

MANUAL OF MORAL THEOLOGY

by Ludovicus Wouters, C.SS.R.

Emeritus Professor of Moral and Pastoral Theology

VOLUME II

On Order — with Treatise I, On the Sacraments in General

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Treatise I. On the Sacraments in General

(St. Thomas, part 3, qq. 60-65; St. Alphonsus, *Theologia Moralis*, book VI, nn. 1-94; *Homo Apostolicus*, tract 14, nn. 1-6.)¹

We shall deal first with the sacraments considered in themselves, then with the administration, and finally with the reception of the sacraments. Those things, however, which are treated by dogmatic theologians we shall touch upon very briefly, especially for this end, that there may be had a view of the whole doctrine, and that the connection between dogmatic and moral doctrine may appear.

¹ Cf. Billuart, *Summa S. Thom.*, part 3, treatise III; De Smet, *De sacramentis in genere*; Rath, *De Sacramentis in genere*; Pourrat, *La theologie sacramentaire*; Schanz, *Die Lehre von den Sakramenten der kath. Kirche*; Billot, *De Ecclesiae sacramentis*.

Dissertation I. On the Sacraments Considered in Themselves

Having handed down a summary notion of a sacrament, we shall speak first of the existence, essence, and division of the sacraments, then of their efficacy, and then of the effects of the sacraments.

Part I. On the Summary Notion, Existence, Essence, and Division of the Sacraments

1 **I. Summary notion.** By force of the word, a sacrament signifies every sacred thing. Here, however, it is taken more strictly and is defined: a sensible sign of a sacred thing sanctifying man, that is, of grace. Sacraments of the Old Law and sacraments of the New Law are distinguished. The former only signify; the latter signify and produce grace. Hence a sacrament of the Old Law is defined: a sensible sign, but not an efficacious sign, of grace; but a sacrament of the New Law is called: a sensible and efficacious sign of grace.

2 **II. Existence of the sacraments.** In order that the existence of the sacraments may be rightly set forth, the various states of men must be distinguished, namely: 1. the state of innocence in paradise; 2. the state of the law of nature, so named not to the exclusion of grace, but to the exclusion of the written Mosaic law. This state prevailed for the Israelites until the written law, and for others until Christ; 3. the state of the Mosaic Law, which for the Israelites lasted until Christ; 4. the state of the new or Christian Law. Now:

1. In the state of innocence, by the consent of all, no sacrament existed.
2. In the state of the law of nature, more probably at least one sacrament existed. Namely, considering the will of God to save all, there certainly existed a remedy by which little children would be freed from original sin. That this was a sensible sign of sanctifying grace, or a sacrament, is more probable, as the dogmatic theologians explain (cf. St. Thomas, part 3, q. 61, a. 3; q. 60, a. 5, ad 3; q. 61, a. 1).
3. In the state of the Mosaic Law, several sacraments existed, as is deduced from the Council of Trent¹ and from the decree of Eugene IV for the Armenians. Moreover, it is commonly admitted that circumcision was a sacrament. Other sacraments of this Law are enumerated: the consecration of priests, the eating of the paschal lamb and of the loaves of proposition, and purifications (cf. St. Thomas, I-II, q. 102, a. 5; part 3, q. 61, a. 3, ad 2).
4. In the state of the New Law there are seven sacraments, and these were instituted by Christ; this is of faith from the Council of Trent: "If anyone shall say that the sacraments of the New Law were not all instituted by Jesus Christ our Lord; or that there are more or fewer than seven, namely Baptism, Confirmation, Eucharist, Penance, Extreme Unction, Order, and Matrimony; or even that any one of these seven is not truly and properly a sacrament, let him be anathema."² That the said sacraments were instituted immediately by Christ, not by the Apostles under the inspiration of the Holy Spirit, is certain doctrine, although it is disputed whether it was defined by the Council of Trent as a truth to be believed with Catholic faith.

It is disputed how Christ instituted the sacraments. Some teach that Christ determined the matter and form only in general, commanding only an apt gesture and suitable words, and leaving the more exact determination to the Church; this is the opinion of immediate institution in general. Others judge that Christ prescribed this gesture in species and these words in species, yet in such a way that there is room for some latitude, insofar as the Apostles or the rulers of the Church can, not indeed abrogate the matter and form established by Christ, but determine them more exactly or more strictly, or even increase them by new elements, so that the very sign-value is, within certain limits,

subject to the will of the Church; this is the opinion of immediate institution in a perfectible specific form. Others admit immediate institution in a fixed specific form, so that the Church can do nothing directly with respect to validity by changing or adding anything concerning the matter or form.

¹ Session 7, canon 2.

² Session 7, canon 1.

3 III. Essence of the sacraments. 1. The sacraments of the New Law consist of things and words; this doctrine is declared in the decree for the Armenians. It is clear: 1. from Sacred Scripture, which expressly affirms this about several sacraments, such as Baptism,¹ Confirmation,² and Extreme Unction;³ 2. from the doctrine and use of the Church. For the rest, words and things can be understood morally, so that it suffices for words and things to be had equivalently.

2. Things and words in the sacraments stand to one another as matter and form; this doctrine is proposed in the same decree for the Armenians. It is clear from the fact that the thing of a sacrament, which of itself can signify several things, for example washing in Baptism, and therefore of itself is indeterminate in the being of a sign, is determined by words to a special signification; so that the thing is like matter, the determinable part, while the words are like form, the determining part.

3. The matter of a sacrament is customarily distinguished as twofold, remote and proximate. The remote matter is the thing which is used in the sacred rite, as water in Baptism; or the thing about which the sacramental action is concerned, as sins in Penance. The former is called the remote matter from which, the latter the remote matter about which. The proximate matter is the application of the remote matter, as washing in Baptism; or the action which is concerned with the remote matter, as the acts of the penitent in Penance.

¹ Matt. 28:19.

² Acts 8:15, 17.

³ Jas. 5:14.

4 IV. Division of the sacraments. The sacraments of the New Law are distinguished into:

1. Sacraments of the dead and of the living, according as they were primarily instituted for giving grace, namely to the spiritually dead; or for increasing it, namely in the spiritually living. The grace which is conferred on a man deprived of every degree of grace, or spiritually dead, is called first grace; the grace which is conferred on a man constituted in the state of grace, or spiritually living, is called second grace. The sacraments of the dead are Baptism and Penance. The sacraments of the living are Confirmation, Eucharist, Extreme Unction, Order, and Matrimony.

2. Repeatable and non-repeatable, according as they can be conferred on the same person more than once or only once.

3. Necessary and non-necessary, according as they ought or ought not to be received by individuals. Of those which ought to be received, some are necessary by necessity of means and precept, others by necessity of precept alone. Baptism for all (can. 737), and Penance for all who have fallen into mortal sin after Baptism, are necessary by necessity of means and precept (can. 901 and 906). The Eucharist is certainly necessary by necessity of precept (can. 859, §§ 1 and 4; can. 864, § 1); concerning necessity of means, it is disputed. Confirmation and Extreme Unction are

not necessary by necessity of means; whether they are necessary by necessity of a grave precept is disputed. Finally, Matrimony and Order are necessary only to the community; each of these matters will be developed in its own place.

4. Formed and unformed, according as, as soon as they are received, they confer grace, or, on account of an obstacle, at least do not produce it immediately. Of the unformed sacraments, some, when the obstacle has been removed, revive, that is, confer grace; others do not revive (St. Alphonsus, VI, 6).
5. Finally, a sacrament is called valid or invalid according as nothing or something is lacking for constituting it.

Part II. On the Efficacy, or Productive Power, of the Sacraments

⁵ The question is whether the sacraments truly produce grace, etc.; concerning the effects themselves there will be discussion in the following part. Now:

I. The sacraments of the New Law confer grace *ex opere operato*, or are truly efficient causes of grace. This proposition is established against the Protestants and Modernists, and is of faith from these words of the Council of Trent: "If anyone shall say that grace is not conferred through the sacraments of the New Law themselves *ex opere operato* ... let him be anathema."¹

II. The sacraments concur in producing grace only as instrumental causes; the principal cause, which uses the sacraments as instruments, is God alone; for no creature can, as principal cause, produce an effect which exceeds the order of every creature.²

III. The mode by which the sacraments concur in producing grace is explained in different ways. Some teach that the sacraments, which morally are actions of Christ, move God by an infinite and infallible power to confer grace (the doctrine of moral causality). Others judge that the sacraments do not immediately produce grace, but effect in the subject a title which, so far as lies in itself, demands grace (the doctrine of intentional causality). Others teach that the sacraments physically and immediately produce grace (the doctrine of physical causality). This is the opinion of St. Thomas (I-II, q. 112, a. 1, ad 2; III, q. 62, a. 1, 3, 4, 6).

¹ Session 7, canon 8.

² Council of Trent, Session 6, chapter 7.

Part III. On the Effects of the Sacraments

The effects of the sacraments are grace and character. The former is common to all the sacraments; the latter is proper to three, namely Baptism, Confirmation, and Order.

Section I. On Grace

6 I. Grace conferred. The grace which the sacraments confer is sanctifying grace and sacramental grace.

1. **Sanctifying grace.** a) All the sacraments confer sanctifying grace on those rightly disposed. This follows from what has been said concerning the efficacy of the sacraments. Moreover, to sanctifying grace there is attached either the infusion of the supernatural virtues and of the gifts of the Holy Spirit, namely if first grace is conferred; or the increase of the aforesaid, namely if second grace is conferred.

b) Baptism and Penance of themselves confer first grace; accidentally, namely if someone in the state of grace receives them in the due manner, they confer second grace, that is, an increase of grace.

c) Extreme Unction of itself and primarily confers second grace; of itself, but secondarily, it confers first grace. The other sacraments of themselves confer second grace, and accidentally, at least much more probably, first grace. The case obtains if someone in the state of mortal sin receives a sacrament in good faith and with attrition, which extends itself to all the sins committed. The reason for this opinion is that, according to Trent, the sacraments confer grace on those who place no obstacle. Now one who is in good faith and attrite places no obstacle to grace, as is clear from the sacraments of the dead (St. Thomas, III, q. 72, a. 7; q. 79, a. 3; Supplement, q. 30, a. 1; St. Alphonsus, VI, 6, 269 and 731).

2. **Sacramental grace**, that is, a certain divine help for attaining the end proper to such a sacrament (St. Thomas, III, q. 62, a. 2). What end is proper to each sacrament will be stated where there is discussion of the individual sacraments. Further:

a) That sacramental grace is conferred through the sacraments is deduced first from the Council of Florence, which declares: "Each sacrament is ordered to a proper and distinct end." But a sacrament cannot attain its proper end unless it produces an effect or grace proper to itself, in other words, sacramental grace. Then, if all the sacraments conferred the same grace, they would differ only in the external rite; nor would there have been a reason for instituting diverse sacraments; nor would it be clear why one is more necessary than another.

b) There is not one opinion of theologians about that in which sacramental grace precisely consists. According to the defenders of intentional causality, sacramental grace consists in actual graces proper to some sacrament, which are demanded by the same title as sanctifying grace. According to others, sacramental grace is sanctifying grace itself, insofar as it is given through such a sacrament; but sanctifying grace, given through such a sacrament, is ordered to the ends of such a sacrament, and consequently gives a right to receive, namely in due time, the actual graces by which the end of such a sacrament may be obtained. Thus, for example, sanctifying grace conferred in Baptism is regenerative and preservative of spiritual life; in Confirmation, strengthening and perfective, etc. According to the Thomists, sacramental grace is sanctifying grace with an intrinsic modification, by

force of which sanctifying grace is ordered to the effects proper to the sacrament, together with a right to receive actual graces in order to those effects. Hence, according to them, for example, sanctifying grace conferred in Baptism, by force of the aforesaid modification, is regenerative and preservative of spiritual life, etc.

7 II. The measure according to which the sacraments confer grace. 1. Sacraments distinct in species more probably confer unequal grace on those equally disposed. For sacraments differ in dignity; and to a more worthy cause there corresponds a more worthy effect.

2. Sacraments distinct only in number confer equal grace on those equally disposed, and unequal grace on those unequally disposed. The Council of Trent¹ expressly teaches this concerning Baptism. Hence it must also be presumed concerning the others.

¹ Session 6, chapter 7.

Section II. On Character

8 I. Existence of sacramental character. Three sacraments, namely Baptism, Confirmation, and Order, imprint upon the soul a character, that is, a certain spiritual and indelible sign, whence they cannot be repeated. This is of faith from the Council of Trent: "If anyone shall say that in the three sacraments, namely Baptism, Confirmation, and Order, a character is not imprinted on the soul, that is, a certain spiritual and indelible sign, whence they cannot be repeated, let him be anathema."¹ Canon 732, § 1, also teaches this.

¹ Session 7, canon 9.

9 II. Nature of sacramental character. The nature of sacramental character is explained in different ways by different authors. Yet all agree in this: that character is a spiritual quality, distinct from sanctifying grace, and is a power by which man becomes capable either of receiving sacred things, as in Baptism, or of handing on sacred things, as in Confirmation and Order (St. Thomas, III, q. 63, aa. 1 and 2). But they dispute, according as they defend either physical or moral causality, whether it is a physical power or only a moral one; wherefore consult the dogmatic theologians.

Scholion. On the Informity and Reviviscence of the Sacraments

10 I. Informity. 1. The informity of a sacrament consists in this: that the sacrament is validly received, but, on account of an obstacle, does not produce fruit, that is, grace. It is said to be on account of an obstacle, whether material or formal, according as it is placed inculpably or culpably.

2. Six sacraments certainly can be unformed; concerning Penance alone it is disputed whether it can be received informly, that is, validly but without fruit.

11 II. Reviviscence; concerning which several things must be explained.

1. **Notion.** Reviviscence consists in this: that a sacrament validly but fruitlessly received afterwards produces grace, when the obstacle has been removed and the sacramental sign has ceased. I said "when the sacramental sign has ceased." Hence, supposing that the Holy Eucharist, received with an obstacle, produces Eucharistic grace when the obstacle has been removed before the consumption of the species,¹ there would not be reviviscence of the sacrament, because the fruit would be produced while the sacramental sign remains.

2. The sacraments which revive are these:

- a) Baptism certainly can revive; this is clear from the fact that otherwise those who received Baptism without fruit would be unable to obtain the remission of original sin and of the other sins committed before Baptism. For original sin and the other sins committed before Baptism are not remitted except through Baptism received in reality or in desire. But those who have once received Baptism can no longer receive it: neither in reality, because Baptism cannot be repeated; nor in desire, because if a new Baptism is impossible, the desire for a new Baptism is also excluded.
- b) Confirmation, Order, Matrimony, and Extreme Unction much more probably can revive. Otherwise those who had received the said sacraments fruitlessly, even inculpably, would remain deprived of sacramental grace, which is so necessary to man in the various states of life; since Confirmation and Order cannot be repeated at all, Matrimony cannot be repeated while the same bond remains, and finally Extreme Unction, while the same danger persists, is at least not licitly repeated.
- c) Whether Penance can revive is doubtful: both because it is doubtful whether it can be unformed, that is, valid and fruitless; and because it can be repeated.
- d) The Holy Eucharist, at least if it has been received sacrilegiously, is almost commonly said not to revive: both because it can be repeated so often, and because there would follow the absurdity that one who had communicated very often sacrilegiously, if he afterwards truly repented, would immediately be heaped with grace.

3. **The time of reviving.** Baptism, Confirmation, and Order can always revive, since they can never be repeated, and by force of the character in some way continue in being. Matrimony can revive so long as the same matrimonial bond persists. Once it has been broken, sacramental grace either is no longer necessary, or can be acquired through a new marriage. Extreme Unction can at least revive so long as the same danger continues. Finally, Penance, if it must be numbered among the sacraments that revive, must be said to be able always to revive.

4. **The requisites for reviviscence.** If someone has sacrilegiously received a sacrament, or has sinned gravely after receiving it, there is required of itself contrition or attrition with sacramental absolution; accidentally, given good faith, attrition with a sacrament of the living received in good faith suffices, as is taught much more probably. The reason is that such a man is in the state of mortal sin. But in order that mortal sin may be remitted, and thus that place may be given for the reviviscence of the sacrament, there is required of itself contrition or attrition with sacramental absolution; accidentally, attrition with a sacrament of the living suffices (St. Alphonsus, VI, 6, 87, 444). Outside these cases:

- a) Attrition certainly suffices in order that Baptism and Penance may revive. For the disposition required in the very reception itself suffices.
- b) Of itself contrition is required, but accidentally attrition most probably suffices, in order that Extreme Unction may revive, because this sacrament, received in good faith with attrition, most probably produces fruit.
- c) Of itself contrition is required, but accidentally attrition more probably suffices, in order that Confirmation, Order, and Matrimony may revive, because those sacraments, received in good faith with attrition, more probably produce fruit (n. 6).

5. **The mode by which reviviscence has place** is explained in different ways, according as the causality of the sacraments is explained in different ways. Supporters of moral causality teach that the value of the sacrament received perseveres morally in divine acceptance, and, when the obstacle has been removed, moves God to the infusion of grace. Defenders of intentional causality say that there remains a title demanding grace, and that, when the obstacle has been removed, it produces grace. Defenders of physical causality attribute the reviviscence of Baptism, Confirmation, and Order to character; as for the reviviscence of the other sacraments, some of them deny it, others derive it from a certain habitual determination in the will, and others have recourse to moral causality for these cases.

6. **The degree of reviviscence** seems to correspond to the actual disposition of the subject.²

¹ Whether this has a place, see in the treatise on the Eucharist.

² Cf. Council of Trent, Session 6, chapter 7.

Dissertation II. On the Ministration of the Sacraments

Part I. On the Person Ministering

12 The minister of a sacrament is he to whom the administration of the sacraments belongs by legitimate authority. A twofold minister is distinguished, namely principal and secondary, according as the administration of the sacraments belongs to someone by his own authority, or by authority communicated by the primary minister. The principal minister is Christ as man. The secondary minister is only the priest of the first or second order. Except Baptism and Matrimony. Concerning these there will be fuller discussion in the treatise on the individual sacraments.

Part II. On the Mode of Ministering

Concerning the mode of ministering the sacraments, canon 731, § 1, notes these things in general: Since all the sacraments of the New Law, instituted by Christ our Lord, are the chief means of sanctification and salvation, the greatest diligence and reverence must be employed in administering and receiving them opportunely and rightly.

With these things premised, we shall speak first of the requisites for valid ministration, then of the requisites for licit ministration.

Section I. On the Requisites for Valid Ministration

13 I. For the valid ministration of the sacraments, faith and sanctity are not required in the minister. With respect to faith, this is of faith as regards Baptism;¹ certain as regards the other sacraments. With respect to sanctity, it is of faith.²

The reason is that "the ministers of the Church operate instrumentally in the sacraments ... but, as was said above, an instrument does not act according to its own form or power, but according to the power of him by whom it is moved" (St. Thomas, III, q. 64, a. 5). Hence the efficacy of the sacraments does not depend on the disposition of the minister (St. Alphonsus, VI, 13).

II. For the valid ministration of the sacraments there are required intention, and certain other things, concerning which we shall treat individually.

¹ Council of Trent, Session 7, On Baptism, canon 4.

² Council of Trent, Session 7, On the Sacraments, canon 12.

Chapter I. On Intention

14 I. Notion. Intention is here understood as the deliberate will of confecting a sacrament.

15 II. Division. Intention is distinguished:

- 1. By reason of itself** into actual, virtual, habitual, and interpretative. Actual intention is had when the minister, at the time at which he confects the sacrament, actually wills to confect it. It is reflex, or rather *in actu signato*, if there is had an express and formal volition of confecting the sacrament; it is *in actu exercito* if someone actually wills indeed, but nevertheless less expressly and formally, to confect the sacrament, as if someone, recognizing a rite as a sacrament, administers it under this recognition. Virtual intention is had when someone has actually and explicitly willed to confect a sacrament, and that will, though not actually, nevertheless perseveres virtually, so that he operates by force of the will once had, as if someone, from the intention of celebrating Mass, puts on the vestments and performs the other things, even if perhaps at the time of the ministry he is wholly distracted. Habitual intention exists if someone has actually and explicitly willed to confect a sacrament and that will has not indeed been retracted, but nevertheless does not persevere virtually. Interpretative intention is had when someone neither actually and explicitly wills nor actually and explicitly has willed to confect a sacrament, but is presumed to be going to will it if thought about it should occur.¹ (St. Alphonsus, VI, 15.)

2. **By reason of the object** into merely external and internal. Merely external intention is had when someone wills and outwardly seriously performs only the external rite, but lacks the mind of confecting a sacrament, or even intends the contrary. It is called merely external because, although in itself it is internal, nevertheless its whole object is external, namely only the placing of the external rite. Internal intention is had when someone wills the external rite insofar as it is sacred, or at least insofar as it is held as such by the Church.

By reason of the object, intention is further distinguished into determinate and indeterminate, according as the thing intended is certain and defined; or is uncertain, as if someone intends to consecrate only ten hosts out of a multitude of hosts.

3. **By reason of mode** into explicit and implicit, according as someone expressly wills such a sacrament known and thought of, or by a more general will wills such a sacrament, whether not known, or known but not thought of.

By reason of mode it is also distinguished into absolute and conditioned, according as someone intends to confect a sacrament independently of, or dependently upon, some circumstance or event; as if someone absolves another under the condition: if you are attrite; or: if you make restitution.

¹ Some call interpretative the intention which others call implicit habitual intention.

16 **III. The intention required.** It is of faith that intention is required, and indeed intention "at least of doing what the Church does."¹ In order that these things may be unfolded and completed, observe the following:

1. **In itself, actual intention is not required, but virtual intention suffices; habitual intention does not suffice, much less interpretative intention; fear, however, does not hinder intention.** I said:

a) Actual intention is not required, but virtual intention suffices. For it must be judged that the intention suffices which truly flows into the act or sacramental rite, and therefore can be called its cause. Such is not only actual intention, but also virtual intention. There is added the fact that actual intention is not always within man's power, and its necessity would give occasion for anxieties about the validity of the sacraments (St. Thomas, III, q. 64, a. 8, ad 3;² St. Alphonsus, VI, 17, 18).

Corollary. A priest validly acts who, in the customary way, betakes himself to the baptistery, confessional, or altar and there baptizes, absolves, or consecrates; for there is had at least virtual intention; indeed practically everywhere actual intention is present, even if remiss. Likewise, a priest validly consecrates who has placed on the corporal the hosts to be consecrated, even if at the time of consecration he does not think of them. Indeed, in general it must be said that one imprudently doubts the value of the act who has placed the required rite, unless he has expressly excluded the due intention (St. Alphonsus, VI, 18).

b) Habitual intention does not suffice; since it cannot be admitted that an intention suffices which in no way flows into the action of the minister; such is habitual intention (St. Alphonsus, VI, 16). Much less, as is clear, does interpretative intention suffice (St. Alphonsus, VI, 16).

c) Fear does not hinder, because, as we posit, it does not take away the voluntary (St. Alphonsus, VI, 19). Except, however, Matrimony, as will be said in its place.

2. **As regards the object, there is required the intention or will of confecting a sacrament.** This is established against those who judge that external intention suffices; in other words, that it suffices for someone outwardly and seriously to place the external rite, even if inwardly he does not will to confect the sacrament. This doctrine, first defended by Roland Bandinelli, and afterwards revived by Ambrosius Catharinus (1553), is today almost commonly abandoned and rightly seems to be rejected. For: 1. as we have said, it is of faith that intention is required in the minister, "at least of doing what the Church does." But these words seem to have to be understood according to the sense which they had in the schools, in other words, of the intention of doing what the Church intends to effect through the rite. 2. Proposition 28 was condemned by Alexander VIII: "Baptism conferred by a minister who observes every external rite and the form of baptizing is valid, even though inwardly in his heart he resolves within himself: I do not intend what the Church does."³ Here it seems entirely that there is discussion of one who outwardly and seriously places the external rite. Therefore this does not suffice. 3. The Roman Missal has these words: "If someone has before him eleven hosts and intends to consecrate only ten, not determining which ten he intends, ... he does not consecrate, because intention is required,"⁴ namely, as the Missal, according to the obvious sense, supposes, the intention of consecrating, and that a determinate one (St. Alphonsus, VI, 23).

It suffices, however, that the minister implicitly will to confect the sacrament, for example, that he will the rite as sacred, that he will to do what Christ instituted, what the Church does, what is asked by a Christian, etc.

Corollary I. A sacrament is not valid: 1. if someone places the external rite without any intention; this, for example, will have place if someone does not place a human act, as if he baptizes someone in sleep or drunkenness; 2. if someone performs the external rite for the sake of jest, mockery, or mere exercise.

Corollary II. A sacrament can be valid, even if someone does not regard the rite placed by himself as sacramental, provided he truly wills, for example, what Christ instituted, what he who admits the sacrament asks, etc. Hence heresy or infidelity of itself is not a reason for doubting the required intention;⁵ otherwise if there is added hatred of the Christian name, which, for example, we can easily suspect in a Jew.

3. **As regards the term, intention must be borne toward a determinate person or matter;** yet it suffices that the intention be directed to the person or to the whole matter present, without being directed to the parts individually. But he consecrates invalidly who would will to consecrate ten hosts out of eleven and would not determine those ten.

4. **As regards the mode, especially as regards a sacrament to be confected under a condition, several things must be noted:**

a) A sacrament conferred under a condition concerning the present or the past generally is valid or not valid at once, according as the condition is verified or not verified. I said "generally," because it is disputed whether a sacrament conferred under a condition naturally unknowable is valid; as if someone were to absolve another if he were predestined. Further, it seems this must be denied, because "since God has committed the administration of the sacraments to the knowledge and will of

men, a condition cannot be placed which cannot fall under human knowledge" (St. Alphonsus, VI, 26).

b) A sacrament conferred under a condition concerning the future, for example: I absolve you, if you will make restitution, that is, as soon as you shall have made restitution, generally is not valid, neither before nor after the condition has been fulfilled. Not before the condition is fulfilled, because there is not had the intention of confecting the sacrament before the fulfilled condition; not after the condition is fulfilled, because then the matter and form no longer exist (St. Alphonsus, loc. cit.). I said generally, because Matrimony is excepted, which follows the nature of a contract. But a contract entered into under a condition is perfected when the condition has been fulfilled.

