

SYNOPSIS OF MORAL AND PASTORAL THEOLOGY

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VOLUME I

On Holy Orders

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On Holy Orders (Volume I)

On Holy Orders

ON ORDER.

1140. To complete those things which we have said in the dogmatic Treatise *On Order*, there remain to be set forth the practical questions concerning the minister and subject of Order, and also concerning irregularities.

Concerning the Minister:

On the proper Bishop as regards ordination.

On the rules to be observed for licit ordination.

Concerning the Subject:

On vocation to the priestly state.

On dimissorial and testimonial letters.

On the age of those to be ordained.

On the title of ordination.

On the obligations imposed in ordination.

Concerning Irregularities:

On irregularities in general.

On irregularities from defect.

On irregularities from delict.

On the cessation of irregularities.

Art. I. On the Legitimate Minister of Order.

1141. For the validity of ordination: a) the ordinary minister is every and only consecrated bishop; b) the extraordinary minister is he who, although he lacks episcopal character, has received from law or from the Apostolic See, by indult, the power of conferring some orders¹.

¹ *Codex*, c. 951, 957.

For the liceity of ordination: a) for the Episcopate, the only minister is the Roman Pontiff, or a bishop by pontifical mandate²; b) for the other orders: 1) as regards a cleric ordained by the Roman Pontiff, the minister is he who obtained from the Holy See the faculty of ordaining³; 2) as regards seculars, it is the proper bishop by himself, or through another who has obtained legitimate dimissorial letters⁴; 3) as regards privileged religious, regularly it is the bishop of the diocese in which is situated the religious house to whose family the one to be ordained belongs⁵.

² *Codex*, c. 953.

³ *Codex*, c. 952.

⁴ *Codex*, c. 955.

⁵ *Codex*, c. 965.

That an ordination may be licit, 1° it must be conferred by the proper Bishop, or with his license; 2° and indeed with the canonical rules observed.

I. On The Proper Bishop.

1142. The Supreme Pontiff is the proper Bishop of the whole Church, and therefore he can confer orders not only validly but also licitly everywhere on earth, whether by himself or through a delegate. - But a Bishop cannot by proper right confer orders except upon his subjects: "Let each one be ordained by his proper Bishop or with legitimate dimissorial letters of the same."¹

¹ *Codex*, c. 955, § 1.

Now "the proper Bishop, with respect to the ordination of seculars, is only the Bishop of the diocese in which the one to be promoted has domicile together with origin, or simple domicile without origin; but in this latter case the one to be promoted must confirm by oath his intention of remaining perpetually in the diocese, unless it is a question of promoting to orders a cleric who by first tonsure has already been incardinated in the diocese, or of promoting an alumnus who is destined to the service of another diocese... or of promoting a professed religious."²

² *Codex*, c. 956. - *Codex*, c. 90, § 1.

1143. From this canon the proper Bishop, as regards ordination, is he in whose diocese the one to be ordained has canonical domicile, which is acquired by residence in the diocese either joined with the intention of remaining there perpetually, if nothing calls one away from there, or prolonged to a completed decade.

1144. If domicile is joined with origin, it is plainly sufficient; but if without origin, an oath is required by which the one to be promoted manifests the intention of remaining perpetually in the diocese. From canon 93, § 1, a minor retains the domicile of him to whose power he is subject, e.g., of his parents. But if these lack canonical domicile, whether familial or acquired, because, e.g., they have resided nowhere for ten years or with the intention of remaining, minors in age cannot receive even first tonsure until, having become majors, they establish for themselves a domicile in some diocese; for this two things are required: residence in some diocese, and the intention of remaining there perpetually. - Therefore they can enter the seminary of the diocese into which they intend to be incorporated, and reside there with the intention of remaining perpetually in the diocese, and emit the oath with the license and approbation of the Bishop of this diocese.

1145. Moreover, by reason of incardination, he becomes a subject of the Bishop who, duly dismissed from his own diocese, has been canonically incardinated in the diocese of this Bishop¹. But when first tonsure has been received, a cleric is so incardinated in the diocese to which he belongs that he cannot depart except according to the norm of Law. (Can. 111-117.)

¹ *Codex*, c. 956, 969.

1146. "A Vicar and Prefect Apostolic, an Abbot or Prelate *nullius*, if they possess episcopal character, are equated with a diocesan Bishop in what pertains to ordination. If they lack episcopal character, they can nevertheless in their own territory confer first tonsure and minor orders both upon their own secular subjects... and upon others who exhibit the dimissorial letters required by law; ordination performed by the same persons outside these limits is invalid."²

² *Codex*, c. 957.

1147. "A regular Abbot of government, even without *nullius* territory, can confer first tonsure and minor orders, provided that the one to be promoted is subject to him by force of profession at least simple, and that he himself is a priest and has legitimately received the abbatial blessing."³

³ *Codex*, c. 964.

II. On The Canonical Rules Established For Licit Ordination.

1148. Orders must be conferred: 1° by grades, not by leap; 2° with the interstices observed; 3° in the proper time and place; 4° after a previous examination.

1149. 1° On ordination through the several grades⁴. (a) According to the sacred canons, the one to be ordained must not receive a superior order with an inferior order passed over, or he cannot be ordained by leap: "Orders are to be conferred by grades in such wise that ordinations by leap are altogether prohibited."⁵ For it is altogether fitting that no one ascend to higher things unless first he has been exercised in lower things. Although tonsure is not an order, nevertheless it is permitted to no one to receive orders unless first he has been initiated by first tonsure, because this is the preamble and preparation for orders.

⁴ *Decretal.*, lib. V, tit. XXIV, cap. unic.; *Codex*, c. 977; Canonists on this title; Icard, II, n. 325-326; Gasparri, n. 495-499.

⁵ *Codex*, c. 977.

(b) Yet orders received by leap are valid, except perhaps the episcopate. For the several orders are complete in themselves, and produce their effects independently of the others; indeed the presbyterate eminently contains in itself and confers all the faculties and graces conferred in the diaconate, subdiaconate, and minor orders. - It was said except the episcopate, about which there is controversy among theologians; some contend that the episcopate is not an order distinct from the presbyterate, but only its complement, and therefore is not validly received unless the presbyterate has first been received; but others hold that the episcopate is a distinct order, in which the sacerdotal order is eminently contained, and that it is established from ancient documents that sometimes this order was conferred while the other orders were passed over. In practice, however, every order passed over must be conferred.

(c) A Bishop gravely sins knowingly conferring a superior order while an inferior one has been passed over. A cleric knowingly promoted by leap not only sins gravely, but is prohibited from ministering in the order irregularly received and from ascending to a higher one. (*Codex*, c. 2374.)

