. 1362 sqq.). Yet it is helpful to collect them here in a few words:

1. Those badly Ordaining are punished with penalties: on account of defect of title in the Ordained (nn. 1362 and 1364); on account of illicit Ordination of another’s subject (nn. 1363, 1367, 1370, 1371, and 1372); on account of Ordination of one’s own subject without due testimonial Letters (nn. 1363 and 1367); and finally on account of illicit exercise of Pontificals in another’s diocese (n. 1368).

2. Those badly Ordained incur penalties: on account of the unworthiness of the one Ordaining (n. 1366); on account of dimissorial Letters, when the See is vacant, illegitimately accepted (n. 1369); on account of reception of Orders from a titular Bishop without dimissorials (n. 1370); on account of defect of testimonial Letters (n. 1371); and, if they have been in Rome for four months, on account of the special conditions omitted there (n. 1367). - Concerning those cooperating in an illicit Ordination, and concerning those Ordained by leap, see n. 1372, question.

²⁴⁹*Ibid.*, n. 7.

²⁵⁰Cf. Gardellini, n. 4205, 1.

²⁵¹Cf. *Exam. Ord.*, n. 123.

²⁵²Gardell., n. 4669.

²⁵³*Ibid.*, n. 4205, 3, ad 2 and 3.

²⁵⁴Cf. de Herdt, *Prax. Pontif.*, tom. 3, n. 360.

²⁵⁵Book VI, 829.

²⁵⁶*Annal. juris Pontif.*, ser. 5, col. 351.

²⁵⁷Konings, n. 1523, q. 8.

²⁵⁸Book VI, 829; *Exam. Ord.*, n. 124.

²⁵⁹Cf. Gardellini, n. 5127.

Chapter IV. On The Impediments Of Order Or On Irregularities

Here it comes to be said: 1. On Irregularities in general; 2. On the diverse Irregularities.

Article I. On Irregularities In General

Four things are to be weighed: 1. what irregularity is, and of how many kinds; 2. what its effects are; 3. how it is incurred; 4. how it ceases.

§ 1. What Irregularity Is And Of How Many Kinds It Is 1927. DEFINITION. Irregularity is a canonical impediment prohibiting the reception of sacred Orders and the use of Orders received.²⁶⁰

It is called an impediment or a certain incapacity, but not a censure, because the latter always supposes fault and has the nature of a medicinal penalty; but irregularity does not always suppose fault; and if sometimes it is imposed by way of penalty, this is done primarily for preventing indecency in the sacred ministry, but secondarily for punishing the guilty one. Thus commonly.

DIVISION. There are various irregularities:

1. Irregularity is called from defect or from delict, according as it is imposed by law, either on account of defects alone bringing indecency to the sacred ministry, or on account of certain delicts, because of which the reception or exercise of Order is prohibited. But since irregularity from delict has been instituted principally for the decorum of the clerical state, it is resolved in a certain way into irregularity from defect; for one ensnared by it is destitute of that quality which the Apostle requires of those to be ordained, namely that they be without crime.
2. Irregularity is total or partial. - The former excludes from the reception of every Order and from every exercise of an Order received; the latter impedes some ministry of Order, or ascent to a higher Order.
3. Irregularity is perpetual or temporal. - Perpetual of itself always lasts, unless it is removed by dispensation. - Temporal lasts only to some time, which having elapsed, it ceases of itself: as irregularity from defect of age, which, when the time required for Orders has been completed, vanishes.²⁶¹

§ 2. What The Effects Of Irregularity Are 1928. The EFFECTS of irregularity are the following:

1. Incapacity for LICITLY RECEIVING Orders, even first Tonsure; for he prepares himself in vain for Orders, who is prohibited from Orders. - Hence both the irregular himself, who receives an Order, and the Bishop, who confers on him an Order or even tonsure alone, sin gravely.²⁶²
2. Incapacity for EXERCISING sacred Orders; whence, an irregular validly indeed, but illicitly, confects or administers the Sacraments. Nor indeed is he deprived "of those actions which do not require the exercise of Order, and which laymen also can exercise, for example to receive the Sacraments, and to sing the Offices, as also to confer Benefices; because these things pertain to the exercise of jurisdiction, not of Order; likewise to assist at Marriage, or to furnish another the license of assisting, to dispense in vows, to absolve from censures, to give the faculty of hearing confessions."²⁶³
3. Incapacity for receiving Benefices; for a Benefice is given on account of some office; but an irregular is incapable for the office; therefore also for Benefices, which require that office. - Trent agrees (sess. 22, cap. 4, *de ref.*). Except, if the Benefice had been received in good faith: in which case it would be licit, after dispensation has been obtained, to retain it. Hence "as to benefices obtained before irregularity, it is certain among all that an irregular is not deprived of them; nor is he to be deprived by a judge, if the irregularity supervened on him from the defect of infirmity. But if it is from delict, he must be deprived by sentence of the judge."²⁶⁴ Indeed, meanwhile he must now resign, or obtain dispensation, because no one can retain a benefice whose burdens he cannot licitly exercise²⁶⁵ (cf. n. 2239, 6).

You will ask. Whether the conferral of a benefice made to an irregular is null by the law itself?

²⁶⁰H. A., XIX, 72.

²⁶¹Book VII, 341; VI, 799; H. A., ib., 74.

²⁶²Book VII, 342.

²⁶³Ibid., 342, 2.

²⁶⁴Ibid., 342, *Quaer.*

²⁶⁵Ibid.; cf. Book IV, 130; H. A., XIII, 55; XIX, 76-77.

Resp. It is controverted. Some, from the more common and therefore more probable interpretation of the Council of Trent (sess. 14, *de ref.*, cap. 7, and sess. 22, cap. 4), affirm. - But others deny with sufficient probability, saying that the conferral is indeed illicit and to be invalidated by a judge, but not invalid.