¹ Council of Trent, Session 7, On the Sacraments, canon 11.

² St. Thomas in the cited place indeed says: "Although he who is thinking of something else does not have actual intention, nevertheless he has ... habitual intention, which suffices for the perfection of the sacrament." But St. Alphonsus responds: "By habitual intention here the holy Doctor without doubt understands virtual intention; for immediately after he adds thus: Suppose that when a priest approaches to baptize, he intends to do with respect to the one to be baptized what the Church does; hence if afterwards in the very exercise of the act his thought is carried off to other things, the sacrament is perfected from the force, note well, of the first intention" (VI, 18).

³ Denzinger-Bannwart, n. 1318.

⁴ *De Defectibus*, title 7, n. 1.

⁵ Holy Office, 18 December 1872 (*Collectanea*, n. 1392).

Scholion. On the Simulated Administration of a Sacrament

Authors do not agree in explaining the nature and morality of simulated or fictitious administration of a sacrament. It seems to us that the following must be said:

17 I. Notion. 1. Simulated administration of a sacrament, taken in the full sense, consists in this: that someone uses the matter and form of a sacrament, and this in such a way that he signifies the will of confecting a sacrament, which nevertheless he does not actually have (St. Alphonsus, VI, 60 and 61, where he denies simulation because matter and form are lacking).

2. Simulated administration, accepted in a less full sense, is had when someone uses the matter or form of a sacrament, and this again in such a way that he signifies the will of confecting a sacrament, which in reality he does not have (St. Alphonsus, loc. cit.).

Each simulated administration is called formal or material, according as deception of one's neighbor is intended as an end, or is chosen as a means.

3. Simulated administration of a sacrament, taken improperly, consists in this: that someone applies something which bears the appearance of the matter and form of a sacrament, or of either one, and this for the end that he may be judged to confect a sacrament.

From every simulated administration there differs the dissimulation of a denied sacrament, which has place when someone applies something which bears the appearance of the matter and form, or of either one, for the end that he may hide the denial of the sacrament; for example, if someone gives a blessing instead of absolution to one who is indisposed, lest the denial of absolution be disclosed to others (St. Alphonsus, VI, 59).

18 **II. Morality.** 1. Simulation of a sacrament, accepted in the full sense, is gravely evil, because it contains a sacrilegious lie, that is, a lie which, as having been committed through a sacramental rite, redounds upon the sacrament itself and inflicts grave injury upon it. Add that the said lie will often be gravely harmful. There is added proposition 29 condemned by Innocent XI: "Urgent grave fear is a cause for simulating the administration of the sacraments";¹ concerning which note: 1. by that proposition at least the simulation of a sacrament accepted in the full sense is condemned; 2. the authors of the said proposition understood it of material simulation (St. Alphonsus, VI, 59); hence formal simulation is to be rejected *a fortiori*.

2. Simulation of a sacrament accepted in the less full sense likewise seems gravely illicit, because the argument just brought forward also has force if the lie is committed through the partial rite of a sacrament.²
3. Simulation of a sacrament taken improperly of itself is quite probably not gravely illicit; for since the rite of the sacrament is applied neither wholly nor partially, the injury inflicted on the sacrament seems to be lacking, so that only a lie remains. I said of itself, because grave sin can be committed from another source, for example against charity or even against justice with respect to the subject to whom the sacrament, owed by charity or by justice, is thus denied.
4. The dissimulation of a denied sacrament, when there is a just cause, is of itself licit. For in the case neither is injury inflicted on the sacrament, nor is a lie committed, but only the truth is hidden (St. Alphonsus, VI, 59). I said of itself, because again grave sin can be had from another source, for example with respect to the subject, who can have a grave right that the truth not be hidden from him.

And these things which we have said concerning simulated administration of a sacrament, with the necessary adjustments, should also be applied to simulated reception.

Corollary I. It is neither simulation of a sacrament nor sin:

1. To place the matter and form for the sake of practice, because it is not signified that the sacrament is being confected, and therefore a lie is lacking; nor does the placing of the rite for the sake of practice inflict any injury upon the sacrament.
2. For the sake of avoiding infamy, to pronounce the customary words before one pretending to receive Communion, while not handing over the host but replacing it in the ciborium (St. Alphonsus, VI, 61). Nevertheless the case is little practical.
3. To enter the confessional and there speak to the confessor about some business. "For since matter and form are lacking there, I do not know how to understand where there is simulation of a sacrament" (St. Alphonsus, VI, 60). Nor is there a lie, unless someone "approached with the intention that bystanders believe that he is confessing" (St. Alphonsus, loc. cit.); otherwise if he did it in order to hide from others the fact that he was not confessing.
4. In contracting Matrimony, to which someone is compelled, to simulate consent; since consent of this kind is invalid, so that the matter and form of the sacrament are lacking. Nor is there sin because consent is simulated, since, on account of the opposing impediment, the words of consent can be uttered with a restriction that is not purely mental, so that a lie also is lacking (St. Alphonsus, VI, 62).

Corollary II. It is simulation of a sacrament, or at least grave sin:

1. To pronounce without intention the words of absolution over one who is indisposed, or the words of consecration over bread, or in the celebration of Mass to omit the words of consecration; indeed, also from chapter *De homine*, 7, *de celebratione missarum*, the priest who in Mass did not consecrate would sin more gravely than one who consecrated and communicated sacrilegiously (St. Alphonsus, VI, 59, 61).
2. To hand over a non-consecrated host as consecrated; here indeed there is not simulation of a sacrament, but cooperation in idolatry, at least material idolatry (St. Thomas, III, q. 80, a. 6, ad 2; St. Alphonsus, VI, 61).

¹ Denzinger-Bannwart, n. 1179.

² Cf. Holy Office, 6 September 1625 (Denzinger-Bannwart, n. 1489).

Chapter II. On the Other Requisites

In order that a sacrament be validly confected, besides intention these things are required:

19 I. The minister must place the external rite in a human manner, or by a human act. For it cannot be admitted that Christ instituted a sacrament in such a way that it can be confected by an act which is not human; as if someone wholly drunk or sleeping were to baptize. For the rest, in the case, at least practically, the required intention will also be lacking (St. Alphonsus, VI, 16).

20 II. The same minister must apply the matter and pronounce the form. If there is discussion of Baptism, this seems certain, both because otherwise the words of the form are not verified, and because the Sacred Congregation of the Discipline of the Sacraments¹ declared Baptism conferred in another way invalid, adding these words: Catholic doctrine holds most certainly that the matter must be placed by one and the same minister and at the same time the form of Baptism must be uttered; otherwise the form *I baptize you, I wash you* would labor under falsity (St. Thomas, III, q. 67, a. 6, ad 3). The same seems almost certain with regard to Confirmation, Extreme Unction, and Order, considering namely both the analogy with Baptism and the doctrine of theologians and the practice of the Church. There is added that otherwise the moral union in the sacrament does not seem to be sufficiently preserved. Except the sacrament of Penance, whose nature requires the contrary. With regard to the sacrament of the Eucharist, the question cannot be posed. For the rest, note:

1. Different ministers can validly minister a sacrament which consists of parts, if you grant that this occurs; concerning which consult the treatise on Extreme Unction, provided that the individual parts are placed whole by one and the same minister, that is, with their own matter and form. This is clear from what will be said in the treatise on Extreme Unction. Nevertheless, since that is gravely contrary to the rite, it is forbidden under grave obligation outside a case of necessity.
2. Even if a sacrament does not consist of parts, nevertheless several ministers can validly confect one and the same sacrament, provided that each places everything which is required for the sacrament. This is urged first, with regard to other sacraments, from the analogy with the sacrament of the Eucharist, which can certainly be confected by several at the same time. The reason is that the individual ministers do not confect the sacrament except in the person of Christ, and therefore in and with Christ they are one. Then, since the individuals, as we suppose,

possess the power of confecting the sacrament and exhibit all the requisites, it does not appear that anything is lacking to the conferral of the individuals (cf. St. Thomas, III, q. 67, a. 6; q. 82, a. 2, ad 2; St. Alphonsus, VI, 120, 232; can. 803). But this also is gravely illicit, except the consecration in the ordination of priests and the consecration of Bishops.

Even if several confect a sacrament, nevertheless it will be one sacrament, because Christ, who is the one principal minister, effects one thing through several (St. Thomas, III, q. 67, a. 6).

3. Finally, one and the same person can confer a sacrament on several at the same time, for example baptize or absolve several. Yet this too is illicit outside a case of necessity (St. Alphonsus, VI, 29).

¹ 17 November 1916 (A.A.S. 1916, p. 479); cf. Roman Ritual, title 2, chapter 1, n. 10.

21 III. The minister must confer the sacrament on a subject distinct from himself. This is drawn both from the common doctrine of theologians and the constant practice of the Church, and from the form of several sacraments. There is added that Innocent III declared null the Baptism which a certain Jew had ministered to himself in danger of death, adding this reason: "Since there ought to be a distinction between the one baptizing and the one baptized, as is clearly gathered from the words of the Lord, saying to the Apostles: Go, baptize all nations in the name, etc." (St. Thomas, q. 66, a. 5, ad 4; q. 82, a. 4, ad 2).¹ Except the Most Holy Eucharist and Matrimony.

¹ Cf. Decretals, IV, III, 42.

22 IV. The minister must duly unite matter and form, because they must constitute one sign. A moral union suffices, or rather that union by which the words of the form, according to common estimation, affect the matter and so constitute one thing with it (St. Alphonsus, VI, 9). Now:

1. In Baptism, Confirmation, Order, and Extreme Unction it certainly suffices that matter and form coexist in some part of themselves, or that one be begun before the other is completed. Likewise, it seems to suffice that the form be pronounced immediately before or immediately after the application of the matter. The reason is that even on this supposition the words "I baptize you," etc., "I sign you," etc., still seem to signify the actual application of the matter. There is added that the Holy Office several times resolved that the sacrament of the priesthood was not to be repeated in the case in which the Bishop had had his extended hand over the ordinands immediately before the prayer *Oremus*;¹ likewise in the case in which the ordinand had touched the instruments after the form had been uttered.² These resolutions seem also to be applicable to Baptism, Confirmation, and Extreme Unction. Nevertheless, the reason for doubting with regard to these three sacraments, especially with regard to Baptism, is taken from the fact that the Holy Office on 2 May 1858 declared that Baptism is always to be repeated under condition whenever "after the washing has been wholly completed, the form is pronounced, or conversely, when the pronouncing of the form has been completed, one proceeds to the washing."³ For the rest, a very brief delay would render the sacrament doubtful, but the delay of one *Our Father* would render it null (St. Alphonsus, loc. cit.). For liceity it is required that matter and form perfectly coexist.⁴
2. In Penance, because it was instituted after the manner of a judgment, a greater interval can intervene.
3. In Matrimony there is always had union of matter and form when the consent of one is placed, the consent of the other not having been retracted; for it has and follows the nature of a contract

(St. Alphonsus, VI, 9).

4. In the Eucharist there is discussion rather of the presence of the matter than of its union with the form; here, however, it is required that the matter be physically present, because otherwise the words "this" and "here" are not verified (St. Alphonsus, VI, 9).

¹ 12 September 1877; 30 November 1898; 14 December 1898.

² 17 March 1897.

³ Note, however, that at the time the response was given, the value of Baptism conferred in this way was doubted more than today. Considering this together with the declarations afterwards issued concerning Order, it is permissible to doubt whether the Sacred Congregation, if again consulted, would give the same response.

⁴ Roman Ritual, title 2, chapter 1, n. 8; title 5, chapter 1, n. 18.

23 V. The minister must use neither matter nor form substantially vitiated. Now:

1. A substantial change of matter is had when a thing is used which, according to common estimation, differs from the thing which the Church uses, as if in Baptism you should use wine instead of water. If, however, the matter is the same thing in reality, either wholly or as to the greater quantity, but is called by a different name and is used for a different use, it is rather doubtfully valid than certainly invalid, as if someone were to baptize with moisture flowing from a vine (St. Alphonsus, VI, 11).
2. A substantial change of form is had when the words, according to common estimation, have a meaning different from that which must be expressed according to the mind of Christ (St. Alphonsus, VI, 11, 221). If the change is made into words which can be taken in a twofold sense, namely a sacramental one and a foreign one, the change is substantial or accidental according as the minister intends the foreign or the sacramental sense; since even in the common intercourse of men an ambiguous sense must be determined by the speaker himself. Besides, it can happen that a change which, considering only the grammatical sense, is substantial, is in fact accidental or substantial according as it proceeds from inadvertence or ignorance, or from a heretical mind. Thus if someone in consecration, from inadvertence, were to say, "Here" in place of "This is My Body," the consecration would be valid; otherwise if he intended the word "here" in the sense of Luther, or adverbially (St. Alphonsus, VI, 110). For the rest, a change of form can occur:
 - a) By substitution of words, as if in Baptism it were said: I wash you, etc. But it is accidental or substantial according as the substituted words are synonymous or not synonymous.
 - b) By transposition, as if someone says: I baptize you, etc. This will generally be accidental.
 - c) By omission, as if in consecration the word *for* is omitted. It must be seen whether or not an essential word is omitted, namely one by which the due sense is taken away.
 - d) By corruption, as can happen because of stammering, haste, or inexperience, as if someone says: This is my *boby*. In the case the change is generally accidental.
 - e) By addition, as if in Baptism it is said: I baptize you in the name of the Father, who created you, etc. Further, a change of this kind is more easily substantial if what is false is added than if what is true is added; likewise if the change is made with a heretical mind than otherwise.
 - f) By interruption. Further:

a) Interruption of the words of the form is substantial or accidental according as it is or is not so great that the words before those hearing no longer effect the complete sense intended by Christ.

b) Interruption of the syllables of the same word, if it occurs by the interposition of several words or of one word, as if it were said: I bap- (be silent) -tize you, etc., renders the value doubtful. Otherwise if it occurs by a cough or a similar way and is very brief (St. Alphonsus, VI, 11, 221).

3. A substantial change, as one which renders the sacrament invalid, is a grave sin; an accidental change is gravely or lightly forbidden according as it greatly or lightly opposes the use and precept of the Church.

24 VI. The minister must utter the sacramental form by voice, that is, by the organs ordered to speaking. Therefore vocal pronunciation is required. Besides, at least practically, the pronunciation ought to be audible of itself, because it is doubtful whether pronunciation which of itself is not audible can be called vocal (St. Alphonsus, VI, 414).

Section II. On the Requisites for Licit Ministration

In order that the minister of a sacrament proceed licitly, first indeed he must minister validly; concerning this there has already been discussion. Then it is required that he minister legitimately, holily, according to the rite, to the worthy, and absolutely or under condition according to the circumstances.

25 I. Legitimately; namely, it is required that the minister have received from the Church a mission or some jurisdiction, in other words authorization, and that he not have contracted a penalty which deprives him of the use of order. Concerning the jurisdiction required there will be fuller discussion in the treatise on the individual sacraments.

26 II. Holily, that is, in the state of grace. Now:

1. The obligation of ministering the sacraments in the state of grace is clear from the reverence due to an action so holy. Nevertheless, a necessity excuses which is so urgent that not even an act of contrition can be elicited, for example if absolution must be granted immediately to one dying. For since the sacraments are for men, the harm of one's neighbor to be averted prevails over the reverence due of itself to the sacrament, and thus, when the higher law of charity urges, the irreverence is taken away.

Here, however, it is asked by some whether the minister also is excused who cannot elicit an act of contrition in time without danger of infamy or scandal. Further, theoretically this must be affirmed, because, granted the good will of the minister and his moral inability to repent in time, even the right of preserving reputation and, *a fortiori*, the obligation of avoiding scandal prevail over the reverence due of itself to the sacrament. But since practically sufficient time for eliciting an act of contrition is available, it can be said that the said excusing cause in fact scarcely exists (St. Alphonsus, VI, 33).

2. As regards the gravity of the obligation, receive the following:

a) The obligation of the state of grace is certainly grave if these three things occur, namely if: 1. the minister is consecrated; 2. he confects the sacrament; and 3. he does this by office, or as consecrated, or solemnly.¹ This is clear from the Roman Ritual, which declares: "Those ministering these things impurely and unworthily incur the guilt of eternal death";² and these words must at least be applied

to those of whom we are speaking. So also the Roman Catechism.³ The reason is that grave irreverence is had in this, that someone exercises an act so holy in a state so foul, whether as consecrated and furnished with sacramental grace, or as acting as minister and instrument of Christ and in His name, or with the said titles considered together (cf. St. Thomas, III, q. 64, a. 5, ad 3 and a. 6; St. Alphonsus, VI, 31, 32, 884).

b) It is disputed whether the following sin gravely: 1. a non-consecrated minister who confects a sacrament in mortal sin, namely a layman baptizing and those contracting Matrimony;⁴ 2. a consecrated minister who confects a sacrament, but not by office or not as consecrated, namely a deacon or priest baptizing in a case of necessity. Some affirm, because there is grave irreverence in this, that someone, whether he is consecrated or is not consecrated, whether he acts as consecrated or does not act as such, performs such sublime things in the name of and as an instrument of Christ. Others deny it, and judge that for grave irreverence it is required that someone act by office, and therefore confect the sacrament as public minister of Christ and of the Church. Thus St. Thomas teaches (loc. cit.), nor does St. Alphonsus seem to reject this for practice (VI, 32; *Homo Apostolicus*, tract 14, n. 6); all things considered, it can be held as practically safe. Likewise, a priest does not sin gravely who, while in mortal sin, only hears confession, yet in such a way that he resolves to elicit an act of contrition before absolution is to be given (St. Alphonsus, VI, 36).

c) It is further disputed whether a priest or deacon sins gravely who, while in mortal sin, does not confect, but only administers a sacrament. This question regards only the distribution of the Holy Eucharist. Further, St. Alphonsus, against many, affirms it, "because," he says, "a priest ministering the Eucharist in mortal sin inflicts grave injury on this sacrament, because, as a minister consecrated for dispensing it, he ministers it unworthily (cf. can. 845). And just as in the other sacraments the minister proximately concurs in the sanctification of those receiving through confection, so here he proximately concurs through dispensation, since the minister of the Eucharist cannot exhibit himself as minister otherwise than through dispensation" (VI, 35). There is added that Nicholas II compares a dispenser in the state of sin to a burning torch, which, while it illuminates others, consumes itself.⁵ Finally, the Roman Catechism favors this opinion.⁶

d) He does not sin gravely who, while in mortal sin, exercises other sacred functions, for example: 1. one who performs the functions of the Diaconate, Subdiaconate, or minor Orders; 2. one who performs consecrations, for example of Sacred Oil, and blessings; 3. one who touches or carries the Holy Eucharist or gives Benediction with the Most Holy Sacrament; 4. a priest who assists at Matrimony; 5. finally, one who preaches while in mortal sin does not sin gravely (St. Alphonsus, VI, 37-40).

Corollary. A minister who in mortal sin confects several sacraments in one continuous act commits as many sins as the sacraments he confects. The contrary must be said of him who by one moral action distributes the Holy Eucharist to several. Finally, he who celebrates while in mortal sin more probably commits four sins, namely he unworthily confects the sacrament, unworthily receives the sacrament, unworthily administers the sacrament to himself, and administers the sacrament to an unworthy person, again to himself (St. Alphonsus, VI, 35; vol. I, p. 201).

3. As regards the mode of recovering lost grace, one about to confect or administer a sacrament while constituted in mortal sin can recover grace either by an act of perfect contrition or by confession. If, however, there is question of confecting the Holy Eucharist, Confession is required

of itself; this is clear from canon 807, to be explained later. Besides, the confection of this sacrament has its reception annexed to it. Further, he who has sinned mortally cannot receive the Holy Eucharist unless he has first received the sacrament of Penance (n. 179). With regard to the confection of the other sacraments, it is indeed fitting to confess,⁷ but there is no obligation.

¹ The word *solemnly*, which in the case is commonly used, does not regard external rites, but signifies the same as *by office*.

² Title I, single chapter, n. 4.

³ Part 2, chapter 1, q. 17.

⁴ Nevertheless, they sin gravely insofar as they receive Matrimony in mortal sin.

⁵ Chapter 5, cause 15, question 8.

⁶ Part 2, chapter 1, question 17.

⁷ Roman Ritual, title I, n. 4.

27 III. According to the rite, that is, according to the rites prescribed by the Church. Rites, however, are customarily distinguished as essential and accidental, according as they belong to the essence of the sacraments or do not belong to it. Concerning the essential rite, that is, concerning the use of matter and form, there has already been discussion, so that it remains to speak only of the accidental rite. Concerning this, let these things be observed:

1. That there is an obligation of observing the rites is of faith from these words of the Council of Trent: "If anyone shall say that the received and approved rites of the Catholic Church, customarily used in the solemn administration of the sacraments, can either be contemned, or omitted by the ministers at their pleasure without sin, or changed into other new rites by any pastor of churches whatsoever, let him be anathema."¹ The obligation is likewise drawn from the Constitution *Apostolicae Sedi* of Paul V,² placed at the head of the Roman Ritual; likewise from canon 733, § 1, which establishes: "In confecting, administering, and receiving the sacraments, the rites and ceremonies which are prescribed in the ritual books approved by the Church are to be accurately observed." Yet this does not prevent certain rites from being called directive rather than preceptive; this is drawn both from the words of the Ritual and from the thing itself, as will be noted in its place.
2. The obligation of observing the rites is grave by its genus, so that he sins gravely who neglects the law in grave matter; this is drawn both from the importance of the matter being treated and from the penalties to be inflicted on incorrigible transgressors (cf. can. 2378).
3. Each person is bound to follow his own rite (can. 733, § 2). Now the rite to be observed in the Latin Church is contained in the Missal and Roman Ritual, the Roman Pontifical, the Ceremonial of Bishops, and the *Memoriale Rituum*.³

Note 1. The sacred oils which serve for administering certain sacraments must have been blessed by the Bishop on the most recent Thursday in the Lord's Supper; and old oils are not to be used unless necessity urges. When the blessed oil is nearly lacking, other unblessed olive oil is to be added, even repeatedly, but in a smaller quantity (can. 734). The pastor must request the sacred oils from his Ordinary and diligently preserve them in the church in safe and decent custody under key; nor is he

to retain them at home, unless because of necessity or another reasonable cause, with the permission of the Ordinary (can. 735).

Note 2. The reverence due to the sacraments also requires that they be conferred with the decency which the nature of the sacrament demands; to this also belongs due attention. Nevertheless, voluntary distraction is only venial, unless there is added danger of a substantial or at least notable defect. Yet voluntary distraction of a priest during consecration and communion is held by many as grave irreverence, namely because of the eminent dignity of the Sacrifice (cf. St. Alphonsus, VI, 14, 224, 410, dub. 5).

¹ Session 7, On the Sacraments in general, canon 13.

² 17 June 1614.

³ The *Memoriale Rituum* is a small book of rites given for the City by Benedict XIII (1723) and promulgated for the whole world by Pius VII (1827).

28 IV. To the worthy. The sacraments can be ministered only to the worthy, at least of themselves. But it suffices that worthiness be established as will be explained below. I said:

1. **They can be ministered only to the worthy.** He who ministers them to an unworthy person commits: 1. the sin of sacrilege, on account of the irreverent treatment of a sacred thing, that is, of a sacrament; 2. the sin of scandal, on account of cooperation in the sin of one's neighbor (St. Alphonsus, VI, 43).

2. **At least of themselves;** because, as if accidentally, the sacraments can be ministered to an unworthy person if there is present a cause by which both the irreverence which is contained of itself in ministration to the unworthy is removed, and cooperation in the sin of one's neighbor is made honorable. Causes of this kind are: violation of the sacramental seal, infamy, scandal, and other inconveniences to be avoided. From these things follow:

a) A sacrament must be ministered to an unworthy person if his unworthiness is known only by sacramental knowledge. For the rest, the following rules hold:

b) The sacraments are to be denied to a public sinner whether he asks secretly or publicly. The reason is that neither scandal nor infamy to be avoided makes the ministration honorable¹ (can. 855, § 1; St. Thomas, III, q. 80, a. 6; St. Alphonsus, VI, 44). A public sinner, however, is one whose crime is notorious either by fact, by law, or by reputation; he is occult as long as there is hope that the crime can be hidden.

c) The sacraments are to be denied to an occult sinner if he asks for them secretly, that is, before the priest alone, or before a few others who do not understand what is being done and will not spread the matter; they are not to be denied if he asks for them publicly. It is said:

a) They are to be denied if he asks for them secretly (can. 855, § 2; Roman Ritual):² the reason is that from denial there does not follow the inconvenience mentioned above (St. Thomas, loc. cit.; St. Alphonsus, VI, 44). Except if the priest knew the state of the sinner from confession alone; for he cannot use knowledge from confession with the burden of the penitent (St. Alphonsus, VI, 51, 658).

b) They are not to be denied if he asks for them publicly (can. 855, § 2; Roman Ritual).³ The reason is that from the fact that a minister could publicly deny the sacraments from private knowledge, the

greatest inconveniences would follow: namely, not only the loss of the reputation⁴ of the one asking, but especially disputes, disturbances, scandals, and the danger that many would abstain from the sacraments, namely from fear lest they be kept away by an imprudent or malicious minister (St. Thomas, loc. cit.; St. Alphonsus, VI, 49). Except, however, the sacrament of Order, from which even one occultly unworthy must be kept away (Council of Trent;⁵ can. 970). "The reason is certain, because he who thrusts himself into public offices for which he is not suitable must be repelled, even with infamy, on account of the public good to be preferred to the private good" (St. Alphonsus, VI, 52; cf. St. Thomas, Supplement, q. 36, a. 4). Besides, "it must be noted that in that case the Bishop is not bound to manifest the cause why he repels him from ordination; according to the declarations of the Sacred Congregation of the Council issued on 21 March 1643 and on 21 April 1668, which the Supreme Pontiff Benedict XIV brings forward at length"⁶ (St. Alphonsus, loc. cit.).

If the crime is public in another place, but occult in the place where the sacrament is asked, the sacrament should not be denied unless knowledge of the crime will easily reach there (St. Alphonsus, VI, 46; cf. can. 855, § 2).

d) It is forbidden to minister the sacraments of the Church to heretics, even those erring in good faith and asking for them, unless first, having rejected their errors, they have been reconciled to the Church (can. 731, § 2). It is forbidden both because the sacraments generally cannot be ministered to heretics and schismatics without scandal,⁷ and because ministration of the sacraments to non-Catholics fosters indifferentism.