1150. 2° On interstices. According to Trent¹, interstices between the various orders must be observed, so that "those promoted may exercise themselves in the orders received, according to

the prescription of the Bishop,"² and, while they ascend from grade to grade, merit of life and greater doctrine may increase in them with age. "The interstices between first tonsure and the ostiarate, or between the several minor orders, are entrusted to the prudent judgment of the Bishop; but the acolyte is not to be promoted to the subdiaconate, the subdeacon to the diaconate, the deacon to the presbyterate, before the acolyte has spent at least one year, the subdeacon and deacon at least three months, each in his own order, unless the necessity or utility of the Church, in the judgment of the Bishop, requires otherwise.

¹ *Trident.*, sess. XXIII, cap. 11, 13, 14, *de Reformat.*

² *Codex*, c. 978, § 1.

"Never, however, unless by peculiar license of the Roman Pontiff, are minor orders to be conferred with the subdiaconate, or two sacred orders on one and the same day, any contrary custom being reprobated; indeed neither is it permitted to confer first tonsure together with any one of the minor orders, nor all minor orders at the same time."³

³ *Codex*, c. 978, § 2, 3.

1151. 3° On the time and place of ordination. (A) On the time: "Episcopal consecration must be conferred within the solemnities of Masses, on the Lord's day or on the natal day of the Apostles. Ordinations in sacred orders are to be celebrated within the solemnities of Masses on the Saturdays of the Four Times, on the Saturday before Passion Sunday, and on Holy Saturday. Nevertheless, if a grave cause intervenes, the Bishop can have them also on any Lord's day or feast of precept. First tonsure can be conferred on any day and hour; minor orders on individual Lord's days and double feasts, yet in the morning."¹

¹ *Codex*, c. 1006.

1152. (B) On the place of ordination: (a) "A Bishop outside his own territory, without the license of the Ordinary, cannot confer Orders in the conferral of which pontificals are exercised,"² saving nevertheless the privilege of Cardinals who have the faculty "of performing pontificals with throne and baldachin in all churches outside the City, the Ordinary having been forewarned, if the church is cathedral."³

² *Codex*, c. 1008.

³ *Codex*, c. 239, 15°.

1153. (b) "General ordinations are to be celebrated publicly in the Cathedral church, with the canons of the church having been called and present; but if in another place of the diocese, the clergy of the place being present, the more worthy church, as far as can be done, is to be approached. However, the Bishop is not prohibited, when a just cause persuades, from having particular ordinations also in other churches and likewise in the oratory of the episcopal house or of the Seminary or of a religious house. First tonsure and minor orders can be conferred also in private oratories."⁴

⁴ *Codex*, c. 1009.

1154. 4° On the previous examination. (a) Anyone to be promoted, whether secular or religious, must undergo a previous and diligent examination concerning the very order to be received. (b) One to be promoted to sacred orders is to be examined also in other tractations of sacred theology designated by the Bishop. (c) Regularly, the local Ordinary who ordains by his own right or gives dimissorial letters receives this examination. (d) The names of those to be promoted to the several sacred orders are to be publicly announced in the parochial church of each candidate, and indeed on a feast day of precept during the solemnities of Masses or on another day and hour at which a greater frequency of people is had in the church. (e) All the faithful are held by the obligation of revealing to the Ordinary or pastor before the sacred ordination any impediments to sacred orders, if they know any. (f) But the Ordinary can prescribe other inquiries, according to his prudence and conscience¹.

¹ *Codex*, can. 996-1000.

1155. Corollary. From this it follows that a Bishop is held to repel the unworthy from sacred orders. So that he may be able to do this more efficaciously, the *Codex* permits the Bishop (or religious Superior) "to forbid his clerics, for any cause whatever, even an occult one, even extrajudicially, ascent to orders, saving the right of recourse..."²

² *Codex*, c. 970.

Art. II. On The Subject of Ordination.

1156. Preliminary notes. (A) For receiving orders validly, it is required that one be: (a) of the male sex, since women have always been prohibited from sacred orders in the Church; (b) baptized, since baptism is the gate of all the sacraments; (c) that in adults there be at least a habitual expressed intention of receiving order, since no adult can contract the grave obligations of priesthood without an explicit will.

From the *Codex*, c. 214, "A cleric who, compelled by grave fear, received a sacred order and afterward, when the fear had been removed, did not ratify the same ordination at least tacitly by exercise of the order, willing nevertheless by such an act to subject himself to clerical obligations, is to be reduced to the lay state, the coercion and defect of ratification having been legitimately proved, by sentence of the judge, without any obligations of celibacy and of the canonical hours. - But coercion and defect of ratification must be proved according to the norm of cc. 1993-1998."

As regards him, however, who received sacred orders before the legitimate age, these things seem to be said: if he does not have the age of discretion when a major order is conferred upon him, and afterward, when he has arrived at the suitable age so that according to the laws of the Church he can emit a solemn vow, namely at the twenty-first year, he has not ratified the ordination, he is reduced to the lay state without the obligation of celibacy by the Sacred Congregation of the Sacraments; this can be extended to those who after the use of reason, but before puberty, received a sacred order, indeed perhaps to those who in good faith were ordained before the canonical age³.

³ Maroto, *Institutiones Juris Canonici*, 1921, I, n. 736.

(B) But for the licit reception of orders, many conditions are required: (a) the state of grace, since Order is a sacrament of the living; (b) the reception of Confirmation: "Let those who have not

received the sacrament of Confirmation not be initiated with first tonsure,"¹ more probably under only a light obligation, according to St. Alphonsus (n. 786); (c) immunity from censures and irregularities; (d) congruent morals; (e) due knowledge. There are other conditions concerning which one must speak a little more fully: 1° divine vocation; 2° dimissorial and testimonial letters; 3° canonical age; 4° title of ordination. 5° We shall add a few things on the obligations imposed in ordination itself.

¹ *Trident.*, sess. XXIII, cap. 4 *de Reformat.*

I. On Vocation To The Clerical State.

1157. 1° Its notion and necessity. (A) Priestly vocation can be considered on the part of God, and on the part of the Church. - On the part of God it can be defined: an act of supernatural Providence, by which God disposes some before others to be called to the priesthood through the Church and adorns them with congruent gifts for laudably undertaking the offices of the priesthood.

² Hallier, op. cit., col. 357-396; Habert, *De Ordine*, IIIa Pars, cap. 1; St. Alphons., n. 802-803; Icard, II, n. 316-319; Gasparri, n. 110-119; Tronson, *Meditations ecclesiastiques*, 3rd Medit.

(a) It is an act of supernatural Providence; for if God directs all beings, but especially rational creatures, to their proper end, He cares maximally and especially for those whom He foreknows will be future ministers of the Church, since on their manner of acting depend not only their own salvation, but also the good of the Church and of souls. And indeed, since the priestly state is a supernatural dignity and tends to a supernatural end, clerical vocation pertains to supernatural Providence.

(b) By which God disposes some before others to be called through the Church; for not all are destined to the priesthood, but only those whom God from eternity, out of His goodness and free will, without any foreseen merit, selects in His mind for this priestly office.