Hence it follows: 1. An irregular man and one incapable of the duties of a benefice cannot put himself into possession of it; for no one can with a probable (or little more probable) opinion begin possession of another's thing. - 2. If nevertheless he received the benefice in good faith, and satisfied the burdens through others, he is not bound (on account of the contrary probability) to restitution of the fruits received.²⁶⁶

§ 3. How Irregularity Is Incurred 1929. Principles. I. No irregularity is incurred unless it is EXPRESSED IN LAW, that is, in a decree of the Supreme Pontiff, or in a general Council. This is clearly established from cap. *Is qui*, 18, *de sent. excom.*, in 6.²⁶⁷

Hence: 1. Irregularity is incurred by the law itself or by the fact itself, before the sentence of a judge; and also, according to the truer opinion, on account of an occult defect, or occult crime.²⁶⁸ 2. In this matter, an argument from similar to similar does not avail, nor from the greater to the lesser. "But IN DOUBT whether some irregularity is or is not expressed in law, one must stand by the common sense of the Doctors and by custom."²⁶⁹

II. Irregularity FROM DEFECT is always incurred, while the defect expressed in law stands. The reason is, because an irregularity of this sort does not have the nature of a penalty, but only of an impediment; and therefore ignorance and inculpability do not excuse from incurring it.²⁷⁰

III. Irregularity FROM DELICT is incurred only through grave, external, and consummated fault. - The reason is, both because a grave penalty requires grave fault; and because the Church does not punish merely internal acts, but only external ones, and these consummated, unless it is expressed otherwise in law. - Hence, if the act on account of some circumstance is excused from mortal sin, it is likewise excused from irregularity.²⁷¹ - Recall what was said in nn. 1263 and 1769.

1930. Questions. Q. 1. Whether, for incurring irregularity FROM DELICT, KNOWLEDGE OF THE ecclesiastical LAW prohibiting is required?

Resp. "The more probable and very common opinion affirms:... because such an irregularity has the nature of a penalty; and since it is a penalty, knowledge at least of the prohibiting law is required. And this is proved from can. *Proposuit*, dist. 82, where Innocent I decreed that certain incontinent Clerics were not to be deposed, because they were ignorant of the Constitution of Pope Siricius."²⁷² - Yet crass or supine ignorance does not excuse, as all admit (cf. nn. 219-220).

Q. 2. Whether knowledge OF THE PENALTY, or of the irregularity itself, is also required?

Resp. There is a twofold probable opinion. The first, very probable, denies; because irregularity is not a medicinal penalty, but is an incapacity, or a merely punitive penalty: wherefore, it suffices that such a penalty has been imposed by law on that forbidden act, which the guilty one now commits knowingly and culpably, although he is ignorant of the penalty. - The second, sufficiently probable, affirms; and the reason is, because irregularity from delict is a true penalty, and indeed extraordinary, which cannot be foreseen even confusedly, and therefore it is not judged to be incurred by one ignorant.²⁷³ (Cf. n. 220.)

Hence however,

Q. 3. What is to be done IN DOUBT concerning contracted irregularity?

Resp. 1. If a positive doubt arises, or one resting on grave reasons, the doubter must apply prudent diligence to investigate the truth; and meanwhile conduct himself as if he were irregular, namely lest he expose himself to the danger of violating

²⁶⁶Book VII, 343; *H. A.* (more correctly *Istruz.*), XIX, 76.

²⁶⁷Book VII, 345.

²⁶⁸*Ibid.*, 349; *H. A.*, XIX, 82.

²⁶⁹*H. A.*, *ib.*, 78; Book VII, 345.

²⁷⁰*Ibid.*, 413 and 415.

²⁷¹*Ibid.*, 348; *H. A.*, *ib.*, 81.

²⁷²*H. A.*, *ib.*, 83; Book VII, 350.

²⁷³Book VII, 351; *H. A.*, *ib.*, 84.

irregularity. - Except with the Salmanticenses,²⁷⁴ “if grave necessity urges, namely if an occasion occurs of receiving Orders, or a Benefice.”²⁷⁵

Resp. 2. If a negative doubt is given; or if, after sufficient diligence has been applied, a positive doubt on each side, or truly suspensive doubt, remains: then, whether the doubt is of law, namely if it is doubted whether an irregularity is or is not assigned by law for such a case; or of fact, that is, if it is doubted whether the crime designated in law was truly committed: from the common and truer opinion, no one ought to hold himself as irregular; both because odious things are to be restricted, and because in doubt no one is to be despoiled of his right.²⁷⁶

Except, if someone doubts whether he has perpetrated HOMICIDE; for this case is expressly declared in law,²⁷⁷ where it is read: “Since it is more advisable in a doubt of this sort to abstain, than to celebrate rashly.” But it must be noted 1) that this runs when someone is certain concerning the homicide, e.g., concerning the abortion of a certainly animated fetus (cf. n. 744, q. 4), and only doubts whether he himself by his action (of itself deadly) was its cause. But if he doubts concerning the homicide itself, whether it followed or not: in that case, according to a very probable opinion, he is not to be judged irregular.²⁷⁸ - It must be noted 2) that this irregularity, which binds clerics alone, is not to be extended to all effects, but to the sole incapacity of celebrating, and to the obligation of seeking dispensation.²⁷⁹

§ 4. How Irregularity Ceases 1931. Irregularity is removed in four ways:

1. By CESSATION OF THE CAUSE, if it comes, e.g., from defect of age, knowledge, good fame, etc. - Concerning irregularity from defect of good fame it must be noted, that if the infamy is popular, it is removed by amendment; provided this, universally speaking, has lasted for at least three years. If it is of fact, it is removed by change of place; but if it is of law, or contracted through the sentence of a judge, dispensation is altogether required for removing it²⁸⁰ (cf. n. 1199).

