Untrained and Un-Tridentine: Holy Orders and the Canonically Unfit

by Rev. Anthony Cekada

The problem of untrained clergy in the traditionalist movement.

THE FOLLOWING incidents actually took place in different traditional Catholic chapels in the U.S.:

- A married man in priestly vestments stands at an altar attempting to offer the Tridentine Mass, but it is obvious that he has no clue about how to go about it. The server (a devout layman) stands up, stations himself next to "Father," and for the rest of the Mass tells the confused celebrant what to do next.
- "Father" is conducting Holy Week services at a traditionalist chapel in Louisiana. He buys some *boudin*, the spicy Cajun blood sausage, and casually mentions that he just ate most of it in the grocery store's parking lot. The day is Good Friday.
- "Father" has forgotten to consecrate an extra host for Benediction after Mass. He blesses the congregation with an empty monstrance, and tells the server, "I hope no one will notice."

IN EACH of these incidents (and many others like them) we encounter a strange and disturbing phenomenon: the would-be traditionalist priest who has been ordained without proper seminary training.

In some cases, he may have been trained as a religious brother, or perhaps even passed a year or two in a seminary. But he has never completed the required ecclesiastical studies (Latin, philosophy, theology). A gullible or careless old bishop came along and ordained him in the traditional rite, and he begins offering Mass and hearing confessions in a traditionalist chapel.

Or worse, he may lack even *these* negligible credentials. He is a chicken farmer, male nurse, estate liquidator, vestment-maker, short-order cook, doctor, ex-convict, schoolteacher, or thrice-expelled seminarian, sometimes with an incongruous marital background (married, divorced, annulled). One day he shows up somewhere to offer the Tridentine Mass, claiming to be a Catholic priest or bishop. He has been ordained or consecrated, it turns out, by an equally untrained "bishop" with connections to the Old Catholics, the Brazilian Apostolic Church, Palmar de Troya, or others.

A group of schismatic bodies connected to the 17th cent. Jansenists of Utrecht, or to the 19th cent. liberals who rejected papal infallibility. For an overview, see A. Cekada, "Warning on the Old Catholics," *The Roman Catholic* (1980).
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^{2.} Founded 1945, by Mgr Carlos Duarte Costa (1888–1961), former Bishop of Bocatú, Brazil, who was excommunicated for attacking the authority of the pope. This was a liberal movement that instituted a vernacular liturgy, and abolished clerical celibacy and auricular confession.

^{3.} Anti-Vatican II Spanish apparitionist movement founded by seer Clemente Dominguez. In 1976 several bishops for the group were consecrated by the former Archbishop of Hué, Mgr P.M. Ngô-dinh-Thuc (1897–1984), who later repudiated Palmar. The traditionalist priests Mgr Thuc consecrated as bishops in 1981, Frs. M.L. Guérard des Lauriers OP, Moises Carmona Rivera and Adolfo Zamora Hernandez were sedevacantists who had no connection with Palmar.

Allowing such men to function as priests in our midst is, to say the least, contradictory. As traditionalists we esteem the Tridentine Mass. But a Tridentine Mass should be celebrated by a "Tridentine" priest — one trained according to the norms of the Council of Trent.

Those of us old enough to remember how the Tridentine system worked and what standards it set find the notion of an untrained priest not only bizarre, but also positively horrifying.

In the early 1960s at age fourteen, I began ecclesiastical life by entering a minor seminary with 125 other boys. We all knew exactly what the Church required before we could be ordained: Six years of minor seminary (with Latin every year) and six more years of major seminary (two of philosophy, four of theology). Only if we persevered for twelve years — having been tested and judged every step of the way — could we hope to be ordained. There were no exceptions, because (as even boys knew then) the priesthood was the most important job in the world, and whether a soul would go to heaven or hell would one day depend on *you*.

The laity sometimes tolerate the untrained and un-Tridentine "traditionalist" priest because they do not understand the exacting requirements for priestly ordination. In other cases, laymen may feel that "valid sacraments" are all that count, and that the rest is legalistic window dressing — so why be fussy?

Experience, though, teaches that an unschooled, unformed priest is a time-bomb waiting to go off. When the explosion comes, scandal follows and souls are driven away from the traditional Mass.

And when such a priest or bishop emerges from an ecclesiastical underworld where no one had proper training, is it really safe to assume that his ordination or consecration was valid anyway?

But in any case, valid or not, such a person's presence at the altar and in the confessional degrades the priesthood and endangers souls.

Since I teach a general canon law course and a sacramental law course at an institution that forms young men to become traditional Catholic priests, Most Holy Trinity Seminary, I resolved to write an article explaining some of the principles that church law, moral theology and papal pronouncements lay down about the reception and conferral of Holy Orders.