(c) And adorns them with congruent gifts... For since God is wise and provident, for those whom He chooses for the sublime and arduous offices of the priesthood, He prepared from eternity all the gifts necessary for undertaking these offices worthily and laudably, whether natural, such as an apt body and mind, or supernatural, such as the gift of continence, zeal for souls, and other virtues, without which one called would not be suitable for the sacred ministries. - Yet this vocation does not take away human liberty, but only helps and perfects it; just as therefore man can resist divine grace, so likewise he is able to reject the divine vocation and the means divinely prepared for following it, by so acting that he renders himself unworthy or incapable for priestly offices: then he is said to lose his vocation, not indeed in the sense that God revokes the eternal decree by which he had been pre-elected to the priesthood, but because He deservedly repels from clerical dignity those who now are neither worthy nor suitable. Hence also those who by acting badly have lost their vocation can often recover it by sincere conversion and perseverance in the practice of virtues.

But on the part of the Church, vocation is an act of supernatural jurisdiction, by which ecclesiastical Superiors select and assume those whom they judge suitable and divinely called to the clerical state. For since they bear the place of God on earth, they are able to investigate and authentically interpret His decrees in relation to the vocation of ministers of the Church.

1158. (B) Divine vocation is necessary for licitly receiving orders and for duly undertaking their offices.

It is established by Scripture: (a) by Christ's manner of acting: for He Himself with special care called to Himself disciples whom He destined for the special office of sanctifying men: "Come after me, and I will make you become fishers of men"¹; then among the disciples He chose certain ones whom He also named apostles²; and at the Last Supper He openly declared His mind to the twelve apostles, saying: "You have not chosen me, but I have chosen you, and appointed you that you should go and bring forth fruit, and that your fruit should remain."³ From this it is inferred that those who are deputed to the office of preaching the Gospel are to be chosen not by themselves, but by Christ Himself; for they themselves must be sent by Christ, just as Christ also was sent by the Father⁴.

¹ Matt., IV, 19.

² Luc., VI, 13; Matt., X, 2-4; Marc., III, 13-19.

³ Joan., XV, 16.

⁴ Joan., XX, 21.

(b) By the manner of acting and speaking of the Apostles: for when they wished to choose one from the disciples in place of Judas, they appointed two, Joseph and Matthias, and praying they said: "Thou, Lord, who knowest the hearts of all, show which one of these two Thou hast chosen, to receive the place of this ministry and apostleship."⁵ Likewise, when Saul and Barnabas were consecrated to the apostolic ministry, they were designated by the Holy Spirit Himself: "And as they were ministering to the Lord and fasting, the Holy Spirit said to them: Separate me Saul and Barnabas, for the work unto which I have taken them."⁶

⁵ Act., I, 24-25.

⁶ Act., XIII, 2.

(c) By the open declaration of the author of the Epistle to the Hebrews: for he, treating expressly of the priesthood of the New Law, says: "Neither doth any man take the honor to himself, but he that is called by God, as Aaron was. So also Christ did not glorify himself, that he might be made a high priest; but he that said unto him: Thou art my Son, this day have I begotten thee."¹ This proposition, since it denies universally, suffers no exception. In truth, if any exception could be admitted, surely it would be for Christ, who was full of grace and truth, and in whom all the treasures of wisdom and knowledge were hidden; but now, with the Apostle as witness, Christ did not glorify Himself, i.e., He did not ambitiously seek or usurp the dignity and glory of the priesthood, but was raised to it by the Father. Therefore divine vocation is required.

¹ Hebr., V, 4-5.

(d) From the *Codex*, cc. 1353 and 1363, it is established implicitly, but clearly: "and let them foster in them the seed of divine vocation."

1159. It is confirmed by theological reason. (a) In the Treatise *On the Church* it has been proved that no one has the power of teaching and ruling in spiritual matters, unless he has been sent by God, through the mediation of those who are successors of the Apostles: for they, and indeed they alone, rejoice in the power of teaching and ruling. But those who, not called by God nor

chosen by ecclesiastical Superiors, thrust themselves into the sacred ministry, surely cannot be said to be sent by God; they have not entered the sheepfold through the door, but elsewhere; since Christ Himself is the door, and if anyone has not entered through Him, i.e., not having been called by Him, he is a thief and a robber. But a thief comes only to steal and to slaughter and to destroy²; or, in other words, he who is not called by God is not only guilty of usurpation, like a thief and robber, but also becomes for others a cause of spiritual ruin.

² Read the whole parable of the good shepherd, Joan., X, 1-18.

(b) Divine Providence governs and moderates all things sweetly and strongly, especially in the supernatural order, and distributes offices, dignities, and grades of honors according to the counsel of His wisdom; yet in such a way that to whomever some office is given, to the same likewise are conferred graces, virtues, and gifts so that he may be able duly to fulfill the offices of the state. If therefore someone is divinely chosen for the priesthood, by that very fact there are prepared for him graces and gifts by which he can laudably undertake clerical offices. But if he is in no way called by God, on the one hand he must fulfill many offices, and indeed much more arduous than those which are incumbent upon the faithful, under penalty of mortal sin; and on the other hand, he lacks those special graces which are morally necessary for duly exercising offices of this kind, and which are conferred, by God's general law, only upon those who are legitimately called.

(c) This is more easily understood if the principal offices of a priest are briefly reviewed: for he is a mediator between God and men, offering prayers and sacrifices to God for the Christian people, and dispensing the divine sacraments; but no one can assume the parts of a mediator unless he is admitted by the parties whose interest is involved; no one can be a mediator before God unless first he is made acceptable to Him; no one can dispense divine mysteries unless he has been divinely chosen. - Moreover, the priest is as it were a divine herald, and performs an embassy for Christ, as though God were exhorting through him¹; but no one can announce the word of God as having power unless he receives authority from God, no one can be a divine legate unless he is deputed by Christ Himself. And so concerning the other offices.

¹ II Cor., V, 20.

1160. 2° Signs of divine vocation. Here there is no question of extraordinary signs, by which God manifests His will in a preternatural way; but of ordinary signs, by which the divine decree can become known to a prudent man. Now these are three: suitability for the sacred ministry; right intention, or a supernatural desire of receiving the priesthood for that end for which it was instituted by Christ; election by ecclesiastical superiors regularly made. The reason is that, when God chooses a man for some office, He makes him suitable so that he can fulfill the offices attached to it; and at the same time by grace He moves him to embrace this office for the end instituted by Christ; and when there is question of the clerical state, for which election is required, He so bends the minds of superiors that they choose those called.

1161. (A) Suitability consists in this, that one, both on the part of body and on the part of soul, be immune from vices which render him incapable for ecclesiastical offices, and at the same time furnished with those gifts which are necessary for duly undertaking them.