Insofar as these things are also to be applied to the dying, see in the treatise on Penance and on Extreme Unction.

3. It suffices that worthiness be established as follows:

a) With regard to Baptism of adults, Penance, Order, and Matrimony, the worthiness of the recipient must be established more or less positively, and therefore inquiry must be made into it, as will be explained more fully in the treatise on the said sacraments. Meanwhile consult, with regard to Baptism, canon 752, § 1; with regard to Penance, canons 886 and 888; with regard to Order, canon 973, § 3; with regard to Matrimony, canons 1020, 1021, § 1, and 1033.

b) With regard to the other sacraments, worthiness must be presumed, while unworthiness must be proven in some measure, so that in doubt the sacraments ought rather to be granted. The reason is that all the faithful have a right to these other sacraments, and ministers are not judges but dispensers; whence in these cases they do not have the right of inquiring, but only the duty of dispensing to all who ask, provided that they are not positively unworthy (St. Alphonsus, VI, 43). If, however, unworthiness has been established, amendment must be proven, and sometimes, besides, the satisfaction performed must be established. Concerning this the Roman Ritual has these words: "All the faithful are to be admitted to sacred Communion, except those who are prohibited for a just reason. But the publicly unworthy are to be kept away, such as the excommunicated, the interdicted, and the manifestly infamous: as prostitutes, concubinarians, usurers,⁸ magicians,⁹ sorcerers, blasphemers,¹⁰ and other public sinners of that kind, unless their penitence and amendment are established, and they have first satisfied for public scandal."¹¹ Canon 855, § 1, inculcates the same for the same reason. With these things considered, the following can be drawn:

¹ Roman Ritual, title IV, chapter 2, n. 3.

² Title IV, chapter 1, n. 9.

³ Title IV, chapter 1, n. 9.

⁴ This reason is not adequate, because the reverence to be shown of itself to the sacrament prevails over the private good of the reputation of the sinner, who, as is supposed, is not of good will; but it does not prevail over the common good.

⁵ Session 14, on reform, chapter 1; Session 23, chapters 5 and 7.

⁶ *De Synodo*, book 12, chapter 8, n. 2.

⁷ Holy Office, 20 July 1898 (*Collectanea*, n. 2012).

⁸ That is, those judicially convicted as such.

⁹ That is, those who publicly practice true and certain magic.

¹⁰ That is, those who from a spirit of impiety are accustomed by mouth or writing to utter injurious things against God, against the Saints, or against the Church.

¹¹ Title IV, chapter 1, n. 8.

29 Corollary I. If unworthiness arises from sin alone, generally it suffices that the sinner has confessed publicly; indeed, the very approach to the Holy Eucharist seems generally to suffice that he be judged amended. If, however, a public sinner of this kind, notwithstanding confessions and communions, does not cease falling back into the same habit, and the relapse is notorious, then the ministration of the sacraments should be deferred for some time, so that amendment may be sufficiently proven, unless now particular signs of amendment appear, as can occur especially on the occasion of a Mission.

Corollary II. If someone has publicly lived in a proximate occasion; likewise, if some resignation of office, or retraction, or satisfaction must be imposed, for example if someone has performed a wicked office, or has publicly enrolled in a wicked society, or has spread pernicious errors, or has publicly and unjustly stripped another of reputation, generally the occasion must be abandoned or the other obligation fulfilled before the sinner is publicly¹ admitted to the sacraments.

Corollary III. If someone has been publicly excommunicated, or has notoriously adhered to a heretical sect, before he communicates he must be reconciled with the Church in the external forum and absolved from the censure.

Corollary IV. If the crime is doubtful, the sacrament should not be denied, unless nevertheless someone is so suspected that by charity he is bound to remove the suspicion. If the crime is certain, but penitence doubtful, the sacrament should be denied, because penitence is not established; which the Roman Ritual cited above and canon 855 require (cf. St. Alphonsus, VI, 48).

Corollary V. If a doubt remains whether the sacraments must be denied to someone, the Ordinary should be consulted; or, if there is not time, after the sacrament has been granted, recourse should be had to him for the future.

For the rest, if the sacraments are to be denied, one should proceed most prudently. As far as can be done, the sinner should be warned in time, so that the request itself may be forestalled. If the matter does not succeed, the denial should be made without disturbance. The ordinary circumstances are especially regarded by the things said above; concerning the things to be observed in urgent danger of death there will be discussion in its own place.

Finally, here it is customary to ask whether the minister can administer a sacrament to an unworthy person in order to avoid harm threatening himself, for example death. Some affirm, provided that the one asking can here and now validly receive the sacrament and does not ask for it in contempt of God or of religion. They affirm this because there is had only material cooperation, which is licit for a cause of this kind. But with St. Alphonsus (VI, 49) it seems it must be denied; since the conferral of a sacrament on an unworthy person, and this in the supposed circumstances, carries with it so great an injury to the sacrament that it does not seem it can be admitted for averting private harm from the minister, but only for preventing inconveniences that would follow for the community from the denial (St. Alphonsus, VI, 49). As we already noted above, the adequate reason why it is permitted to confer a sacrament on an occult sinner is not the avoidance of infamy for a contumacious sinner, but the inconveniences which would arise for the community from the denial (St. Alphonsus, loc. cit.).

¹ Of themselves, the sacraments can be ministered at least secretly to all who are truly penitent, but according to the Sacred Penitentiary (1856) it is not fitting "to admit to secret participation in the sacraments those who have not made retraction, on account of the scandal of the weak, who can believe that the penitent has persevered in obstinate pertinacity."

30 V. Absolutely or conditionally, according to the circumstances. The sacraments are to be conferred absolutely if there is no serious doubt about validity; otherwise under condition. Yet he who, being certain of validity, places a condition, seems of himself to sin only lightly, because grave irreverence is not evident.

Scholion I. On the Ministration of a Doubtfully Valid Sacrament

31 I. The morality of doubtfully valid ministration. 1. Of itself it is illicit to minister a sacrament with doubt about its validity; in other words, moral certainty about the validity of the sacrament is required of itself. The reason is that of itself it is injurious to Christ, the Author of the sacraments, to place the external rite instituted by Him, wholly or at least partially, and indeed in order to constitute a sacrament, with grave danger of not truly constituting the sacrament. There is added proposition 1 condemned by Innocent XI: "It is not illicit in conferring the sacraments to follow a probable opinion about the validity of the sacrament, the safer one being left aside, unless law, agreement, or danger of incurring grave harm forbids it. Hence one must not use only a probable opinion in the conferral of Baptism, priestly Order, or episcopal Order."¹ Therefore of itself it is illicit: 1. to use doubtful matter or form; 2. to minister a sacrament in doubt whether another requisite for validity is present, for example the presence of the penitent due in the sacrament of Penance. Consequently, of itself it is also not licit to minister a sacrament under a condition which, according to what was said in n. 32, renders the validity of the sacrament doubtful (St. Alphonsus, VI, 28, 46).

Note. The moral certainty about validity which is required must be taken more strictly or more broadly according to the diversity of the sacraments; more broadly, for example, for the sacrament of Penance, as will be explained in its place.

2. Accidentally, a sacrament can sometimes, or even must, be conferred with doubt about its validity, namely if on the one hand it cannot certainly be conferred validly, and on the other hand there is a grave reason for conferring it. For since the sacraments are for men, the salvation of men to be procured prevails over the obligation of taking care lest the sacrament be exposed to

the danger of nullity. A sufficient reason is present the more easily in proportion as the sacrament is more necessary (St. Alphonsus, VI, 28, 29).

Corollary I. A doubtfully valid sacrament can be conferred if the validity is at least probable and, from the sacrament not being conferred, grave spiritual harm threatens someone. Hence, for example, one doubtfully disposed can be absolved if there is fear lest otherwise he be alienated from the sacraments. But scarcely ever is it licit to consecrate doubtful matter (St. Alphonsus, VI, 28, 29, 432).

Corollary II. In danger of death, even with slight probability about validity, the necessary sacraments must be conferred, namely Baptism and Penance; likewise Extreme Unction, at least if Penance certainly cannot be conferred validly (St. Alphonsus, VI, 103).

¹ Denzinger-Bannwart, n. 1151.

32 II. The mode of doubtfully valid ministration. If a sacrament is ministered with doubt about validity, it must be conferred under condition; namely, the reverence due to the sacrament requires that the minister, in a doubt of this kind, protest that he does not will to confer the sacrament if the necessary condition is lacking.¹ Besides, observe:

1. Let the condition be placed on which validity depends, not that on which only the fruit depends. The reason is that a sacrament conferred under a condition on which only the fruit depends, for example, if you are disposed to receive grace, cannot revive; for if the condition is verified, the sacrament is immediately received validly and fruitfully; if it is not verified, it is not even validly received, and therefore cannot revive (n. 11). On the contrary, a sacrament conferred under a condition on which validity depends, for example, if you are capable of receiving the sacrament, is validly conferred if the condition is verified; and if perhaps it is now received without fruit, afterwards, when the due disposition is added, it can revive.
2. It is not required that the condition be expressed by mouth, but it suffices that it be expressed mentally, except in the cases in which, according to the Roman Ritual,² it must be expressed by mouth, namely: 1. in doubt whether the one to be baptized has already been baptized, or whether that which has been born is a human being; 2. in doubt whether the one to be anointed is still living (St. Alphonsus, VI, 29). The reason is that a condition placed mentally suffices for the sacrament truly to be conferred conditionally, in other words, for the intention to be restricted to the case of valid confectio. This is confirmed by these words of the Roman Missal: "If he doubts very probably that he has omitted something essentially in the consecration, let him repeat the form at least under a tacit condition."³ Indeed, it is enough to place the condition, whether by mouth or only mentally, implicitly; for example by ministering the sacrament according to the institution of Christ or the intention of the Church.

¹ If doubt about validity is removed by the Church supplying the defect, if it exists, the sacrament must be conferred absolutely. If someone places the condition: if you are disposed, it can seem doubtful whether there is intended a disposition required for the fruit alone or, at least confusedly or predominately, for validity. Hence it is safer not to express the condition in this way.

² Title 2, chapter 1, nn. 9, 22; title 5, chapter 1, n. 14.

³ *De defectibus*, title 5, n. 2.

Scholion II. On the Repetition of a Sacrament Doubtfully or Doubtfully Validly Conferred

33 We speak of the repetition of a sacrament which is done under this condition, or an equivalent one: If the former sacrament was not conferred, or was not validly conferred; and which therefore effects nothing if the former sacrament was validly conferred. Now:

I. It is illicit to repeat a sacrament under condition if the doubt about the ministration or its valid ministration lacks reasonable foundation. In the case, repetition is gravely illicit, because it is grave irreverence to repeat the sacramental rite without reason. Nevertheless, the scrupulous are excused from sin, at least grave sin; yet they must be seriously admonished to abstain from repeating the form. Likewise, it is venial uselessly to repeat the same word, by which manner of acting Christ is introduced as speaking ridiculously. Stammerers, however, are excused, provided that, as far as can be done, they try to pronounce the words rightly the first time.

II. It is licit to repeat the sacraments under condition if both a prudent doubt about ministration, or about valid ministration, exists, and the usefulness of one's neighbor recommends reception of the sacrament.

III. A sacrament must be repeated under condition if there is prudent doubt about the ministration or its validity, and reception of the sacrament is necessary by necessity of means or of precept; even more if the common good requires that the sacrament be certainly conferred validly. Moreover, the more necessary the sacrament is, the more easily a sufficient doubt is present.

Corollary I. The sacraments of Baptism, Confirmation, and Order are to be repeated under condition if a prudent doubt exists whether they were really conferred or whether they were validly conferred (can. 732, § 1). If it is prudently doubted whether absolution was imparted or rightly pronounced, and the penitent is still sufficiently present, absolution must be repeated if there is question of a penitent constituted in mortal sin; otherwise it can at least be repeated.

Corollary II. Baptism, Order, absolution of one dying, and Extreme Unction conferred on one deprived of the senses must be repeated, even if the reason for doubting the validity of the former sacrament is slight.

Corollary III. It can happen that doubt about the ministration or the valid ministration of a sacrament, even a necessary one, is so slight that it can indeed be repeated, but need not be repeated. Thus, for example, to quiet anxiety Order could be repeated if the words of the form had been uttered immediately after the matter was placed.

Corollary IV. Finally, it can happen that a sacrament can and must be repeated several times under condition, for example that an infant must first be baptized while still existing in the womb; then, when some member has emerged, be rebaptized under condition; finally, once brought into the light, be rebaptized again under condition (n. 93; cf. can. 746, § 3).

Section III. On the Obligation of Ministering

34 **I. Bishops and pastors are bound in this way:**

1. They must, by justice, minister the sacraments to their subjects; and indeed not only in true necessity, but as often as they reasonably ask for this. They are bound by justice because, in accepting their office, they entered into a tacit contract. There is added the reason of salary or

honorable support accruing to them by reason of their office (St. Alphonsus, VI, 58; cf. vol. I, n. 572; canons 464, § 1; 467, § 1; 785; 892, § 1; 939).

2. The aforesaid obligation is grave by its genus, namely so that they would sin gravely: 1. if they did not aid a subject constituted in grave or extreme necessity; 2. if by custom they showed themselves difficult or slow, for example if they heard confessions only on a few days in the month, or assigned notably inconvenient times for the distribution of the Holy Eucharist.
3. If the necessity is grave or extreme, grave inconvenience does not excuse, indeed not even danger on the way (cf. vol. I, n. 572). Nevertheless, concerning the obligation of ministering the sacraments with danger to life, let these things be noted:

a) The obligation regards only the sacraments necessary for salvation according to the circumstances, namely Baptism, Penance, and, if the sick person were deprived of the senses before he could have been absolved, Extreme Unction.

b) In order that the said obligation exist, it is required: 1. that there be no other who will certainly minister the sacraments; 2. that there be hope of fruit; 3. that from the sacrament ministered with danger to life there not threaten a greater harm, for example a common harm or the harm of many for whom the minister is necessary.

Corollary I. Pastors can provide many things through others, unless nevertheless they are requested by name. Bishops, however, can, at least today, fulfill ordinary offices entirely through others.

Corollary II. Benedict XIV concludes from rescripts of the Sacred Congregation of the Council that a pastor cannot withdraw in time of plague, even if he leaves behind a suitable vicar; nevertheless he can reserve to himself the care of the healthy if the vicar is ready to provide for the sick, lest the healthy, from fear of infection, flee both of them.¹ The same Sacred Congregation declared that this prohibition has much more force for Bishops.² Moreover, the things said about time of plague are certainly to be applied generally to a time of common danger, such as war or any contagious disease. Finally, pastors and bishops in a time of common danger cannot resign unless someone else can be substituted into their office.

¹ *De Synodo dioecessana*, book 13, chapter 19, n. 2.

² 18 December 1576.

35 II. Assistants who by reason of office supply the place of the pastor are held by almost the same obligation as pastors (cf. can. 476, § 6).

36 III. Other priests are obliged by charity alone (cf. can. 892, § 2; 939). They are bound under grave obligation if their neighbor is in extreme or grave necessity. If there is question of grave necessity, grave inconvenience excuses. If there is discussion of extreme necessity, or of grave common necessity, not even danger of life excuses. But concerning the obligation of ministering the sacraments with danger to life, let the things noted above concerning it be noted (St. Alphonsus, VI, 624; II, 27; *Homo Apostolicus*, tract 4, n. 14; tract 16, n. 125).

Corollary. If the people, because of a scarcity of ministers, are in grave necessity, a simple priest cannot abstain from hearing confessions and administering the Holy Eucharist; and if he is not suitable for hearing confessions, he is bound, if he can, to render himself suitable (St. Alphonsus, VI, 625).

³⁷ **IV. Superiors of religious, toward their subjects, are held by an equally grave obligation as pastors** (cf. can. 514, § 1); nevertheless practically they are not held by justice, because there is no established tacit contract, nor is a salary assigned. There is added an obligation of religion, because superiors seem to be obliged from this motive.

Dissertation III. On the Reception of the Sacraments

We must speak first of the person receiving, then of the mode of receiving a sacrament.

Part I. On the Person Receiving

38 I. Only man as a wayfarer is capable of receiving the sacraments. Therefore angels and the dead are excluded. Nevertheless not every wayfaring man is capable of receiving all the sacraments; namely:

1. Every man not yet baptized is capable of Baptism (can. 745, § 1).
2. Every baptized person is capable of Confirmation and the Eucharist (canons 786, 853).
3. Every baptized male is capable of Order (can. 968).
4. Every baptized person who has fallen after Baptism is capable of Penance (can. 902).
5. Every baptized person able to enter into a contract is capable of Matrimony (cf. can. 1035).
6. Every baptized person who, after having attained the use of reason, is in danger of death because of illness or old age is capable of Extreme Unction (can. 940, § 1).

Part II. On the Mode of Receiving a Sacrament

In order that the sacraments produce the twofold effect concerning which there was discussion (n. 5), namely character and grace, they must be received validly and licitly. I said "in order that they produce the twofold effect," since valid reception suffices for producing character alone. In order, moreover, that grace be received, valid and licit reception is required.

Section I. On the Requisites for Valid Reception

39 For validly receiving a sacrament neither faith nor uprightness is required, as is clear from the sense and practice of the Church, which has always held as valid a sacrament received according to the rite of the Church in heresy. Penance is excepted, for which the good acts of the penitent are required, as will be explained in its own place.

Baptism, however, is required for the other sacraments. This is established, namely, from tradition, that the other sacraments were instituted only for those who through Baptism have been made members of the Church (St. Alphonsus, VI, 79).

Finally, for the valid reception of all the sacraments there is required, at least in adults, intention, that is, the will of receiving the sacrament; concerning which intention we must speak more fully (St. Alphonsus, VI, 80, 139).

40 **I. Necessity of intention.** 1. In little children and in the perpetually insane, that is, in those who have never enjoyed the use of reason, no intention is required, but the will of the Church supplies. This is of faith with regard to Baptism,¹ certain with regard to Confirmation and the Holy Eucharist, namely from the most ancient practice of the Church; likewise with regard to Order from the Constitution *Eo quamvis tempore* of Benedict XIV² (St. Thomas, III, q. 68, a. 9; a. 12, ad 1; St. Alphonsus, VI, 80, 139). Further, little children and the perpetually insane are capable of the sacraments which we have indicated, but incapable of the others (St. Alphonsus, loc. cit.).

2. In adults intention is required, as follows:

a) He who both internally resists the reception of the sacrament and is forced to the external rite, by the consent of all, does not receive the sacrament.

b) He who internally resists the reception of the sacrament, but voluntarily admits the external rite, does not receive the sacraments which do not imprint character. Thus authors commonly teach, relying on this reason: that it is not fitting that the gifts of God be conferred on one who positively does not will to receive them. There is some dispute about those sacraments which confer character, that is, Baptism, Confirmation, and Order. Those few who judge that the latter sacraments are received in the case rely especially on the fact that Innocent III³ declares that it is not absurd to teach that he who fictitiously approaches Baptism, that is, externally consenting but dissenting in heart, receives the impressed character of Christianity. Nevertheless, the more common opinion teaches that even the sacraments which imprint character are not received by one who internally dissents, although he externally consents. The reason alleged is that it seems especially unfitting that sacraments which carry special burdens with them should be received by a subject who does not will to receive them. For the rest, the words of Innocent III, considering their tenor, are of a kind to move anyone little.

c) He who neither consents nor dissents, but holds himself merely passively, much more probably does not receive the sacraments any more than one who positively resists reception; because it is not fitting that the gifts of God be conferred on one who does not positively will to receive them (St. Thomas, III, q. 68, a. 7; St. Alphonsus, VI, 81).

St. Thomas says thus in the cited place: "I answer that through Baptism someone dies to the old life of sin and begins a certain newness of life ... And therefore, just as in order that a man die to the old life there is required, according to Augustine, in one having the use of free will, the will by which he repents of the old life; so there is required the will by which he intends newness of life, whose beginning is the very reception of the sacrament; and therefore on the part of the one baptized there is required the will or intention of receiving the sacrament." And again: "If in an adult the intention of receiving the sacrament were lacking, he would have to be rebaptized; if however this were not established, it would have to be said: If you are not baptized, I baptize you."

With this doctrine of St. Thomas there cannot be reconciled the opinion of those who teach that the will which is required in the recipient is rather that of one not placing an obstacle than of one positively consenting.⁴

Corollary I. He validly receives a sacrament who, from fear, consents to reception; for fear does not take away freedom. Except Matrimony, which is invalid if consent has been extorted by grave fear, as will be explained in its own place.

Corollary II. The question treated concerning the intention of one receiving a sacrament does not regard the Holy Eucharist; concerning this, namely, it is not asked whether it is valid without the intention of the recipient, but whether without the said intention it is received sacramentally, or only materially, so that it does not produce fruit.⁵

¹ Council of Trent, Session 7, canon 13 on Baptism.

² 4 May 1745, article 1.

³ Chapter 3, *De Baptismo* (III, 42).

⁴ Cf. also, with regard to Baptism, canons 745, § 2, and 752; Roman Ritual, title 2, chapter 3, n. 1; with regard to Penance, Roman Ritual, title 3, chapter 1, n. 24; with regard to Extreme Unction, canon 943; Roman Ritual, title 5, chapter 1, n. 6.

⁵ Cf. the treatise on the Holy Eucharist.

41 II. Nature of the required intention. 1. In itself actual intention is not required, nor virtual intention, but even habitual intention suffices; interpretative intention does not suffice. I said:

a) Habitual intention suffices, in other words, it suffices that someone positively had it and has not retracted it.¹ The reason is that intention is required in the recipient only so that he may not be said to be sanctified against his will. But this cannot be said of one who enjoys habitual intention. Others except Penance and Matrimony. But as regards Penance, habitual intention suffices insofar as there is question of receiving absolution. It is another question, however, whether the acts of the penitent must be placed from an at least virtual intention, that is, by force of the intention of receiving the sacrament, in other words, whether they must be referred by the penitent, actually or virtually, to absolution.² With regard to Matrimony, which the recipients themselves minister, actual or virtual

intention is necessary to this extent: that it is required that consent begin to exist from an actual or virtual intention of contracting Matrimony (St. Alphonsus, VI, 81, 82, 139).

b) Interpretative intention does not suffice, because intention of this kind, at least as it is understood by us (n. 15), in reality has not existed.³

Objection. The Roman Ritual⁴ and canon 943 establish that Extreme Unction is to be conferred absolutely on the sick who, when they were in possession of their mind, at least implicitly asked for it or probably would have asked for it. Therefore with regard to Extreme Unction interpretative intention suffices, or rather a mind inclined toward the said sacrament, which interpretative intention indicates.

Response. I deny the consequence. And indeed the Roman Ritual and canon 943 do not speak of sick persons, faithful, who would probably have willed Extreme Unction, but who would probably have asked for it. But a faithful person who, while master of himself, would probably ask for Extreme Unction also, with sufficient certainty, willed the said sacrament more or less explicitly, just as the request which probably would have place indicates with sufficient certainty a mind inclined toward the sacrament.

2. With regard to the object, the intention of receiving such a sacrament is required, or of receiving what the Church intends through such a rite. But an intention more or less explicit of receiving such a sacrament suffices. A merely implicit intention, as for example the will of using the means of salvation, does not suffice if there is an explicit contrary intention; if no such contrary intention is had, the matter seems doubtful. With these things noted in general, receive the following in particular:

a) With regard to Baptism, the will of embracing the Christian religion suffices for receiving it, at least in danger of death. It is disputed whether the same can be said of the will of using the means of salvation, likewise of attrition or contrition. Many hold this as probable, because there is an implicit intention. But we judge that one must speak thus:

a) It seems it must be denied if there is question of those who reject Baptism at least more or less explicitly; of this kind are Jews, Mohammedans, and many Protestants today. But it seems it must be denied because, besides the fact that it is not proven that implicit intention suffices, explicit rejection seems to prevail over implicit admission.⁵ There is added that the Holy Office on 30 March 1898 declared: "Concerning dying Mohammedans deprived of the senses, one must respond as in the decree of the Holy Office of 18 September 1850 to the Bishop of Perth, that is: If previously they had given signs of wishing to be baptized, or in their present state either by nod or in another way have shown the same disposition, they can be baptized under condition, insofar nevertheless as the Missionary, having inspected all the circumstances of things, has so prudently judged"; which at least proves that it is illicit to confer Baptism on those who reject it, and suggests that such conferral is invalid, because, if validity were posited, at least in extremis it does not seem it should be excluded. There are added canons 752, § 3, and 754, § 3, compared with the Holy Office of 30 March 1898, which seem to require a more or less explicit will. There is added finally that a practice conforming to the contrary doctrine never seems to have existed in the Church (St. Alphonsus, VI, 82; cf. VI, 483). Practically, the contrary opinion can be called licit, but not obligatory.

b) If there is discussion of those who do not explicitly reject Baptism, the probability of the opinion which teaches that the general will of admitting the means of salvation suffices, likewise attrition and contrition, the probability of that opinion, I say, seems rather slight: both because, as we said, canons 752, § 3, and 754, § 3, compared with the Holy Office of 30 March 1898, seem to require that the one to be baptized have signified an intention more or less explicit of receiving Baptism; and because the practice of baptizing those who enjoy only an implicit intention seems truly new in the Church. Practically, however, the contrary opinion seems licit, and, according to circumstances, obligatory.

b) With regard to Extreme Unction, likewise for receiving Viaticum sacramentally, the will of dying Christianly suffices; the same will in danger of death suffices for Confirmation; likewise for receiving sacramental absolution, at least considered by itself alone.

The will of dying Christianly, likewise the will of using the means of salvation, or contrition or attrition, according to the things explained above, do not seem to suffice in those who reject the mentioned sacraments more or less explicitly. With regard to non-Catholics who do not explicitly reject the said sacraments, it is not so proven that the will of dying Christianly, etc., does not suffice for valid reception.

c) With regard to Matrimony and Order, explicit intention is required; since, at least practically, there will not be had an implicit intention which includes the will of entering Matrimony or of receiving Order. There is added that the said sacraments carry special burdens with them, so that for that reason also a general will does not sufficiently contain the will of receiving them (St. Alphonsus, VI, 82).

