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Pontifical Council for Legislative Texts: authentic response to canon 1041, nos. 4-15 CIC

The Fathers of the Pontifical Council for Legislative Texts, in the plenary session of 23 June 2015, has considered the following response to the doubt raised:

Question: Does the term “irregular”, with reference to canon 1041 CIC, also include non-Catholics according to the acts mentioned in articles 4 and 4?

Answer: Affirmative.

The Supreme Pontiff Francis, in the audience granted to Cardinal Francesco Coccopalmerio, president of the aforementioned Pontifical Council on 31 May 2016, informed of the decision mentioned above, has given his confirmation and ordered that it be promulgated.

Bishop Juan Ignacio Arrieta, secretary of this dicastery, explains that the authentic Response relates to the consequence of various irregularities for receiving holy ordination in accordance with canons 1041, nos. 4 and 5 of the Code of Canon Law. The irregularities are prohibitions, for those who have in the past been responsible for reprehensible conduct, from receiving ordination – diaconal, priestly or episcopal – without the necessary dispensation from the Authorities; it is not, therefore, in relation to an offence or an additional punishment, but rather a form of prevention to protect the dignity of the Sacrament and the faithful themselves from those who have in the past engaged in specific illicit forms of conduct (certainly already forgiven, in the majority of cases). In practical terms, these paragraphs of canons 1041 refer to those who have committed homicide or abortion, or who have gravely mutilated themselves or another person, or have attempted suicide. Although substantially similar, the Code of Canons of the Oriental Churches presents a system different to that of the irregularities of the Latin tradition and, therefore, does not give rise to interpretative doubts of this type.

In the Latin discipline, however, the problem arises of having to evaluate whether these concrete irregularities relate to the execution of the prohibited activities or rather the fact of having engaged in the respective crimes typified in the penal discipline of the Church, with the consequence that, in that latter case, they would be exonerated and would not have found themselves in a position of irregularity, inasmuch as they would have carried out the prohibited forms of conduct without however committing canonical offences.

With the present Authentic Response, the Pontifical Council for the Legislative Texts has established that also non-Catholics are to be considered responsible for the irregularities mentioned in canon 1041, nos. 4 and 5 CIC, thereby reiterating the distancing of the irregularities from the scope of application of canonical penal discipline.