Now among vices, some are congenital or so deeply rooted that they can scarcely be corrected, and therefore render someone unfit for priestly offices. Such are: (a) a dull and leaden mind, in no way suitable for acquiring ecclesiastical knowledge; or a lack of rectitude of judgment, which often harms more than ignorance; (b) a rustic and fierce disposition, given to contentions and quarrels, which will drive away rather than attract the sheep of the flock, and will sow discords; (c) a light and unstable disposition, which, by the very fact that it turns with every breeze, will not be able for long to bear the burdens of the priesthood, which are perpetual and require constancy; (d) a soft and idle disposition, which lacks the fortitude and patience necessary for overcoming difficulties often occurring in the sacred ministry; (e) an irascible and drunken disposition; for, as Habert says¹, "irascibility and fondness for wine must sometimes be referred in part to vices of nature, and can scarcely be completely scraped away."

¹ Habert, l. cit., § III.

But there are other vices which indeed render someone unworthy of sacred orders as long as they persevere, but, because they can be corrected, as being voluntary, they do not bar him perpetually from the priesthood; such are sins against chastity and the other virtues; namely, those who have committed them must be tested for so long as is necessary that there be a founded hope that they are not going to relapse into the same vices; but the length and nature of the probation depend on many circumstances, which it would be too long to explain².

² Cf. St. Alphons., lib. VI, n. 63-77; *Vindic. Alphons.*, p. 778-785.

Nor does immunity from vices suffice, but sanctity of life is required; according to St. Thomas, for the ministry of the altar³ "greater interior sanctity is required than even the religious state requires"; according to St. Alphonsus (n. 803), the Bishop, before he confers sacred orders, 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 leads a spiritual life, is assiduous in churches, frequents the sacraments and prayer, lives separated from seculars, associates with well-mannered companions, applies himself to study, uses modest dress, etc." - Nor let it be said that clerics adorned with such virtues are not found in sufficient number; for "God never so deserts His Church that suitable ministers sufficient for the necessity of the people are not found, if the worthy were promoted and the unworthy repelled"⁴; besides, "it is better to have fewer ministers, but good and useful, than more who are going to avail for nothing."⁵

³ St. Thom., 2. 2., q. 184, a. 8.

⁴ St. Thom., *Supplem.*, q. 36, a. 4 ad 2.

⁵ Benedict XIV, Bull *Ubi primum*.

1162. (B) Moreover, RIGHT INTENTION is required, which does not necessarily consist in a certain sensible aspiration of the subject, but in a supernatural and deliberate will of receiving the priesthood as it was instituted by Christ¹.

¹ This intention, although sincere and deliberate, does not exclude a certain reluctance arising from humility, from the burdens of the priesthood, or from another cause, which besides will often be overcome by divine grace and by the pious exhortations of a confessor.

This intention must be supernatural:

(a) By reason of the object, i.e., it must be concerned with the offices of the priesthood insofar as they can promote the glory of God and the salvation of souls. Hence those who desire to receive sacred orders because they ambit temporal advantages, gain, honors, a quiet life, etc., in no way show that they are called by God. On the contrary, if someone approaches sacred orders because he desires to offer the sacrifice of the Mass, to minister the sacraments, to catechize little ones, to visit the sick, etc., insofar as all these things tend to the glory of God and the sanctification of the faithful, he exhibits signs of divine vocation.

(b) By reason of the motive, which primarily and principally must be a serious and efficacious will of praying, laboring, and spending oneself for God and the salvation of souls, according to that saying of the Apostle: "For I seek not the things that are yours, but you... But I most gladly will spend and be spent myself for your souls, although loving you more, I be loved less."² Therefore those lack divine vocation who receive the priesthood for this end alone, that they may live more richly and conveniently; or that they may be esteemed more highly, or be able to preside. - But if someone ambits the priestly state both on account of the sanctification of souls and on account of temporal advantages, the vocation will be divine if the former intention prevails; but the one to be ordained must strive gradually to shake off ignoble ends; and surely his vocation will be the more certain the freer he is from every thought of earthly things. - But the zeal for souls by which he is moved must be efficacious, i.e., not exist in imagination alone, but be manifested by works, namely by prayers, labors, and acts of the virtues offered to God for the sanctification of the neighbor, the conversion of sinners, heretics, and infidels.

² II Cor., XII, 14-15.

(c) By reason of the mode; since God is accustomed to work sweetly and strongly at the same time, this intention of receiving the priesthood must be sweet, disturbing the peace of the soul in no way, prepared to obey Superiors, and therefore free from vain anxieties; and strong, i.e., efficaciously moving the one to be ordained to acquire ecclesiastical virtues and assiduously to cultivate theological knowledge; and also constant; for if it is only fleeting, it seems to be a sign of passing fervor rather than of divine vocation, which of itself is permanent.

Let the candidate not deceive himself; it is necessary that he seek counsel from a wise confessor, to whom he will open the hidden things of his heart concerning his internal aptitude and intention, and who will judge the matter according to the laws concerning the discernment of spirits; for he would act imprudently who received orders by his own judgment.

1163. (C) Election by ecclesiastical Superiors regularly made. For no one has any right to ordination antecedently to the free election of the bishop, who, whether by himself or through delegates, such as the directors of a Seminary, authentically judges concerning the suitability of candidates, whether absolute or relative to his own diocese, and chooses those whom he judges will be useful to his diocese. But this canonical election does not create divine vocation, nor aptitude or right intention, but supposes all these things already to be in the candidate¹.

¹ This doctrine is thus proposed by the special Commission of Cardinals in the decree of June 20, 1912, approved by Pius X (A. A. S., IV, 485), where it is declared that "no one ever has any right to ordination antecedently to the free election of the bishop... nothing more is required in the ordinand, in order that he be duly called by the bishop, than right intention together with suitability, placed in those gifts of grace and nature, and proved by that probity of life and

sufficiency of doctrine, which give founded hope that he will be able rightly to undertake the offices of the priesthood and holily to observe its obligations..."

But what if the spiritual moderator and the Bishop doubt concerning someone's vocation? Since for first tonsure and minor orders a probable vocation suffices, the one to be ordained can receive these, and meanwhile scrutinize the will of God better. But when there is question of sacred orders, "let the bishop confer sacred orders on no one unless from positive arguments he is morally certain of his canonical suitability..."² - Moreover, so that he may more efficaciously be able to remove the unworthy from sacred orders, he can for any cause whatever, even an occult one, even extrajudicially, forbid ascent to orders, saving the right of recourse³.

² *Codex*, c. 973, § 3.

³ *Codex*, c. 970.

1164. 3° Obligation of following a clerical vocation. (A) When extraordinary signs of vocation are present, and indeed certain ones, or when there intervenes a positive precept of the Supreme Pontiff, after mature consideration of the matter, there is an obligation under grave sin of embracing the priestly state: for in this case the will of God is so certainly manifested that it is truly imperative. St. Thomas teaches this¹ in relation to the episcopate, and the reason which he brings forth also holds as regards the presbyterate: "Just as it pertains to an inordination of the will that someone by his own movement be borne toward this, that he be placed over the governance of others, so also it pertains to an inordination of the will that someone, wholly against the injunction of a superior, finally refuse the aforesaid office of governance, on account of two things: first indeed, because this is repugnant to charity toward neighbors, to whose utility someone ought to expose himself according to place and time...; secondly, because this is repugnant to humility, by which someone subjects himself to the commands of superiors." - But a Bishop ought to command the reception of orders absolutely to no one, unless a grave necessity of the Church urges, for which he cannot provide otherwise.

