

A Question of Rights

By James E. Biechler

"A recent article in a Catholic paper reported how a midwest parish, closed by its bishop, successfully persuaded a married priest to celebrate the Eucharist there each week. An adjacent story told of a Catholic woman who has produced a brochure advising Catholics of the procedures they can follow in obtaining the services of married priests. The article claims there are nineteen canons which 'give married priests the continued power to minister the sacraments and lay people the right to receive them.' Are these people anarchists or can a serious case be made in canon law for their actions?"

--P.M.B., Lisle, IL

I think I read the same stories you did and am not at all surprised by your question. In the story I read, the reporter did not go on to cite any of the canons which allegedly legitimate public ecclesiastical ministry by married priests. The clear assumption of the articles is that the priests in question either have lost the clerical state by laicization or have been suspended (prohibited from exercising sacramental ministry) by their "attempting" marriage. These two categories would include nearly all of the 110,000 "former" priests in the world.

It is generally understood that the Code of Canon Law prohibits resigned priests, even those who remained unmarried, from exercising the normal ministerial functions reserved to priests. Since the sacramental priesthood cannot be lost--a priest cannot be "unordained"--those sacraments which require only Holy Orders for their validity, i.e., Holy Eucharist and the Anointing of the Sick, can be validly performed even by resigned or "non-clerical" priests. When sacramental validity depends upon jurisdiction in addition to Holy Orders, then the sacraments of Reconciliation and Confirmation for those in danger of death can be added to the list. Canon 976 specifically allows a suspended priest to grant absolution to a person in danger of death and Canon 883, n. 3 does the same for Confirmation. Canon 1335 goes even further in permitting those suspended from the exercise of the priestly ministry, as long as their suspension has not been juridically declared (an extremely rare procedure), to celebrate the sacraments, sacramentals and acts of governance whenever requested by a member of the faithful "for any just cause whatsoever."

Thus we see how the Code of Canon Law implements its general rule given in Canon 213 which states that "the Christian faithful have the right to receive assistance from the sacred pastors out of the spiritual goods of the Church, especially the word of God and the sacraments." The very last canon of the Code (1752) states that "the salvation of souls...is always the supreme law of the Church." Canon 843 gives another general principle about the sacraments when it states that "the sacred ministers cannot deny the sacraments to those who ask for them at appropriate times, are properly disposed and are not prohibited by law from receiving them." The clear intent of canon law is to insure that no one is denied any of the resources of spiritual ministry.

We must conclude that not only may a priestless parish request the services of a married priest, the priest himself ought to respond in a positive way if he is able. A Catholic group need not wait until the situation is dire before taking steps to find a suitable Eucharistic minister. In matters of this kind the broadest interpretation of the law should be used. In fact, there are good theological arguments supporting a priestless group's right and duty to simply designate one of its members to preside over the celebration of its Eucharistic meal. The grace of God cannot be confined by the laws of men.

Dr. Biechler, an emeritus professor of religion, is a member of ARCC's board of directors. He also holds a licentiate in canon law and is a longtime member of the Canon Law Society of America.

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