TREATISE IX

**Holy Orders**

This treatise is divided into four chapters: 1. the nature of Orders; 2. the minister of Holy Orders; 3. the subject of Holy Orders; 4. irregularities and impediments. By this method we shall treat of these questions in such a way that sufficient matter will be at hand for the examinations prior to the reception of Orders.

**CHAPTER I. THE NATURE OF HOLY ORDERS**

Art. I. **Definition and Effects of Holy Orders**

**805.** DEFINITION. *The sacrament of Holy Orders is a sacrament of the New Law wherein certain spiritual powers are conferred together with the grace to perform ecclesiastical duties worthily.*

EXPLANATION. In a general sense Orders are defined by St. Thomas (following the definition proposed by Peter Abelard): "*a seal of the Church whereby spiritual power is granted to the ordinand."—Orders* may be understood inan *active* sense to refer to ordination, to the action which confers a spiritual power and institutes a hierarchy of different grades; it may also be understood in a *passive* sense to refer to the actual power itself conferred in ordination and to the resultant hierarchy.

Orders understood in its active sense is a true sacrament, and accordingly it has been defined by the Council of Trent, sess. 23, c. 3: "If anyone shall say that Orders or sacred Ordination is not truly and properly a sacrament instituted by Christ. . . A.S."

NUMBER. In the Latin Church there are seven Orders in addition to the episcopate: four minor Orders of doorkeeper, lector, exorcist, and acolyte; three major Orders of subdiaconate, diaconate, and priesthood. In the Oriental Church only four Orders are expressly admitted: the Orders of lector, subdiaconate, diaconate, and priesthood; but the three Orders omitted seem to be conferred with the others—that is to say, the offices of lector and acolyte with the subdiaconate, the office of exorcist with the diaconate.—The clerical tonsure whereby a lay person is raised to the office of cleric is neither an Order nor a sacrament, but a sacramental.

**806.** Three CONTROVERSIAL points should be noted briefly:

1. *Do the.four minor Orders and the subdiaconate have the character of a true sacrament?* The older theologians, e.g. St. Albert the Great, St. Thomas, St. Bonaventure, Paludanus, Scotus, replied inthe affirmative; recent theologians commonly reply inthe negative. Neither opinion is certain.

1. *Is the episcopate an Order essentially distinct from the priesthood or merely its fulfilment?* While the older theologians were inclined to regard the episcopate as the fulfilment of the priesthood, recent theologians tend to regard it as a distinct Order. Again, neither opinion is certain.
2. *Is the episcopate received validly by one whose priesthood was invalid?* The negative opinion seems preferable and is the one to be followed in practice.

**807.** THE GENERAL EFFECTS OF THE SACRAMENT OF HOLY ORDERS are four in number.

Orders (at least major Orders)

1. produce *an increase of sanctifying grace and their proper sacramental grace*

1. imprint an indelible *character ;*
2. confer *a spiritual power* which is related in varying degrees to the Holy Eucharist;

cause the ecclesiastical *hierarchy* to continue.

**808*.***THE EFFECTS OF THE INDIVIDUAL ORDERS.

1. The office of *doorkeeper* confers the power *ex officio of* opening and closing the doors *of* the church, admitting the worthy and excluding the unworthy.

2. The office *of lector* confers the power *ex officio* ofreading the Psalms and lessons in the church, catechizing and instructing the people in the rudiments ofthe Faith, blessing bread and the new fruits.

1. The office *of exorcist* confers the power *ex officio*ofexpelling the devils from those possessed. However according to the present discipline of the Church this power is not to be exercised (at least publicly) without the explicit permission ofthe Ordinary (c. 1151)*.*
2. The office *of acolyte* confers the power *ex officio* ofassisting the sub-deacon at a Solemn Mass, carrying the cruets to the altar, and lighting the candles.
3. The *subdiaconate* confers the power ofpreparing the matter for con­secration in their sacred vessels, serving at a solemn Mass, singing the Epistle, washing corporals, purificators and palls after they have been used.
4. The *diaconate* confers the power of assisting the priest immediately at a solemn Mass, singing the Gospel, and preaching with the permission of the local Ordinary. The conditions required in order that a deacon may administer solemn Baptism and distribute Holy Communion have been set forth already in nn. 580and 600.
5. The *priesthood* confers the power of consecrating the Body and Blood of Jesus Christ, the power to remit sins, to nourish his subjects by deed and doctrine, to administer the other sacraments which do not demand the episcopal character.
6. The *episcopate* confers the power ofadministering the sacraments ofConfirmation and Holy Orders, performing many sacramentals, e.g. consecration, ruling those persons legitimately subject to him.

SCHOLIUM. EFFECTS OF THE FIRST TONSURE. Although the first clerical tonsure is not an Order, as wehave noted already, it disposes a person for the reception of Order and enjoys the following effects:

1. it transfers the recipient into the clerical state and incardinates hitn into a diocese (cc. 108 and 111, § 2);

2. it confers on him the so-called clerical privileges: privilegia fori, canons, immunitatis, competentiae (c. 120 sq.);

3. it makes the recipient fitted for the reception of Orders, ecclesiastical benefices and pensions, and also for the exercise of the power of juris­diction.