¹ St. Thom., 2. 2. q. 185, a. 2.

(B) When there are only common signs of vocation, and no mandate of Superiors is had, Christian prudence indeed counsels that one obey the judgment of superiors, but no strict obligation under grave sin is given. For the Sacred Penitentiary², August 27, 1829, declared that a cleric was not to be compelled to receive sacred orders who, although chosen by his superiors and judged by his confessor worthy of the sacred ministry, refused to obey their admonitions, because of humility or fear of dangers. The reason is that no one is held under grave sin to embrace a state to which the practice of the evangelical counsels is annexed, unless the will of God imposing this obligation is clearly established; but, when only the ordinary signs of divine vocation are posited, the absolute will of God is indeed prudently, but not certainly, established.

² Ap. Icard, n. 319; Gasparri, n. 114.

(C) He sins gravely who receives sacred orders when he is conscious that he is not divinely called, or approaches rashly without due investigation, or with grave doubt concerning vocation: for he does injury to God and to the Church, and exposes himself and the souls to be committed to him to the danger of spiritual ruin, as is established from what has been said concerning the necessity of vocation. Yet he must not despair of his own salvation; but, penance for his sins having been

performed, by prayers and by the exercise of clerical virtues let him ceaselessly ask from God further helps of grace; let him strive with all his strength duly to satisfy his obligations; and God, who wills that no one perish, even one guilty of the gravest sin, provided he is penitent, will supply to him graces by which, helped, he can fulfill his offices and make himself saved.

II. On Dimissorial And Testimonial Letters.

1165. 1° Dimissorial letters are those by which the proper Ordinary¹ delegates another to ordain his subjects. Once given, they do not expire by the death of the one granting them; but while the matter is still intact, they can be revoked or limited not only by the one granting them, but also by his successor².

¹ Cf. *Codex*, c. 958.

² *Codex*, c. 963.

1166. 2° On testimonial letters. (A) Notion. Testimonial letters properly so called regard canonical impediments³. Letters of this kind must be given by the Ordinary himself or by the religious Superior; hence, if a cleric has completed studies outside the diocese, the testimony of the rector of the Seminary, or of the priest to whom the candidate had been commended outside the seminary, concerning the good morals of the same candidate, does not suffice, nor the testimony of baptism and confirmation for one to be promoted to first tonsure, nor the testimony of the last ordination, nor the testimony concerning completed studies⁴.

³ *Codex*, c. 993, 4°.

⁴ *Codex*, c. 993.

1167. (B) Necessity. (a) The general rule is that testimonial letters must be obtained from the Ordinary of that place in which the one to be ordained has resided for so much time that he could have contracted a canonical impediment there. Now the time "in which the one to be promoted could have contracted a canonical impediment is, regularly, for soldiers three months, for others six months after puberty; but the ordaining Bishop according to his prudence can require testimonial letters even on account of a shorter time of residence, and on account of time which preceded puberty."⁵

⁵ *Codex*, c. 994.

1168. (b) "If the local Ordinary, neither by himself nor by others, does not know the one to be promoted sufficiently, so that he can testify that during the time in which he resided in his territory he contracted no canonical impediment, or if the one to be promoted has wandered through so many dioceses that it becomes impossible or too difficult to seek all testimonial letters, let the Ordinary provide at least through a supplementary oath to be furnished by the one to be promoted."⁶

⁶ *Codex*, c. 994, § 2.

From the *Codex*: those incur by the law itself suspension for one year from the conferral of orders, reserved to the Apostolic See, 1° who have ordained an alien subject without dimissorial letters of the

Ordinary himself; 2° who have ordained their own subject without testimonials in the cases enumerated above¹.

¹ *Codex*, c. 2373.

III. On The Age Of Those To Be Ordained.

1169. (A) According to the *Codex*, (a) let no one be promoted to first tonsure before the theological course has been begun².

² *Codex*, c. 976.

(b) As regards sacred orders, these things are established in the *Codex*: "Let the subdiaconate not be conferred before the twenty-first year has been completed; the diaconate before the twenty-second has been completed; the presbyterate before the twenty-fourth has been completed."³

³ *Codex*, c. 975.

(c) That someone may be held suitable for the Episcopate, he must, among other qualities, have been born at least thirty years⁴.

⁴ *Codex*, c. 331.

1170. (B) The Roman Pontiff alone can by his own power dispense from a defect of age. For the subdiaconate a dispensation is never granted; for the diaconate, rarely; for the presbyterate, easily, if only thirteen months are lacking; rarely, and not unless for a grave cause, if eighteen or twenty months are lacking to the legitimate age.

IV. On The Title Required For Ordination.

1171. 1° Notion and origin. The title required for ordination is called the caution by which provision is made for a cleric concerning sufficient and perpetual support; lest otherwise, with disgrace of the order, he be forced to beg or to exercise sordid gain.

In the earliest times no one was ordained unless he was ascribed to a certain church, to which he would be perpetually attached, so that from it he might have that from which he could honestly sustain life; whence clerics were said to be of the title of such or such a church, just as today Cardinals also are named to the title of some church. Yet sometimes clerics were ordained who were ascribed to no church, and they were called wandering or acephalous. But when these increased to the disgrace of the ecclesiastical state, the Third Lateran Council established that priests or deacons ordained without title should be supported at the expense of the Bishops, until they were ascribed to some church; Innocent III extended this to subdeacons. - But Trent determined the matter more explicitly, establishing that the ordinary title of ordination was a benefice, and that from the title of patrimony or pension there were not to be admitted except those whom the Bishop judged necessary or useful to his church. Title is required for sacred orders, but not for minor orders.

1172. 2° The various titles of ordination¹. A double title is distinguished: ecclesiastical and patrimonial.

¹ We take the exposition of titles of this kind principally from the cited instruction of the Sacred Congregation de Propaganda Fide.

(A) The ecclesiastical title is manifold: of benefice, of poverty, of common table, of service of the church, of mission.

(a) The title of benefice is the perpetual right of perceiving fruits from goods of the Church on account of some spiritual office constituted by ecclesiastical authority. That someone may be ordained under this title, he must actually and peacefully possess the benefice, and from the same perceive income sufficient for honest support, according to the rate determined in each diocese. But he cannot resign this benefice unless mention has been made that he was promoted under the title of that benefice; nor must that resignation be admitted unless it is established that he can live conveniently from elsewhere, so that a resignation otherwise made is null².

² *Trident.*, sess. XXI, cap. 2 *de Reformat.* - *Codex*, c. 979.