Question. Whether the conceived intention of receiving a sacrament effects that it is validly received, even if it is ministered to one not master of himself, for example sleeping, drunk, or fallen into insanity.

Response. A few deny it;⁶ but it seems it must entirely be affirmed, both because Innocent III teaches thus with regard to Baptism,⁷ likewise Benedict XIV;⁸ and because intention is not judged restricted unless a restriction is expressly placed, or is drawn from a contrary will once had (St. Thomas, In IV, dist. 6, q. 1, a. 2, sol. 3, ad 2; St. Alphonsus, VI, 81).

¹ Innocent III, chapter *Maiores*, § *Item quaeritur, de baptismo*; Instruction of Benedict XIV, *Postremo mense*, n. 46.

² Cf. the treatise on Penance.

³ St. Alphonsus (VI, 82) and others teach that interpretative intention suffices; but they understand that intention which others call implicit habitual intention. The holy Doctor indeed calls it interpretative intention which was never had; but he intends the one which was never had explicitly, as follows from the context, namely both from the fact that he also calls interpretative intention general, that is, such by which someone implicitly wills the sacrament, and from the fact that he opposes interpretative intention to explicit intention.

⁴ Title V, chapter 1, n. 6.

⁵ It seems to others that in the will of using the means of salvation there is not included the implicit will of receiving the sacrament, but rather a merely conditioned will; in other words, he would will to receive it if he recognized it as a means of salvation; but this condition not being fulfilled, he in no way wills it (cf. Ter Haar, *De occasionariis et recidivis*, n. 503).

⁶ Roncaglia, *De Sacramentis in genere*, chapter 5, question 2, response 2; Billuart, *De Sacramentis in communi*, dissertation VI, article I; Lehmkühl (II, 65 note) doubts.

⁷ Book 3 of the Decretals, title 42, chapter 3, *Maiores*.

⁸ Instruction *Postremo mense*, n. 46.

Section II. On the Requisites for Licit Reception

42 In little children and the perpetually insane no disposition is required. In adults these things are required:

43 **I. They must have the disposition by which they become proximately capable of the effect to which the sacrament is of itself ordered.** Hence:

1. For the sacraments of the dead, that is, for Baptism and Penance, besides acts, at least implicit, of faith and hope, at least attrition is required.¹ That attrition suffices is clear from the fact that those sacraments are of themselves ordered to remitting mortal sins, and therefore cannot demand a disposition which already of itself remits mortal sins (St. Alphonsus, VI, 440). He who receives the sacrament of Penance without attrition sins gravely, because the sacrament is rendered invalid. Likewise, he sins gravely who, guilty of personal mortal sin, receives Baptism without attrition; for he inflicts grave injury on the sacrament who receives it in such a way that it is frustrated of its grave end, that is, the remission of mortal sins. If one guilty only of personal venial sin receives Baptism without attrition, he indeed effects that Baptism does not remit the venial sin; but only venial sin is committed.

2. For the sacraments of the living, the state of grace is required.

a) The existence of the obligation is clear from the fact that those sacraments are ordered to increasing grace; hence grace must already be present. Nevertheless, as was said concerning the minister, a necessity excuses which is so urgent that not even an act of contrition can be elicited; for example, "if a consecrated host were about to be profaned by heretics and someone, because of that sudden incursion, could not be contrite so quickly"; or if "a layman were reclining at the communion rail who remembered a mortal sin and could not elicit contrition because of the narrowness of time" (St. Alphonsus, VI, 86).

b) Gravity of the obligation. He who receives a sacrament of the living in mortal sin sins gravely, because he is guilty of grave injury who receives a sacrament of this kind without the disposition which its nature demands, or without the disposition required for the end or fruit to which it is of itself ordered, which is the increase of grace. There is added that a sacrament of the living received in mortal sin, even with attrition, according to some produces no fruit at all except character (n. 6; St. Alphonsus, VI, 86).

c) The certainty required concerning the state of grace. In order that someone licitly receive a sacrament of the living, at least broad moral certainty concerning the state of grace is required; but this also suffices. It is required because otherwise the one receiving exposes the sacrament to grave danger that it be received without the disposition which its nature demands, or without the disposition required for the fruit to which it is of itself ordered, to pass over the danger that it be received without any fruit at all; and this contains grave irreverence (St. Alphonsus, *Homo Apostolicus*, tract 15, n. 34). There is added that most authors, especially the more distinguished, adhere to this opinion. It suffices because these things must be taken in a human manner.

Objection. In order that someone who has sinned gravely be morally, although broadly, certain of the state of grace, he must either confess or elicit contrition with exquisite diligence. But the reverence due to the sacrament cannot oblige to so great a burden.

Response. I deny the assertion. Namely, in order that someone acquire broad moral certainty concerning the state of grace, it suffices that he either confess or elicit an act of contrition with moral diligence. God Almighty will not deny His help to one applying serious effort. For the rest, granted, though not conceded, the assertion of the adversaries, the burden set forth does not seem so great that, in order to avoid it, it would be licit to expose the sacrament to grave danger that it be received without the disposition required for the fruit to which it is of itself ordered, to say nothing of the danger that it be received without any fruit at all.

d) The mode of recovering lost grace. He who, constituted in mortal sin, wishes to receive a sacrament, can recover grace through an act of perfect contrition or through confession. If, however, there is question of receiving the Holy Eucharist, confession is required of itself; this obligation will be explained more fully in the treatise on the Eucharist. With regard to receiving the other sacraments, it is indeed fitting to confess, but there is no obligation.

Note. Besides the state of grace, the reverence due to the sacraments requires that the sacraments be received according to the rite perhaps prescribed in reception, and with that decency which the nature of the sacrament demands. To this especially belongs due attention, neglect of which nevertheless is only venial.

¹ Council of Trent, On Justification, Session 6, chapter 6; On Penance, Session 14, chapter 4.

44 **II. They must ask for the sacrament from a minister:** 1. enjoying legitimate faculty; 2. not censured, that is, not excommunicated, interdicted, or suspended, not irregular, or not canonically simply impeded; and 3. worthy, that is, living in the state of grace. Observe, however, that every minister is presumed suitable unless the contrary is established. But in order that the contrary be established, rumors do not suffice; indeed, one who has been a sinner is generally presumed amended, unless the contrary is evident, for example from a manifest voluntary proximate occasion not left behind. For the rest, receive these things:

1. It is a grave sin to ask for a sacrament from a minister here and now lacking legitimate faculty.
2. Of itself it is a grave sin to ask for a sacrament from a minister who is censured, irregular, canonically simply impeded, or unworthy because of grave sin, because it is proximate cooperation in the grave sin of the minister. Accidentally it is licit when a cause proportionate to the case and circumstances is present. This is clear from the things said concerning cooperation (n. 556) and from the canons soon to be cited. Hence:

a) From excommunicates to be avoided, and also from other censured persons after a condemnatory or declaratory sentence has intervened, the faithful can ask, in danger of death alone, both sacramental absolution according to the norm of canons 882 and 2252,¹ and also, if other ministers are lacking, the other sacraments and sacramentals (can. 2261, § 3; 2275, 2; 2284).

b) From tolerated excommunicates, and also from other censured persons before a condemnatory or declaratory sentence has intervened, the faithful can ask for the sacraments and sacramentals for any just cause, especially if other ministers are lacking; and then the censured person who is requested

can minister the same and is held by no obligation to inquire of the requester about the cause (can. 2261, § 2; 2275, 2; 2284).

c) Concerning irregular persons and those canonically simply impeded, almost the same seems to have to be said as concerning excommunicates to be avoided (cf. can. 968, § 2).

d) Sacraments can be asked from a minister unworthy because of sin: 1. if the precept of confession or communion urges; 2. "if from delaying reception there threatens danger of a fall; 3. if you must fulfill the precept of hearing Mass; 4. if one is in mortal sin and does not wish to wait even an hour, because it is not a small usefulness to be freed from sin as soon as possible; 5. if you would have to lack, at least for a long time, communion or 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; 8. if you wish to apply Mass for a deceased friend" (St. Alphonsus, VI, 89). Indeed, for any just cause a sacrament can be asked from one whose office it is to administer such a sacrament, for example from one's own pastor (St. Alphonsus, loc. cit.).

¹ The cited canons will be explained in their own place.

45 Note. It is pleasing to explain briefly how far the sacraments can be ministered to little children, the insane, and the partially insane, and received by the aforesaid.

I. Little children and the perpetually insane, as was already said (n. 38), are capable of receiving Baptism, Confirmation, the Holy Eucharist, and Order. Yet not all are conferred on them.

II. To the insane who previously possessed the use of reason, those things must be applied which we said generally concerning adults. Hence, for example, for valid reception it is required that before insanity they had the intention and did not retract it. For the rest, consult what is to be said concerning the individual sacraments.

III. The partially insane are not of themselves to be kept away from the sacraments. Namely:

1. Baptism must be conferred on them even outside danger of death; nor is so much instruction prerequired in them as in others.
2. Confirmation can be conferred, even if they have been instructed less than others.
3. Absolution should be granted, in doubt about sufficient use of reason or disposition under condition: 1. in danger of death; 2. at Easter; 3. as often as they have confessed a doubtfully grave sin; indeed, 4. several times, even if they have declared only light sins (St. Alphonsus, VI, 432; IV, 3).
4. The Holy Eucharist should be conferred: 1. in danger of death; 2. at Easter; 3. several times, if they show devotion (St. Alphonsus, VI, 303).
5. Extreme Unction should be furnished to those lying dangerously ill; under condition if there is doubt about the use of reason had both now and previously.
6. Order is not to be administered to them.
7. They can indeed enter Matrimony if they understand the substance of the contract; nevertheless they are generally to be turned away from it.

Appendix. On Sacramentals

46 **I. Notion.** Sacramentals are things or actions which the Church, in some imitation of the sacraments, is accustomed to use for obtaining from her own impetration effects, especially spiritual effects (can. 1144). This notion handed down by the Code will become clearer from what is to be said. Sacramentals are, for example, consecrations and blessings to be performed in the name of the Church, exorcisms, prayers prescribed by the Church and to be recited in her name, such as the breviary, and blessed things, such as water, Agnus Dei, ashes, palms, etc.

47 **II. Institution.** With regard to the institution of sacramentals, it seems more probable that one must speak thus: most derive their origin from ecclesiastical institution; but certain ones of them, such as exorcisms and blessings, were instituted by Christ at least in a general way and entrusted to the Church, yet in such a way that afterwards they were more determinately circumscribed by the Church both as to mode and as to effect.¹ To add new things to the sacramentals, or to change anything in them, belongs to the Apostolic See alone, as is clear from canon 1145. The reason is that sacramentals draw their force from the impetration of the Church alone. Therefore it belongs to the Head of the Church alone to constitute or change them.

¹ Cf. Schmid, *Die Sacramentalien der Katholischen Kirche*, p. 149.

48 **III. Effects.** 1. The effects of sacramentals are either the special deputation of some person or thing to divine worship, as, for example, the blessing of an abbot or the administration of minor orders, supposing that these do not enjoy the character of a sacrament, and the consecration of a church or chalice; or the attainment of some good, whether spiritual, such as actual grace, the removal of venial guilt and temporal punishment, or bodily, such as health of body or immunity from calamity by which the person himself or his goods can be affected. Special deputation to divine worship is the effect of those sacramentals which consist in consecrations and constitutive blessings; the attainment of a good, whether spiritual or bodily, is obtained by the sacramentals of exorcism, prayer, and blessed objects.

2. As regards the mode by which diverse sacramentals produce their diverse effects, it can generally be established that they produce them by way of impetration, as if *ex opere operato*, that is, from the work of the working or praying Church, and this independently of the disposition either of the minister or of the subject, and indeed with that infallibility by which God promised to hear the prayer of His most beloved spouse, namely the Church. Some effects, however, are received immediately, others mediately through the sacramentals; wherefore concerning the individual effects in species one can speak thus:

- a) The special deputation of some person or thing to divine worship is obtained by way of impetration *ex opere operato*, infallibly and immediately.
- b) Actual graces are obtained in the same way, and through acts placed by means of these graces, the remission of sins and other goods which the just man can acquire for himself supernaturally.
- c) The expulsion and restraint of demons is obtained both by way of impetration and by way of adjuration or command.
- d) Finally, temporal goods, such as health, fertility of the earth, and the removal of threatening evil, are obtained both by way of impetration and by way of adjuration directed against demons.

49 **IV. Ministration or use.** 1. In general, the legitimate minister of sacramentals is a cleric to whom power has been granted for this and who has not been prohibited by competent ecclesiastical authority from exercising the same power (can. 1146). In species, with regard to legitimate ministers, the following are established:

a) No one who lacks the episcopal character can validly perform consecrations unless this is permitted to him either by law or by apostolic indult (can. 1147, § 1).¹

b) Any priest can impart blessings, except those which are reserved to the Roman Pontiff or to Bishops or others.² A reserved blessing which is given by a priest without the necessary permission is illicit but valid, unless in the reservation the Apostolic See has expressed otherwise (can. 1147, §§ 2 and 3). Deacons and lectors can validly and licitly give only those blessings which are expressly permitted to them by law (can. 1147, § 4).

c) With regard to exorcisms, see vol. I, n. 700.

2. In confecting or administering sacramentals, the rites approved by the Church are to be accurately observed (can. 1148, § 1). Consecrations,³ and blessings whether constitutive or invocative,⁴ are invalid if the formula prescribed by the Church has not been used (can. 1148, § 2).

3. Blessings, which are chiefly to be imparted to Catholics, can also be given to catechumens, indeed, unless a prohibition of the Church stands in the way, even to non-Catholics, for obtaining the light of faith or, together with it, health of body (can. 1149).

4. Things consecrated or blessed with a constitutive blessing are to be treated reverently and not applied to profane or improper use, even if they are in the ownership of private persons (can. 1150).

Note. Let the ministers of the Church explain to the faithful the nature and efficacy of sacramentals. Moreover, let the ministers of the Church show themselves ready in ministering sacramentals, and prudently accustom the faithful who neglect sacramentals to the use of them. Yet let them beware lest they apply ecclesiastical blessings, under whatever pretext, to ends other than those for which they were instituted by the Church, and lest by an imprudent use of them they expose this most holy institution to contempt, or stain it with the reputation of superstition or of dishonest gain.

¹ That law permits this to Cardinals (can. 239, § 1, n. 20); Vicars and Prefects Apostolic (can. 294, § 2); Pro-vicars and Pro-prefects (can. 310, § 2); Abbots and Prelates nullius (can. 383, § 2), according to the norm of the cited canons.

² Cf. with regard to blessings reserved to the pastor, can. 462, 6 and 7; with regard to sacred furnishings to be blessed, can. 1304; with regard to exorcisms to be pronounced, vol. I, n. 700.

³ Consecrations are made by anointing with chrism or sacred oil.

⁴ A constitutive blessing is one which orders a person or thing to divine worship, and so constitutes it sacred; an invocative blessing regards things, for example a ship, destined for profane use.

Treatise VII. On Order

(St. Thomas, *Supplement*, q. 34-40; St. Alphonsus, *Theologia Moralis*, lib. VI, n. 734-830; *Homo Apostolicus*, tr. 17.)¹

¹ Cf. Benedict XIV, *De Synodo dioecessana*, lib. 8, c. 9-11 and lib. 12, c. 3 and 4; Many, *De sacra ordinatione*; Gasparri, *De sacra ordinatione*; Wernz-Vidal, *Ius canonicum*, t. V; Pesch, *Praelectiones dogmaticae de Ordine*.

588 I. By the institution of Christ there exists in the Church a twofold state, namely that of clerics and that of lay persons. Now "those who have been assigned to the divine ministries by at least the first tonsure are called clerics" (canon 108, § 1).

II. Clerics "are not all in the same grade, but among them there is a sacred hierarchy in which some are subordinated to others" (canon 108, § 2). The aforesaid hierarchy is called the hierarchy of Order.¹

III. The distinct grades of the hierarchy of Order are counted as eight from the Council of Trent,² namely Porter, Lector, Exorcist, Acolyte, Subdiaconate, Diaconate, Presbyterate, and Episcopate.³

1. "Porter is the order by which there is conferred upon someone a special power of opening and closing the door of the church, and of admitting the worthy and excluding the unworthy" (St. Alphonsus, VI, 735).
2. "Lector is the order by which there is conferred upon someone a special power of reading psalms and lessons from the pulpit in church, and of catechizing or instructing the people in matters of faith" (St. Alphonsus, loc. cit.).
3. "Exorcist is the order by which there is conferred upon someone a special power of casting out demons" (St. Alphonsus, loc. cit.).
4. "Acolyte is the order by which there is conferred upon someone a special power of serving the subdeacon in solemn Mass, by lighting candles, preparing and handing to him the cruets of wine and water" (St. Alphonsus, loc. cit.).
5. "Subdiaconate is the order by which there is conferred upon someone the power of serving the deacon in solemn Mass and solemnly chanting the Epistle" (St. Alphonsus, loc. cit.).
6. "Diaconate is the order by which there is conferred upon someone a special power of immediately assisting the presbyter in solemn Mass and solemnly chanting the Gospel" (St. Alphonsus, loc. cit.).
7. "Presbyterate is the order by which there is conferred upon someone a special power of consecrating the Body and Blood of Christ, and also of absolving from sins and feeding subjects by work and doctrine" (St. Alphonsus, loc. cit.).
8. "Episcopate is the order by which there is conferred upon someone a special power of confirming the faithful and ordaining the ministers of the sacraments, taking 'ministers' more broadly, that is, not only for those who confect the sacraments, but also for those who minister by office to those confecting them, and also of consecrating things pertaining to divine worship" (St. Alphonsus, VI, 735).

a) Tonsure is not an order, but a preparation for them, or "it is a solemn ecclesiastical rite, consisting in a slight cutting of the hair with certain words, celebrated by a suitable minister, signifying by the institution of the Church that a baptized male is transferred from the lay state into the lot of the Lord and the clerical state" (St. Alphonsus, loc. cit.).

b) Episcopate and Presbyterate are often designated by the one name of Priesthood; hence Bishops are called priests of the first order, presbyters priests of the second order. Therefore many enumerate only seven orders. Now the priesthood, which, as was said, includes Episcopate and Presbyterate, the Diaconate, and the Subdiaconate are called major or sacred Orders; the others are called minor Orders.

c) "In the following canons," so says canon 949, "by the name of major or sacred orders are understood presbyterate, diaconate, subdiaconate; but by the name of minor orders, acolytate, exorcistate, lectorate, porterate." And canon 950 says: "In law the words 'to ordain,' 'order,' 'ordination,' 'sacred ordination,' comprehend besides episcopal consecration the orders enumerated in canon 949 and the first tonsure itself, unless something else is drawn from the nature of the matter or from the context of the words."

IV. Episcopate, Presbyterate, and Diaconate are of divine institution. But the Episcopate by divine law is a grade distinct from the Presbyterate and superior to it.⁴ Subdiaconate and the minor orders do not seem to be of divine institution.

1. That the Episcopate and Presbyterate, together with the office of certain ministers, are of divine institution, the Council of Trent defined in these words: "If anyone says 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."⁵ Canon 108, § 3 agrees.
2. That Bishops are superior to presbyters, the Council of Trent likewise teaches, although it does not expressly say "by divine law": "If anyone says that Bishops are not superior to Presbyters, or that they do not have the power of confirming and ordaining, or that the power which they have is common to them with Presbyters, let him be anathema."⁶
3. That the minor orders are not of divine institution is proved especially from this, that in the most ancient documents, where the different grades of the Hierarchy are discussed, only Episcopate, Presbyterate, and Diaconate are enumerated.⁷

With these things premised, we shall speak first of Order considered in itself, then of its ministration, then of the reception of Order, and finally of certain matters which regard both ministration and reception.

¹ The ecclesiastical hierarchy taken generally is: the body of clerics who, according to various grades, enjoy sacred power in the Church. It is distinguished into the hierarchy of Order and the hierarchy of Jurisdiction, according as the sacred power concerns the ministry of divine worship, for example the dispensation of the sacraments, etc., or the governance of the faithful.

² Session 23, canons 2 and 4.

³ Among the Greeks only four Orders are conferred: two major, namely Priesthood and Diaconate, and two minor, namely Subdiaconate and Lectorate. But the Maronites have the order of Cantorate, to which tonsure is attached; and the Armenians have four minor orders just as the Latins do.

⁴ Bishops are superior to presbyters both by reason of teaching and governance and by reason of Order. The first is proved in the treatise on the Church; the second is discussed here.

⁵ Session 23, canon 6.

⁶ Session 23, canon 7.

⁷ Gasparri, *De sacra ordinatione*, n. 41.

Dissertation I. On Order Considered in Itself

Part I. On the Existence of the Sacrament of Order

589 Here dogmatic theologians first inquire whether Order, taken generally, is a sacrament; then to which grades the character of a sacrament belongs. Now:

I. Order, or sacred Ordination, is a true and properly so-called sacrament of the New Law; this proposition is of faith from the Council of Trent: "If anyone says that Order, or sacred Ordination, is not truly and properly a sacrament instituted by Christ the Lord, or that it is a certain human fiction devised by men unskilled in ecclesiastical matters, or that it is only a certain rite of choosing ministers of the Word of God and of the Sacraments, let him be anathema."¹

II. With respect to the diverse grades of Order, the character of a sacrament belongs to the Presbyterate and Diaconate, and very probably to the Episcopate; the Subdiaconate more probably, and the minor Orders almost certainly, are not sacraments. It is said:

1. Presbyterate is a sacrament. This is proximate to faith from these words of the Council of Trent: "If anyone says that through sacred Ordination the Holy Spirit is not given, and that therefore Bishops say in vain: Receive the Holy Spirit; or that through it a character is not imprinted; or that he who was once a priest can become a layman again, let him be anathema."²

Christ instituted the Presbyterate, with respect to the power of consecrating and offering the true Body and Blood of the Lord, at the Last Supper. "If anyone says," so says the Council of Trent, "that by those words, 'Do this in commemoration of Me,' Christ did not institute the Apostles as priests, or did not ordain that they and other priests should offer His Body and Blood, let him be anathema."³ But with respect to the power of remitting and retaining sins, He instituted it after the resurrection, when He handed this power to the Apostles in these words: "Receive the Holy Spirit. Whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained."⁴

2. Diaconate is a sacrament. It is the very common opinion of theologians, and so certain that it cannot be denied without temerity.⁵
3. Episcopate is a sacrament distinct from Presbyterate. This is today the common and very probable opinion (St. Alphonsus, VI, 738).⁶

Christ instituted the Episcopate after His resurrection and before the ascension, as theologians commonly admit (St. Alphonsus, *Opera dogmatica*, 7, p. 123, fourth, and p. 124, sixth).

4. Subdiaconate and the minor orders do not seem to be sacraments, because they do not seem to have been instituted by Christ (cf. St. Alphonsus, VI, 737).⁷

In writings left to us from antiquity, the first mention of these orders, as of a matter known to all, occurs in St. Cornelius, Pope, around the year 252; he speaks thus about Novatian: "Therefore that defender of the Gospel was ignorant that there ought to be one Bishop in the Catholic Church, in which it was not hidden from him - for how could it be hidden? - that there were forty-six Presbyters, seven Deacons, seven Subdeacons, forty-two Acolytes, and fifty-two Exorcists and Lectors together with Porters."⁸ Anastasius Bibliothecarius also relates in the history of Pope St. Caius, who held the See of Peter from the year 283 to 296: "He established that all Ordinations in the Church should ascend thus: if someone deserved to be a Bishop, he should be ordained Porter, Lector, Exorcist, Sequens (Acolyte), Subdeacon, Deacon, Presbyter, and thereafter Bishop."⁹

III. Although the character of a sacrament belongs to several Orders, nevertheless it must simply be said that there is only one sacrament of Order. For "the division of Order is not of an integral whole into its parts, nor of a universal whole, but of a potestative whole, whose nature is this: that the whole according to its complete notion is in one, while in the others there is some participation of it. And so it is here. For the whole fullness of this Sacrament is in one order, namely the priesthood; but in the others there is a certain participation of order. And therefore all orders are one sacrament" (St. Thomas, *Supplement*, q. 37, a. 1, ad 2).

¹ Session 23, canon 3.

² Session 23, canon 4.

³ Session 22, canon 2.

⁴ John 20:22-23.

⁵ Cf. Pesch, op. cit., n. 615.

⁶ Cf. Pesch, op. cit., n. 614.

⁷ Pesch, op. cit., n. 592.

⁸ Epistle to Fabian of Antioch, c. 3.

⁹ *Historia de vitis Romanorum Pontificum*, c. 29.

Part II. On the Essence of the Sacrament of Order

There will also be discussion of the essence of Orders which are not sacraments.

590 I. The essence, or matter and form, of Orders which are not numbered among the sacraments. 1. The matter of the minor Orders, according to the opinion of all, is the handing over of the instruments;¹ the form is the words which accompany the respective handing over.

2. The matter of the Subdiaconate² according to some is the handing over of the empty chalice with the paten, while the form is the correlative words; according to others, the handing over of the chalice with the paten and of the book of Epistles, and the form the respective words; according to a very few, finally, all the things prescribed in the ordination constitute the matter and form.

Corollary I. According to the more common opinion, to the handing over of the instruments there must correspond for validity an acceptance made by physical contact, so that moral acceptance, for example by a nod, does not suffice. The reason is that the word "touching," which the Pontiff uses, designates physical touch. Nevertheless, it does not obstruct validity that the acceptance is made by a hand covered with a glove.

Corollary II. Once the almost morally certain opinion is admitted which does not hold the minor Orders to be sacraments and teaches that they are of ecclesiastical institution - once, I say, this opinion is admitted - the Supreme Pontiff can sanate in the root all defects, even substantial ones. There are also those who think that they are certainly validly conferred if the essentials have been observed according to a probable interpretation, since the Church is considered to supply insofar as there is need. But these things cannot practically be applied to the Subdiaconate, since the opinion which denies the character of a sacrament to that Order is indeed very probable, but still is not certain.

¹ In the Greek Church, imposition of hands is performed outside the church.

² The source note marker is attached to the Subdiaconate heading; the surrounding note text gives no further substantive detail beyond the preceding observation.