2. By BAPTISM, if the irregularity is from delict, although the delict were homicide; otherwise, if it is from defect, e.g., if it comes from bigamy. But also irregularity from defect of fame is removed by Baptism, namely if it is infamy of fact. But if the infamy is of law, dispensation is required, as was said; although Bonacina holds that this also is removed by Baptism, and the Salmanticenses hold this not improbable.²⁸¹

3. By RELIGIOUS PROFESSION, if the irregularity is from defect of birth. But it is removed only to the effect that sacred Orders can be received, not however that prelacies can be obtained, unless dispensation intervenes²⁸² (cf. n. 2150, q. 2).

4. By DISPENSATION, which can be given by: - 1) THE SUPREME PONTIFF, in every irregularity induced by human law. To obtain a dispensation of this sort, recourse must be had, for the external forum, to the Datary, if the irregularity is public; and for the internal forum, to the S. Penitentiary, if it is occult. 2) THE BISHOP, either by himself, or through his Vicar specially deputed to this, in every irregularity coming from an occult delict, and not brought to the contentious forum; with the exception, however, of directly voluntary homicide. Thus from Trent, cap. *Liceat* (cf. n. 1280, 2). - Nor can the Bishop dispense in irregularity from defect, except with illegitimates, for minor Orders, or for a simple Benefice, to which sacred Order is not annexed;²⁸³ or with bigamists, in merely similitudinary bigamy, for Orders whether minor or major;²⁸⁴ or finally if some defect is doubtful. If the Bishop can do anything else, he has it either from special privilege (e.g., from the quinquennial Faculties, in App. I, § I, n. 13); or from ancient custom, only in a case of urgent necessity, according to what was said n. 234, 2. 3) A REGULAR PRELATE, from the privilege of Martin V and Benedict XIII, can dispense, in many cases, with his subjects, as we shall see in the Treatise on the Religious State (n. 2187, 3).

1932. Concerning these things LET IT BE NOTED: 1. In seeking dispensation, all things must be declared which the rules established by the Holy See for this purpose require (cf. n. 236).

2. He who is compelled to seek dispensation of several irregularities must recount them all and individually in his supplicatory libellus. - “If nevertheless someone has contracted several irregularities of the same species, for example if he

²⁷⁴ *De Cens.*, cap. 7, n. 42.

²⁷⁵ Book VII, 346.

²⁷⁶ *Ibid.*, 346-347; *H. A.*, ib., 79; cf. the Authors cited by St. Alphonsus.

²⁷⁷ Cap. *Petitio tua* 24, *de homicidio*.

²⁷⁸ Cf. Bizzarri, p. 521.

²⁷⁹ Book VI, 347, dub. 3 and 4; *H. A.*, XIX, 80.

²⁸⁰ *Ibid.*, 352, 364; *H. A.*, ib., 85.

²⁸¹ *Ibid.*, 352, 364.

²⁸² *Ibid.*, 354.

²⁸³ *Ibid.*, 428.

²⁸⁴ *Ibid.*, 452; *H. A.*, XX, 50 and 105.

has ministered several times with a censure, it then suffices for obtaining dispensation, if he says that he has fallen into them several times; indeed (several Authors) teach that it suffices if he says only that he is irregular on account of such fault.”²⁸⁵

3. In granting dispensation, no special FORMULA is prescribed; hence, indiscriminately, the following or any other can be used: “I dispense with you in the irregularity which (or in the irregularities which), on account of this or that cause, you have incurred.”²⁸⁶

4. Absolution from censures and sins can be received, without a dispensation from irregularities being received at the same time; and conversely a dispensation from irregularities can be granted without absolution from censures and sins. But an irregular can never be absolved who with a pertinacious mind wishes to pursue the reception of Orders or the exercise of those already received, before he has obtained the dispensation which the law requires.²⁸⁷

See more among the Canonists.²⁸⁸

Article II. On Irregularities In Particular

Fourteen irregularities are recounted: of these, eight come from defect, and six from delict.

§ 1. On Irregularities From Defect 1933. These come from defect 1. of soul, 2. of body, 3. of birth, 4. of age, 5. of Sacrament, 6. of good fame, 7. of liberty, 8. of mildness.

I. From defect of SOUL the following are irregular:

1. Those who at times lack the use of reason: as the demented, lunatics, the insane, epileptics, and energumens; although they have lucid intervals. Nevertheless, the exercise of Orders already received is more easily permitted than the reception of new ones. Thus, e.g., a priest who rarely, say once in a month, is seized by epilepsy, can celebrate privately and with a fasting priest joined to him, provided he is not accustomed suddenly to fall to the ground, nor to foam, nor to cry out. And this same thing must be said concerning energumens and lunatics.²⁸⁹

2. Those who lack necessary knowledge, either actually, because they are illiterate and lacking that erudition which the Order to be received requires; or radically, on account of weakness of mind, which prevents them from being imbued with sufficient doctrine. - This irregularity is not only of human law, but also of divine law, which evidently teaches that the office is to be denied to those by whom it cannot be sustained²⁹⁰ (see n. 1914).

3. Those who lack sufficiently proved faith, that is, neophytes or those recently baptized in adult age. For those who have scarcely been made disciples would incongruously be constituted masters of the faith, as the Apostle intimates (1 Tim. 3:6). Therefore they remain irregular, until they are judged suitable by the Bishop. Toletus thinks that after ten years from conversion they are no longer irregular.²⁹¹

1934. II. From defect of BODY those are held irregular who, on account of a bodily vice, either are incapable for the exercise of Order, or bear before themselves notable indecency and bring horror upon others.