(b) The title of poverty is placed in religious profession, by force of which those who have emitted solemn vows in an approved Religion have in common, either from the income of goods, if the Religion itself possesses any, or from the pious largesses of the faithful, all things which they need for sustaining life³. Therefore that title does not belong to those who have emitted simple vows, except the Jesuits, who by force of a special privilege, after three simple vows have been emitted, can be promoted to sacred orders. Indeed "he incurs by the law itself suspension for a year from the conferral of orders, who has promoted someone to major orders without a canonical title..."⁴

³ *Codex*, c. 982, § 1.

⁴ *Codex*, c. 2373, 3°.

(c) The title of common table belongs to religious who have emitted perpetual simple vows⁵.

⁵ *Codex*, c. 982, § 2.

(d) The title of service of the church, and in places subject to the Sacred Congregation de Propaganda Fide, the title of mission, by which the above-mentioned titles can be supplied, in such a way, however, that the one to be ordained, an oath having been interposed, devotes himself perpetually to the service of the diocese or mission⁶.

⁶ *Codex*, c. 981.

1173. The title of mission cannot be used except by special indult of the Holy See, "and only in favor of those who, by disposition of soul and docility, rectitude of intention, aptitude of mind, progress in sacred studies, integrity of morals, and contempt of worldly things, give hope that they will be vigorous heralds of the Gospel; concerning which the conscience of their superiors is strictly burdened."¹

¹ Cited Instruction of the Sacred Congregation de Propaganda Fide, n. 7.

All those who wish to be ordained under title of mission are held first to emit an oath, by which they pledge that they will give perpetual work to the mission to which they have been or will be destined. Hence those who have emitted this oath cannot pass from one diocese to another without license of the Holy See; this, however, for England and the United States of America has been so moderated that it is permitted, within the same ecclesiastical province, to pass into another diocese, with the

consent of each Ordinary². - Likewise, without license of the Holy See, they cannot enter any Religion or regular Congregation³.

² Sacred Congregation de Propaganda Fide, August 18, 1885 and November 30, 1885, ap. *Collect. P. F.*, n. 1181-1182.

³ This is the formula of the oath to be furnished by those who are ordained under title of mission: - I N., son of N. and N., of the diocese N., promise, and swear, that after I shall have been promoted to Sacred Orders, I will enter no Religion, Society, or regular Congregation, without special license of the Apostolic See or of the Sacred Congregation de Propaganda Fide, nor will I emit profession in any of them.

I likewise vow and swear that in this diocese or vicariate, or in the mission to which it shall please the Holy See or the Sacred Congregation de Propaganda Fide that I be destined, I will perpetually spend my labor and work in administering divine things, under the whole direction and jurisdiction of the Right Reverend Lord Ordinary for the time being, for the salvation of souls; which I will also furnish if, with the license of the aforesaid Apostolic See, I shall have entered a Religion, Society, or regular Congregation, and shall have emitted profession in any of them.

Likewise I vow and swear that I understand the aforesaid oath and its obligation, and that I will observe it. So help me God and these Holy Gospels of God.

N.B. Those who emit this oath can gain a plenary indulgence applicable to the departed not only the first time, but in individual years if they renew it on the anniversary day of the furnished oath.

1174. (B) The patrimonial title is that which consists in goods certain, stable, and fruitful, yet not ecclesiastical, which in the judgment of the Bishop suffice for the congruent support of the cleric⁴. Similar to this is the title of pension, i.e., the right to an income, to be paid by some lay or ecclesiastical person or by a community, and founded upon stable goods, which suffices for honest support.

⁴ *Codex*, c. 979.

(a) It is not necessary that the goods from which a patrimony or pension is constituted be immovable, provided that as regards certainty of fruits they are equated with immovables; hence, according to Gasparri, n. 606, the title of ordination can be constituted from public funds (*rente publique*, State bonds). These goods can be situated in another diocese. - But something uncertain does not suffice, such as hope of a future succession, a facultative pension, movable goods which can easily perish, or goods burdened by mortgages.

(b) Trent forbids (l. cit.) that a patrimony or pension can be alienated, extinguished, or remitted without the license of the Bishop, until the clerics ordained under this title have obtained a sufficient ecclesiastical benefice, or have from elsewhere that from which they can live.

(c) Those who obtain a patrimony or pension cannot be ordained unless, in the judgment of the Bishop, the necessity or utility of the Church requires it.

V. On The Obligations Imposed In Ordination Itself.

1175. In the Treatise *On The Obligations Of The Various States* we treat of the offices of clerics; here, however, it is helpful to set forth the obligations imposed by the Bishop in ordination itself.

¹ *Pontif. Rom., De ordinat. presbyteri*, near the end; St. Alphons., n. 829; Hilar. Sexten, p. 620; *Ephemerides Liturgicae*, Rome, XI, 1897, pp. 313, 370 sq.

Before the last Gospel, the Ordaining Bishop addresses those ordained with these words: "Let each of those promoted to first tonsure, or to the four minor orders, say once the seven penitential psalms, with the litanies, versicles, and prayers."² - For the subdiaconate or diaconate, the nocturn of such a day. - But those ordained to the presbyterate, after your first Mass, say three other Masses, namely one of the Holy Spirit, another of Blessed Mary ever Virgin, a third for the Faithful Departed, and pray also for me to almighty God."

² Here there is question of the litanies of the Saints, with the versicles and prayers which follow them.

(a) It is not established that the obligation of reciting those prayers is under sin; some hold that it binds under grave sin, because the matter is grave; others under light sin; others say that this is an obligation of decency, but not under sin. Whatever the case, those ordained who are not wholly lacking in a sense of gratitude and religion will never omit these prayers.

(b) "For the Nocturn of such a day is to be understood the ferial nocturn, or the first of the Feast, or of the Sunday in the Psalter, according as the ordination was held on a feria, feast, or Sunday."³ Nevertheless the ordaining Bishop has the right of enjoining another besides the nocturn of the day which the Pontifical designates¹. Under the name of nocturn come the antiphons and psalms, but not the invitatory *Venite*, nor, more probably, the lessons². - If the Bishop has recited only the words of the Pontifical "the nocturn of such a day," those ordained cannot choose the nocturn which pleases them, but are held to the ferial nocturn of the day of ordination.

³ Sacred Congregation of Rites, June 27, 1899, n. 4042 ed. nov.

¹ *Ibid.* ad 2. - More distinctly also in the decree of August 11, 1860 it is said: "The words of the Pontifical, *the nocturn of such a day*, are understood of the single ferial nocturn, or of the first of 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 ordination, or of another according to his judgment."

² *Ephem. Liturg.*, l. c., p. 318.

(c) New priests are not held to apply the three prescribed Masses to the intention of the Bishop; therefore they can receive a stipend for them. Nor are they to be said before the rubrics permit the celebration of a votive Mass; indeed, for a just cause, it is permitted to defer them further.

Art. III. On Irregularities.

1176. Candidates can be barred from orders both on account of censures³ and on account of irregularities, concerning which one must now treat.