Art. 2. **The Matter and Form of Holy Orders**

**809.** MATTER AND FORM OF THE MINOR ORDERS.

*The remote matter* are the symbols proper to each of the Orders, namely for the office of *doorkeeper,* the keys; for the office of *lector,* the book of lessons (Missal or breviary or bible); for the office of *exorcist,* the book of exorcisms (Ritual, Pontifical, Missal); for the office of *acolyte,* a candlestick with unlighted candle, and empty cruets.

*The proximate matter* consists in handing over these symbols. The *form* comprises those words spoken by the bishop as he hands over the various instruments to the ordinands; for the Order of *doorkeeper: “*Sicagite, quasi reddituri Deo rationem pro iis rebus, quae his clavibus recluduntur"; for the Order of *lector: "*Accipite et estote verbi Dei relatores, habituri, si fideliter et utilizer impleveritis officium vestrum, partem cum iis, qui verbum Dei bene administraverunt A initio”; for the Order of *exorcist :*"Accipite et commenclate memoriae et habete potestatem imponendi manus super energumenos sive baptizatos sive catcehumenos”; for the Order of *acolyte:* “Accipite ceroferarium cum cereo, et sciatis vos ad accedenda ecclesiae luminaria mancipari in nomine Domini. R. Amen," and (in handing over the cruets): “Accipite urceolum ad suggerendum vinum et aquam in eucharistiam sanguinis Christi in nomine Domini. R. Amen."

**810.** MATTER AND FORM OF THE MAJOR ORDERS.

In the *subdiacmate* there is a twofold remote and proximate matter, similarly a double form: 1. the handing of the empty chalice with a paten placed upon it, which each of the ordinands must touch with their right hand, while the bishop pronounces the form: "Videte, cujus ministerium vobis traditur; ideo vos admoneo, ut ita vos exhibeatis, ut Deo placere possitis"; 2. the handing of the book of the Epistles (Missal, or Bible) which each of the ordinands must touch, while the bishop pronounces the form: "Accipite librum epistolarum, et habete potestatem legendi eas in Ecclesia sancta Dei, tam pro vivis quam pro defunctis, in nomine Patris et Filii et Spiritus Sancti. R. Amen.”

In the *diaconate, priesthood* and *episcopacy,* the matter and form, formerly disputed, are now certain, as a result of the decree in the Apostolic Constitution *Sacramentum Ordinis of* Pope Pius XII, Nov.30, 1947, AAS 40-45.For all these Orders the matter is the imposition of hands. The form is the words which determine the application ofthe matter, which univocally signify the sacramental effects, viz., the power of Order and the grace of the Holy Ghost, and which are accepted and used by the Church in that sense. In the diaconate the matter is the one imposition of the hand of the Bishop. The form considts of the words of the *Preface,* of which the following are essential and therefore required for validity: "*Emitte ineum, quaesumus, Domine, Spiritum Sanctum, quo in opus ministerii tui fideliter exsequendi septiformis gratiae tuae munere roboretur."* In the priesthood the matter is the first imposition of hands of the Bishop which is done in silence, but not the continuation of the same imposition through the extension of the right hand, nor the last imposition to which are attached the words: “*Accipe Spiritum Sanctum: quorum remiseris peccata, etc."* The form consists of the words of the *Preface,* of which the following are essential and therefore required for validity: "*Da, quaesumus, onmipotens Pater, in hunc famulum tuum Presbyterii dignitatem; innova in visceribus ejus Spiritum sanctitatis, ut acceptum a Te, Deus, secundi meriti munus obtineat censuramque morum exemplo suae conversationis insinuet."* In the episcopate the matter is the imposition of hands which is done by the Bishop consecrator. The form consists of the words of the *Preface,* of which the following are essential and therefore required for validity: "*Comple in Sacerdote tuo ministerii tui summam, et ornamentis totius glorificationis instructum coelestis unguenti rore sanctifica."*

**811.** SCHOLIUM. SUPPLYING DEFECTS WHICH OCCUR DURING ORDINATION.

If any defect occurred in the conferring of anOrder (even of a minor Order) which was *certainly* not accidental, the entire ordination must be repeated at least conditionally. In practice, recourse should be made to the Holy Office when there is doubt whether some essential part of the rite has been omitted.

CHAPTER II. THE MINISTER OF HOLY ORDERS

I. The Minister of Valid Ordination

**812.** *a)* The *ordinary* minister is every consecrated bishop and no one else (Council of Trent, sess. 23, c. 7). Therefore even a schismatic bishop or one who has been degraded or one who has been declared irregular, etc. may ordain validly, provided that his own consecration was valid and that he uses the essential matter and form.

*b)* The *extraordinary* minister for conferring the tonsure and minor Orders is a priest who, although not possessing episcopal consecration, has received either by law or by a special indult of the Holy See the power to confer these Orders (c. 951).

*By law* this power has been conferred on:

1. Cardinals (c. 239, § 1*,* n. 22);
2. Vicars and Prefects Apostolic, Abbots and Prelates nullius, but only during their term of office and within their own territory (c. 957, § 2);
3. the regular Abbot in charge of a monastery, even without a territory nullius, to confer tonsure and minor Orders on those candidates who are his subjects by virtue of at least simple profession (c. 964, n. 1).