1. FROM THE FIRST head the following are irregular: 1) The blind, totally lacking sight: likewise, those lacking the canonical eye, i.e., the left eye, unless with the right eye, without deformity, they can read the Canon: which is to be subjected to the judgment of the Bishop. But the blind, already initiated in the priesthood, can be dispensed by the Pontiff for celebrating, if it is established that they do not err in celebration, and if they also have an assisting priest.²⁹² 2) The deaf, who do not hear at all. If nevertheless deafness supervenes on a priest, celebration of Mass is permitted to him, since defects are more easily tolerated in one already promoted. - 3) The mute, who cannot speak, or only with great difficulty. But those who stammer, or lack teeth, are not irregular, unless they move the laughter or contempt of those standing by: which rarely happens.²⁹³ - 4) The lame, who cannot stand without a staff, or who use a wooden foot. But the lame who

²⁸⁵Book VII, 353, Not. 2.

²⁸⁶Ibid., Resp. 3; cf. also *Rit. Rom. De S. Poenit.*, c. 5.

²⁸⁷Gousset, II, n. 947, fin.

²⁸⁸Cf. Craisson, nn. 1759-1781.

²⁸⁹H. A., XIX, 112-113; cf. Book VII, 398-400, where the causes of dispensing are also recounted.

²⁹⁰H. A., ib., 114; Book VI, 791-792; VII, 401.

²⁹¹H. A., XIX, 115; Book VII, 402.

²⁹²Concerning one with dim sight, as to the rubrics, see n. 1642, q. 1.

²⁹³Book VII, 404-406.

do not need a staff, or who have only distorted legs, are not irregular, and can be ordained, unless there is in them great deformity, which cannot be covered. - And after Ordination, if the defect is slight, and in some way the indecency can be repaired, celebration can be permitted by the judgment of the Bishop.²⁹⁴ - 5) Those lacking a hand, or all fingers, or the three posterior fingers, or the thumb.²⁹⁵ One lacking the index finger can obtain dispensation.²⁹⁶ 6) All who habitually labor under such a disease that they cannot celebrate without proximate danger of fainting, or of notably erring: of this sort are those who have hands so tremulous that there is danger of spilling the Blood; likewise, those who suffer so great a cough that danger is present in receiving Communion; likewise, abstainers who so abhor wine that, although they take little, they incur the danger of vomiting. With these, not even the Pope can dispense.²⁹⁷

2. FROM THE SECOND head the following are irregular: 1) Those lacking a nose, or some bodily member, so that they move laughter or horror. 2) Lepers, or those who have the face deformly marked by disease. (If they have already been ordained, scandal being removed, they can celebrate privately.) 3) Monstrous persons: such as the enormously or deformly hunchbacked are commonly held to be; pygmies and giants, of whom the former move laughter, the latter a certain terror; Ethiopians, who in our regions would excite a certain horror if they habitually exercised the ministry; hermaphrodites, i.e., individuals who are of doubtful sex; and, although the male sex prevails in them, if their defect is known.²⁹⁸

Concerning defects of body it must be NOTED: 1. In doubt whether a defect induces irregularity, the matter is to be remitted to the Bishop, who can pronounce; and, if the vice seems slight, he can also dispense from custom. 2. If the defect supervenes before the reception of Order, it induces irregularity absolutely, not only for that Order whose exercise it impedes, but also for all other Orders. For since all refer themselves to the Priesthood, it follows that one excluded from the Priesthood is also excluded from the other Orders. - 3. But if the defect supervenes when Orders have already been received, a priest is not impeded from the acts of that Order which he can exercise without indecency: e.g., a blind or lame priest can hear confessions, sing the Gospel, etc.²⁹⁹

1935. III. From defect of BIRTH all illegitimate sons are irregular, even occult ones. And this has been established by the Church, both on account of danger of incontinence from paternal imitation, and on account of hatred of the paternal crime, and so that the memory of paternal incontinence may be kept very far away from places consecrated to God.³⁰⁰ Moreover, here illegitimates are reputed to be not only those who were born from fornication, incest, or adultery, but also those born from a marriage which, the proclamations having been omitted without dispensation, was celebrated with a diriment impediment, although unknown to the spouses.³⁰¹

Nor indeed are irregular: 1. Those illegitimately born from a public marriage, but one invalid on account of an occult impediment, unknown at least to one party.³⁰² - 2. Those born from infidels, whose marriage was valid according to nature, although invalid according to canon law.³⁰³ - 3. Exposed children, concerning whose parents there is no certainty.³⁰⁴

In doubt concerning the legitimacy of birth, no one is judged irregular. - Hence the S. C. of the Council, June 27, 1857, responded that a certain man did not need dispensation, who appeared to have arisen from a legitimate marriage both from the parish books and from the civil state, although a grave doubt concerning his legitimacy was pressing, because public fame, and his parents themselves, affirmed that he was adulterine, that is, born from a free father and a married mother.³⁰⁵

Irregularity from defect of birth IS REMOVED: 1. By legitimation, which is made either through a Rescript of the Pontiff, in every case and as to all effects of legitimation for the forum of the Church; or through the subsequent marriage of the parents, provided at the time of conception (or at least of birth, according to a very probable opinion) they could validly have contracted, and it is not a question of elevation to the Cardinalate. 2. By religious profession; and 3. by legitimate dispensation, namely of the Pontiff for sacred Orders and Dignities; of the Bishop for minor Orders and a simple Benefice;

²⁹⁴Book VII, 407.

²⁹⁵Cf. Bizzarri, p. 491, as to dispensation.

²⁹⁶Book VII, 408, fin.

²⁹⁷Ibid., 409.

²⁹⁸Ibid., 410-412; H. A., XIX, 122-124; cf. Haine, *De Ord.*, q. 13.

²⁹⁹Book VII, 413, 414.

³⁰⁰Cf. Trent, sess. 25, cap. 15, *de ref.*

³⁰¹Book VII, 425; H. A., ib., 126-127.