³ *Codex*, cc. 2260, 2175, 2279, § 2, n. 5.

I. On Irregularities In General.

1177. 1° Notion. (a) In the *Codex* irregularities properly so called, which of themselves are perpetual, are distinguished from simple impediments which are not perpetual and do not bar from orders except as long as they endure.

(b) Irregularity properly so called is an impediment of itself perpetual, or an incapacity prohibiting someone from receiving or exercising orders⁴, established by canonical law on account of reverence for the divine ministry.

⁴ Codex, c. 968.

1178. 2° Species. (a) By reason of the cause, irregularity is either from defect or from delict: the former arises from some natural vice by which someone is incapable of receiving or exercising orders; the latter arises from personal fault, which is unbecoming to the priestly ministry. Hence the former is not a penalty, nor does it suppose a proper delict, and therefore it is incurred even by the unknowing; the latter, although it is not a penalty, is contracted after the manner of a penalty, and supposes fault.

(b) By reason of effects, irregularity is total, when it excludes from every order and office of order; partial, when it prohibits only from some order or from some function of the sacred ministry: thus a priest who without fault lacks a thumb is excluded from the celebration of Mass, but not from hearing confessions.

1179. 3° On the subject of irregularity and impediment. (A) All those males who are subject to ecclesiastical law can contract irregularity or impediment. Hence those not yet baptized, and boys before the completed seventh year¹, are not the subject of irregularity, because they are not bound by the laws of the Church.

¹ Codex, c. 986.

(B) Irregularities and impediments can be multiplied "from diverse causes of the same, but not from repetition of the same cause, unless it is a question of irregularity from voluntary homicide."² When dispensation is sought, each is to be indicated³.

² Codex, c. 989.

³ Codex, c. 991.

(C) That irregularities and impediments be contracted, certain conditions are required: (a) that they be certain; for if there is grave and prudent doubt concerning their existence, strictly speaking they are not incurred, whether it is a question of a doubt of law or of a doubt of fact; for odious things are to be restricted. - Yet in practice it is better to seek a dispensation for caution.

(b) That the action on account of which they are contracted be external and consummated in its species; and besides gravely culpable, if it arises from delict: for although they are not penalties, they are incurred after the manner of a penalty *latae sententiae*.

1180. (D) It is asked whether ignorance excuses from irregularity and impediment? "Ignorance of irregularities, whether from delict or from defect, and of impediments, does not excuse from the same."⁴

⁴ Codex, c. 988.

II. On Irregularities From Defect.

1181. 1° From defect of birth: "Illegitimate persons, whether the illegitimacy is public or occult, unless they have been legitimated or have professed solemn vows."

⁵ Codex, c. 984.

The reason on account of which this irregularity was established is especially brought forward as threefold: (a) the reverence due to clerical dignity; for, as St. Thomas says¹, "because the brightness of a man is obscured from a vicious origin, therefore also those born of an illegitimate bed are repelled from the reception of orders, unless dispensation is granted to them, and the more base their origin, the more difficult is the dispensation"; (b) the danger lest the sons imitate the paternal incontinence; (c) that the paternal incontinence may be punished in some way. - Hence it is not expedient to grant dispensation unless illegitimate sons shine forth with special gifts.

¹ *Supplem.*, q. 39, a. 5.

1182. 2° From defect of body: "Those vitiated in body who cannot safely, on account of weakness, or decently, on account of deformity, discharge the ministry of the altar. Yet for impeding the exercise of an order legitimately received, a graver defect is required, nor on account of this defect are there prohibited acts which can be duly placed; - those who are or have been epileptic or insane or possessed by a demon; but if after orders have been received they have become such and it is certainly established that they are now free, the Ordinary can permit his subjects again the exercise of the orders received."

1183. Wherefore they are irregular:

(A) On account of impotence or weakness: (a) those laboring under a grave and incurable disease, by which they are incapable of duly undertaking certain ecclesiastical offices: such are paralytics, who cannot hold the sacred vessels or break the sacred species; those who, on account of stiffness of the elbow, cannot bend the arm²; epileptics, or those laboring under the falling sickness, at least as long as there is probable danger of relapse; abstemious persons, who cannot drink wine without danger of vomiting; those possessed or obsessed by the devil.

² Sacred Congregation of the Council in Brixin., January 26, 1867.

(b) The mutilated, who lack a foot, arm, hand, or the last three fingers on either hand; or the index finger or thumb, so that they cannot break the host; the lame who cannot approach the altar and stand without a staff; those limping too much, even if they do not need a staff, who have a clubfoot, or one inclined toward the other foot; those who have an amputated foot, although they use an artificial foot; today, however, since artificial feet are so aptly arranged that those using them can decently undertake sacred functions, after orders have been received this irregularity no longer seems to be urged³.

³ To a professed cleric of the Order of Friars Minor, who walked with a mechanical foot, it was permitted by the Sacred Congregation of the Council, May 5, 1865, to be ordained; ap. Gasparri, n. 265.

(c) The blind, who lack the faculty of sight in both eyes; indeed the dim-sighted, who cannot decently read in the missal; those lacking one eye, especially the left, which is called the eye of the canon, if they cannot read the canon of the Mass without deformity; but if the left eye is good, and its visual power sufficient for reading decently in the missal, there is no irregularity, unless, in the judgment of a physician, the visual power, although sufficient here and now, is going to fail after some time.

(d) The deaf in each ear, who in no way hear the voice of the responding minister; but if deafness supervenes after the priesthood has been received, it does not impede the celebration of Mass.

(e) The mute or stammering, who cannot pronounce whole words, or can do so only in an unintelligible or ridiculous manner.

1184. (B) On account of deformity, all generally are irregular who are so deformed, especially in face, that without disgrace, or the laughter or horror of the faithful, they cannot exercise the sacred ministry; e.g., (a) those who have the face burned or very much stained; those whose lips, nose, or ears have been cut off, unless this last defect can be covered by hair; (b) lepers, or those laboring under another too repugnant disease; (c) the monstrous, the enormously hunchbacked, pygmies, or those who have legs so distorted that not even by the cassock can this defect be covered; those whose one eye has been torn out, unless the deformity is covered by lowered eyelids or by a glass eye, which today is very easy.

In all these cases, when it is doubted whether someone is irregular, the matter is left to the judgment of the Bishop, who will give sentence after the Master of ceremonies has carefully considered and reported how the candidate can exercise clerical functions.

1185. 3° From defect of sacrament: "Bigamists, namely those who successively contracted two or more valid marriages."

Wherefore interpretative or similitudinary bigamy is no longer an irregularity.

1186. 4° From defect of fame: "those who are marked by infamy of law." Now infamy of law is a vindictive penalty¹ which is established in cases expressed by law².

¹ *Codex*, c. 2291, n. 4.

² *Codex*, c. 2293, § 2.