**II. The Minister of Lawful Ordination**

**813.** 3. *a) Episcopal consecration* is reserved to the Roman Pontiff or a bishop with a special mandate from the Pope (c.953).

*b) For the lawful administration of other Orders* the minister is the proper bishop or his delegate, but the extraordinary ministers of Orders already mentioned may confer the first tonsure and minor Orders without delegation from the bishop.

**814.** A bishop is regarded as being the PROPER bishop of the ordinand from one of the following titles *(tituli competentiae)—the* former titles of benefice and familiarity are no longer valid.

1. The title of *domicile and place of birth* exists when the candidate has a genuine domicile and place of birth in the diocese of the ordaining bishop.

2. The title of *domicile alone* suffices, but in such a case the candidate must take an oath to remain permanently in the diocese, except in three cases: when the cleric has already been incardinated into the diocese by the first tonsure, or when the candidate is destined for another diocese, or when the ordinand is a religious (c.956). [The proper bishop for ordination is also: 3.the bishop of the diocese into which the cleric is incardinated by the first tonsure. If a lay-person receives the tonsure from his own bishop for service elsewhere with the permission of the bishop of the latter diocese, he is incardinated into this diocese, according to c. III, § 2. The bishop of the diocese for service in which the cleric received the first tonsure from his own bishop has the power and exclusive right of con­ferring Orders or granting dimissorial letters in accordance with c. 955, § 1, even though the cleric has not yet acquired a domicile in that diocese (P.C.C.J. July 24, 1939. Act. Ap. Sed.XXXI, 321).]

*Religious* are considered to possess a domicile in that diocese in which their religious house is situated of which the ordinand is a member; consequently it is the bishop of that diocese who is their proper bishop for the purposes of ordination, and it is to him that the religious superior must send the dimissorial letters (c. 965). There are only five cases when the superior may send the ordinands and the dimissorial letters to another bishop: 1. if the bishop of the diocese gives permission; 2. if the bishop should be of a different Rite from that of the religious; 3. if he is absent; 4.if the bishop will not hold ordinations on the next ordination days; 5. if the see is vacant and the person in charge has no episcopal consecration. But it is essential that in each of the cases mentioned the ordaining bishop must have an authentic statement from the episcopal Curia giving the reason why the religious may be ordained outside the diocese.

Religious superiors are forbidden to send their candidates for ordination to another house of their Institute, thus *defrauding* the bishop of the diocese of his right, or to defer intentionally the sending of dimissorial letters until such time when the bishop will be absent or will confer no ordination (c. 967).

**815.** A bishop is lawfully DELEGATED to confer Orders if the *dimissorial letters* have been sent to him. The following persons are empowered to grant such letters:

1. *for seculars and religious who are not exempt:* the proper bishop after he has taken lawful possession of his diocese, even though not yet consecrated; the vicar general, by special mandate of the bishop; the vicar capitular with the consent of the Chapter and after the see has been vacant for one year; the vicar capitular even during the first year of the see's vacancy for those clerics who are styled "arctati”; vicars apostolic, prefects apostolic, abbots and prelates nullius (c.958);
2. *for exempt religious :* the major religious superior who must also give dimissorial letters to his subjects who are to be ordained by the proper bishop, in accordance with what has been said above; but to those subjects who have not yet made their perpetual profession he cannot grant such letters except for the reception of the first tonsure and the minor Orders (c. 964, nn. 3and 4).

In addition to these dimissorial letters there are further required tes­timonial letters, of which weshall speak below, n. 817

CHAPTER III. THE SUBJECT OF HOLY ORDERS

INTRODUCTION. On the part of the candidate to be ordained certain conditions are required for *valid* ordination, others for *lawful* ordination. For *valid* ordination the ordinand must be a baptized male person, with at least the habitual intention to receive Orders. Nothing further need be said regarding these conditions, since they are sufficiently clear in themselves. For *lawful* ordination *divine law* requires a vocation by God, a right intention, the state of grace, and probity of life ; *ecclesiastical* law demands the fulfilment of other conditions, each of which will be con­sidered below (cf. c. 968, § 1).

Art. I. **Conditions Required by Divine Law**

**816.** 1. A *divine vocation* is absolutely necessary for the lawful reception of Orders. St. Paul says when speaking of the priesthood: "His vocation conies from God as Aaron's did; nobody can take on himself such a privilege as this" (Heb. v, 4).

Such a vocation is necessary since a priest is the mediator between God and man and the dispenser of God's mysteries. But no one can lawfully assume the office of mediator or dispenser unless asked to do so by the parties concerned.

THE SIGNS OF A VOCATION are: *a)* a *right intention,* whereby one does not look for temporal advancement through the priesthood, but simply for God's honour and the salvation of one's own and the neighbour's soul; *b) ability to undertake ecclesiastical tasks,* which demand knowledge, good health, *etc.; c) well-tried virtue and perseverance in grace,* and therefore it is not sufficient that the ordinand be absolved from grave sins after expressing sincere contrition, but he must give proof of long practice of virtue so as to provide moral certainty that his future life will pursue the same course of virtue; *d) vocation by the legitimate ecclesiastical superior,* and therefore the Roman Catechism states aptly: "those are said to be called by God who are called by the legitimate ministers of the Church

(P. 2, c.7, q. 3; cf. c.970, and Lahitton, La vocation sacerdotale).