³⁰²Book VII, 424.

³⁰³Konings, n. 1761.

³⁰⁴Book VII, 432; H. A., ibid., 129.

³⁰⁵Cf. *Acta S. Sed.*, vol. I, 350.

as was said n. 1931, 3 and 4.³⁰⁶

1936. IV. From defect of AGE, those are held irregular who have not reached the canonical age for the individual Orders (cf. n. 1918). Those who knowingly receive an Order before the canonical age sin gravely; but today, from the Constitution *Apostolicae Sedis*, they no longer incur suspension, and therefore, if they exercise the Order, they do not incur another irregularity.³⁰⁷

1937. V. From defect of SACRAMENT, or from BIGAMY, irregularity arises, as is established from the title *De bigamis*, and is inferred from the words of the Apostle (1 Tim. 3:2): "A Bishop ought to be the husband of one wife." They assign as reason, that he who has married two wives cannot aptly signify the union of Christ with the Church, His one spouse.³⁰⁸ - A threefold bigamy is DISTINGUISHED: true, similitudinary, and interpretative.

1. TRUE bigamy exists in him who has contracted valid marriage with two successively, and in each case has consummated it (cf. n. 2027).

2. SIMILITUDINARY bigamy exists in him who, after the emission of a solemn vow, whether of Religion or of sacred Order, has contracted and consummated marriage (although null, or even only civil). The reason is, because such a one, by the fiction of law, is judged to have contracted two marriages, one spiritual, the other carnal. But this irregularity seems to be from delict, and it matters nothing whether he contracted with a corrupted woman or with a virgin (cf. n. 1348).

3. INTERPRETATIVE bigamy exists in him who, by a certain interpretation of law, is judged to have had two wives, although in reality he has not had them.³⁰⁹ This happens in four ways: 1) when someone has married and known a widow already known by her former husband, even if he married invalidly; - 2) when he has married and known a woman corrupted by another or a fornicator, even if he believed her to be a virgin, and although he contracted invalidly; - 3) when he has known his own wife after her adultery, although occult, or extorted, or unknown, because then he is judged as if he had married a corrupted woman; - 4) when he has contracted and consummated two invalid marriages, or one valid and another invalid: for then there is present an affection toward two marriages, at least outwardly entered. - Nor in all these things does good faith exempt from the law; for the present irregularity, according to the more common opinion, does not come from delict, but from defect of the signification of the Sacrament.³¹⁰

St. Alphonsus denies that one is irregular who has married a woman previously corrupted by himself.³¹¹ - But neither is the layman irregular who has entered marriage with a nun, even solemnly professed; and the reason is, because the laws speak only of one contracting after his own vow.³¹² Nor similarly do betrothals with several induce irregularity, even if copulation followed; nor fornication, nor adultery, nor ratified marriage with several. - See more among the Canonists.³¹³

1938. VI. From defect of GOOD FAME irregularity is contracted, according to that saying of the law: "Let not the gates of dignities lie open to the infamous." Likewise from can. *Infames*, caus. 6, q. 1. - A twofold infamy is distinguished, namely of law and of fact.

Infamy of law is contracted in two ways: 1. from juridical confession of an enormous crime, which either ecclesiastical law or civil law has marked with infamy; 2. from a judge's sentence, whether declaratory of the crime or condemning to infamous penalties, e.g., to the galleys, although the sentence issued had rested on false testimonies. And this irregularity indeed impedes both the reception and the exercise of Order, until dispensation is granted in it, or until fame is restored to the guilty one through another sentence.

Infamy of fact is contracted before every sentence: 1. From the notoriety of some enormous crime, which has become known to the greater part of the neighborhood or college (where there are at least ten), so that it can now be concealed by no evasion; 2. from certain notorious and enormous crimes of parents. - This irregularity altogether impedes the reception of sacred Order; but as to the exercise of Order, the Bishop can dispense in it, if the crimes are less than adultery, and the guilty one has done penance. It is also removed through Baptism and through notorious amendment, e.g., of three years (cf. n. 1931).³¹⁴

³⁰⁶Book VII, 421, 426, 427, 431.

³⁰⁷Book VI, 799.

³⁰⁸Book VII, 436; *H. A.*, ib., 131.

³⁰⁹*H. A.*, ib., 138; Book VII, 448.

³¹⁰Book VII, 437-447; *H. A.*, XIX, 132-137; 1 *Elench. qq. ref.*, n. 99.

³¹¹Book VII, 438.

³¹²*Ibid.*, 449.

³¹³Cf. De Angelis, lib. I, tit. 21; J. d'Annibale, *Summula*, I, n. 418.

³¹⁴Book VII, 362-364; *H. A.*, XIX, 92.

IT IS ASKED. What are the CRIMES to which infamy is annexed by law?

Resp. They are the following: "Homicide, perjury made in judgment, heresy, simony, the crime of lese-majesty, sodomy, adultery, pandering (base gain from the adultery of one's wife), treason, robbery, the exercise of usury, invasion of Cardinals or Bishops. Likewise, abduction of women, or cooperation in it, duel, preparation of arms against parents, etc. Likewise, the exercise of an actor with base representations;"³¹⁵ and other notorious crimes which, the circumstances being attended to, render a man of vile and abject estimation among the pious and prudent.³¹⁶ But the crimes of parents, whose infamy redounds upon children born after the delict, are the crime of lese-majesty, the prostitution of the mother, and notorious heresy, concerning which see nn. 1945 and 442.