591 II. The essence, or matter and form, of Orders which are sacraments.

1. Matter and form of the Diaconate. In the ordination of a Deacon: 1. "The Pontiff, extending his right hand, places it upon the head of each one to be ordained, ... saying to each: Receive the Holy Spirit, for strength, and for resisting the devil and his temptations, in the Name of the Lord."¹ 2. The Pontiff continues, holding his right hand extended, even to the end of the Preface: "Send forth upon them, we ask, O Lord, the Holy Spirit," etc. 3. Lastly, he hands to all the book of the Gospels, saying: "Receive," etc. Now:

a) The matter of the Diaconate according to some is only the imposition of the right hand; according to others it is only the handing over of the instruments; according to still others it is each ceremony (St. Alphonsus, VI, 748, 737).

Corollary. In order that the matter be indubitable, the last opinion must be followed. In addition, in the imposition of the hand, physical touch is required, at least so that every doubt be forestalled, although mediated touch suffices, for example through a hand wrapped in a glove or over the small cap of the ordinand.²

b) The form of the Diaconate according to some consists only in the words "Receive the Holy Spirit," etc., which the Bishop pronounces while imposing the right hand on each; according to others it is only the preface or eucharistic prayer; according to others it is the words "Receive power," which the Bishop pronounces while handing to all the book of the Gospels; according to still others it is both the words "Receive the Holy Spirit," the preface, and the words "Receive power" (St. Alphonsus, VI, 748, 737).

Corollary. In order that the form be indubitable, the last opinion must be followed. In addition, if the Diaconate has been doubtfully validly conferred, provision should be made for convalidation (cf. n. 594).

¹ Roman Pontifical, p. 41.

² Holy Office, June 22, 1892.

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2. Matter and form of the Presbyterate. In the ordination of a Presbyter: 1. The Bishop "at the same time imposes both hands upon the head of each one to be ordained successively, saying nothing. The same is done after him by all the Priests who are present." This is called by many the first imposition. 2. Then "both the Pontiff and the priests hold their right hands extended over them"; this extension is called by many the second imposition, but it should rather be called a continuation of the first. While the Pontiff holds his hand extended, he says: "Let us pray, dearest brethren," etc. Afterwards "the Pontiff, having laid aside the miter, turned toward the altar, says: Let us pray. And the ministers: Let us bend the knees. Response: Arise. And immediately, turned toward the ordinands, he says: Hear us, we ask," etc. Then, with hands extended before the breast, he says the Preface. 3. The Pontiff "hands to each one successively the chalice with wine and water and the paten placed over it with the host, and they, the ordinands, receive it between the index and middle fingers, and touch the cup of the chalice and the paten at the same time, the Pontiff saying to each: Receive the power to offer Sacrifice to God and to celebrate Masses, both for the living and for the dead, in the Name of the Lord." 4. Finally, he places both hands upon the heads of the ordinands, saying: "Receive the Holy Spirit. Whose sins you shall forgive, they are forgiven them, and whose sins you shall retain, they are retained."² This is called the last imposition. Now:

a) The matter of the Presbyterate according to some is only the imposition of hands upon each; according to others, only the extension of the hand toward all; according to others, the imposition of hands upon each and the extension of the hand, which extension is regarded as a continuation of the first imposition, so that both constitute one imposition; according to others, only the handing over of the instruments; according to others, both the imposition of hands upon each, the extension of the hand, and the handing over of the instruments; others hold that the power of sacrificing is conferred in the handing over of the instruments, and the power of absolving in the last imposition of hands (St. Alphonsus, VI, 749). Now:

a) It is most probable that the imposition of hands alone is the matter of the Presbyterate; this opinion Cardinal van Rossum solidly proves.³ Nevertheless, as we said, it is further disputed whether the imposition of hands upon each alone, or the subsequent extension of the hand, or both, constitutes the matter.

b) Those who hold also either the handing over of the instruments alone as matter, more commonly require physical touch of those instruments, although mediated touch, or touch performed by a veiled hand, suffices (St. Alphonsus, VI, 742, 743). Three things must be touched: the chalice, the paten, and the host; and, so that all anxiety be forestalled, care must be taken that each be touched. Nevertheless, for validity these suffice: 1. the touch of the chalice and host, the paten not being touched;⁴ 2. the touch of the chalice and paten, the host not being touched⁵ (St. Alphonsus, VI, 751, 752). Almost the same seems to have to be said of the touch of the paten and host.⁶ It is more doubted: 1. whether the touch of the chalice alone, or of the paten alone, or of the host alone suffices; 2. whether the chalice and paten must be consecrated; 3. whether the paten and chalice without host and wine suffice⁷ (St. Alphonsus, VI, 750).

b) The form of the Presbyterate consists in the words which correspond to the matter; but in designating the form, authors differ according to the diversity of the matter which they admit. Of those who hold only the imposition of hands as the matter, some place the form in the words alone which are said during the extension of the hand which follows the imposition of hands upon each, in other words, in the prayer "Let us pray, brethren," etc.; others in the prayer "Hear us," etc. alone; others in the Preface alone; others in the prayer "Hear us," etc. and the Preface; others in the prayer "Let us pray, brethren," etc., and the prayer "Hear us," etc. and the Preface.

Corollary. In order that the Presbyterate be conferred certainly validly, there are required: 1. imposition of hands upon each; 2. extension of the hand toward all together with the exhortation "Let us pray, brethren," the prayer "Hear us," and the following Preface; 3. handing over of the consecrated chalice and paten with bread and wine, together with the accompanying words; 4. physical touch of the chalice, paten, and host, or at least of the chalice and host, or of the chalice and paten; 5. imposition of hands at the end of Mass with the words "Receive the Holy Spirit. Whose sins," etc.

¹ Cf. G. Cardinal van Rossum, *De essentia sacramenti Ordinis*.

² Roman Pontifical.

³ *De essentia sacramenti Ordinis*, p. 62 sq.

⁴ Holy Office, July 25, 1866; November 22, 1871; June 9, 1875; July 22, 1892.

⁵ Holy Office, responses just cited.

⁶ Holy Office, March 17, 1897; cf. Sacred Congregation of Rites, December 3, 1661, n. 1221.

⁷ Sacred Congregation of the Council, February 11, 1708; Holy Office, July 6, 1898; January 11, 1899.

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3. Matter and form of the Episcopate. In the ordination of a Bishop: 1. The Consecrator, with the assisting Bishops helping, places the open book of the Gospels upon the neck and shoulders of the one to be consecrated, saying nothing. 2. The Consecrator and the assisting Bishops touch the head of the one to be consecrated with both hands, saying: "Receive the Holy Spirit." When this has been done, the Consecrator, standing, with the miter laid aside, says: "Be propitious, O Lord," etc. 3. The Consecrator, with hands extended before the breast, says the Preface. 4. The Consecrator hands the closed book of the Gospel to the consecrated one, saying: "Receive the Gospel," etc.

a) The matter of the Episcopate according to some is only the imposition of the hands of the Consecrator; according to others, only the imposition of the three Bishops; according to others, the imposition of hands and of the book of the Gospels upon the neck and shoulders of the one to be consecrated;¹ according to a very few, besides the things enumerated, the handing over of the book of the Gospels is also required.

b) The form of the Episcopate according to very many is only the preface said or sung by the consecrating Bishop; according to others it consists in the words of the Consecrator alone pronounced in the imposition of hands, namely "Receive the Holy Spirit"; according to others, the same words pronounced by the three Bishops; according to others, the words cited and the prayer "Be propitious," etc.; according to others, the cited words, the prayer "Be propitious," etc., and the following Preface; according to a very few, even the words pronounced in the handing over of the book pertain to the form.

Corollary. In order that the Episcopate be conferred certainly validly, all things are required which with some probability are said to pertain to the matter or form.

¹ Roman Pontifical. In the imposition of the book the Consecrator says nothing; but those who hold it to be partial matter refer also to the imposition of the book the words to be pronounced in the imposition of hands.

Scholion. On Correcting Defects of Ordinations

594 I. Obligation of correcting defects. Commonly there is an obligation of correcting defects: 1. if the ordination was doubtfully valid, in other words, if the defect concerned something certainly or probably essential; 2. if it concerned something accidental which is of the greatest moment. I said commonly; for after receiving a higher Order there is no obligation of correcting defects, even essential ones, admitted in the conferral of lower Orders. The reason is that one who receives a higher Order is considered eminently to receive the lower ones. Nevertheless: 1. a doubtfully valid ordination to the Diaconate, as being an Order of greater moment and a sacrament, seems to have to be convalidated even after the Presbyterate has been received; since the Holy Office¹ resolved that ordination to the Diaconate had to be repeated with respect to a priest whose head the Bishop, while conferring the Diaconate, had not physically touched. 2. Likewise a doubtfully valid ordination to the Presbyterate must be repeated even after the Episcopate has been received; both because the Presbyterate is an Order of the greatest moment and a sacrament, and because it is very doubtful whether the Episcopate contains the Presbyterate, indeed whether the Episcopate is validly conferred on one who is not a priest (St. Alphonsus, VI, 793).²

II. Manner of correcting defects. 1. If the defect concerned something certainly or probably essential, commonly the whole ordination must be reiterated. I said commonly, because there are exceptions, for example if in the ordination of a presbyter the last imposition was omitted; in that case it suffices to supply it, as we shall immediately explain.

2. If the defect concerned something accidental, there is no obligation of supplying it, unless it concerns an accidental element of very great moment. In this matter such an element is judged to be the anointing of the hands; but not the imposition of the hand of the presbyters. Nor is there sufficient certainty about others. Besides, from the response of the Holy Office: nothing is to be supplied if in place of the oil of catechumens the oil of Holy Chrism was used (St. Alphonsus, VI, 758).

¹ January 20, 1875 (*Collectio*, n. 1431).

² Besides, canon 1004 is to be observed: If someone, already promoted to some orders in an eastern rite, has obtained from the Apostolic See an indult of receiving higher orders in the Latin rite, he must first receive in the Latin rite the orders which he did not receive in the eastern rite.

595 Corollary I. The whole ordination must be repeated: 1. if in the ordination of a Deacon or Presbyter the first imposition was omitted; 2. if in it physical contact did not take place;¹ 3. if the second imposition of hands was omitted by the Bishop, that is, the one which follows the first, in which nothing is said;² 4. if the handing over of the instruments was omitted, or the respective words were not added or were substantially corrupted;³ 5. if the chalice was handed over without wine or the paten without the host;⁴ 6. if it is doubted whether the ordinand physically touched the instruments or one of those instruments whose touch, according to what was said on p. 456, is regarded as necessary with some probability.

Corollary II. It suffices to supply the defect if in the ordination of a Presbyter the third imposition of hands was omitted, or if the form corresponding to that imposition was essentially corrupted.⁵

Corollary III. Nothing is to be repeated: 1. if the Bishop after the first imposition, duly performed, "did not hold his hands extended over the ordained person also through the interval which intervenes between the first and second imposition of hands";⁶ 2. "if the Bishop, after physical touch of the heads of the ordinands, had his hand extended over the ordinands at least immediately before the recitation of 'Let us pray,'" etc.⁷

¹ July 22, 1874 (*Collectio*, n. 1421).

² Holy Office, July 4, 1900 (*Collectio*, n. 2086); May 7, 1902 (*Collectio*, n. 2140).

³ Holy Office, November 30, 1898; cf. response of the Holy Office, July 19, 1899 (*Collectio*, n. 2058).

⁴ Holy Office, June 20, 1886; September 1, 1892; July 6, 1898 (*Collectio*, n. 2008); January 11, 1899 (*Collectio*, n. 2032).

⁵ Sacred Congregation of Rites, May 22, 1841, n. 2836; Holy Office, March 4, 1874.

⁶ Sacred Congregation of Rites, June 14, 1893, n. 3307.

⁷ Holy Office, September 12, 1877 (*Collectio*, n. 1482); November 30, 1898.

596 III. Time for correcting defects. "As often as an ordination must be repeated or some rite supplied, whether absolutely or conditionally, this can be done even outside the times and secretly" (canon 1007).

Note 1. "Even if someone could rest in the first ordination on account of some opinion considered morally certain, nevertheless he will not sin if, while the opposite opinion of others stands for the nullity of the sacrament, he is ordained again conditionally for greater peace of soul; and the Bishop also can licitly do this for his benefit. And the reason seems to be that anxiety itself about the doubt, provided it is vehement, is a just cause for repeating ordination conditionally" (St. Alphonsus, VI, 751). Nevertheless one must beware of scruples, which easily creep in; that is, the anxious and agitated ordinand, after such a great series of actions, easily doubts whether he duly performed something. But ordinarily doubts of this kind should be rejected at once, and to this end it should be considered that both the Bishop and the ministers carefully attend lest anything be omitted either by the one ordaining or by the one being ordained, especially from those things which perhaps are required for validity.

Note 2. If some doubt arises about the validity of an ordination, recourse must be had to the Sacred Congregation of the Sacraments, which, if the doubt is connected with dogmatic doctrine, will remit the matter to the Holy Office. Religious should approach the Sacred Congregation of Religious, which will have recourse to the Sacred Congregation of the Sacraments. If the discussion concerns a case of conscience, the Sacred Penitentiary should be approached.

Part III. On the Effects of the Sacrament of Order

597 The effects of the sacrament of Order are:

I. Sanctifying grace: in itself second grace, accidentally first grace (n. 6).

II. Sacramental grace, which consists in this: that the sanctifying grace which the sacrament of Order confers is both directed to this, that the ordained lead a life congruent with their state and faithfully fulfill the ministries annexed to it, and gives a right to actual graces to be obtained in order to those effects.

III. Character. 1. The existence of character is clear from what was said in n. 8. But from the fact that character is imprinted through the sacrament of Order, it is deduced that through all Orders which are sacraments, and therefore through Diaconate, Presbyterate, and Episcopate, character is imprinted. It is disputed, however, whether those individual Orders imprint a distinct character, or only one character, which is enlarged through the following Orders.

2. The effect of the character is that a man receives the power of confecting and administering sacred things and is deputed to them. Nevertheless, character and power do not differ in reality, but consist in the same real quality. But what kind of power is conferred by the individual Orders is sufficiently clear from what was said in n. 588.

Dissertation II. On the Ministration of Order

We shall speak first of the person ministering, then of the liceity of ministering.

Part I. On the Person Ministering

598 I. The ordinary minister of sacred ordination is a consecrated Bishop (canon 951); namely, in this sense, that, once his consecration is posited, he always confers Orders validly. It is disputed only whether a Bishop acts validly who, without an apostolic dispensation, consecrates a Bishop without two other assisting Bishops. That such a manner of acting is illicit is clear both from canon 954 and from the Roman Pontifical; nevertheless it seems altogether to be said that it is valid. For so Pius IV in the Brief of August 11, 1562, the Holy Office,¹ and the Sacred Congregation of Propaganda Fide.² There is added the fact that only one of the Bishops in the Roman Pontifical is called the consecrator, and that in the other sacraments also one minister suffices.

Corollary. Ordinations performed by Jansenist, Old Catholic, and Russian Bishops are valid. But the ordinations of Anglicans are invalid by defect of minister, form, and intention, as Leo XIII authentically declared.³

¹ March 13, 1669 (*Collectio*, n. 177).

² May 18, 1695 (*Collectio*, n. 239).

³ Constitution *Apostolicae curae*, September 13, 1896.

599 II. The extraordinary minister of sacred ordination is one who, although he lacks the episcopal character, has received from law or from the Apostolic See by a special indult the power of conferring some Orders (canon 951). Now this power has been conferred by law as follows:

1. Cardinals, from their promotion in Consistory, enjoy the faculty of conferring first tonsure and minor Orders, provided the one to be promoted has dimissorial letters from his proper Ordinary (canon 239, § 1, 22).
2. A Vicar and Prefect Apostolic, an Abbot or Prelate nullius, if they lack the episcopal character, can nevertheless, in their own territory and only while they hold office, confer first tonsure and minor Orders both on their own secular subjects according to the norm of canon 956,¹ and on others who exhibit the dimissorial letters required by law; ordination performed by them outside these limits is null (canon 957, § 2).
3. A Provicar and Proprefect, and others to whom the care of a vicariate or prefecture has devolved according to the norm of canon 309, enjoy the faculty with which the Vicar or Prefect was endowed (canon 310, § 2).
4. A regular Abbot of governance, even without a territory nullius, can confer first tonsure and minor Orders, provided the one to be promoted is subject to him by force of at least simple profession, and he himself is a priest and has legitimately received the abbatial blessing. Outside these limits, ordination conferred by him, every contrary privilege having been revoked, is null, unless the one ordaining is endowed with the episcopal character (canon 964, 1°).

Question. Can the Supreme Pontiff confer on a simple priest the power of ministering the Subdiaconate and Diaconate?

Response 1. With respect to the Subdiaconate, it is commonly admitted: both because it is not a sacrament; and because Pope St. Gelasius, in his letter to Bishop Lucianus,² seems to teach this implicitly; and because Supreme Pontiffs have several times put this doctrine into practice.³

Response 2. With respect to the Diaconate, there is dispute. Some affirm it, relying on the Bulls of which there will be discussion presently. Others deny it, and they respond to the things alleged by their opponents: 1° the Bull of Innocent VIII directed to the Cistercian Abbots (1489), at least insofar as it grants the faculty of conferring the Diaconate, does not seem genuine;⁴ 2° the Bull of Boniface IX to the Augustinian Abbot of the monastery of St. Osyth in the province of London (1400), by which, besides the faculty of ministering the Subdiaconate and Diaconate, the faculty of ministering the Presbyterate was also conferred, was revoked by him in the year 1403.⁵ There is added that the said Bull probably conferred nothing else except permission to receive Orders independently of the Bishop of London, so that the matter concerned not the power of Order but the power of jurisdiction.

¹ Cf. p. 462.

² Migne, *Patrologia Latina* LIX, p. 50 (in VI).

³ Cf. Many, *De S. Ord.*, p. 146.

⁴ Cf. Gasparri, *De Sacr. Ordin.*, t. II, p. 85; Wernz, *Ius Decretalium*, II, p. 48; Pastor, *Geschichte der Papste*, III, p. 253.

⁵ Cf. Gillmann, *Zur Lehre der Scholastik vom Spender der Firmung und des Weihesakraments*, p. 137; Sagmüller, *Kirchenrecht*, I, p. 202 (ed. 1914); *Dictionnaire de théologie catholique*, s.v. Ordre, la théologie moderne, col. 1386.

Part II. On the Liceity of Ministering

600 First note these special points prefaced by the Code: 1° No one may promote to a higher Order one ordained by the Roman Pontiff without the faculty of the Apostolic See (canon 952). 2° Episcopal consecration is reserved to the Roman Pontiff in such a way that no Bishop may consecrate anyone as Bishop unless the pontifical mandate has first been established (canon 953). The consecrating Bishop, however, must employ two other Bishops who assist him in the consecration, unless there has been a dispensation from the Apostolic See in this matter (canon 954). The dispensation is given in such a way that two priests from the more worthy assist the consecrating Bishop.

Besides those special points, this principle holds with respect to the liceity of ministering Orders: In order that someone who enjoys the power of ordaining may licitly minister Orders, it is required that he either be the Superior of the one to be ordained, or have received dimissorial letters from the Superior of the one to be ordained in this matter (canon 955, § 1); and these things also hold if first tonsure is in question (canon 950; Pontifical Commission).¹ Having noted this principle, we shall speak separately about the ordination of seculars and of religious.

¹ February 17, 1930 (A.A.S. 1930, p. 195, ad I).

601 I. Ordination of seculars. The Code states: Each one is to be ordained by his proper Bishop, or with that Bishop's legitimate dimissorial letters (canon 955, § 1). Therefore a Bishop licitly ordains: 1° his own subject, unless this subject is of an oriental rite, in which case he cannot licitly ordain him without an apostolic indult; 2° another's subject who presents to him legitimate dimissorial letters received from his proper Bishop. Here, however, there are equated with a Bishop the Vicar and Prefect Apostolic, the Provicar and Proprefect, and others to whom the care of a vicariate or prefecture has devolved according to the norm of canon 309, and an Abbot or Prelate nullius (canon 957; canon 310, § 2). If, however, they lack the episcopal character, their power of validly ordaining is limited, as we said in n. 599.

But in order that the requisites for licit ordination may be clearer, something fuller must be said both about the proper Bishop and about dimissorial letters.

1. The proper Bishop, as regards the ordination of seculars, is only the Bishop of the diocese in which the one to be promoted has either: 1° domicile together with origin;¹ or 2° simple domicile without origin, but after an oath has been emitted by which the one to be promoted confirms his intention of remaining perpetually in the diocese; or 3° simple domicile without origin and without oath, namely if it is a question of promoting to Orders a cleric who has already been incardinated in the diocese by first tonsure, or of promoting a student who is destined for the service of another diocese according to the norm of canon 969, § 2, or of promoting a professed religious, of whom canon 964, n. 4 treats² (canon 956).

2. Dimissorial letters are letters by which a Bishop or competent Superior sends a subject to the minister of ordination so that he may be ordained by him. Now:

- a) Dimissorial letters for seculars can be given, so long as they retain jurisdiction in the territory, by: 1° the proper Bishop, after he has legitimately taken possession of his diocese, although not yet consecrated; 2° the Vicar General, yet by special mandate of the Bishop; 3° with the consent of the Chapter, the Vicar Capitular after a year from the vacant see; within the year, however, only for those

constrained by reason of a benefice received or to be received, or by reason of some certain office for which, on account of the necessity of the diocese, provision must be made without delay; 4° the Vicar and Prefect Apostolic, an Abbot or Prelate nullius, although they lack the episcopal character, even for major Orders (canon 958, § 1); 5° the Provicar and Proprefect Apostolic who has assumed the whole governance (canon 310, § 2, compared with canon 958, § 1, 4°; Pontifical Commission).³

Note. The Vicar Capitular is not to grant dimissorial letters to those who have been rejected by the Bishop (canon 958, § 2).

Those enumerated above likewise can give dimissorial letters: 1° for non-exempt religious; 2° for exempt religious professed with temporary vows and to be promoted to major Orders. For their ordination is governed by the law of seculars (canon 964, 4°).

b) Dimissorial letters are not to be granted unless all testimonies which are required by law have first been obtained (canon 960, § 1); for what testimonies are required by law, see n. 650. Furthermore, note: If after dimissorial letters have been given by the Ordinary new testimonies are necessary according to the norm of canon 994, § 3 (n. 650), an outside Bishop is not to ordain before he has received them (canon 960, § 2). But if the one to be promoted has spent time sufficient to contract an impediment according to the norm of the same canon 994 (n. 650) in the very diocese of the ordaining Bishop, this Bishop is to collect the testimonies directly (canon 960, § 3).

c) Dimissorial letters can be sent by the proper Bishop, likewise by the others enumerated under a), even by a Cardinal suburbicarian Bishop,⁴ to any Bishop having communion with the Apostolic See, with the sole exception, apart from an apostolic indult, of a Bishop of a rite different from the rite of the one to be promoted (canon 961); likewise dimissorial letters can be sent to those who, according to what was said on p. 462, are equated with a Bishop.

Note. The proper Bishop is not to dismiss his subjects to another unless a just cause prevents him from ordaining them himself (canon 955, § 2).

¹ The place of origin of a son, even a neophyte, is that in which, when the son was born, the father had domicile, or, in the absence of domicile, quasi-domicile; or, if the son is illegitimate or posthumous, the mother. If it is a question of the son of vagabonds, the place of origin is the very place of birth; if of an exposed child, it is the place in which he was found.

² Cf. n. 602.

³ July 20, 1929, ad I (A.A.S. 1929, p. 573).

⁴ Before the Code a Cardinal suburbicarian Bishop could direct dimissorial letters only to the Cardinal Vicar of the City.

602 II. Ordination of religious. 1. A regular Abbot of governance, even without a territory nullius, can confer first tonsure and minor Orders, provided the one to be promoted is subject to him by force of at least simple profession, and he himself is a priest and has legitimately received the abbatial blessing. Outside these limits, ordination conferred by him, every contrary privilege having been revoked, is null, unless the one ordaining is endowed with the episcopal character (canon 964, 1°).

2. Exempt religious can licitly be ordained by no Bishop without dimissorial letters from their proper major Superior (canon 964, 2°). But:

a) The said Superiors can grant dimissorial letters to those professed with temporary vows only for first tonsure and minor Orders (canon 964, 3°); but to those professed with perpetual vows, also for

major Orders.

b) Dimissorial letters from a religious Superior must be sent to the Bishop, or quasi-Bishop, for example a Prefect Apostolic and so on, of the diocese, or quasi-diocese, in which the religious house is situated, to whose family the ordinand belongs (canon 965). Only then can the Superior send dimissorial letters to another Bishop, when the diocesan Bishop has given permission, or is of a different rite from the religious to be ordained, or is absent, or is not going to have an ordination at the next legitimate time, or finally when the diocese is vacant and is not ruled by someone endowed with the episcopal character (canon 966, § 1). But it is necessary that in individual cases this be established for the Bishop who is to ordain from an authentic testimony of the episcopal Curia (canon 966, § 2). Religious Superiors should take care not to send a subject to be ordained to another religious house in fraud of the diocesan Bishop, or deliberately defer the granting of dimissorial letters to that time when the Bishop will be absent or will have no ordinations (canon 967).

Note. The privilege of receiving Orders from any Catholic Bishop must have been granted to religious nominally and directly, not by communication, after the Council of Trent, as Benedict XIV had decreed in the Constitution *Impositi nobis*.¹

c) A religious Superior in his dimissorial letters must testify not only that the one to be promoted has emitted religious profession and belongs to the family of the religious house subject to him, but also about studies completed and about the other things required by law (canon 995, § 1); for what testimonies are required by law, see n. 650. For the rest, the Bishop, after receiving these dimissorial letters, does not need other testimonial letters (canon 995, § 2).

3. The ordination of: 1° non-exempt religious; 2° exempt religious professed with temporary vows and to be promoted to major Orders is governed by the law of seculars, every indult granted to Superiors to give dimissorial letters to those professed with temporary vows for major Orders having been revoked (canon 964, 4°).

4. Novices are not to be promoted to Orders during the novitiate (canon 567, § 2).

¹ February 27, 1747.