1. The *right intention* which is demanded must center on the honour of God and the spiritual welfare of men, as stated already.
2. *A state of grace and probity of life* are required under pain of grave sin. The sacrament of Holy Orders is a sacrament of the living, and the Council of Trent issues this warning : " Bishops must realize that they should not raise anyone . . . to these Orders, but only those who are worthy and whose upright life has been in evidence for some time." (Sess. 23, s. 12, de reform.) [A new Instruction of the highest importance was issued by the Sacred Con­gregation of the Sacraments (Dec. 27, 1930)to local Ordinaries regarding the examination of candidates before they are promoted to Orders. A similar Instruction was issued by the Sacred Congregation of Religious (Dec. 1, 1931) to Superiors of clerical Religious Institutes and Societies (Act. Ap. Sed. XXIII, 120 sqq., and XXIV,74 sqq.).]

Art. 2. **Conditions Required by Ecclesiastical Law**

By ecclesiastical law it is required that the ordinand: 1. possess testimonial letters; 2. be of canonical age; 3. possess the requisite knowledge; 4. undergo an examination; 5. make a retreat; 6. observe the intervals between successive Orders; 7. possess a canonical title, for the reception of major Orders; 8. be free from all irregularity and impediment.

**817.** I. TESTIMONIAL LETTERS.

I)Those ordained for the *secular* priesthood (and also religious who are not exempt) must provide the following documents (c. 993 sq.):

1. a certificate of their last ordination, or, if they are to receive the first tonsure, their Baptismal and Confirmation certificates;
2. the certificate of the studies required for the various Orders;
3. a testimonial to their good moral character from the rector of the seminary or of the priest in charge of those who do not board in the seminary;
4. testimonials from every Ordinary in whose diocese the ordinand has resided for such a length of time that he could contract a canonical impediment. This period is considered to be three months in the case of soldiers, six months after puberty in other cases, unless for the sake of prudence the ordaining bishop should decide on a shorter period in an individual case. If the candidate has spent some time in several dioceses so that it would be almost impossible or at least extremely difficult to obtain testimonial letters from all, or if the candidate is not sufficiently well known to the local Ordinary to enable him to testify that the ordinand has not contracted any canonical impediment, the Ordinary may take the testimony of the candidate on oath regarding his freedom.

2) *Exempt religious* who are to be ordained must bring a testimonial letter from their own major superior in which he testifies that the candidate has made his religious profession and is a member of the community in the diocese, that he has completed the necessary studies and has satisfied everything else required by law (c. 995, § I). An example of these testimonial letters can be found in the appendix of the author's Man. iur. can.

**818.** 2. THE CANONICAL AGE.

*For the reception of the tonsure and the minor Orders* the law does not state any exact age, but since they cannot be received before the student has commenced his theological course (c.976), in practice these Orders will not be conferred in normal circumstances before the age of 18. *For the subdiaconate* the candidate must have completed his twenty-first year, *for the diaconate* his twenty-second year, and *the priesthood* his twenty-fourth year *(c.* 975).

*The episcopate* may not be conferred on anyone until he has completed his thirtieth year of age (c.331, § 1).

**819.** 3. THE REQUISITE KNOWLEDGE.

No one may receive *the first tonsure or minor Orders* before completing his course of philosophy and commencing his theological course.

*The subdiaconate is* not to be conferred until almost the end of the third year of the candidate's theological course.

*The diaconate is* not to be conferred until the fourth year is commenced.

*The priesthood* may not be conferred until after the first half of the fourth year of the theological course.

The theological course must be followed in schools properly constituted for this purpose and not in private (c.976).

*The episcopate* may not be conferred on anyone who does possess a doctorate or is not at least well-versed in theology or canon law (c.331, § 1, n. 5).

**820.** 4. THE EXAMINATION FOR ORDERS.

Candidates for the secular priesthood, and also religious, must undergo prior to the reception of Orders a careful examination *regarding the Order which they are about to receive.* Those who are to receive *major* Orders must also be examined insome treatise of theology. The bishop has the right to determine the method of examination, the examiners themselves, and the subject-matter in which all candidates (even exempt Religious) are to be examined (c. 996). However he may—without being under any obligation—accept the testimony given that the candidate has already undergone a suitable examination elsewhere.

Not only the testimonial letters mentioned above but also the *publication* of the names of the candidates for Orders relate insome way to the examination of these candidates. The names of the candidates for major Orders, with the exception of religious who have taken perpetual vows, should be publicly announced in the parishes to which the candidates belong; but the Ordinary may for good reasons dispense with the publication, or he may demand that their names be published also in other churches, or that in place of such an announcement the names be posted at the door of the church for several days, including at least one Sunday or holiday of obligation. All the faithful are obliged to reveal to the Ordinary or parish priest any impediment they may know of concerning the candidate (c. 998 sqq.).

