

Irregularities and Impediments to Holy Orders

Certain situations or conditions may constitute an impediment to orders. Impediments that are perpetual are termed *irregularities*. These may be past sins or delicts, and if so, they make one irregular for holy orders even though the Sacrament of Reconciliation may have granted forgiveness: forgiveness of the sin does not include dispensation from an irregularity.

In addition, irregularities may impede one for orders even though the cause may have occurred prior to baptism or even reception into the Church. The sin may be forgiven but the irregularity may still hold.

To be accepted for ordination requires that any irregularities be *dispensed*. This is in effect a request that the Church accept the individual for ordination despite the irregularity. Different irregularities have different requirements for dispensation; some may be dispensed by the local ordinary (i.e., the diocesan bishop) while other dispensations are reserved to the Holy See.

As with any request, the Church is under no obligation to dispense an irregularity, and may advisedly opt not to do so, especially if the nature of the irregularity is widely known and proceeding to ordination would give scandal. On the other hand, the Church is oriented to mercy, and many irregularities, especially those that are occult (“hidden,” that is, not publicly known) are dispensed in a simple and timely process.

The following identifies and describes the irregularities and impediments for Holy Orders.

Canonical Perpetual Impediments (Irregularities)

Canon 1041. The following persons are irregular for the reception of orders:

- 1° one who suffers from any form of insanity, or from any other psychological infirmity, because of which he is, after experts have been consulted, judged incapable of being able to fulfil the ministry.**

This can be broadly interpreted but should not become an occasion of injustice. Consulted experts need not be professionals in psychiatry or psychology but should take these disciplines into account. Judgement should not be arbitrary and, while necessarily subjective, must be based on objective data. A psychic illness may be only temporary, or may be addressed with treatment, and this must be taken into account.

- 2° one who has committed the offence of apostasy, heresy or schism.**

Apostasy: Post-baptismal total repudiation of the Christian Faith. This could be incurred if, for example, one has been baptized, then repudiated the faith, and later re-joined the Church.

Heresy: Post-baptismal denial of a truth which must be believed with divine and Catholic Faith, or an obstinate doubt concerning the same. This would not include simple doubt, but requires a declaration of being, and intending to continue to be, at odds with Church teaching concerning a matter of divine and Catholic faith.

Schism: Post-baptismal refusal or withdrawal of submission to the Roman Pontiff or communion with the members of the Church subject to him, e.g., being received into an Orthodox Church or Protestant community.

- 3° one who has attempted marriage, even a civil marriage, either while himself prevented from entering marriage whether by an existing marriage bond or by a sacred order or by a public and perpetual vow of chastity, or with a woman who is validly married or is obliged by the same vow.**

Marriage Bond: Attempting marriage while bound by a marriage bond that has not been declared null, whether the attempt was in or outside the Church.

Sacred Order: Attempting marriage while bound by being ordained in any degree: deacon, priest, bishop.

Perpetual Vow of Chastity: Attempting marriage after having made final vows in a religious or other institute of consecrated life.

Validly Married Woman: Getting married to a woman who is bound by a marriage bond that has not been declared null.

Women's Vow of Chastity: Attempting marriage to a woman who has made final vows in a religious or other institute of consecrated life.

- 4° one who has committed wilful homicide, or one who has actually procured an abortion, and all who have positively cooperated.**

Homicide: Directly and actively responsible in the death of another.

Procured Abortion: Directly and actively involved in an abortion which resulted in the death of an unborn child.

Cooperated Homicide: Has positively cooperated in a voluntary homicide.

Cooperated Abortion: Has positively cooperated in procuring an effective abortion.

- 5° one who has gravely and maliciously mutilated himself or another, or who has attempted suicide.**

Canon law does not provide a definition of mutilation. Typically, this impediment is cited in cases of sterilization or vasectomy; it is less clear if the sterilization has been successfully reversed.

6° one who has carried out an act of order which is reserved to those in the order of the episcopate or priesthood, while himself either not possessing that order or being barred from its exercise by some canonical penalty, declared or imposed.

This covers simulation, the attempt to preside at a sacrament reserved to a priest (presbyter) or bishop (episcopus) such as an attempt to confect the Eucharist as at a Mass, or in presiding at a Rite of Confirmation.

Simple Impediments

Canon 1042, 3°. A neophyte [is simply impeded from orders], unless, in the judgement of the Ordinary, he has been sufficiently tested.

A newly baptized person or a recent recipient into the Catholic Church will not be considered until five years have passed. In the Diocese of Colorado Springs, we have used this as a guideline for admission to formation, not simply for ordination.

Canon 1031, §2. A candidate for the permanent diaconate who is not married may be admitted to the diaconate only when he has completed at least his twenty-fifth year; if he is married, not until he has completed at least his thirty-fifth year, and then with the consent of his wife.