1939. VII. From defect of LIBERTY, the following are declared irregular in various chapters of Law:

1. Slaves properly so called, or bondsmen, until they obtain full liberty.³¹⁷
2. Married men, on account of the bond of marriage. Nevertheless, a man can be ordained: 1) if on account of the wife's adultery a juridical divorce has been made; for in this case, he has been withdrawn from her right in perpetuity; 2) if the wife expressly and freely consents, and at the same time vows perpetual chastity. Indeed, the wife is altogether bound to enter Religion: 1) if the husband is assumed to the Episcopate; 2) if he becomes a Religious, and she is young.³¹⁸
3. Courtiers, or those who by obligation of oath or stipend serve the Courts of Princes: such as Judges, Advocates, soldiers, etc., as long as they discharge such office. - Except, if they have obtained at least tacit license from the Pontiff or from custom: as are certain clerics, occupied in the courts of princes in civil causes, not however criminal causes.³¹⁹
4. Those bound to render accounts; as public treasurers, depositaries, magistrates, etc.: all of whom cannot be ordained unless their accounts have been rendered and their office laid down. - Nevertheless, administrators of pious places are not to be numbered among these, as is established from canon law.³²⁰

1940. VIII. From defect of MILDNESS those are irregular who, after Baptism, voluntarily, actively, efficaciously, and proximately concur in the death or mutilation of someone, although justly and from public authority, through an action ordered by its nature to this. "This the Church has therefore established, because the priest bears the person of Christ, who, as most mild, never injured anyone."³²¹ If such concurrence were unjust, there would be irregularity from delict (cf. n. 1946).

This irregularity is contracted both in JUDGMENT, and in WAR, and in the exercise of the MEDICAL art.

1. In JUDGMENT they become irregular, the effect having followed: Judges pronouncing a sentence, although just, of death or mutilation (unless they have a privilege, as Inquisitors of the faith, and their Officials); Counselors and assessors, who cooperate by their counsel or vote; accusers or denouncers seeking vindication of a capital crime, although they protest that they do not wish the penalty of death, since the protestation is contrary to the fact; voluntary witnesses, although they preface the same or a similar protestation; voluntary advocates and procurators against the accused; notaries writing, subscribing, or dictating the sentence; executioners, lictors, and all ministers executing the same sentence of death or mutilation.³²² Whether jurors, e.g., in France, in Italy, become irregular is controverted; it is more probable that they are to be assimilated to compelled witnesses.³²³
2. IN AN UNJUST WAR (if nevertheless the injustice is established) all soldiers become irregular, even if only one man is killed; but that irregularity is from delict (see n. 1946). In a just merely defensive war no one becomes irregular, just as neither is he to be called irregular who mutilates or kills an aggressor in inculpable defense of life, chastity, or even of neighbor.³²⁴ In a just offensive war all those become irregular who mutilate or kill by their own hand; likewise, clerics in Sacred Orders, or beneficiaries, who of their own accord have given their name to military service (in which they sin

³¹⁵Book VII, 363.

³¹⁶Cf. Craisson, n. 1909 and seq.

³¹⁷Book VII, 455.

³¹⁸Book VI, 812, according to which *H. A.*, XIX, 142, is to be interpreted.

³¹⁹Book VII, 456; *H. A.*, ib., 143.

³²⁰Ibid., 456 and III, 838, v. *Valde*.

³²¹Book VII, 457.

³²²Book VII, 461, 468; cf. Scavini, III, n. 587, 3.

³²³Cf. Craisson, n. 1945.

³²⁴Book VII, 458.

gravely), and at some time have used a gun in some conflict, although they should swear that no one was injured by themselves.³²⁵

Nor indeed do the following contract irregularity: the legislator establishing a capital law; a cleric exhorting men to fight bravely in a just war, to punish the guilty, etc.; a theologian resolving speculatively a case of war; a confessor exhorting the guilty one to ascend the ladder of punishment, or to submit his head to the blow; a cleric, assisting from curiosity at the punishment of the guilty one, although he sins venially, at least if he is in Sacred Orders; a compelled witness; an accuser civilly seeking compensation for damage to himself or to his relatives up to the fourth degree, even in a criminal cause, provided he protests, at least externally, that he wishes neither vindication nor death.³²⁶

3. In the exercise of the MEDICAL ART, clerics in Sacred Orders incur irregularity, as also monks, who heal (outside the case of true necessity) with burning or incision, if death is notably accelerated from this or mutilation follows; although they are skilled in the art and apply every diligence.³²⁷

Nevertheless, more truly, clerics constituted in minor Orders do not contract this irregularity, although they are beneficiaries; for penalties are not to be extended to cases not expressed in law.³²⁸ - Nor do these things regard lay physicians or surgeons, if they operate according to the rules of their art, as Benedict XIV says.³²⁹ Nevertheless, the usage is that, for caution, even as to these, dispensation is sought, if perchance they at some time had culpably offended in their art.³³⁰ - See other things n. 1946.

§ 2. On Irregularity From Delict These Irregularities are contracted: 1. on account of Baptism badly received or repeated; 2. on account of violation of censure; 3. on account of usurpation of sacred Order; 4. on account of bad reception of Orders; 5. on account of the crime of heresy or apostasy; 6. on account of homicide and unjust mutilation.

1941. I. On account of BAD RECEPTION, or ITERATION OF BAPTISM, the following is irregular: 1. He who, in adult age, knowingly receives Baptism from a declared heretic, outside the case of necessity; for he seems to communicate in his error; - 2. He who defers it until the danger of death; for such delay is a sign of weak faith; - 3. An adult who knowingly and solemnly is rebaptized; - 4. He who publicly and solemnly rebaptizes; likewise a cleric who assists at rebaptization.³³¹

“One rebaptizing or rebaptized from fear, without intention, or under condition (although it is done rashly and culpably), probably does not become irregular. - Nevertheless, culpable ignorance does not excuse these.”³³²

1942. II. On account of VIOLATION OF CENSURE, every cleric in Sacred Orders is irregular, who, bound by a censure properly so called and valid before God, knowingly, rashly, and solemnly exercises sacred Order.³³³

We said 1. bound by a censure properly so called, i.e., excommunication, suspension, or interdict, insofar as they are medicinal penalties, as is commonly taught; and valid before God, as is established from the decision of the S. C. of the Council, July 19, 1704, and September 11, 1717³³⁴ (cf. n. 1272, fin.). Nevertheless, cases are not lacking in which the S. C. C. declared that someone had become irregular from violation of a merely penal suspension,³³⁵ or one inflicted from informed conscience (cf. nn. 1301 and 1304, fin.).