603 III. Points to be noted concerning the ordination both of seculars and of religious. 1. He who can give dimissorial letters for receiving Orders can also confer those same Orders himself, if he has the necessary power of Order (canon 959).

2. Any Bishop, after receiving legitimate dimissorial letters, licitly ordains another's subject, provided he himself can in no way doubt the genuine trustworthiness of the letters (canon 962).

3. Dimissorial letters can be limited or revoked by the grantor himself or by his successor, but once granted they are not extinguished when the right of the one giving them is dissolved (canon 963).

Dissertation III. On the Reception of Order

We shall treat first of the person receiving Orders, then of admission and preparation for the reception of Orders, and finally of the manner of receiving Orders.

Part I. On the Person Receiving Orders

604 The subject capable of receiving ordination is every baptized male who has not yet received it (canon 968, § 1).

It is said every, even infants and those perpetually without use of reason. "By the concordant judgment of theologians and canonists," says Benedict XIV, "it has been determined that this ordination is to be considered valid but illicit, provided it labors under no substantial defect of matter, form, and intention in the ordaining Bishop; the contrary opinion, which has rare followers and which has never pleased the supreme tribunals and Congregations of the City, not being heeded."¹ It was disputed only to some extent whether the Episcopate can validly be received before the use of reason has been acquired. Today, however, this is commonly admitted (cf. St. Thomas, *Supplement*, q. 39, a. 2).

Nevertheless, an infant ordained in this way without his own will is bound by no obligations of clerics unless, fully master of his mind after completing the sixteenth year, he has ratified the ordination.²

Nor, in order that someone be capable of receiving a higher Order, is it required that he have received a lower Order. An exception, however, according to the much more common opinion, is the Episcopate, which cannot validly be conferred if the priesthood has not already been received (St. Alphonsus, VI, 793).

¹ Instruction *Eo quamvis tempore*, § 20, May 4, 1745.

² Benedict XIV, cited Instruction, § 28 sq.; Constitution *Anno vertente*, § 7 sq., May 19, 1750.

Part II. On Admission and Preparation for the Reception of Orders

605 I. No one from among seculars is to be ordained who, in the judgment of his proper Bishop, is not necessary or useful for the churches of the diocese. Yet the Bishop is not prohibited from promoting his own subject who is destined in the future, after legitimate excardination and incardination, for the service of another diocese (canon 969).

II. First tonsure and Orders are to be conferred only on those who have the purpose of ascending to the Presbyterate and whom one may rightly conjecture will someday be worthy priests (canon 973, § 1). Yet an ordained man who refuses to receive higher Orders can neither be compelled by the Bishop to receive them, nor be prohibited from the exercise of the Orders received, unless he is held by a canonical impediment or some other grave cause stands in the way, in the judgment of the Bishop (canon 973, § 2).

III. The Bishop is to confer sacred Orders on no one unless from positive arguments he is morally certain about that person's canonical suitability; otherwise he not only sins most gravely, but also commits himself to the danger of communicating in another's sins (canon 973, § 3). It is said from positive arguments; therefore it does not suffice that nothing is opposed, or that the ordinand has not committed a sin which can be juridically proved. For the rest, these things do not suffice for acquiring moral certainty.

Nor is one to depart from these things on account of a shortage of priests. "Care must be taken," says Benedict XV in his letter to the Bishops of Bolivia,¹ "lest those less worthy also be admitted to the priesthood by reason of necessity... Therefore we must weigh not how many, but what kind of sacred ministers we take up; and, after trying all the things which prudence may suggest for fostering the pursuit of the priesthood among youth, let us diligently commend the matter to God, in whose hand it is." Add these words of the Fourth Lateran Council: "It is better... to have fewer ministers, but upright... and useful ones, than more who... will be of no avail."² Likewise these words of St. Thomas: "God never so deserts His Church that suitable ministers sufficient for the necessity of the people cannot be found, if the worthy were promoted and the unworthy repelled. Even if as many ministers could not be found as there now are, it would be better to have a few good ministers than many bad ones" (*Supplement*, q. 36, a. 4, ad 1).

But if applicants are superabundant, the Bishop, in order to guard against idleness, should choose the better ones and leave aside the less suitable; and, with the things that must be observed being observed, religious Superiors also can apply these things with respect to those whom they foresee will be almost useless in religion for undertaking priestly offices.

IV. The proper Bishop or major religious Superior can forbid his clerics ascent to Orders for any canonical cause, even occult, and even extrajudicially, with the right of recourse to the Holy See remaining intact, or also to the Moderator General if it is a question of religious whose ascent has been forbidden by the Provincial Superior (canon 970).

V. Care must be taken that those aspiring to sacred Orders be received into the Seminary from tender years; but all are bound to remain there at least through the entire curriculum of sacred theology, unless the Ordinary has dispensed in particular cases for a grave cause, his conscience being burdened. Those who aspire to Orders and legitimately remain outside the Seminary are to be

commended to a pious and suitable priest, who is to watch over them and form them to piety (canon 972).

¹ August 4, 1918.

² Chapter 27.

Part III. On the Manner of Receiving Orders

Section I. On the Requisites for Valid Reception

606 I. In infants and those perpetually without use of reason, no intention is required; this follows from the fact that they are incapable of eliciting an intention and yet, if they are ordained, they receive ordination validly (n. 604).

II. In adults intention or consent is required; habitual intention suffices. But it is disputed to some extent whether consent to the very Order to be received is required, or whether it suffices that the ordinand consent to the application of the external rite, although he does not wish to receive the Order (n. 40).

One who consents through grave fear, for example compelled by threats or terror, is indeed validly ordained; but as canon 214 has it: "A cleric who, compelled by grave fear, receives a sacred Order and afterward, once the fear has been removed, has not ratified the same ordination at least tacitly by the exercise of the Order, while nevertheless intending by such an act to subject himself to clerical obligations, is to be reduced to the lay state by sentence of a judge, after the coercion and the lack of ratification have been legitimately proved, without any obligations of celibacy and of the canonical hours. But coercion and lack of ratification must be proved according to the norm of canons 1993-1998."¹ These things, as is clear, do not pertain to him whom fear impressed from within, for example fear that, if the lay state is chosen, he will lead a miserable life, has led to Orders.

¹ Cf. A.A.S. 1931, p. 120 and p. 457 sq., where there are: 1° the remedy for preventing ordinations from fear; 2° the rules to be observed in processes concerning the nullity of sacred ordination or of the burdens inhering in sacred Orders.

Section II. On the Requisites for Licit Reception

607 In order that someone licitly receive Orders, he must be endowed with certain requisites, and be immune from irregularity or some other impediment (cf. canon 968, § 1). But those who are held by irregularity or some other impediment, even if it arose after ordination and even without their own fault, are prohibited from exercising the Orders received (canon 968, § 2). We shall speak first about the positive requisites, then about irregularities and the other impediments from which the ordinand must be immune.

Chapter I. On the Positive Requisites

608 (*n. 608 stands at the heading Chapter I. On the Positive Requisites.*)

609 608-609. Canon 974 states: "In order that someone may licitly be ordained, that is, receive tonsure and Orders, there are required: 1° received sacred Confirmation; 2° morals congruent with the Order to be received; 3° canonical age; 4° due knowledge; 5° reception of the lower Orders; 6° observance of interstices; 7° a canonical title, if it is a question of major Orders. As regards episcopal consecration, the prescription of canon 331 is to be observed." We shall speak of each, omitting those things which pertain to episcopal consecration, after first saying certain things about vocation, about the state of grace, and about the intention of ascending to the Presbyterate, and adding some things about the intention with which Orders are to be received.

I. Vocation;¹ concerning which it is useful to establish the following.

1. At least some vocation must be admitted altogether, so that it is licit for no one to approach ordination merely of his own accord. This is clear from these words of Sacred Scripture: "Nor does anyone take the honor to himself, but he who is called by God as Aaron was";² these words some, considering the context, understand of ecclesiastical vocation, others of divine vocation.

2. A twofold vocation is required, ecclesiastical, that is, proceeding from the Bishop, and divine.

a) No one denies that ecclesiastical vocation is required. For the rest, the Cardinal Secretary of State on July 2, 1912, signified that Pius X approved the judgment pronounced by the Commission of Cardinals concerning the work of Lahitton; and this judgment declared that the work *La vocation sacerdotale* was in no way to be reproved, indeed that in many respects it was outstandingly to be praised, for example "insofar as it maintains: 1° that no one ever has any right to ordination antecedently to the election of the Bishop," etc.³

b) Divine vocation also is required. For: 1° Canon 1353 enacts: "Let priests, especially pastors, take care that boys who show signs of ecclesiastical vocation be guarded with special care from the contagion of the world, be formed to piety, be imbued with the first studies of letters, and that the seed of divine vocation in them be fostered." And canon 1357, § 2 states: "Above all let the Bishop strive frequently to visit the Seminary personally, and to acquire for himself a fuller knowledge of the character, piety, vocation, and progress of the students, especially on the occasion of sacred ordinations." But by these words ecclesiastical vocation cannot be signified, since it has not yet taken place. There is added the authority of the Holy Fathers and Doctors of the Church. Thus, for example, St. Cyprian,⁴ St. Cyril of Alexandria,⁵ St. Bernard,⁶ St. Thomas (p. 3, q. 27, a. 4), and St. Alphonsus (VI, 802) teach.

Nor is opposed the judgment pronounced by the Commission of Cardinals concerning the work of Lahitton, which praises the said work "insofar as it maintains: 1° (that which we have already noted) that no one ever has any right to ordination antecedently to the free election of the Bishop; 2° that the condition which must be attended to on the part of the one to be ordained, and which is called priestly vocation, by no means consists, at least necessarily and by ordinary law, in some internal aspiration of the subject or invitations of the Holy Spirit toward entering the priesthood; 3° but on the contrary, that 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 through that probity of life and sufficiency of doctrine, which produce a founded hope that he will be able rightly to undertake the offices of the priesthood and holily observe its obligations." But these things are well composed with the opinion which admits divine vocation, if it is said that in the foregoing the discussion concerns those things which must be attended to by the Bishop in order that he may duly call someone to Order; it suffices to attend to the signs of divine vocation. There is added that right intention cannot be had without the grace of God; and, strictly speaking, this already suffices for us to be able to speak of divine vocation.

3. The signs of divine vocation are right intention and suitability. Right intention consists in the will of embracing Orders with a view to the glory of God and the salvation of souls (St. Alphonsus, VI, 802). Suitability is constituted by due knowledge and due probity of life, of which there will be discussion in nn. 613 and 615.

Sometimes extraordinary signs of divine vocation are present, when, namely, God manifests it in a miraculous way, as happened in St. Paul, or by unusual movements of grace.

Corollary I. One who does not follow a recognized vocation cannot be excused from sin, since, deprived of the special graces especially annexed to vocation, he exposes himself to grave danger of departing from the way of salvation (cf. the things said by St. Alphonsus about the religious state, IV, 78).

Corollary II. One who embraces the clerical state without vocation seems to sin gravely. The reason is that he undertakes obligations so difficult that they are scarcely observed without special helps, without a founded hope of receiving those helps (St. Alphonsus, V, 803).⁷

Corollary III. It is unlawful to force anyone in any way, for any reason, to the clerical state, or to turn away from the same state one who is canonically suitable (canon 971).

¹ Cf. Lahitton, *La vocation sacerdotale*; Jansen, in *Ned. Kath. Stemmen*, 1911, p. 324 sq.; 1912, p. 270 sq.; Hurtaud, *La vocation au sacerdoce*; Vermeersch, *De vocatione religiosa et sacerdotali*.

² Heb. 5:4; cf. 1 Tim. 3:10; Roman Catechism, p. II, c. 7, q. 3.

³ A.A.S. 1912, p. 485.

⁴ Epistle 55 to Pope Cornelius, n. 5, Migne, t. 3, col. 803.

⁵ *De adoratione in Spiritu et veritate*, book II, Migne, t. 182, col. 585.

⁶ Sermon 58, *In Cantica*, n. 3, Migne, t. 183.

⁷ Cf. Roman Catechism, p. 2, c. 7, qq. 3 and 4.

610 II. The state of grace is required under grave obligation in receiving Orders which are sacraments; with respect to the others, there is not a grave obligation.

611 III. The intention of ascending to the Presbyterate (canon 973, § 1); the direct grave obligation is not sufficiently established, but one who receives a major Order without the said intention commonly gravely deceives his Superiors.

612 IV. Received sacred Confirmation, which canon 974, § 1, 1° prescribes, and concerning which the Council of Trent says: "Let those not be initiated by first tonsure who have not received the Sacrament of Confirmation."¹ Now the obligation of receiving Confirmation before first tonsure is quite probably only slight, because the Council of Trent, from which the Code is not judged to depart, speaks more mildly. Nor do the words of the Sacred Congregation of the Council² seem to be pressed too much, since it declares that one who has received first tonsure or Orders without being confirmed, as one badly promoted, cannot ascend to other Orders nor receive benefices without dispensation of the Apostolic See.

¹ Session 23, cap. 4, *De reformatione*.

² September 27, 1601.

613 V. Morals congruent with the Order to be received (canon 974, § 1, 2°; cf. canon 973); by these are understood especially piety, chastity, and sobriety, exercised, of course, through acts which do not merely present the external appearance of virtue. Therefore the said virtues are prescribed also by ecclesiastical law. Likewise they are prescribed by the moral law, and indeed, especially with respect to sobriety and chastity, under grave obligation: both by reason of the sacred and most worthy office,

and by reason of the danger lest the ordained man, deprived also of the assistance of conjugal life, fall into many sins and be a grave scandal to others (St. Alphonsus, VI, 63 sq.; *Homo Apostolicus*, last tract, n. 16, 17). St. Thomas says thus: "Through Sacred Order someone is deputed to the most worthy mysteries, by which service is rendered to Christ Himself in the sacrament of the altar, for which a greater interior sanctity is required than the religious state requires" (2.2, q. 184, a. 8). And elsewhere: "One who is entangled in some vice ought not to be admitted to the ministry of Order" (*Supplement*, q. 35, a. 1, ad 3). Again: "For the suitable execution of Orders not just any goodness suffices, but excellent goodness is required" (*Supplement*, q. 35, a. 1, ad 3). And: "Those who are applied to the divine mysteries ought to be perfect in virtue" (In 4 Sent., d. 24, q. 3, a. 1). And: "Interior perfection is required for this, that someone worthily exercise acts of this kind" (2.2, q. 184, a. 6; cf. q. 189, a. 1, ad 3).

How greatly Bishops and other ecclesiastical Superiors must attend to morals congruent with the Order to be received is gathered from innumerable ecclesiastical documents, of which it is pleasing to bring forward the principal ones. Innocent III, in his Decretal which begins *A multis, De Aetat. et Quantit.*, enacts: "Let no one be permitted to approach sacred Order unless he is either a virgin or is of proved chastity." The Council of Trent says: "Let Bishops know... that not every individual established in that age must be assumed to these Orders, but only those who are worthy, and whose proved virtue is old age."¹ The Roman Catechism says: "In him who is to be created a priest, integrity of life and morals ought greatly to be commended."² The same things are inculcated by Benedict XIV in his Encyclical *Ubi primum*,³ Leo XIII in the Encyclical *Etsi nos*,⁴ in his letter to the Bishops of Prussia,⁵ and in his Encyclical to the Bishops of Italy,⁶ and Pius X in the Motu proprio *Sacrorum Antistitum*.⁷

Corollary I. The things we have said about the moral law hold perfectly indeed for the priesthood alone, but less perfectly also for the Subdiaconate, and a fortiori for the Diaconate; and this all the more because today hardly anyone receives a major Order without being about to ascend to the priesthood.

Corollary II. Definitive judgment about the required morals belongs to the Bishop. Hence canon 1357, § 2: "Above all let the Bishop strive frequently to visit the seminary personally, carefully to watch over ecclesiastical instruction, and to acquire for himself a fuller knowledge of the character, piety, vocation, and progress of the students, especially on the occasion of sacred ordinations." A grave obligation also falls on Superiors, Directors, and confessors to keep the unworthy from Orders, with the things that must be observed being observed. "Whoever," says Leo XIII in his Encyclical to the Bishops of Italy,⁸ "in the course of education shall have shown inclinations less suited to a priestly vocation, let them be sent away; and in admitting clerics to Sacred Orders the greatest weighing must be applied." And the Sacred Congregation of Bishops and Regulars, in the norms for the seminaries of Italy, stated: "Besides the spiritual director of the students, certain learned and pious priests shall be designated for hearing their confessions; mindful of their grave obligation and according to the track of approved authors, they will provide counsels and lights to their penitents in their doubts, imposing the obligation of withdrawing from the ecclesiastical state on those who have shown themselves not to be called" (n. 2).⁹

Corollary III. One habituated in vice, for example of lust or drunkenness, is bound under grave obligation to desist from receiving sacred Order until he has put on morals congruent with the Order,

indeed until for a notable time, for example for six months, he has conducted himself as amended, so that he must be said to have put on different morals and can form moral certainty that he will fulfill the obligations annexed to the Order. Except the case, however not easily to be presumed, in which someone is healed by an extraordinary impulse of grace (St. Alphonsus, VI, 802). So also the Venerable Paul Segneri, Leonard of Port Maurice, and innumerable others; cf. also the norms of the Sacred Congregation of Bishops and Regulars cited above.

For the rest, with respect to sins of lust, one must proceed more severely if the sins are with persons of the other sex than if they are solitary; still more severely if the discussion concerns sins with persons of the same sex. If the latter arise from a passing passion, greater hope of amendment shines forth; but if they proceed from an abnormal and permanent passion - in which case affection toward the other sex is lacking - hope of amendment is to be regarded as practically none.

In doubt whether morals congruent with the Order to be received are present, ordination should be deferred, unless, all things considered, it is better to persuade the ordinand to abstain from receiving Sacred Orders.

¹ Session 23, cap. 12, *De reformatione*.

² Part II, c. VII, q. 28.

³ December 3, 1740.

⁴ February 25, 1884.

⁵ January 6, 1886.

⁶ December 8, 1902.

⁷ September 1, 1910.

⁸ December 8, 1902.

⁹ In *Monitor ecclesiasticus* 1910, p. 123.

614 VI. Canonical age for tonsure and minor Orders is not directly established; but, as canon 976, § 1 states: "No one, whether secular or religious, is to be promoted to first tonsure before the theological course has been begun." With respect to major Orders, canon 975 enacts: "The Subdiaconate is not to 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." In doubt whether someone has arrived at the required age, he cannot receive the Order, because the prohibition of receiving it, as the prior thing, is of the better condition (St. Alphonsus, VI, 799; t. I, n. 229).

615 VII. Due knowledge is imposed both on religious and on seculars. Now:

1. No one, whether secular or religious, is to be promoted to first tonsure before the theological course has been begun (canon 976, § 1).
2. The Subdiaconate is not to be conferred except at the end of the third year of the theological course; the Diaconate, except when the fourth year has begun; the Presbyterate, except after the middle of that same fourth year (canon 976, § 2).
3. The theological course must have been completed not privately, but in schools instituted for this according to the plan of studies determined by canon 1365 (canon 976, § 3).

4. In order that someone can be promoted to the Episcopate, he must be endowed with the degree of doctor or at least licentiate in sacred theology or canon law in some university or Institute of studies approved by the Holy See, or at least be truly expert in those same disciplines; but if he belongs to some religious institute, he must have from his major Superiors either a similar title or at least a testimony of true expertise (canon 331, § 1, 5°).

616 VIII. Reception of lower Orders; namely, Orders are to be conferred gradually, so that ordinations by leap are altogether prohibited (canon 977; cf. Council of Trent).¹ The prohibition of receiving Orders by leap is grave, as is clear both from the gravity of the words which the cited canon and Council of Trent use, and from the attached penalty (cf. canon 2374).

¹ Session 23, canon 2 and cap. 11, 14, *De reformatione*.

617 IX. Observance of interstices is chiefly prescribed so that "those promoted may exercise themselves in the Orders received, according to the prescription of the Bishop" (canon 978, § 1), and may always show themselves more suitable for receiving the Presbyterate;¹ these words, however, are not to be understood as of strict precept. These interstices are to be observed:

1. The interstices between first tonsure and the Ostiariate, or between the individual minor Orders, are entrusted to the prudent judgment of the Bishop (canon 972, § 2). Nevertheless it is not licit: 1° to confer first tonsure together with any of the minor Orders; nor 2° to confer all minor Orders at the same time (cf. canon 978, § 3). Yet a contrary custom is not reprov'd, as happens in those cases of which we shall now speak.
2. Between the Acolytate and the Subdiaconate at least one year must intervene; between the Subdiaconate and the Diaconate, and likewise between the Diaconate and the Presbyterate, at least three months, unless the necessity or utility of the Church, in the judgment of the Bishop, requires otherwise (cf. canon 978, § 2). The year of interstices can be computed either ecclesiastically, for example from one Saturday within the Octave of Pentecost to another, or civilly, for example from the first day of March to the same day of the next following year.

As is clear from the cited canon, the Bishop can dispense from interstices for a cause of public necessity or utility, not only seculars but also religious; and because no limitation is added, he can even grant that Orders be conferred on continuous days. Seculars and non-exempt religious are dispensed by the proper Bishop; exempt religious by him who legitimately ministers Orders to them. Nevertheless, without the special permission of the Roman Pontiff it is never licit: 1° to confer minor Orders with the Subdiaconate; 2° to confer two sacred Orders on one and the same day, any contrary custom being reprov'd (cf. canon 978, § 3).

Note. Regulars enjoy the privilege of receiving Orders without observing interstices. Some indeed deny this, because Gregory XIII, who granted to the Society of Jesus the privilege of receiving Sacred Orders on individual Sundays and on three feast days even continuous, stated that this privilege was incommunicable. But it is more truly and more commonly affirmed; because other Pontiffs gave to other Orders so broad a communication of the privileges of the Society of Jesus that it also contains this privilege; for example, Urban VIII, by the Constitution *Redemptoris nostri*,² to the Order of the Most Holy Trinity; Alexander VIII, by the Constitution *Inscrutabili*,³ to the Order of Blessed Mary of Mercy (cf. St. Alphonsus, VI, 797, dub. 3; *De privilegiis*, 9). Moreover Ferraris⁴ reports that Clement VIII⁵ granted to the Congregation of St. John the Evangelist in Lusitania the same dispensation from

interstices, without a clause excluding communication; and the other Regular Orders certainly participate in this privilege. Then Leo XII, by the Constitution *Plura inter*,⁶ granted anew to the Society of Jesus the faculty of receiving Orders "with interstices by no means observed," with no exclusionary clause added.

Objection. After Trent the practice became established in the Roman Curia of not granting indults except with an added or understood condition that the days of ordination should be feast days, and indeed interposed days, not continuous ones.⁷

Response: "This limitation commonly regarded only indults granted to ordinands, but not privileges granted to Regulars or even sometimes to Bishops. But the addition of such a condition again proves that privileges which had previously been granted without such clauses are not subject to the aforesaid limitations."⁸

¹ Council of Trent, cap. 11-13, *De reformatione*.

² March 22, 1634, n. 2.

³ July 28, 1690.

⁴ *Interstitia*, n. 14-16.

⁵ November 23, 1596.

⁶ July 11, 1826.

⁷ Cf. Decree of Innocent XII, December 14, 1693; Giraldis, II, 95.

⁸ Aertnys-Damen, II, 578; cf. Sacred Congregation of Rites in one Marianopolitan case, May 18, 1883 (n. 587 in the old collection), not taken up in the authentic collection, n. 3574.

618 X. Canonical title, if it is a question of major Orders. A title of support is understood, that is, a guarantee by which provision is made for the suitable and of itself perpetual support of the ordinand. It is required, however, if it is a question of receiving major Orders (canon 974, § 1, 7°),¹ lest perhaps the ordained man be forced to provide for himself by begging or in some other way which cannot be reconciled with the dignity or offices of the state. "One ordained in sacred Orders, if he loses the title, is to provide another for himself, unless, in the judgment of the Bishop, provision has otherwise been made for his suitable support" (canon 980, § 1). "But those who, apart from an apostolic indult, knowingly ordain their own subject in sacred Orders without a canonical title or permit him to be ordained, must themselves and their successors provide the necessary sustenance to the same needy person, until provision has otherwise been made for his suitable support" (canon 980, § 2). Finally, if a Bishop has ordained someone without a canonical title with an agreement that the ordained man not ask sustenance from him, this agreement lacks all force (canon 980, § 3). With respect to the required title, observe:

1. For secular clerics the canonical title is the title of benefice, and, failing that, of patrimony or pension. This title must be both truly secure for the whole life of the ordained man and truly sufficient for his suitable support, according to the norms to be given by Ordinaries for the different necessities and circumstances of places and times (canon 979). If not even one of the titles just assigned is available, it can be supplied by the title of service of the diocese, and, in places subject to the Sacred Congregation of Propaganda Fide, by the title of mission (canon 981, § 1). Now:

a) The title of benefice is that which is founded in a benefice; but a benefice actually obtained and peacefully possessed is required. But resignation of the benefice by whose title the cleric was ordained is null unless express mention is made that the cleric had been promoted by that title and had substituted for it another legitimate title of ordination, by grant of the Ordinary (canon 1485).

b) The title of patrimony is that which is founded in patrimony. By the name of patrimony here are understood goods possessed by the ordinand and sufficiently free from mortgage or other burden. "It is indifferent whether the patrimony is constituted in stable and certain fruitful goods, or in things which are equated with immovables. Thus a lay chaplaincy can be a title of patrimony, provided those who enjoy the right of naming have pledged their good faith, with the authority of the Bishop interposed, that they will not revoke the chaplain until provision has been made for him by a suitable benefice or patrimony."²

c) The title of pension is that which is founded in a pension. By the name of pension is understood a stipend of support assigned to the ordinand and to be supplied to him annually, whether from ecclesiastical benefices or from other goods. Hence also a personal pension.³

Note. As formerly, so also now the insufficiency of one title can be supplied by another title.⁴

d) The title of service of the diocese and of mission carries with it that the ordinand, by interposing an oath, devotes himself perpetually to the service of the diocese or mission, under the authority of the local Ordinary for the time being. The Ordinary must confer on the priest whom he has promoted by the title of service of the church or mission a benefice, office, or subsidy sufficient for his suitable support (canon 981).