The USCCB has set the minimum age at ordination to 35 for both unmarried and married men. Dispensation for a man under the age of 35 at the time of ordination would normally not be considered. Canon law does not specify a maximum age, however, the USCCB recommends 65 as a guideline. In the Diocese of Colorado Springs, men may be ordained who are above the maximum age but are able and fit.

Diocese of Colorado Springs Norms

1. A married man is required to be in a stable marriage of at least five years.

This norm is recommended and widely followed in many dioceses. However, the Diocese of Colorado Springs has used this as a guideline for admission to formation, not simply for ordination. In addition, the diocese has considered other factors, such as recent membership in an Eastern Church not in union with Rome, or even in particular situations employment stability, as parallel considerations in recommending delay.

2. If a man is bound to a lay ecclesial association or a religious order, Bishop's approval required.

This pertains to associations of the faithful, as well as those associated with religious orders (e.g., third-order oblates). The consideration here is twofold: does your membership or participation preclude or affect your ability to serve as a deacon, and what religious superiors, if any, would need to assent to your pursuing the diaconate.

Timing of Delicts in Determining Irregularity

Unless the definition of the irregularity uses the term “post-baptism,” then any cause, *even if prior to baptism or joining the church*, will invoke the irregularity.

Dispensation Procedures

There are two ways of requesting dispensation: via the *external forum* or via the *internal forum*.

Dispensation in the External Forum

One who is conscious of laboring under an irregularity is free to make a direct approach to the authority who has the faculty to dispense. For some irregularities this can be the local Ordinary, i.e., the Bishop. In the case of an irregularity reserved to the Apostolic See, one would write to the dicastery competent to deal with that delict. In the case of an irregularity reserved to the local Ordinary, one would write to the Bishop or the priest delegated by him to handle the matter. Even in cases where the local Ordinary can dispense, one always has the right to approach the Apostolic See directly.

Being in the external forum, the relevant authority might want to carry out an investigation, which could take some time. The authority might also use the information gained to decide not to admit the candidate to Holy Orders. One cannot appeal such a decision as ordination is not a right.

If the cause of the irregularity is notorious or if it has already been brought before an ecclesial or civil judicial forum, it can only be dealt with in the external forum. If it is an occult or hidden irregularity, there is another option: the internal forum.

Dispensation in the Internal Forum

An act that makes one irregular could be something secret and therefore it is best that it be resolved in the internal forum, thereby protecting the sanctity of one's conscience and one's good name. If a person becomes aware of his irregularity through a conversation with a priest, he can ask for a dispensation. If he has not already confessed the sin, he can request the dispensation at the same time as confessing the sin and receiving absolution. This is the sacramental internal forum protected by the seal of confession. He might, however, have already confessed the sin on a previous occasion when he had no intention of applying to be considered for Holy Orders and no knowledge that the commission of that particular sin rendered him irregular for ordination. In this case, he uses the non-sacramental internal forum which is also protected by secrecy.

The one who is conscious of laboring under an irregularity approaches a confessor or spiritual director (priest) and asks this confessor or spiritual director to make recourse on his behalf to the appropriate authority: the Apostolic Penitentiary in the case of an

irregularity reserved to the Apostolic See; the local Ordinary or the priest delegated by him to deal with these matters in the case of an irregularity not reserved to the Apostolic See. Even if the diocesan Bishop has the faculty to dispense from an irregularity, one always has the right to make recourse to the Apostolic Penitentiary should one prefer. Indeed, there are many reasons that might commend such a recourse. We will presume that recourse is being made to the Apostolic Penitentiary.

In requesting the dispensation from an irregularity, the confessor or spiritual director of the one who is irregular writes a letter—preferably typed—to the Apostolic Penitentiary. The request should omit any mention of the name of the irregular person and any reference that could identify him. It could use a fictitious name such as Romanus, Titus, Petrus, Augustus... The request should explain clearly what brought about the irregularity and should include the confessor's or spiritual director's judgment concerning the person's suitability to receive the sacrament of Holy Orders.

Because of the delicate nature of the matters being dealt with, the recourse cannot be sent using electronic means such as email or fax. It is sufficient to use the following address: Apostolic Penitentiary, 00120 Vatican City State.

The request for a dispensation from an irregularity for a candidate for Orders is usually sent as soon as the candidate has been approved for ordination. Such approval is a sign of the candidate's suitability, to which reference in the request should be made. The Apostolic Penitentiary examines these requests speedily so that the confessor or spiritual director of the candidate will have the response in hand within a few days. When the confessor/spiritual director has heard back from the Apostolic Penitentiary, he communicates the dispensation to the candidate.

An Important Point to Remember!

The baptized faithful enjoy a number of rights within the Church: the right to a good name, the right to receive the sacraments (barring excommunication), etc. Reception of Holy Orders, it must be remembered, is not a right: no one has the right to Holy Orders! Rather, the individual proposes himself for orders based on a calling he has received, and his discernment of that call. This call is verified by the Church, who does her own discernment of that call.