

## Pontifical Council for Interpreting Legislative Texts

### DECLARATION ON MARRIED PRIESTS AND SACRAMENTAL MINISTRY<sup>1</sup>

In view of the fact that in some countries a group of the faithful, appealing to the prescription of c.1335, §2 of the Code of Canon Law, has requested that holy Mass be celebrated by priests who have attempted marriage, this pontifical council has been asked whether it is lawful for a member of the faithful or a community of the faithful to request for a *just cause* the celebration of sacraments or sacramentals from a cleric who, having attempted marriage, has incurred the penalty of suspension *latae sententiae* (cf. c.1394, §1), but without the penalty having been declared.

This pontifical council, after carefully and thoroughly studying the question, declares that this way of acting is totally unlawful and calls attention to what follows:

1. Marriage attempted by a subject who has received holy orders is a grave violation of an obligation proper to the clerical state (cf. c.1087 of the Code of Canon Law and c.804 of the Code of Canons of the Eastern Churches) and therefore creates a situation of objective unsuitability for exercising the pastoral ministry in accordance with the disciplinary requirements of ecclesial communion. Such an action, in addition to being a canonical crime which causes the cleric to incur the penalties listed in c.1394, §1, CCL, and c.1453, §2, CCEC, automatically entails the irregularity for the exercise of holy orders stated in c.1044, §1, 3°, CCL, and Canon 763, §2, CCEC. This irregularity is perpetual and is thus independent of the remission of any penalties.

Consequently, apart from administering the sacrament of penance to a member of the faithful who is in danger of death (cf. c.976, CCL, and c.725, CCEC), a cleric who has attempted marriage is not permitted in any way to exercise holy orders and especially not to celebrate the Eucharist; nor can the faithful lawfully request his ministry for any reason apart from danger of death.

2. Furthermore, even if the penalty has not been declared - something moreover which the good of souls recommends in this case, if possible through the abbreviated procedure established for offenses certainly proved (cf. c.1720, §3, CCL) - in the proposed case there does not exist a just and reasonable cause which would make it lawful for the faithful to ask for the priestly ministry. In fact, considering the nature of this offense, which regardless of its penal consequences entails an objective unsuitability for exercising the pastoral ministry, and given that in this case the cleric's irregular and penal status is well-known, the conditions for recognizing the just cause mentioned in c.1335, CCL, do not exist. The right of the faithful to the spiritual goods of the church (cf. c.213, CCL, and c.16, CCEC) cannot be conceived in a way that justifies a claim of this kind, since such rights must be exercised within the limits of and with respect for canonical legislation.

3. As for clerics who have lost the clerical state in accordance with c.290, CCL, and c.394, CCEC, and who have or have not contracted marriage following a dispensation from celibacy granted by the Roman pontiff, everyone knows that they are prohibited from exercising the power of orders (cf. c.292, CCL, and c.395, CCEC). Therefore, with exception always being made for the sacrament of penance in danger of death, none of the faithful can lawfully ask them for a sacrament.

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<sup>1</sup> **Origins**, vol. 27 n. 4, June 1997, p.64.

The Holy Father approved this declaration May 15, 1997, and ordered it to be published.  
From the Vatican, May 19, 1997.

Archbishop Julian Herranz, President  
Bishop Bruno Bertagna, Secretary