2. For religious, the title is established as follows:

a) For Regulars the canonical title is solemn religious profession, or the title, as it is called, of poverty (canon 982, § 1); note that solemn profession alone is a title for Regulars.

b) For religious of perpetual simple vows, whether emitted in an Order or in a religious Congregation, the title is that of the common table, of the Congregation, or another similar title, according to the norm of the constitutions (canon 982, § 2); that is, as the legitimate constitutions have established or will establish in the future.

c) Other religious, that is, religious of temporary vows, whether emitted in an Order or in a religious Congregation, and likewise novices, as regards the title of ordination, are governed by the law of seculars (canon 982, § 3). The title of the common table does not belong to these religious, because they are not yet devoted to religious life, and therefore lack the right of receiving perpetual support from the goods of the religious institute.

¹ Council of Trent, session 21, cap. 2, *De reformatione*.

² Gasparri, n. 606.

³ Aertnys-Damen, II, 590; cf. St. Alphonsus, VI, 817.

⁴ Cf. Benedict XIV, *Quaestiones canonicae*, 46.

619 XI. Right intention; concerning this it suffices to have observed these things:

1. A merely natural intention, that is, one resting on a natural motive alone, does not suffice, so that someone can be excluded for that cause.

2. An intention at least predominantly or equally supernatural suffices to this extent, that one approaching with an intention of this kind cannot be kept away.

Chapter II. On Irregularities and Other Impediments

(St. Alphonsus, *Theologia Moralis*, book VII, c. 5; *Homo Apostolicus*, tr. 19, c. 3.)

We shall speak first about irregularities and impediments in general, then about irregularities and impediments in particular, and finally about the cessation of irregularities and impediments.

Article I. Irregularities and Impediments in General

620 I. Notion. An irregularity is a canonical impediment of itself perpetual, which prohibits the reception and exercise of Orders (cf. canons 968 and 983). It is called an impediment:

1. Canonical, that is, established by ecclesiastical law.
2. Of itself perpetual, that is, one which is not removed except by dispensation; and by this reason it differs from a simple impediment.
3. Of the reception and exercise of Orders. But by the name Orders here first tonsure also comes (canon 950). The reception and exercise of Orders are prohibited, but not the exercise or acts of jurisdiction alone, such as to dispense, to absolve from a censure, to give the faculty of absolving from sins (St. Alphonsus, VII, 342). Finally, the functions of the Acolytate are no longer prohibited, since today they are permitted even to laymen.
4. It prohibits; but it does not render the reception and exercise of Orders invalid. The prohibition, however, is grave, as is drawn both from the nature of the thing and from the grave penalties to be imposed on a transgressor (canon 2374).

A simple impediment is a canonical impediment of itself temporary, which prohibits the reception and exercise of Orders (cf. canons 968 and 987). It is called of itself temporary, that is, one which can cease without dispensation or by the fact itself.

Note. Irregularities and impediments have been established so that provision may be made for the reverence due to Orders, but not by way of penalty, except perhaps secondarily if it is a question of an irregularity from delict (St. Alphonsus, *Homo Apostolicus*, tr. 17, n. 73).

621 II. The origin of irregularities is ecclesiastical law (canon 983); the same holds for simple impediments. Moreover, the cited canon sufficiently signifies that irregularity is introduced by written law alone, not by custom.

622 III. Interpretation; concerning it observe:

1. Laws which constitute an irregularity or impediment, as restricting rights, are subject to strict interpretation (cf. canon 19).
2. Only the baptized are bound by the said laws; this, however, does not prevent a fact which had place before baptism from being able to induce irregularity after baptism, as if someone had been insane before baptism. The impubes are not exempt from the law.

3. In doubt of law - that is, in doubt whether the law has been passed or extends itself to some case - the law does not urge. In doubt of fact - that is, in doubt whether the fact which carries an irregularity or impediment with it took place, or was such as is supposed by the law - the law likewise does not urge; for it is a question of doubt of a fact founding a prohibiting law (St. Alphonsus, VII, 422, 432; t. I, n. 228);¹ moreover, in the latter doubt the Bishop can dispense for precaution (cf. canon 15).
4. Ignorance of irregularities, whether from delict or from defect, and of impediments, does not excuse from them (canon 988).

¹ Sacred Congregation of the Council, June 27, 1857 (A.S.S. I, p. 350).

623 IV. Multiplication. Irregularities and impediments are multiplied from their different causes, but not from the repetition of the same cause, unless it is a question of irregularity from voluntary homicide (canon 989). It is said:

1. From their different causes; as if someone is illegitimate and perpetrates homicide. Yet note that formally different causes suffice, and that several formally different causes can be contained in one and the same physical act; as if someone by the same blow were to kill another and attempt to take his own life.
2. Unless it is a question of irregularity from voluntary homicide. Procurement of abortion does not come under the name of homicide; for canon 985, 4° distinguishes this from homicide, and the law is of strict interpretation. But craniotomy and similar cruel killings of an infant are comprehended under that name.

Article II. Irregularities in Particular

Of irregularities, some are from defect, others from delict.

§ I. Irregularities from Defect

624 By force of canon 984 the following are irregular from defect:

I. From defect of birth: "Illegitimates, whether the illegitimacy is public or occult, unless they have been legitimated or have professed solemn vows" (cited canon, n. 1). Now:

1. Who are illegitimate, see in the treatise on matrimony.
2. Irregularity from defect of birth is removed: 1° by legitimation, about which later; 2° by dispensation (n. 644); 3° by solemn religious profession. This removes the irregularity, but does not legitimate; hence an illegitimate person solemnly professed cannot be constituted major Superior in his Religion (canon 504).

Note. Illegitimates cannot be admitted into the Seminary (canon 1363, § 1); nevertheless legitimation by the subsequent marriage of the parents suffices.¹

¹ Pontifical Commission, July 13, 1930 (A.A.S. 1930, p. 365).

625 II. From defect of body: "Those defective in body who cannot safely by reason of weakness, or decently by reason of deformity, perform the ministry of the altar. Yet to impede the exercise of an

Order legitimately received, a graver defect is required; nor because of this defect are acts prohibited which can rightly be placed" (cited canon, n. 2°). Therefore the following are irregular:

1. Those who by reason of weakness cannot safely perform the ministry of the altar. To this class belong: 1° those lacking the index finger or thumb, that is, the customary fingers with which the host is broken; likewise those who have hands so trembling that there is danger of spilling the Blood; likewise those lacking either arm or either hand; 2° the deaf who cannot hear the responding minister; but deafness supervening upon the priesthood does not stand in the way of the celebration of Mass; 3° the mute, likewise those stammering so much that they cannot pronounce whole words, or cannot except with great difficulty, so that they provoke laughter; 4° the blind, likewise the partially blind, who cannot read except very large characters; but not one who lacks only one eye, provided it is not the left eye, or the eye of the Canon, and provided the deformity is removed by a glass eye.¹ But if the eye of the Canon is lacking, a dispensation can be given if the other eye is sufficiently fit for reading the Canon without deformity (St. Alphonsus, VII, 404-409).
2. Those who by reason of deformity cannot decently perform the ministry of the altar. To this class belong: 1° those deprived of a conspicuous member, unless the deformity is removed by an artificial member. Those who lack the three rear fingers are irregular for receiving Orders, but not for exercising them; 2° those having a conspicuous member very deformed, whether the deformity arises from nature or from disease, for example from leprosy. Deformity of the legs can ordinarily be sufficiently covered by a cassock; 3° the monstrous, such as pygmies, the very hunchbacked, and hermaphrodites; yet the latter defect does not induce irregularity if it is occult and the male sex prevails. Likewise those notably limping are irregular (St. Alphonsus, VII, 410-412).

Note 1. Since all Orders, even first tonsure, are ordered to the priesthood, one excluded from the priesthood must also be regarded as excluded from the other Orders.

Note 2. To impede the exercise of an Order legitimately received a graver defect is required than to impede the reception of an Order (canon 984, 2°). Moreover, one who by reason of some defect is impeded from some exercise of an Order received is not therefore impeded from acts which can rightly be placed (canon 984, 2°); so that, for example, a blind priest can well hear confessions.

Note 3. In doubt whether some defect stands in the way of the reception or exercise of an Order, the Ordinary should be consulted (St. Alphonsus, VII, 414).

¹ With respect to partially blind priests, the Sacred Congregation of Rites established the following on January 12, 1921:

1. A partially blind priest, or one laboring under such weakness of visual power, whether accidentally or habitually, that he can read only very large type, can obtain from the Supreme Pontiff or the Sacred Congregation of Rites, unless the Bishop has been furnished with an apostolic faculty, a dispensation to celebrate either the votive Mass of the Blessed Virgin Mary or the Mass which they call the daily Mass of the Dead.
2. The conditions added in the instrument of a privilege of this kind are not mere matters of ritual and style, but obligatory in conscience.

3. If in the privilege it is said: Provided the petitioner is not entirely blind, and meanwhile he becomes blind, then he must abstain from celebrating Mass until he has obtained a new indult; and once this has been obtained, he is bound under grave obligation to use the assistance of another priest, although perhaps this obligation was not expressly added in the indult. After these things noted by the Sacred Congregation, the rules to be followed in celebration follow (A.A.S. 1921, p. 154-156).

626 III. From defect of mind: "Those who are or have been epileptic, insane, or possessed by a demon; but if after receiving Orders they have become such and it is certainly established that they are now free, the Ordinary can again permit his subjects the exercise of the Orders received" (canon 984, 3°).

1. Epilepsy must be taken in the strict sense, so that it does not comprehend a certain disease of the stomach which carries with it certain signs of epilepsy. Furthermore, if the disease supervenes upon the priesthood and recurs rarely, for example only once in a month, without emission of sounds, foaming, and notable contraction of the body, the priest will be able to celebrate privately, with a fasting priest joined to him who may complete the Mass when the disease comes on (St. Alphonsus, VIII, 399). There are also those who judge that one who had been freed from epilepsy before puberty is not irregular. But this opinion is with difficulty composed with the words of the law, which states absolutely: "Those who are or have been epileptic."
2. Insanity is understood which flows from a permanent cause; but an insane person is irregular even if he has lucid intervals.
3. Possession by a demon; concerning which, see t. I, n. 700.
4. Just as those healed cannot receive Orders without the permission of the Holy See, so neither can they receive a higher Order without the same permission.
5. Under the name of Ordinary, of which the cited canon speaks, come both the Ordinary of the place and the major Superior in an exempt clerical religion (canon 198, § 1).

627 IV. From defect of sacrament: "Bigamists, namely those who have successively contracted two or more valid marriages" (canon 984, 4°). "It is said: from defect of sacrament, because he who has married two wives cannot aptly signify the union of Christ with the Church, His one spouse" (St. Alphonsus, VII, 436). This irregularity, at least with respect to some major Orders, is of apostolic origin, according to these words of St. Paul: "Therefore a Bishop must be irreproachable, the husband of one wife... Let deacons be husbands of one wife."¹

For irregularity it suffices that several marriages have been validly contracted; it is not required, however, that they have been consummated.

Note. One who before Baptism successively contracted several valid marriages seems, after Baptism has been received, to become irregular.

¹ 1 Tim. 3:2, 12.

628 V. From defect of reputation: "Those who are marked by infamy of law" (canon 984, 5°). It is called an irregularity from defect, because the infamy itself which induces irregularity is not a delict. What infamy of law is and who contract it, see in the treatise on ecclesiastical penalties.

629 VI. From defect of mildness: "The judge who has pronounced sentence of death" (canon 984, 6°). If a capital sentence has been established collegially, those judges are irregular who agreed to the capital penalty, not the others who cast a contrary vote. Furthermore this irregularity is not to be extended to a region where sentence of death, although pronounced, is nevertheless no longer carried into execution; nor to the case in which a leader in war orders someone to be killed without any military council having been held, because he does not proceed as judge. Nor are jurors irregular, since they pronounce sentence only about the truth of the fact, but do not establish the penalty.

Moreover, from defect of mildness the following is irregular: "Those who have undertaken the office of executioner and their voluntary and immediate ministers in the execution of a capital sentence" (canon 984, 7°). Among these are not counted: 1° soldiers who kill the enemy in battle, or by command of the leader or of a military council kill a guilty person, because they are not said to have undertaken the office of executioner; 2° those who, for example, erect the scaffold or lead the one condemned to death to the place of punishment, because they are not immediate ministers of the executioner; but indeed those who, for example, place the head of the condemned man under the machine, etc. (St. Alphonsus, VII, 461-468).

§ II. Irregularities from Delict

630 Preliminary points. In order that a delict may produce irregularity, it is required that it be a grave sin, perpetrated after baptism, except the case of which under II, and external (canon 986). It is said sin:

1. Grave; hence whatever excuses from mortal sin also excuses from irregularity. Of this kind is ignorance of the very law prohibiting the act. Grave fear, even only relatively such, necessity, indeed even grave inconvenience, generally excuse from observing a merely ecclesiastical law, and therefore bring it about that one is immune from irregularity who, from grave fear, necessity, or by reason of grave inconvenience, places an act forbidden by ecclesiastical law alone (cf. canon 2205, § 2).
2. Perpetrated after baptism; since it is not fitting that account be taken of a sin which is judged to have been entirely destroyed by baptism.

Now by force of canon 985, the following are irregular from delict:

631 I. Apostates from the faith, heretics, schismatics (canon 985, 1°); concerning whom there was discussion in t. I, n. 492. One who is a heretic in good faith does not contract irregularity; but since good faith is judged to be absent for the external forum, a dispensation is needed.

632 II. Those who, except in a case of extreme necessity, have allowed baptism to be conferred on them by non-Catholics in any way (canon 985, 2°). It is said:

1. By non-Catholics; under this name come heretics, schismatics, and, according to some, even unbelievers, since they, equally with heretics and schismatics, are truly non-Catholics. Others, and indeed most, exclude unbelievers.
2. In any way, that is, whether some rite, heretical or Catholic, was employed, or was not employed.
3. Have allowed, that is, those who asked, or at least permitted, that baptism be conferred on them by a non-Catholic.

633 III. Those who have dared to attempt marriage or to place only the civil act, either themselves being 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 valid marriage (canon 985, 3°). Those attempt marriage who, conscious of a diriment impediment, approach the minister of the Church; those place the civil act who enter into civil marriage, as it is called. It is said have dared; hence, since the words of the law are judged to contain nothing useless, any diminution of imputability seems to exempt from irregularity (cf. canon 2229, § 2); except, however, diminution of imputability which flows from ignorance of the irregularity (canon 988). Therefore the following are irregular:

1. Those who, themselves bound by the matrimonial bond or by sacred Order or by religious vows, even simple and temporary, have dared to attempt marriage or place only the civil act.
2. Those who, although not bound by the matrimonial bond or by sacred Order or by religious vows, have dared to attempt marriage or place only the civil act with a woman bound by religious vows, even simple and temporary, or joined in valid marriage.

634 IV. Those who have perpetrated voluntary homicide or procured the abortion of a human fetus, the effect following, and all cooperating (canon 985, 4°).

1. Homicide is understood as committed positively and with grave fault; not, however, as merely permitted, although without sufficient cause.
2. What is understood by procurement of abortion, see in the treatise on ecclesiastical penalties.
3. The words the effect following and cooperators are referred both to homicide and to procurement of abortion. With respect to the effect, it is required that this follow from the force inflicted, not from care perhaps omitted. As regards cooperators, just as the old law, so also the new law is judged to regard only positive cooperators, or those who by command, counsel, consent, or help cooperate in homicide or procurement of abortion; likewise those who by false testimony or unjust sentence cooperate in homicide; finally those who voluntarily fight in an unjust war. This last point is said theoretically, since scarcely ever is there sufficient certainty about the injustice of a war. Negative cooperators are immune from irregularity, even if from justice they are bound to impede homicide or procurement of abortion (St. Alphonsus, VII, 367-376).

635 V. Those who have mutilated themselves or others, or have attempted to take their own life (canon 985, 5°). Mutilation is understood as the cutting off of a member, but not merely its weakening or wounding. But a cutting off of a member objectively and subjectively gravely culpable is required; when this is had, we explained in t. I, n. 526.

636 VI. Clerics exercising the medical or surgical art forbidden to them, if death follows therefrom (canon 985, 6°). It is required that the cleric gravely offend against the law which prohibits him the medical or surgical art, and that death follow from the art exercised as from its cause; hence irregularity is absent if death, for example, is to be attributed to the bad treatment of another physician who had been called in.

637 VII. Those who place an act of Order reserved to clerics constituted in sacred Order, either lacking that Order, or prohibited from its exercise by a canonical penalty, whether personal, medicinal or vindictive, or local (canon 985, 7°). The matter concerns an act of Order - not of mere jurisdiction

- and of the greater or sacred Order. Considering the tenor of the canon, it seems to make no difference whether the act is placed solemnly or not, that is, with or without the insignia proper to the Order. Yet if it is placed solemnly, grave matter will more easily be had, which in the case, as in every irregularity from delict, is required. Now the following contract irregularity:

1. All, both clerics and laymen, who place an act of sacred Order while lacking the Order whose act they place; as if a simple priest were to ordain a cleric.
2. All, both clerics and laymen, who place an act of sacred Order from whose exercise they are prohibited by a canonical penalty, whether personal, medicinal or vindicative, or local; as if a priest were to celebrate in an interdicted place. But it is required that someone be impeded from the exercise of Order by force of a contracted penalty, not by a mere prohibition. Hence one who, for example, was ordained by a non-Catholic in good faith and exercises the Order without dispensation, is not irregular, although, until he has received dispensation, he is prohibited from the exercise of the Order so received.

Corollary I. The following are irregular: a priest who ministers Confirmation or performs consecrations, etc.; likewise a deacon who celebrates Mass, sacramentally absolves, or ministers Extreme Unction; likewise a subdeacon who solemnly baptizes or in solemn Mass, although without stole, acts as deacon or with stole sings the Gospel; likewise a minor cleric who in solemn Mass acts as subdeacon, that is, does all those things which are proper to the subdeacon, or with maniple sings the Epistle. But if he sings the Epistle without maniple, although he assists clothed in a tunic, yet not doing those things which are proper to the subdeacon, he does not contract irregularity, because such assistance was declared licit by the Sacred Congregation of Rites.¹ Three things are proper to the subdeacon: to pour water into the chalice before the offertory; to touch the chalice or remove and replace the pall; to wipe the chalice after the ablution.

Corollary II. The following are not irregular: a priest who hears confessions without jurisdiction, because he does not place an act of Order which he lacks; nor a priest who, lacking the required faculty, grants a dispensation, because he places an act of mere jurisdiction; nor a deacon who solemnly baptizes or distributes the Holy Eucharist without the required commission, because, since the Order of Diaconate is ordered in some way to the said acts, he does not place an act of Order which he lacks; nor a minor cleric who without the insignia proper to the Order exercises a higher minor Order, apart from the Exorcistate; nor, as is clear, an inferior cleric who in solemn Mass without maniple fulfills several parts of the subdeacon which, namely, are permitted to him; nor finally, as is likewise clear, a layman who exercises the Acolytate or Lectorate according to today's approved practice.

Note. The Sacred Consistorial Congregation, by the decree *Magni semper*,² established certain laws for priests emigrating from Europe or from the shores of the Mediterranean to America or the Philippine Islands. If they rashly violate these, according to n. 16 of the same decree they remain suspended from divine things by the fact itself; and by violating this censure they fall into irregularity, absolution from which is reserved to the same Sacred Congregation, that is, to the Holy See.³

¹ March 19, 1906 (A.S.S. XXXIX, p. 119).

² December 30, 1918.

³ Vermeersch-Creusen, *Epitome*, II, n. 258.

Article III. Impediments in Particular

638 The following are simply impeded:

I. Children of non-Catholics, so long as the parents remain in their error (canon 987, 1°).

1. By the name children are understood only descendants in the first degree; and this now also holds if the father is non-Catholic.¹
2. Under the name of non-Catholics come heretics and schismatics; most authors exclude unbelievers.
3. It suffices that either parent be non-Catholic, even if the mixed marriage was contracted with dispensation.²
4. The impediment ceases by the conversion of the parents. It is disputed whether it ceases by the death of the parents; but it seems to be denied, because that had no place in the old law, from which in doubt there must be no departure.

¹ Pontifical Commission, July 14, 1922 (A.A.S. 1922, p. 528).

² Pontifical Commission, October 16, 1919 (A.A.S. 1919, p. 478).

639 II. Men having a wife (canon 987, 2°). Without dispensation these cannot receive even a minor Order or tonsure itself, even if they are perpetually separated. But a married man who without apostolic dispensation has received major Orders, although in good faith, is prohibited from the exercise of those Orders (canon 132, § 3). Now:

1. A dispensation is not granted to a married man unless the wife consents and is prepared to enter religion or to emit a vow of chastity, at least for the time of the life of her consort, or unless the wife has perpetually lost the right to the conjugal debt.¹
2. A spouse who has received sacred Order is prohibited from the use of marriage (canon 1114).

¹ Ecclesiastical law, c. 4-6 X, 3, 32; Decree of Gratian, C. 27, q. 2, c. 19-26.

640 III. Those who hold an office or administration forbidden to clerics and for which they must render accounts, until, after the office and administration have been laid aside and the accounts rendered, they have become free (canon 987, 3°). Such an office is discharged, for example, by treasurers and depositaries of public money, notaries, tutors, curators (St. Alphonsus, III, 838). After an Order has been received, offices of this kind can be accepted only with the permission of the Ordinary (cf. canon 139, § 3).

641 IV. Slaves in slavery properly so called, before liberty has been accepted (canon 987, 4°).

V. Those who are bound by civil law to ordinary military service, before they have completed it (canon 987, 5°).

1. Those who by the law itself are called to care for the sick are not said to be bound to military service.
2. Annual exercises to which citizens are bound after ordinary service has been completed do not pertain to ordinary military service.¹

3. Those are also judged still bound by law to military service who perhaps will be called to military service, but are not yet called, either because they are unequal in age, or because they have been declared temporarily unfit.²

¹ Sacred Congregation of Religious, January 1, 1911 (A.A.S. 1911, p. 37).

² Pontifical Commission, June 2-3, 1918 (A.A.S. 1918, p. 344-345).

642 VI. Neophytes until, in the judgment of the Ordinary, they have been sufficiently proved (canon 987, 6°). Those are called neophytes who were converted to the faith in adult age and recently baptized; but not heretics recently converted to the faith who had at least probably been validly baptized. The establishment of this impediment corresponds to these words of St. Paul: "Therefore a Bishop must be... not a neophyte, lest, being lifted up into pride, he fall into the judgment of the devil."¹

¹ 1 Tim. 3:2-6.

643 VII. Those who labor under infamy of fact, while it endures, in the judgment of the Ordinary (canon 987, 7°). When infamy of fact is contracted, see in the treatise on ecclesiastical penalties (cf. canon 2293, § 3).

Article IV. Cessation of Irregularities and Impediments

Certain irregularities, for example that which arises from defect of body (n. 625), and likewise simple impediments, cease when the cause ceases. The irregularity which is from defect of birth ceases either by legitimation or by solemn religious profession (n. 624). But all irregularities and all simple impediments can cease through dispensation; about this more must be said.

644 I. Power of dispensing. 1. Ordinaries can by themselves or through another dispense their subjects from all irregularities arising from occult delict, excepting that which arises from voluntary homicide or abortion, or another brought to the judicial forum (canon 990, § 1). Now under the name of Ordinaries come both Ordinaries of places and major Superiors of an exempt clerical religion (canon 488, 8°). An irregularity is brought to the judicial forum when the party is either summoned to court or cited, or spontaneously presents himself before the judge (canon 1711).

2. Any confessor can dispense from irregularities arising from delict in more urgent occult cases - excepting, however, voluntary homicide or abortion and others brought to the judicial forum - in which the Ordinary cannot be approached and danger of grave harm or infamy threatens, but only for this purpose, that the penitent may licitly be able to exercise Orders already received (canon 990, § 2). Under the name of confessor comes everyone who enjoys sacramental jurisdiction. But he can dispense those to whom his jurisdiction extends, and this, as is now commonly admitted, even outside confession.

3. By common privilege: 1° Regular Prelates, with respect to their subjects, enjoy the same faculty which belongs to Bishops by common law, according to what was said under 1.¹ 2° Regular confessors possess a similar faculty with respect to seculars (St. Alphonsus, VI, 355; *De privilegiis*, n. 104).

4. By proper or communicated privilege, Regular Ordinaries can dispense all their own from every irregularity. This power, which is sometimes reserved to the Superior General, is valid only for the

internal forum alone, if the irregularity has arisen from voluntary homicide.² Indeed every year, on Monday after the first Sunday of Lent, local Superiors of Regulars, by themselves or through confessors to whom they have committed this, can dispense their subjects, even novices, living within the cloister under obedience, in every irregularity contracted on any occasion or from any cause.³ So Vermeersch-Creusen.⁴

Yet note that, if it is a question of enormous excess or defect, recourse must be had to the Holy See, according to the norm of the ancient law stating: In a general grant there do not "come those things which someone would not likely grant in particular."⁵

Note. The Sacred Consistorial Congregation, in the Decree *Redeuntibus*, established these things:

"1° To all Ordinaries of places and of religious there is granted the faculty of dispensing from irregularity from defect of body with their priests returning from military service, as often as from the written testimony of the master of ceremonies who has subjected the priest to examination it is plainly established that he can, without another's help, observe with decorum all the necessary rites prescribed in the celebration of Mass; the conscience of the same Ordinaries being burdened concerning this. But in graver or doubtful cases, and as often as it is a question of those not promoted to the priesthood, recourse must be had to the Holy See.

"2° Likewise to all Ordinaries there is granted the faculty of dispensing, at least for precaution, from the irregularity which formerly was called by canonists from defect of mildness, as often as priests, clerics, and students of seminaries or religious institutes have fallen into it not from their own act but from necessity, namely compelled to take up arms and perhaps to inflict death or mutilation. But as often as it is a question of clerics in sacred Orders who, not compelled by necessity of the laws, have offered themselves of their own accord to take up arms, or have taken them up, recourse must be had to the Holy See for dispensation, with the prescription of canon 188, n. 6° remaining firm."⁶

Finally the same Sacred Congregation responded affirmatively to the doubt: "Whether clerics in sacred Orders assigned to the assistance of wounded or sick soldiers, who from this ministry preferred of their own accord to pass over to fighting military service, yet without inflicting death or mutilation, are bound, according to the mind of the Decree *Redeuntibus*, to obtain a dispensation from the Holy See in order to be restored to the exercise of sacred ministry."⁷

Since it is not clear that a true irregularity is had in the foregoing, a dispensation is not required except for precaution; or, too, the word dispensation can be taken in a broader sense, namely for permission; and this permission is prescribed so that someone who perhaps became unworthy in war may not exercise ecclesiastical functions.