We said 2. exercises KNOWINGLY, namely as if he contemned the censure; RASHLY, i.e., without being excused by reason of grave evil, scandal, infamy, etc.; for human laws do not oblige with grave inconvenience;... and SOLEMNLY, i.e., with the insignia of his proper Order: for example if a deacon sings the Gospel with stole, a subdeacon the Epistle with maniple, or if a Canon, discharging the office of hebdomadary, sings *Dominus vobiscum* in choir.

We said 3. sacred Order; for otherwise, if he exercises a minor Order, although solemnly and from office.

³²⁵Book VII, 459 (from the 6th ed.), 460.

³²⁶Book VII, 460-468.

³²⁷Book VII, 385; *H. A.*, XIX, 107, v. fin.

³²⁸Book VII, 385 and 387, v. *Ad textum*.

³²⁹*De Synodo*, lib. 13, cap. 10, n. 4.

³³⁰Scavini, III, 587, 2.

³³¹*H. A.*, XIX, 88.

³³²Book VII, 356; cf. Book VI, 122.

³³³*H. A.*, *ibid.*, 89.

³³⁴Cf. Craisson, n. 1795.

³³⁵Cf. *Thesaur. Resolut.*, tom. 108, p. 105; in Lucionen., April 8, 1848, ad IV.

Hence, he is IRREGULAR: 1. A Priest who, entangled by censure, celebrates Mass, absolves penitents, or administers other Sacraments; likewise, he who celebrates in an interdicted place, because he violates the interdict; 2. A censured Bishop or priest who compels another to celebrate before him, as is established from cap. *Illud, de cler. excomm.*

He does not become irregular who exercises acts of jurisdiction; e.g., who excommunicates, approves confessors, confers benefices, assists at marriage without solemn blessing, dispenses from vows, preaches, etc.; nor he who celebrates only in a polluted church, and not an interdicted one.³³⁶

1943. III. On account of USURPATION OF AN ACT OF SACRED ORDER a cleric is irregular, as to receiving higher Orders, who seriously and knowingly exercises a sacred Order which he does not have.³³⁷ Whether a layman also incurs this irregularity is indeed disputed, but the more probable opinion denies.³³⁸

Hence the following is IRREGULAR: 1. A Presbyter who presumes solemnly to exercise Pontificals, namely sacred functions and blessings exclusively reserved to the Bishop, e.g., consecration of a Church, of a chalice, etc. 2. A Deacon who absolves sacramentally, or who confers solemn Baptism, even in a case of necessity, short of delegation (cf. n. 1462). - 3. A Subdeacon who solemnly carries the pyx containing the Most Holy Eucharist, or who sings the Gospel with stole, etc.³³⁹

But a simple priest, in hearing confessions, does not incur irregularity because he exercises an act of the Order which he has, although he lacks jurisdiction. Whence he sins and absolves invalidly, but he does not become irregular.³⁴⁰

1944. IV. On account of ILLICIT RECEPTION OF ORDERS, the following becomes irregular: 1. he who is ordained in a furtive manner, without the approval of the Bishop, e.g., by falsely assuming the name of another who was examined; 2. he who, without dispensation of the Bishop, receives on the same day several Orders, of which one is sacred (unless a contrary custom should be in force somewhere); 3. he who receives sacred Order after ratified marriage, the wife resisting.³⁴¹

But he who is ordained by an excommunicated, suspended, interdicted, heretical, schismatic, or simoniacal Bishop does not indeed incur irregularity from delict; nevertheless he must be dispensed by the Bishop, that he may be able to exercise the Order thus received (cf. n. 1366). - Nor does he become irregular who uses fraud to dissemble the defects which he has, or who, with dimissorial Letters fabricated deliberately, deceives the Bishop; because he is not judged furtively ordained.³⁴² Nevertheless he sins gravely.³⁴³ - Nor finally is he irregular who, being excommunicated or suspended, or by leap, or before age, or by a Bishop not his own, receives Orders; provided that one so ordained does not exercise the Order³⁴⁴ (cf. n. 1372, Qu.).

1945. V. On account of the notorious crime of HERESY, or APOSTASY FROM THE FAITH, not only heretics themselves or apostates are irregular, but also their notorious receivers, defenders, and favorers (cf. n. 442, q. 2). But whether, on account of OCCULT heresy, irregularity is incurred, the matter is doubtful. In this case the Bishop dispenses, at least for caution.³⁴⁵ - Besides, from the declaration of the S. PENITENTIARY of April 1, 1829, if it is a question of a schismatic or heretic of a region where heresies rage, one converted to the Catholic faith needs no dispensation.³⁴⁶

1946. VI. On account of the crime of HOMICIDE or MUTILATION, whether public or occult, whether committed on one's own or another's body, anyone gravely culpable as author of the aforesaid crime contracts irregularity, the effect having followed.³⁴⁷ But if his crime is notorious, he will also be irregular from defect of fame (cf. n. 1938, Quaer.). - HOMICIDE (in which is comprehended the abortion of a certainly animated fetus³⁴⁸) can be VOLUNTARY either DIRECTLY, or INDIRECTLY through a physical or moral action, or even through an imputable accident in the cause.