**821.** 5.SPIRITUAL EXERCISES.

Every candidate for Orders must make a retreat prior to ordination in some religious or pious house specified by the Ordinary, and they must present to the ordaining bishop a statement that they have duly com­pleted the exercises. If after the end of the retreat ordination is delayed for any reason *for more than six months,* the retreat must be madeagain; inshorter delays the Ordinary shall decide whether it should be repeated or not (c. 1001).

Candidates for the first tonsure and for minor Orders shall make *at least three full days of retreat.*

Candidates for major Orders are to spend *at least six full days* in retreat. If a candidate receives several major Orders within six months, the bishop or major religious superior can reduce the days of retreat *for the diaconate* tonot less than three days (ibid).

**822.** 6. INTERVALS BETWEEN SUCCESSIVE ORDERS.

The "interstices" are the intervals which must exist between the reception of successive Orders to allow time for the ordinand to exercise the Order received and to prepare himself fittingly for the higher Order. The Code of Canon law modified former practice and has laid down the following in c. 978.

1. The interval between the first tonsure and the first minor Order, as well as the intervals between the various minor Orders, are left tothe prudent judgement of the bishop, but he may not confer the tonsure and the first minor Order, or all minor Orders, on the same day. How­ever the immemorial custom existing in some countries of conferring the tonsure and the minor Orders on the same day may becontinued if there is a reasonable cause.
2. Between the last minor Order and the subdiaconate there must be an interval of one year.
3. Between the various major Orders there must be an interval of three months.

A bishop may dispense from these canonical intervals, if necessity or the utility of the Church require it, but he is not permitted to confer the minor Orders and the subdiaconate, or two major Orders, on the same day.

Major superiors of religious Orders (and all who share their privileges) may likewise dispense their subjects from these intervals (cf. Leo XII, Const. " Plura inter," July 11, 1826).

**823.**7. CANONICAL TITLES.

Since every cleric in major Orders must devote all his services to the Church and is not permitted to engage in any secular business, it is necessary that lawful provision be made for his sufficient and suitable support during his lifetime (the so-called "titulus sustentationis"). In the present discipline of the Church common law admits the following canonical titles.

1) *For secular clerics* (and religious who are not exempt or who do not possess perpetual vows):

1. *the title of benefice,* which is the peaceful possession of a sufficient ecclesiastical benefice. Since this title is frequently lacking, there is also permitted:
2. *the title of a patrimony,* which consists in the possession of personal goods by which the cleric may live fittingly. The amount of such goods which would be considered sufficient must be determined by the Ordinary;
3. *the title of a pension* which is in the nature of a gift (from the Church or State). If the cleric possesses neither the title of a patrimony nor that of a pension, there is allowed
4. *the title of service of the diocese* (or, in territories subject to Propaganda, *the title of service of the mission).* In such cases the candidate must promise under oath to serve the diocese or the mission forever. The Ordinary must give to one so ordained a benefice or office sufficient to provide suitable maintenance (c. 981).

If a cleric in major Orders loses his title, he must procure another for himself, unless in the judgement of the bishop adequate provision can be made for his maintenance in some other way. A bishop who (apart from an Apostolic indult) knowingly ordains or allows to be ordained to major Orders one of his subjects without a canonical title must assume obligation for himself and for his successors to provide the needy cleric with his essential sustenance, until other provision is made for his adequate maintenance; if the bishop ordains such a person onthe understanding that the one ordained will not ask him for support, such an agreement is null and void (c. 980).

1. *For regulars who are solemnly professed the canonical title is that of poverty or solemn religious profession;*
2. *For religious with perpetual simple vows the title is that of common board* or *congregation, or a similar one, according to their constitutions.*

8. FREEDOM FROM IRREGULARITIES AND IMPEDIMENTS is required in the candidate for ordination; this will be discussed in the following chapter.

CHAPTER IV. IRREGULARITIES AND IMPEDIMENTS

Since this chapter covers a wide field, we shall consider: 1. irregularities in general; 2. individual irregularities; 3. impediments to ordination.

Art. I. **Irregularities in General**

**824.** DEFINITION. *An irregularity is animpediment of its nature perpetual, constituted by the law of the Church, which prevents primarily the reception of Orders, secondarily their exercise.*

EXPLANATION.

1. *An impediment of its nature perpetual:* because irregularity is not a punishment or a censure but a form of unworthiness which does not make him incapable of receiving or exercising orders but renders him permanently unsuitable. Irregularities arc therefore distinct from temporary impediments.

1. *Constituted by the law of the Church:* thus, irregularity is not inflicted *by a superior,* and it cannot be contracted unless it is expressly contained in the new Code (c. 983).
2. *Which prevents primarily the reception of Orders, secondarily their exercise:* these are the effects of irregularity, which does not invalidate but *prevents* the reception of an Order (even the first tonsure) and the exercise of any Orders already received (c. 968, # 2).

KINDS.

1. Irregularity may arise *front defect* or *from delinquency.* The former takes its origin in the lack of some quality of which the can­didate is ignorant; the latter arises from a grave personal delinquency which is external and completed and committed since Baptism.