Here I will cover the following topics:

- (1) Canonical fitness for ordination i.e., the criteria canon law lays down for determining whether or not a candidate is suitable for the priesthood.
- (2) The sinfulness of conferring Holy Orders on an unfit candidate.
- (3) Whether orders conferred by bishops who themselves were canonically unfit for the priestly state may be presumed valid.
- (4) Whether an unfit candidate who has received orders may exercise them.
 - (5) Some objections.

As we shall see, the Church's norms are exacting, and those who do not meet them are unfit to receive, exercise or confer the sacrament of Holy Orders. The ministrations of such clergy, therefore, should be avoided by traditional Catholics everywhere.

I also hope that this discussion will help the lay reader better understand and appreciate the traditional seminary formation received by Catholic priests.

I. Canonical Fitness: The Requirements

MERELY WANTING to be a priest, even for a worthy motive, does not mean you have a true vocation. Moral theologians and canonists teach that a candidate must also possess canonical fitness (idoneitas canonica).

Canon 974.1 sets forth the two general criteria that are the key to ascertaining a candidate's canonical fitness:

- (1) "Moral conduct that conforms to the order to be received" virtue, in other words.
 - (2) "The required knowledge."

If a candidate does not possess these qualities, he is canonically unfit, he has *no* business being a priest, and his ordination would be gravely illicit.

Ordinarily, where and how is this judgement made? The decrees of the Council of Trent prescribed that "those who are to be ordained must live in a seminary, and there be formed in ecclesiastical discipline, and receive Holy Orders after having been properly judged."

Canon 972.1 states the general rule: "All candidates for sacred orders ... are obliged to live in a seminary at least throughout the entire course of their theological studies."

The seminary program insures that ordinands are "properly judged" (*rite probati*) on the basis of their conduct and their knowledge, and therefore canonically fit for ordination.

Virtue and knowledge can only be acquired, tested and judged over a long period of time. The following is an overview of the spiritual and intellectual formation that the seminary is supposed to provide.

A. Virtuous Conduct

What type of "moral conduct" (*mores congruentes*) is required in a candidate for Holy Orders?

The canonist Regatillo explains that this means the *dotes gratiae* — the supernatural virtues, especially "piety, chastity, absence of avarice, zeal for souls, the spirit of discipline, and obedience."

It requires years, as the prudent practice of the Church has shown, to instill these virtues in a candidate and to verify that they have become part of his character.

In his encyclical on the Catholic priesthood and seminary training, Pope Pius XI underscores the care that must be exercised in making this judgement:

"Listen to the warning of Chrysostom whom We have quoted: 'Impose not hands after the first trial, nor after the second, nor yet the third, but only after a frequent and careful observation

^{4. &}quot;Mores ordini recipiendo congruentes," "debita scientia." The canon lists five other requirements that are easy to verify: Confirmation, canonical age, reception of lower orders, observance of the time intervals (interstices) between orders and canonical title for major orders.

^{5.} F. Wernz SJ & P. Vidal SJ, Ius Canonicum (Rome: Gregorian 1934), 4:218.

^{6.} Canon 972.1. "Curandum ut ad sacros ordines adspirantes inde a teneris annis in Seminario recipiantur; sed omnes ibidem commorari tenentur saltem per integrum sacra theologiae curriculum." I shall discuss one exception below.

^{7.} E.F. Regatillo SJ, Jus Sacramentarium, 2nd ed. (Santander: Sal Terrae 1949) 912.

and searching examination.' This warning applies in an especial way to the question of the uprightness of life in candidates for the priesthood. 'It is not enough,' says the holy Bishop and Doctor St. Alphonsus de Liguori, 'that the Bishop know nothing evil of the ordinand; he must have positive evidence of his uprightness'."8

The principal elements in a seminary program that insure this are:

- **1. The Seminary Rule.** This organizes the seminarian's daily life and forms him in virtues that befit a cleric. It regulates general conduct, spiritual practices, appropriate dress, times of silence, household obligations, acceptable recreation, required permissions, etc.
- **2.** The Daily Schedule. Life at the seminary follows a fairly detailed daily schedule with regularly recurring common spiritual activities (meditation, spiritual reading, Rosary, Divine Office).

Here is our schedule at Most Holy Trinity Seminary:

5:40 Rise

6:20 Meditation

6:50 Angelus

7:00 Mass

7:50 Breakfast

8:30 Class or Study

12:30 Main Meal

1:00 Recreation

1:45 Class or Study

3:15 Snack

3:30 Sports or Exercise

4:30 Clean up

5:00 Vespers, Chanted

5:45 Spiritual Reading or Conference

6:00 Light Supper

6:30 Recreation

8:00 Rosary, Grand Silence

9:00 Retire to rooms

11:00 Lights out

Such a schedule instills in the seminarian the habit of regularity in the spiritual life which he is supposed to carry with him after ordination. Following it faithfully for many years, moreover, indicates the self-discipline and seriousness of purpose that are indispensable to a devout and zealous priestly life.