But this penalty in the *Codex*, and indeed by the fact itself, is decreed against: (a) those who have cast away the consecrated species or have carried them away or retained them for an evil end³; (b) those who have violated corpses or tombs of the dead for theft or another evil end⁴; (c) those who have laid violent hands upon the person of the Roman Pontiff, of a Cardinal of the Holy Roman Church, or of a Legate of the Roman Pontiff¹; (d) duelists and their seconds²; (e) bigamists, i.e., those who, notwithstanding a conjugal bond, attempted another marriage, even only civil³; (f) laymen legitimately condemned on account of delicts against the sixth commandment committed with minors below the age of sixteen years, or on account of rape, sodomy, incest, pandering⁴.

³ *Codex*, c. 2320.

⁴ *Codex*, c. 2328.

¹ *Codex*, c. 2343.

² *Codex*, c. 2351, § 2.

³ *Codex*, c. 2356.

⁴ *Codex*, c. 2357.

1187. Besides, from the *Codex*, the following must be declared infamous: obstinate apostates, heretics, and schismatics⁵; and also clerics in sacred orders who commit enormous delicts against chastity⁶.

⁵ *Codex*, c. 2314, § 1, n. 2, c. 2315.

⁶ *Codex*, c. 2359.

Those truly cooperating in either delict are also irregular (in the sense of canon 2209), and therefore those commanding or furnishing proximate assistance so that the crime be committed, unjust judges and witnesses, and those counseling the crime or the manner of perpetrating it.

1188. 5° From defect of mildness: "A judge who has issued a sentence of death; those who have undertaken the office of executioner, and their voluntary and immediate ministers in the execution of a capital sentence."⁷ Therefore witnesses, accusers, the procurator general who requests a sentence of death, the judge of instruction, or jurors do not incur irregularity.

⁷ *Codex*, c. 984, 6° and 7°.

III. On Irregularities From Delict.

1189. Delicts which beget irregularity must be grave, perpetrated after baptism (except the delict of baptism illicitly received from non-Catholics outside the case of extreme necessity), and external, whether public or occult.

1190. But the following are irregular from delict⁸: "1° Apostates from the faith, heretics, schismatics." Under the name of heretics come not only those who were baptized in heresy, but Catholics who have fallen away from the true faith, even after their conversion.

⁸ *Codex*, c. 985.

"2° Those who, except in the case of extreme necessity, have permitted baptism to be conferred upon themselves in any way by non-Catholics"; therefore even illicit repetition of baptism no longer constitutes an irregularity.

1191. "3° Those who have dared to attempt marriage or to place only the civil act, either themselves bound by the matrimonial bond or by sacred order or by religious vows, even simple and temporary, or with a woman bound by the same vows or joined in a valid marriage";

"4° Those who have perpetrated voluntary homicide or procured the abortion of a human fetus, the effect having followed, and all cooperators"; therefore today a distinction is no longer made between an animated and an inanimate fetus.

1192. "5° Those who have mutilated themselves or others or have attempted to take their own life."

But mutilation is properly called the cutting off of some member which has its own office distinct from the others. Thus the hand, arm, foot, eye, tongue, both testicles in a man, the virile member, etc., are so many members; but not one or two fingers, a part of the tongue, etc., because, when these have been removed, the faculty of grasping things or speaking is not taken away. But the Church is stricter as regards those who mutilate themselves than as regards those who mutilate others, - so that even the cutting off of a joint of a finger renders one irregular.

1193. "6° Clerics exercising the medical or surgical art forbidden to them (without apostolic indult), if death follows from it"; there is question of clerics already from first tonsure.

1194. "7° Those who place an act of order reserved to clerics in sacred order, either lacking that order, or prohibited from its exercise by a canonical penalty, whether personal, medicinal or vindictive, or local." Thus irregular are, e.g., subdeacons singing the Gospel at Mass with a stole, priests consecrating the chalice without special delegation.

IV. On Simple Impediments.

From the *Codex* the following are simply impeded¹:

¹ *Codex*, c. 987.

1195. "1° Sons of non-Catholics, as long as the parents remain in their error²;

² This must be understood also of him whose father or mother only is non-Catholic, even if the mixed marriage was celebrated with dispensation (A. A. S., XI, 478).

2° Men having a wife;

3° Those who hold an office or administration forbidden to clerics, of which they must render accounts, until, the office and administration having been laid down and the accounts rendered, they have become free;

4° Slaves in servitude properly so called before liberty has been received;

5° Those who are bound by civil law to ordinary military service, before they have completed it¹;

¹ They are called impeded, even as regards tonsure, from the Commission for interpreting the Code, June 3, 1918, who perhaps will be called to military service, but in fact have not been called, either because they are unequal in age, or because, the examination having been duly performed, they are declared incapable for a time. Wherefore, in regions in which it has been found by experience that adolescents are greatly helped to persevere in their vocation by the reception of tonsure and minor orders, indults are to be earnestly sought from the Holy See.

6° Neophytes (i.e., newly converted persons) until, in the judgment of the Ordinary, they have been sufficiently proved;

7° Those who labor under infamy of fact, while it endures, in the judgment of the Ordinary."

V. On The Cessation Of Irregularities And Impediments.

1196. 1° Irregularities can cease in a threefold way: (a) by cessation of the cause as regards simple impediments; (b) by religious profession as regards irregularity from defect of birth; (c) by dispensation as regards irregularities and impediments.

1197. 2° Who can dispense? (A) The Supreme Pontiff can dispense in every irregularity. Yet there are certain ones in which he rarely dispenses, namely: (a) irregularities from bigamy, (b) from voluntary homicide, unless it is wholly occult, (c) from a very notable defect of body.

1198. (B) The Ordinary by himself or through another can dispense: 1) in all irregularities arising from occult delict, except that which arises from voluntary homicide, and excepting others brought to the contentious forum²; 2) in doubtful irregularities, with a doubt of law or of fact,

whether they arise from delict or from defect; and if afterward it is established that the irregularity was certainly contracted, there will not be need of another dispensation.

² *Codex*, c. 990.

By delegated power, or by force of Indults, Bishops are accustomed to obtain broader faculties.

1199. From the *Codex*¹, every confessor can dispense from all irregularities arising from occult delict, except homicide and any irregularity brought to the judicial forum, in more urgent occult cases in which the Ordinary cannot be approached and danger of grave harm or infamy threatens, but only for this, that the penitent may be able licitly to exercise orders already received.

¹ *Codex*, c. 990, § 2.

1200. On the manner of seeking dispensation. In petitions for dispensation from irregularities and impediments, all irregularities and impediments are to be indicated; otherwise a general dispensation will indeed be valid even for things omitted in good faith (except homicide or another irregularity brought to the judicial forum), but not for things omitted in bad faith. If it is a question of irregularity from voluntary homicide, even the number of delicts must be expressed under penalty of nullity of the dispensation to be granted².

² *Codex*, c. 991, § 1, 2.

"A dispensation granted in the non-sacramental internal forum is to be committed to writing; and concerning it there must be record in the secret book of the Curia."³

³ *Ibid.*, § 4.