2. Irregularity is either *total* or *partial,* depending on whether it prevents the reception and exercise of all Orders, or *a)* advancement to a higher Order, or *b)* the partial exercise of a specified Order. Thus, for example, a priest who possesses only one hand contracts anirregularity which prevents the celebration of Mass but not the hearing of confessions.

**825.** CONDITIONS REQUIRED FOR CONTRACTING IRREGULARITY. It is necessary that the action responsible for irregularity be:‑-

1. *certain.* A doubtful irregularity is no irregularity; however if there is some doubt regarding the existence of a physical defect, such as epilepsy, it is the duty of the Ordinary to resolve the doubt and then dispense (cf. c. 15).
2. *a grievous, external sin, complete, committed since Baptism;* otherwise it is impossible to contract an irregularity from delinquency. Therefore anything which excuses from grave sin, e.g. parvity of matter, lack of advertence, good faith, excuses likewise from irregularity. If an adult allows himself to be baptized by a non-Catholic when there was no extreme necessity, the delinquency is committed both prior to and during the administration of Baptism, but nevertheless he incurs irregularity (cf. n. 831, 2).

NOTE.

1. *Ignorance* of irregularities (whether from defect or from delinquency) and impediments is not admitted as an excuse (c. 988). Consequently the more lenient opinion of many authors must now be rejected

1. Every irregularity is incurred ipso facto and thus no declaratory judgement is required.
2. Irregularities and impediments are multiplied if their sourcesare *different,* but not by a repetition of the same cause, except in the case of irregularity arising from voluntary homicide (c. 989). Thus, for example, an excommunicated priest who celebrates Mass five times incurs irregularity once only; but anyone procuring five abortions incurs irregularity five times, and an excommunicated priest who celebrates Mass on several occasions and hears several confessions and procures one abortion incurs two irregularities—one from abuse of the sacrament, and the second from murder.

**826.** DISPENSATION. Lawful dispensation is normally the only way in which an irregularity can be removed (however, cf. what is said below regarding irregularity arising from illegitimacy and from physical defect).

The following persons enjoy the power to dispense from irregularity.

1. *The Pope is* able to dispense in all irregularities; these are dispensed in the external forum by the Congregation of the Sacraments, in the internal forum by the Sacred Penitentiary.

1. The *Ordinary* (the bishop or major religious superior of an exempt clerical order) may dispense his subjects either personally or through his delegate *a)* inall irregularities from which the Holy See usually dispenses, if there is some *doubt* regarding their existence (c. 15); *b)* in irregularities arising *from occult delinquency,* except those incurred by deliberate homicide or effective abortions, and other crimes brought before the ecclesiastical court (c. 990, § i).
2. Any *confessor* may dispense from irregularities which prevent the *exercise* of Orders already received (but not from those which prevent the reception of Orders) in those cases in which the Ordinary has the power to dispense, provided that it is a *more urgent* occult case when recourse to the Ordinary is impossible and there is imminent danger of great harm or infamy (ibid. § 2). Although the confessor has no power to dispense in the irregularity arising from effective abortion, nevertheless if the penitent would suffer grave defamation if he ceased to exercise the Order already received, there is nothing to prevent the confessor making use of epikeia, but a dispensation must be obtained afterwards. No positive law is binding when there is grave incon­venience.

**827.**NOTE.

1. Privileges granted to certain religious superiors and confessors have not been revoked. Cf. the author's Man. iur. can. q. 245.

1. In the petition for dispensation from irregularities (or impediments) all irregularities and impediments must be specified; otherwise a *general* dispensation will be valid for irregularities concealed *ingood faith* (except those irregularities previously mentioned from which neither the Ordinary nor the confessor have power to absolve), but it will not be valid for those concealed *in bad faith* (c. 991,§ 1).
2. If there is a question of voluntary homicide the number of crimes must be stated under pain of invalidity (ibid. § 2).
3. A *general* dispensation for the reception of Orders is valid also for major Orders, and the person dispensed can obtain non-consistorial benefices, even those to which the care of souls is attached (e.g. a parish), but without a new dispensation he cannot be made a Cardinal, bishop, abbot or prelate nullius, nor major superior in a clerical exempt order (ibid. § 3).
4. A dispensation given in the internal, extra-sacramental forum must be given inwriting, and note of it must be made in the secret records of the Curia (ibid. § 4).

Art. 2. **Particular Kinds of Irregularity**§ **1. Irregularities** **Due to Defect**

**828.** *Irregularities due to defect* are seven in number :

1. *Illegitimacy,* whether public or occult, unless the illegitimate has been legitimized or has made solemn profession (c.984, n. 1).

Illegitimacy is considered a bar to the clerical state, since such persons bear the stigma of their parents and in many cases they imitate their unchaste conduct. Legitimate children are those *conceived or born in true or at least putative wedlock,* unless at the time of conception the parents were forbidden the use of marriage previously contracted by reason of solemn profession or reception of major Orders (c. 1114). Children who are born at least six months after the date of marriage or within ten months from the dissolution of conjugal life are presumed legitimate *(c.* 1115, § 2). Similarly inaccordance with the principle: "The father of a child is considered he who appears to be such by lawful marriage" : children born during wedlock are presumed legitimate, even though they may be born of an adulterous union, unless there are *evident* signs to the contrary (ibid. § 1).