¹ Sixtus IV, Constitution *Regimini universalis*, August 31, 1474, n. 14; Julius II, Constitution *Virtute conspicuos*, July 28, 1506, n. 27; Paul III, Constitution *Licet debitum*, October 18, 1549, n. 27; Gregory XIV, Constitution *Illius qui*, September 21, 1591, n. 27; Leo XII, Constitution *Plura inter*, July 11, 1826, n. 2.

² Cf. Pius V, Constitution *Dum ad Congregationem*, June 13, 1571.

³ Cf. Paul III, Brief *Exponi nobis super*, March 12, 1545.

⁴ *Epitome Iuris Canonici*, II, 261.

⁵ Rule 81 in VI; cf. Clement IV, Constitution *Virtute conspicuos*, July 21, 1265, n. 11.

⁶ October 25, 1918 (A.A.S. 1918, p. 481).

⁷ March 28, 1919 (A.A.S. 1919, p. 177).

645 II. Petition for dispensation. In prayers for dispensation from irregularities and impediments, all irregularities and impediments must be indicated; indeed, if it is a question of irregularity from voluntary homicide, even the number of delicts must be expressed (canon 991). In the case in which recourse must be had to the Holy See, the prayers should be directed to the Congregation of the Holy Office, if it is a question of irregularities arising from delict against the Faith, against Baptism, against Matrimony, except the single case in which someone not yet a cleric attempted marriage with a woman joined in valid marriage, and against Order, if it is a question of those who have been dismissed by the Holy Office with a canonical penalty or censure and have violated it, or of the impediment of children born of non-Catholics and of neophytes. In other cases the prayers should be directed, for seculars, to the Congregation for the Discipline of the Sacraments; for religious, to the Sacred Congregation of Religious; but for all occult cases recourse can be had to the Sacred Penitentiary.

646 III. Interpretation of dispensation. 1. A general dispensation is valid - besides for the irregularities and impediments expressed - also for those concealed in good faith, with the exception of irregularity from voluntary homicide or abortion, from cooperation in the aforesaid, and from another brought to the judicial forum; there is also excepted the case in which a number of homicides lower than the number of delicts has been expressed, although in good faith. In this case the dispensation is altogether invalid, or effects nothing, whether it is a question of a general dispensation or of a particular one (canon 991, §§ 1 and 2).

2. A general dispensation for Orders is valid also for major Orders; and the dispensed person can obtain non-consistorial benefices, even with cure of souls,¹ but cannot be nominated Cardinal of the Holy Roman Church, Bishop, Abbot or Prelate nullius, or major Superior in an exempt clerical religion.

¹ Ecclesiastical benefices are called: 1° consistorial, those which are usually conferred in Consistory; the rest non-consistorial; 5° with cure of souls or without cure of souls, according as they have care of souls annexed or not (canon 1411, 1°, 5°).

647 IV. Manner of dispensing. A dispensation granted in the non-sacramental internal forum is to be committed to writing; and there must be a record of it in the secret book of the Curia (canon 991, § 4). For the rest, it does not matter in what form the dispensation is granted; therefore this or a similar form can be used: I dispense you in the irregularity, or irregularities, which you have contracted for this or that cause (St. Alphonsus, VII, 353).

Dissertation IV. On Those Things which Regard Both the Ministration and the Reception of Order

Following the Code, we shall treat first of those things which must precede sacred ordination, then of the rites and ceremonies, next of the time and place of sacred ordination, and finally of the notation and testimony of ordination performed.

Part I. On Those Things which Must Precede Ordination

In setting out those things which must precede ordination, account must be taken both of the Code and of the Instruction of the Sacred Congregation of the Sacraments¹ and of the Sacred Congregation of Religious.² The matters to be attended to regard the petition of the ordinand, inquiries, testimonies to be brought forward, examination, denunciations, and spiritual exercises.

¹ December 27, 1930 (A.A.S. 1931, p. 120 sq.).

² December 1, 1931 (A.A.S. 1932, p. 74 sq.).

648 I. Petition of the ordinand. All, both seculars and religious, who are to be promoted to Orders are to disclose their purpose before ordination at an opportune time, either personally or through others, to the Bishop or to another who in this matter acts in the place of the Bishop (canon 992); and these things are determined more fully in the cited Instructions as follows:

1. Secular ordinands:

a) As the time approaches in which candidates are going to receive first tonsure and minor Orders, they themselves are to present, at least two months beforehand, to the rector of the seminary a written petition, composed and signed by their own hand, in which they candidly signify that with a wholly free and spontaneous will they ask for first tonsure and afterward minor Orders. The said petition, to which there must be added an attestation concerning Baptism received and the sacrament of Confirmation received, is presented to the Bishop by the same rector of the Seminary, together with his personal information about the petitioner's suitability for the clerical state.

b) Before the Subdiaconate, likewise before the Diaconate and Presbyterate, they must write with their own hand a declaration, confirmed by oath, in which they acknowledge that they approach the Order with complete freedom and that they have duly considered all burdens annexed to it. The tenor of the declaration to be written and confirmed is found in A.A.S. 1931, p. 127.

2. Religious ordinands:

a) While they are still in the novitiate, before profession of temporary vows, which must altogether precede promotion to tonsure and minor Orders, they are to present to the Superior a written petition in which, in express words, they give testimony concerning their vocation to the religious and clerical state, and at the same time disclose a firm purpose of perpetually binding themselves to the clerical service in the religious state. The said petition and declaration are to be preserved in the archive.

b) Before the Subdiaconate, and in Orders of solemn vows before the emission of those vows, they must present to the Superior a testimony subscribed by their own hand and confirmed by the faith of an oath before the Superior; the tenor of the said testimony is found in A.A.S. 1932, p. 80.

649 II. Inquiries. 1. With respect to secular ordinands, the Instruction of the Sacred Congregation of the Sacraments prescribes:

a) Before the conferral of first tonsure and minor Orders, the Ordinary will remit the candidate's petition to the rector of the Seminary or to another, with a mandate of inquiring into the suitability and qualities of the petitioner. To this end, the rector will hear the prefects and teachers of the

students not only separately, but also convoked together. Furthermore, the pastor of the candidate and of his family should be heard; likewise others, if it is judged opportune, according to the norms added to the Instruction. Finally, the mind of the candidates must be explored individually by the proper Bishop or, if he is impeded, by the Vicar General, or by the rector of the Seminary, or even by those who are deputed to protect the discipline of the whole seminary.

b) Before the Subdiaconate a new investigation is to be instituted, which, however, taking account of the inquiry already previously instituted, is to inquire concerning the candidate's morals and his moral qualities.

c) Before the Diaconate and Presbyterate it is usually sufficient to keep before one's eyes the inquiries already performed, unless meanwhile new circumstances must be weighed which force one to doubt the sincere purpose of the candidate, or his moral suitability for observing the burdens and carrying out the obligations received with Sacred Orders. But if the Bishop, before someone is initiated to the Diaconate or to the priesthood, has as certain from the confessions of the one to be promoted or from other certain indications and proofs received, that he is truly destitute of a sacred vocation, he should not omit to approach the Holy See, candidly and plainly reporting the state of the matter, or the arguments by which a vehement doubt is fostered concerning the suitability of the subdeacon or deacon for bearing greater burdens worthily and faithfully. The matter is indeed of such great moment that the conscience of Ordinaries remains gravely burdened by this obligation, so that the danger may be removed of imposing hands on a deacon or priest who is unequal to sustaining the most grave burden of Sacred Orders.

2. With respect to religious ordinands the Sacred Congregation of Religious prescribes:

a) Before the minor Orders, the Superiors of religious are to institute an inquiry concerning each candidate, and are not to allow anyone to ascend to Orders so long as the requisites in the one to be promoted have not been established for them by careful scrutiny. In order to obtain this more certainly, they should seek the testimony of the Master of spirit and of others to whom, because of special frequency with the students, it has fallen to know well their life and morals. Concerning the inquiries made and the result of the scrutiny, a proper document is to be drawn up and preserved in the archive. Finally, the Superior himself, either by himself or through another endowed with knowledge and prudence and suited to gaining the confidence of the young men, should take care to question them, so that at last he may be made more certain that they freely and knowingly desire Orders in the religious state.

b) Before the Subdiaconate the Superiors must institute a new inquiry concerning the aforesaid. In order to accomplish this, they should again inspect the documents of the inquiry already performed and preserved in the archive, and compare new testimonies concerning morals and spiritual qualities with the old, so that they may well know how the young men have conducted themselves from first profession, both in religious discipline and in progress in clerical studies.

c) Before the Diaconate and Presbyterate there is no need to require such broad information and new testimonies; nevertheless Superiors should keep watch and see whether, in the interval from the conferral of one sacred Order to another, new things have happened which either disclose a doubtful vocation to the priesthood, or show none at all. In this case, after a very diligent investigation has been performed and the counsel of prudent men has been used, let them entirely forbid the reception

of the new Order, and report the matter to this Sacred Congregation, by which, for individual cases, what shall have seemed more opportune in the Lord will be decreed.

650 III. Testimonies to be brought forward. 1. Seculars or religious who, as pertains to ordination, are governed by the law of seculars, are to bring forward from canon 993:

a) The testimony of the last ordination, or, if it is a question of first tonsure, of Baptism and Confirmation received.

b) Testimony concerning studies completed, required for the individual Orders according to the norm of canon 976 (n. 615).

c) The testimony of the rector of the Seminary, or of the priest to whom the candidate was commended outside the Seminary, concerning the good morals of the same candidate.

d) Testimonial letters of the Ordinary of the place in which the one to be promoted has stayed 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 after puberty, and for others six months after puberty; but the ordaining Bishop, according to his prudence, can require testimonial letters even because of a shorter time of residence, and also because of time which preceded puberty. If the Ordinary of the place has not sufficiently known the one to be promoted either by himself or through others, so that he can testify that during the time in which he stayed 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 made by the one to be promoted. If after testimonial letters have been obtained and before the ordination has been performed, the one to be promoted has again stayed in the same territory for the aforesaid space of time, new testimonial letters of the Ordinary of the place are necessary (canon 994).

e) Testimonial letters of the religious major Superior, if the one to be promoted is enrolled in some religious institute.

2. Religious who are not governed by the law of seculars must likewise bring forward testimonial letters, namely dimissorial letters which also contain testimonies, according to these words of canon 995: "The religious Superior also, in his dimissorial letters, must testify not only that the one to be promoted has emitted religious profession and belongs to the family of the religious house subject to him, but also concerning studies completed and the other things required by law. The Bishop, after receiving these dimissorial letters, does not need other testimonial letters."

651 IV. Examination. 1. Each one to be promoted, whether secular or religious, must undergo a previous and diligent examination concerning the very Order to be received. But those to be promoted to sacred Orders are also to make trial in other treatises of sacred theology (canon 996, §§ 1 and 2).

2. It belongs to Bishops to establish by what method, before what examiners, and in what treatises of sacred theology those to be promoted must make trial (canon 996, § 3). Under the name of Bishops here also come an Abbot or Prelate nullius, a Vicar and Prefect Apostolic (canon 957, § 1).

3. This examination, whether for secular clerics or for religious, is received by the local Ordinary who ordains by proper right, or gives dimissorial letters; however, for a just cause, he can also commit it to the Bishop who is to ordain, if that Bishop is willing to undertake this burden (canon 997, § 1). But the Bishop who ordains another's subject, whether secular or religious, with legitimate dimissorial letters by which it is asserted that the candidate was examined according to the norm of § 1 and found suitable, can acquiesce in this attestation, but he is not bound to do so; and if according to his conscience he judges that the candidate is not suitable, he is not to promote him (canon 997, § 2). It is said:

a) For religious. Regulars are not excepted; but a privilege by which some are exempted from episcopal examination has remained intact.

b) Who ordains by proper right; namely, by force of canons 956, 957 (n. 601), and 965 (n. 602). The reception of the examination then also belongs to the Bishop of the diocese in which is situated the religious house to whose family the ordinand belongs, when it is a question of religious who can be dismissed by Superiors to any Bishop.

c) Or gives dimissorial letters: namely, according to canon 958 (n. 601); but not one who gives them by force of canon 964, 2° and 3°, because he does not come under the name of local Ordinary (canon 198, § 2).

d) But the Bishop, etc.; under which name here too come an Abbot or Prelate nullius, a Vicar and Prefect Apostolic (canons 215, § 2; 957, § 1).

652 V. Denunciations. 1. The names of those to be promoted to the individual sacred Orders, except religious of perpetual vows, whether solemn or simple, are to be publicly announced in the parochial church of each candidate (canon 998, § 1). But the publication is to be made on a feast day of precept in church during the solemnities of Masses, or on another day and hour when a greater attendance of the people is had in church (canon 998, § 2); but the Ordinary, according to his prudence, can both dispense from this publication for a just cause, and command that it be performed also in other churches, and substitute for the publication a public posting at the doors of the church for several days, among which at least one feast day is comprehended (canon 998, § 3). Now the parochial church is the parochial church of the parish in which the candidate has domicile or quasi-domicile, or, if he is a vagabond, actually stays. If someone has several proper parishes, publication is to be made in several parochial churches.

2. If within six months the candidate has not been promoted, the publication is to be repeated, unless something else seems right to the Ordinary (canon 998, § 2).

3. All the faithful are bound by obligation to reveal to the Ordinary or pastor before sacred ordination impediments to sacred Orders, if they know any (canon 999).

4. To the pastor who performs the publication, and also to another if this seems expedient, the Ordinary is to entrust the task of diligently inquiring from trustworthy persons concerning the morals and life of the ordinands, and of transmitting to the Curia testimonial letters referring to the investigation itself and the publication. The same Ordinary should not omit to make other inquiries, even private ones, if he has judged this necessary or opportune (canon 1000).

653 VI. Spiritual exercises. 1. Those who are to be promoted to first tonsure and minor Orders are to spend at least three entire days in spiritual exercises; but those who are to be promoted to sacred Orders, at least six entire days. But if some within a half-year are to be promoted to several major Orders, the Ordinary can reduce the time of exercises for ordination to the Diaconate, yet not below three entire days (canon 1001, § 1). If some receive major Orders at a short interval, spiritual exercises for six entire days are always to be set before the sacred Order which is first to be conferred; before the other Orders, at least one day, if this can be done.¹

2. If, after the exercises have been completed, sacred ordination is deferred beyond a half-year for any cause, the exercises are to be repeated; otherwise the Ordinary is to judge whether they are to be repeated or not (canon 1001, § 2). Ordinary is understood as the Ordinary of the place, and, if it is a question of an exempt clerical religious institute, the major Superior (canon 198).
3. Religious should perform these spiritual exercises in their own house or in another according to the prudent judgment of the Superior; seculars, however, in the Seminary or in another pious or religious house designated by the Bishop (canon 1001, § 3).
4. The Bishop is to be made certain of the spiritual exercises performed by testimony of the Superior of the house in which they were performed; or, if it is a question of religious, by attestation of the major Superior (canon 1001, § 4).

¹ Sacred Congregation for the Discipline of the Sacraments, April 27, 1928 (A.A.S. 1928, p. 359).

Part II. On the Rites and Ceremonies of Sacred Ordination

654 I. In conferring any Order whatever, the minister is to observe exactly the proper rites described in the Roman Pontifical or in other ritual books approved by the Church, which it is licit in no way to omit or invert (canon 1002).

II. The Mass of ordination or of episcopal consecration must always be celebrated by the minister of ordination or consecration himself (canon 1003).

III. If someone, already promoted to some Orders in the oriental rite, has obtained from the Apostolic See an indult for receiving higher Orders in the Latin rite, he must first receive in the Latin rite the Orders which he has not received in the oriental rite (canon 1004).

IV. New priests must recite the Mass together with the Bishop, beginning from the Oblation, or from the words *Suscipe Sancte Pater*. Those things which are sung by the Bishop are read by them.¹ Concerning the intention to be formed by them, see the treatise on the Holy Eucharist, n. 160.

V. All promoted to major Orders are bound by the obligation of receiving Holy Communion in the ordination Mass itself (canon 1005). Therefore those promoted to minor Orders are not bound by the obligation. For the rest, priests are certainly bound under grave obligation, since it is a question of completing the sacrifice by them; with respect to the others, the grave obligation is not sufficiently established (St. Alphonsus, VI, 801).

VI. The obedience which priests promise to the Bishop in ordination is understood as that which is owed according to the canons. Nevertheless, there remains for them the liberty of embracing the religious state, unless the Church would suffer grave detriment from the departure (St. Alphonsus, VI, 828),² or the ordinand, by institution of the Holy See, is bound by oath to devote his work to the good of his diocese or of the missions (canon 542, 1°).

VII. Finally, the minister of ordination at the end enjoins these things on the ordained: "Let each one promoted to first tonsure or to the four minor Orders say once the seven penitential psalms with the Litanies, versicles, and prayers. Those promoted to the Subdiaconate or Diaconate, the nocturn of that 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, and the third for the faithful departed." Now that by these words a true obligation is imposed seems to be deduced from the very tenor of the words and from the accurate assignment of the matter; but a grave obligation is not sufficiently signified (St. Alphonsus, VI, 829). For the rest, note:

1. By the Nocturn of that day is understood the single Nocturn of the feria or the first Nocturn of Sunday or of a feast, according as the ordination took place on a feria, feast, or Sunday; nevertheless the Bishop can also assign another Nocturn instead of the first.³ For the Nocturn the Psalms with antiphons suffice, without readings, invitatory, and hymn.⁴
2. The Masses to be said must be votive Masses, unless a feast of the Blessed Virgin Mary occurs or the Mass to be said is of the Holy Spirit. They must be said, moreover, as soon as it is licit for them to be said. But since only the quality of the Mass is prescribed, the application is free and therefore a stipend can be received for them (St. Alphonsus, VI, 829).

¹ Sacred Congregation of Rites, November 12, 1831, ad 11, n. 2682; September 20, 1749, n. 2404.

² Benedict XIV, Constitution *Ex quo dilectus*, January 14, 1747.

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

⁴ Sacred Congregation of Rites, July 10, 1893.

Part III. On the Time and Place of Sacred Ordination

655 I. Time. 1. Episcopal consecration must be conferred within the solemnities of Masses, on a Sunday or on the birthday of the Apostles (canon 1006, § 1).

2. 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 (canon 1006, § 2). Yet if a grave cause intervenes, the Bishop can have them also on any Sunday or feast day of precept (canon 1006, § 3). A feast day of precept is understood, whether local or universal, even if it is not in force in the place of ordination; suppressed feast days are excluded, since in reality they are not feast days of precept.
3. First tonsure can be conferred on any day and hour; minor Orders on individual Sundays and double feasts, yet in the morning (canon 1006, § 4).
4. A custom against the times of ordinations prescribed in the preceding paragraphs is reprov'd; and these are also to be observed when a Bishop of the Latin rite, by apostolic indult, ordains a cleric of an oriental rite, or conversely (canon 1006, § 5). Now Regulars enjoy, whether directly or by force of communication, the privilege of receiving Orders, even sacred Orders, outside the times established by law.¹

It is disputed, however, whether the privilege must be restricted to Sundays and feast days of precept, or can be extended to all days. Some teach that the privilege must be taken in the restricted sense, both because "in a general grant those things do not come which someone would not likely grant in particular";² and because from the responses of Sacred Congregations it is drawn that the words outside the times, where there is discussion of a faculty or indult, and therefore by parity of reason also where there is discussion of a privilege, must be taken in this sense: that nevertheless a Sunday or feast day of precept must be chosen,³ yet a revoked feast is not excluded.⁴ The said responses, as being particular and not published, indeed do not directly bind all others; nevertheless they seem to bind them indirectly, insofar as the sense of the privilege is drawn from them. Others judge that the privilege is extended to all days, since on the one hand the obvious sense of the words outside the times manifestly favors the more benign opinion, and on the other hand the sense of the privilege is not drawn with sufficient certainty from the said responses of the Sacred Congregations, which are particular and not published, nor expressly speak about privilege. While the doubt stands, since it is a question of a privilege, we adhere in practice to the more benign opinion (cf. canon 68).

It is further disputed what sort of feast days are understood if some privilege is expressly restricted to feast days. Some think that any double feast is also understood, both because days of this kind also come under the name feast in the Liturgy. But more probably only feast days of precept are understood, yet including revoked feasts. The reason is that only these are called feast days in Canon Law, as is drawn both from the Council of Trent⁵ and from several responses of Sacred Congregations⁶ (St. Alphonsus, VI, 797, dub. 4; *De privilegiis*, n. 116).

¹ Sixtus IV, Constitution *Sedes Apostolica*, February 1, 1476; Pius V, Constitution *Religionis zelus*, March 30, 1571.

² Rule of Law 81 in VI.

³ Cf. Gasparri, cited work, nn. 52 and 72.

⁴ Sacred Congregation of Rites, November 2, 1831; Sacred Congregation of Propaganda Fide, July 19, 1838 (*Collectio*, n. 873).

⁵ Session 24, cap. 1, *De reformatione*.

⁶ In *Nouvelle Revue Theologique* 1883, p. 387, 495; cf. Aertnys-Damen, II, 578, qu. 2°.

656 II. Place. 1. A Bishop outside his proper territory, without the permission of the Ordinary of the place, cannot confer Orders in whose conferral pontificals are exercised, with the prescription of canon 239, § 1, n. 15 remaining intact¹ (canon 1008). Now to exercise pontificals in law is to perform sacred functions which, from liturgical laws, require pontifical insignia, that is, the staff and miter (canon 337, § 3). But pontifical insignia are required in the conferral of first tonsure and minor Orders when they are conferred within the solemnities of Masses.

2. General ordinations are to be publicly celebrated in the cathedral church, the canons of the church being called and present; but if in another place of the diocese, the clergy of the place being present, the more worthy church, insofar as it can be done, should be approached. But the Bishop is not prohibited, if 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 (canon 1009, §§ 1 and 2). General ordinations are those which, for all suitable persons who desire to be ordained, take place at the times established by law, that is, on the Saturdays of the Four Times, on the Saturday before Passion Sunday, and on Holy Saturday (canon 1006, § 2); likewise, as some add, considering canon 1006, § 3, on any Sunday or feast day of precept.² Particular ordinations are those which are done outside the times established by law, or at least are not conferred for all suitable persons who desire to be ordained.

3. First tonsure and minor Orders can also be conferred in private oratories (canon 1009, § 3).

¹ Considering the cited canon, Cardinals enjoy the faculty of performing pontificals with throne and baldachin in all churches outside the City, after the Ordinary has been forewarned, if the church is a cathedral.

² Vermeersch-Creusen, *Epitome Iuris Canonici*, II, 270.

Part IV. On the Notation and Testimony of Ordination Performed

657 I. When the ordination has been completed, the names of the individual ordained persons and of the ordaining minister, the place and day of ordination, are to be noted in a special book, to be diligently kept in the Curia of the place of ordination, and all the documents of the individual ordinations are to be accurately preserved (canon 1010, § 1).

II. To each of the ordained there is to be given an authentic testimony of the ordination received; those who have been promoted by an outside Bishop with dimissorial letters are to show it to their proper Ordinary for the notation of the ordination in a special book to be preserved in the archive (canon 1010, § 2).

III. Furthermore, the local Ordinary, if it is a question of those ordained from the secular clergy, or the major Superior, if of religious ordained with his dimissorial letters, is to transmit notice of the celebrated ordination of each subdeacon to the pastor of baptism, who is to note it in his book of the baptized (canon 1011).

Scholion. On Penal Sanctions

658 The following are established:

I. With respect to the minister. They incur by the fact itself suspension for a year from conferral of Orders, reserved to the Apostolic See: 1° those who have ordained another's subject without the dimissorial letters of the proper Ordinary; 2° those who have ordained their own subject, who stayed elsewhere for so much time that he could have contracted a canonical impediment there, without due testimonial letters; 3° those who have promoted someone to major Orders without a canonical title; 4° those who, without prejudice to legitimate privilege, have promoted a religious belonging to a family which is outside the territory of the ordaining Bishop himself, even with dimissorial letters of the proper Superior, unless it has been legitimately proved that some one of the cases occurs of which in canon 966¹ (canon 2373).

II. With respect to the subject. 1. They contract by the fact itself suspension from divine things, reserved to the Apostolic See, who presume to receive Orders from one excommunicated, suspended, or interdicted after a declaratory or condemnatory sentence, or from a notorious apostate, heretic, or schismatic; but one who in good faith has been ordained by any of these persons lacks the exercise of the Order thus received until he is dispensed (canon 2372). Dispensation from this suspension must be sought from the Holy Office, but it is scarcely, or hardly at all, granted.

2. One who maliciously approaches Orders without letters, or with false dimissorial letters, or before the canonical age, or by leap, is by the fact itself suspended from the Order received; but one who does so without testimonial letters, or while held by some censure, irregularity, or other impediment, is to be punished with grave penalties according to the circumstances of things (canon 2374).

III. With respect to minister and subject. 1. A Bishop consecrating someone as Bishop, the assisting Bishops or, in place of Bishops, the assisting priests, and the one who receives consecration without an apostolic mandate, are suspended by the law itself until the Apostolic See has dispensed them (canon 2370).

2. All, even those increased with episcopal dignity, who knowingly have promoted to Orders through simony or have been promoted, or have ministered or received other sacraments, are suspected of heresy; clerics, furthermore, incur suspension reserved to the Apostolic See (canon 2371).

IV. With respect to others. 1. A Vicar Capitular granting dimissorial letters for ordination against the prescription of canon 958, § 1, n. 3,² by the fact itself lies under suspension from divine things (canon 2409).

2. Religious Superiors who, against the prescription of canons 965-967,³ have presumed to send their subjects to an outside Bishop to be ordained, are by the fact itself suspended for a month from the celebration of Mass (canon 2410).

¹ Cf. n. 602.

² Cf. n. 601.

³ Cf. n. 602.