1. Therefore by reason of VOLUNTARY homicide through a physical action the following are irregular: 1) All who by

³³⁶ H. A., *ibid.*, 89; Book VII, 357-358.

³³⁷ *Ibid.*, 90; *ibid.*, 359.

³³⁸ Book VI, 116, dub. 3.

³³⁹ Scavini, III, 577, 2.

³⁴⁰ Book VII, 359.

³⁴¹ Book VI, 361.

³⁴² *Ibid.*, 358, Not. 4; cf. Craisson, n. 1805.

³⁴³ Cf. Scavini, *loc. cit.*

³⁴⁴ H. A., XIX, 91.

³⁴⁵ Cf. Konings, n. 1773.

³⁴⁶ Haine, *Theologiae moralis elementa*, vol. IV, p. 283.

³⁴⁷ H. A., XIX, 93 sqq.

³⁴⁸ Book III, 396, and VII, 347, dub. 4.

their own action kill a man, even if they repent before the injured one dies, as the truer opinion holds.³⁴⁹ - 2) All who by common counsel attack a man, although only one strikes. Likewise, if several have lethally wounded someone without mutual conspiracy, and it is not discerned who brought death, all are to be held irregular.³⁵⁰

2. By reason of VOLUNTARY homicide through moral action all are irregular who efficaciously concur in homicide, cooperating so that it may be perpetrated more quickly, more boldly, or more safely.³⁵¹ In their number are: 1) One commanding, unless he has revoked the mandate, and the revocation has become known to the mandatary before the killing. 2) One counseling, who efficaciously influences the crime by counsel (cf. nn. 978, 980, 981). - 3) All who efficaciously and proximately cooperate in the killing, by carrying a vote, furnishing arms, money; by unjustly accusing, testifying, judging, so that the man may be killed; likewise, he who by his presence renders the killer more bold, or the one to be killed more timid. For all these are judged to be one moral cause, and therefore all incur irregularity.

But he who approves homicide done for his sake is not judged irregular, as the common opinion holds; nor probably, he who does not impede homicide, even if he can impede it, indeed even if he ought from justice to impede it. The reason for each is that neither positively influences the crime.³⁵²

3. By reason of ACCIDENTAL homicide, he alone incurs irregularity who, knowing or doubting that a danger of killing a man is present in some action of his, neglects to guard against it with grave fault. We say with grave fault; for if the homicide is merely accidental, so that it happens without any fault, it does not induce irregularity.³⁵³

Hence, he is subject to irregularity: 1. He who applies himself to a thing illicit and at the same time so dangerous that death frequently follows from it (as would be to set fire to a cannon where there is a crowd of people, or to fight in war), although he applies every diligence, for this truly does not remove the danger of homicide.³⁵⁴ 2. He who commands an unjust beating, if the mandatary accidentally kills; because such a one is expressly declared irregular in Law.³⁵⁵

But indeed he is not subject to irregularity: 1) He who applies himself to a licit thing, e.g., a skilled physician caring for a sick person, a teacher moderately striking a disciple, a worker repairing a roof, if he kills someone by an unexpected and altogether involuntary event; (otherwise in the case in which, the circumstances being weighed, he could be reproached for grave and lethal negligence).³⁵⁶ - 2) He who applies himself to a thing indeed illicit, but of itself not proximately dangerous, from which the death of a neighbor follows as from a simple occasion. And hence it is why the S. C. of the Council judged that a cleric was not irregular, on account of whose adultery the husband had killed his adulterous wife.

4. By reason of MUTILATION he becomes irregular who culpably cuts off from himself or another some principal member, i.e., some part of the body which has its proper office divided from others, whether an amputation of this sort is made by physical action, or by moral action, namely by mandate, or counsel, or any unjust, yet certain and efficacious cooperation. - Therefore he is irregular who castrates himself; likewise, he who, outside the case of infirmity or necessity, from a depraved will, as is had expressly in law,³⁵⁷ amputates a finger or part of a finger; likewise he who castrates another, by cutting off both testicles; likewise, he who cuts off one breast from a woman.

Nor indeed does he become irregular who cuts off one or two fingers from another; nor who amputates one testicle only: nor who blinds a man by depriving him of sight alone, without extracting the eyes: nor who only weakens a member. - The reason is because amputation is not properly mutilation.³⁵⁸

1947. IT IS ASKED. Whether he incurs irregularity who, in DEFENSE of himself, or of an innocent person, or of his own goods, kills another?

Resp. Negatively, unless with grave fault he exceeds the moderation of inculpable defense. It is established from what was said in the Fifth Precept, n. 734 and following. - But very probably he incurs irregularity who, for defense of himself, kills an aggressor whom he had before provoked by words, or by deed, foreseeing that he would very easily be attacked. - And the same must be said of the adulterer who, foreseeing proximate danger of assault on the part of the husband, kills

³⁴⁹Book VII, 368; cf. *Vind. Alph.*, t. II, p. 511.

³⁵⁰Book VII, 365-369.

³⁵¹Book VII, 370-374.

³⁵²*Ibid.*, 374-376.

³⁵³*Ibid.*, 377-383.

³⁵⁴*Ibid.*, 387-388.

³⁵⁵Cap. ult. *de homicid.*, in 6.

³⁵⁶Book VII, 384.

³⁵⁷Can. 6, dist. 55.

³⁵⁸Book VII, 378-382.

him in order to defend himself when caught in adultery; because adultery, no otherwise than provocation, is reputed an act including in itself the proximate danger of homicide.³⁵⁹

Note. Bishops, and Regular confessors, can dispense in irregularities from mutilation, from accidental homicide, or from exceeding the moderation of inculpable defense, when the crime is occult.³⁶⁰

³⁵⁹Ibid., 388-389.

³⁶⁰Ibid., 381, 393, 396; *de Privilegiis*, n. 51 and 105.