This irregularity *ceases a)* by legitimate dispensation, *b)* by legitimization through a subsequent marriage (c. 1116 sq.), but only natural children of the parents may be legitimized in this way; *c)* by solemn religious profession.

**829.** 2. *Bodily defects* which prevent the ministry of the altar being exercised either safely because of weakness or fittingly because of deformity (c. 984, n. 2). A more serious defect is necessary to prevent the exercise of an Order already received lawfully, nor would any defect be an obstacle to the exercise of those acts which can be performed properly.

Such defects would be:

1. *mutilation,* such as the loss of a foot or a hand or a thumb or a forefinger or anything which would prevent a person from breaking the host properly with the thumb and forefinger.
2. *weakness,* such as blindness, dumbness, excessive stammering, lameness which prevents a person standing at the altar without the aid of a stick, paralysis.
3. *deformity,* which causes a person to suffer from a form of external affliction which can be seen easily and gives rise to ridicule or abhorrence, e.g. those who have nonose, those who are genuine dwarfs or giants, those who are excessively hunchbacked. If the deformity is not serious, irregularity is not incurred, e.g. if a person is blind in one eye, or squints, or is slightly lame, etc. It is the duty of the Ordinary to pass judgement in such cases. Cf. n. 826 (2).

**830.**3. *Mental defects,* such as epilepsy, insanity, diabolical possession, whether past or present. If these defects were contracted after the reception of Orders and are now known beyond doubt to have dis­appeared, the Ordinary may again allow his subjects the exercise of the Orders already received (ibid. n.3).

1. *Bigamy,* by which the present law understands persons who have contracted successively two or more valid marriages (ibid. n. 4). Thus interpretative bigamy is no longer included; analogous bigamy is the cause of an irregularity arising from delinquency.
2. *Infamy of law;* cf.n. 761.

6. and 7. A judge (and probably jury under oath) who has pronounced sentence of death, those who have held the office of executioner and those who *voluntarily* undertook the office of *immediate* assistants in the execution, incur an irregularity arising from what was known as "*defectus lenitatis "* (ibid. nn. 6 and 7).—This irregularity is not incurred by soldiers fighting in a just war.

§ **2. Irregularities** **Due to Delinquency**

**831.** There are seven *irregularities due to delinquency,* and these are incurred by:

1. apostates from the faith, heretics, schismatics (c. 985, n. i) [To the same class belong such persons who are or were members of any atheistic sect (P.C.C.J., July 30, 1934. Act. Ap. Sed. XXVI, 494).]

1. men who, outside the case of extreme necessity, allow themselves in any way to be baptized by non-Catholics (ibid. n. 2). This is an abuse of the sacrament of *Baptism.*
2. men who dared to attempt to contract marriage or to go through the civil formalities of marriage *a)* while they themselves were married or in major Orders or professed religious, whether with simple per­petual or temporary vows, or *b)* with a validly married woman or with a Sister bound by either perpetual or temporary vows (ibid. n. 3). This is an abuse of the sacrament of *Marriage,* and the irregularity is nothing more than an extension of what was formerly called analogous bigamy (bigamia similitudinaria).
3. men who exercise an act of Orders reserved to clerics in major Orders, whether they themselves have not received these Orders or have been forbidden to exercise them by canonical penalty, either personal or local, corrective or vindictive (ibid. n.7). This is an abuse of the sacrament of *Orders. In* the present discipline of the Church a simple cleric is allowed to exercise the office of subdeacon at a Solemn Mass, with certain restrictions.
4. voluntary murderers, and those who have procured an abortion, if effective, and all co-operators (ibid. n. 4);

This irregularity is incurred, for example, by doctors who procure an abortion or craniotomy, by soldiers who *willingly* (and not under com­pulsion) take part in a war which is manifestly unjust, by judges, lawyers, witnesses in an unjust capital trial. If the trial is just, the judges nevertheless incur irregularity from the so-called defectus lenitatis.

1. men who have mutilated themselves or others, and those who have attempted suicide (ibid. n. 5);

Mutilation here refers to the *removal of animportant member* of the body, such as an eye, a hand or a foot. To understand the exact nature of this irregularity and of the preceding one, it must be borne in mind that no irregularity is incurred by any delinquency which is not a grave external sin. Thus, for example, if a man kills or mutilates another either in the course of self-defence when he does no more than is absolutely necessary to ensure self-protection or through inculpable ignorance, he does not incur these irregularities.

1. clerics who practise medicine or surgery forbidden to them, if thereby the death of their patient is caused (ibid. n. 6).

It is evident that when a cleric is justified in practising medicine, e.g. on the missions, he does not incur this irregularity.

Art. 3. **Impediments to Ordination**

**832.** The new Code (c. 987) includes seven *temporary* impediments to ordination in addition to the irregularities already mentioned. These impediments cease either through lapse of time or by legitimate itiniate dispensation which, it seems, only the *Holy See* can grant.—They can be reduced to three, to what were formerly called lack of faith, lack of freedom, and lack of good repute.

The following persons are simply forbidden to be ordained:

1. the sons of non-Catholics, as long as their parents persist in their error;

The Pontifical Commission, Oct. 16, 1919 (Act. Ap. Sed. XI, 478) stated that this impediment existed even if only one of the parents was a non-Catholic; but in a subsequent reply, July 14,1922 (Act. Ap. Sed. XIV, 528) the Commission decided that this impediment affects only children *in the paternal line* to the first degree. The impediment probably ceases onthe death of the non-Catholic partner.

1. married men;

Therefore even if the husband obtains the consent of his wife he may not receive major Orders without the permission of the Holy See.

1. officials and administrators holding an office forbidden to clerics and of which they have to give an account, until they have resigned the office or administration, rendered their account, and become free;
2. slaves, strictly so-called, before they have been freed;
3. those bound to common military service by civil law, until they have fulfilled their period of service;

The Pontifical Commission when asked to give an authentic interpretation of this canon replied, June 2 and 3,1918, that this impediment preventing the reception of any Order affects even those who will probably be so called to serve, though not yet called, owing to age or because they have been declared temporarily unfit as a result of their examination (Act. Ap. Sed. X, 345). Common military service seems to refer to armed service, not to ambulance work, nor to chaplains, etc.

1. neophytes (i.e. adult converts from Judaism, paganism, or similar sects, who have been but recently baptized) until in the judgement of the Ordinary they have been sufficiently tested;
2. those who are infamous in fact so long as, in the judgement of the Ordinary, their ill-repute continues. The character of this form of infamy has been explained already, n. 760.

**Appendix : Incidental Requirements for the Reception of Orders**

**833.** 1. Candidates for the secular priesthood must reside prior to their ordination in a seminary properly constituted for the purpose. Cf. the author's discussion of seminaries inhis Man. iur. can., q. 408 sqq.

2. With regard to the actual ordination itself careful attention must be given to the detailed instructions regarding the rite to be used and time and place of ordination.

*a)* THE PROPER RITE to be used includes many things; viz. a higher Order cannot be conferred until the lower has been received (c.977). Ifthis prescription is ignored the Order received is valid, unless the episcopate is conferred on one who is not yet a priest. The Mass of ordination must be celebrated by the ordaining bishop, and during that Mass at least those who have received major Orders must receive Holy Communion (cc. 1003 and 1005).No one may be ordained by a minister of a different rite.

Those who have received the subdiaconate or the diaconate are com­manded by the bishop to recite one Nocturn to be determined by himself. If he uses no more than the words of the Pontifical, he must be understood to refer to a ferial Nocturn, or to the first Nocturn of a feast or a Sunday, depending on whether the ordination itself took place on a feria, a feast-day, or a Sunday. It is not necessary to recite the Invitatorium, the hymn, or the lessons (S.R.C. June 27,1899, July 10,1903).—Newly-ordained priests may receive a stipend for each of the three Masses which are imposed upon them by the bishop and apply them for the intention of the donor of the stipend.

**834.** *b)* THE TIME OF ORDINATION. The consecration of a bishop must take place during Mass on a Sunday or on the feast-day of an Apostle. Major Orders are to be conferred during Mass on the Saturdays in Ember Weeks, or on the Saturday before Passion Sunday, or on Holy Saturday. For a grave reason the bishop is allowed to ordain on any Sunday or holyday of obligation. [The term "festo de praecepto" does not include feasts suppressed in the universal Church by the Code (P.C.C.J., May 15, 1936. Act. Ap. Sed. XXVIII, n. 6).]

The first tonsure can be given on any day and at any hour; minor Orders on all Sundays and feasts of the rank of doubles, but only inthe forenoon.

Contrary customs are disapproved and abolished (c.1006). There are, however, certain privileges in existence. Whenever an ordination has to be repeated or some ceremonies are to be supplied, whether absolutely or conditionally, this may take place privately and outside the prescribed ordination days (c.1007).

c)THE PLACE OF ORDINATION. *General* ordinations are to be held publicly in the cathedral church or some other church, if these ordinations take place outside the episcopal see. But the bishop is not forbidden when occasion demands to have *special* ordinations even in other churches, or in the chapel of the episcopal residence, in the seminary, or in a religou house. The first tonsure and the minor Orders may be conferred it private oratories also (c. 1009).

**835.** NOTIFICATION AND RECORD OF ORDINATION.

After ordination the names of those ordained and of the ordaining minister also the place and date of ordination, shall be recorded in a special register to be preserved carefully in the Curia of the place of ordination, and all the documents required in the various ordinations shall be preserved (c. 1010, § 1). Furthermore the Ordinary in the case of seculars, the major superior in the case of religious subject to him, must send notification to the parish priest of the place where those were baptized who have been ordained *subdeacons,* sothat the ordination may be entered in the baptismal register (c.1011).

To each of the ordained clerics must be given an authentic certificate of the orders received which, if they were ordained by a strange bishop with dimissorials from their own, they shall present to their Ordinary so that record of the ordination may be kept in the episcopal Curia (c. 1010, § 2).