- **3. Regular Spiritual Direction.** Each seminarian is required to have a spiritual director a priest other than the seminary Rector who is supposed to guide him in his personal spiritual life. The seminarian meets regularly with his director to discuss his spiritual progress and shortcomings.
- **4. Observation and Correction by Superiors.** Seminary superiors must know their seminarians well and, when necessary, correct them for various faults or shortcomings. This is done either privately or publicly, at the discretion of the superior. The

^{8.} Encyclical *Ad Catholici Sacerdotii*, 20 December 1935, AAS 28 (1936), 42–3. Canon 973.3 uses language nearly identical to the quote from St. Alphonsus.

seminarian learns to accept such corrections gracefully as a means to virtue.

5. Faculty Evaluation Prior to Orders. Priests on the seminary faculty are supposed to discuss and (when necessary) vote upon the fitness of a candidate before he is promoted to Holy Orders.

B. The Required Knowledge

Pope after pope teaches that intellectual ability and knowledge are indispensable to the priest.

In his motu proprio prescribing the Anti-Modernist Oath, Pope St. Pius X warns that "cultivation of the mind" and "expertise in doctrine" are all the more necessary in candidates for Holy Orders who will have to combat the insidious errors of modernists.

Pius XI warns: "Anyone who undertakes the sacred ministry without training or competence should *tremble for his own fate, for the Lord will not suffer his ignorance to go unpunished...* If ever there was an obligation on priests to be men of learning, it is even more pressing at the present time."

Pius XII further stresses that the priest will not be able to combat modern errors effectively "unless he has thoroughly learned the solid fundamentals of Catholic theology and philosophy... In conformity with Our Apostolic duty, We have insisted earnestly on the importance of a high standard of intellectual training for clerics."

The Code of Canon Law lays down the general requirements for the candidate's intellectual training.

First, it assumes that he will have spent about six years in a minor seminary (high school, junior college), where he will have already learned Latin well, along with the other subjects that an educated man in his country is expected to study."

Then for the major seminary curriculum that precedes priestly ordination, the Code prescribes two years study of philosophy (and related disciplines) and at least four years study of theology."

The following points should be noted:

1. Knowledge of Latin. A priest must know Latin not only because of the Mass, but also because Latin is the language of the Breviary and of Catholic theology.

A priest ignorant of Latin will not understand the Breviary (Divine Office), which forms the principal portion of his daily prayer. It will soon become a mechanical exercise for him, rather

^{9.} Motu proprio Sacrorum Antistitum, 1 September 1910, AAS 2 (1910), 666, 667-8.

^{10.} Apostolic Letter *Unigenitus Dei Filius*, 19 March 1924, AAS 16 (1924), 137. 11. Exhortation to all the clergy *Menti Nostrae*, 23 September 1950, AAS 42 (1950), 688, 689.

^{12.} See Canon 1364.

^{13.} Canon 1365.1–2. "§1. In philosophiam rationalem cum affinibus disciplinis alumni per integrum saltem biennium incumbant. §2. Cursus theologicus saltem integro quadriennio contineantur, et, praeter theologiam dogmaticam et moralem, complecti praesertim debet studium sacrae Scripturae, historiae ecclesiasticae, juris canonici, liturgiae, sacrae eloquentiae et cantus ecclesiastici. § 3. Habeantur etiam lectiones de theologia pastorali, additis practicis exercitationibus praesertim de ratione tradendi pueris aliisve catechismum, audiendi confessiones, visitandi infirmos, assistendi moribundis."

than a joy; he will be deaf and uncomprehending to the voice of the Church's official prayer.

Ignorance of Latin virtually guarantees ignorance of theology, or at best that a priest's understanding of it will never be more than superficial. All the major treatises on dogma, moral theology and canon law are available only in Latin. Ignorance of Latin cuts you off from this vast and profound body of learning.

Here is Pius XI on the issue: "All clerics without exception should have acquired a thorough knowledge and mastery of the language.... How can anyone hope to detect and refute these [theological] errors unless he grasps properly the meaning of the dogmas of faith and the force of the words in which they are solemnly defined, in a word, unless he knows the language which the Church uses."

And Pius XII: "Let there be no priest who cannot read and speak Latin with ease and facility... The sacred minister who is ignorant of it must be regarded as deplorably lacking in mental refinement." 5

And here let us stress what the popes and canon law actually require: Not merely that a seminarian can *pronounce* Latin, has "had" some Latin, or has "passed" a Latin course or two, but that the seminarian actually *knows and understands* Latin.

To accomplish this requires a good teacher, a dedicated student, and lots of endless drilling.

At Most Holy Trinity Seminary, Latin is taught at three levels: elementary (fundamental grammar and syntax), intermediate (prose composition) and advanced (prose composition, translations of reading from the Church Fathers). The seminarian does drills and translations in an hour-and-a-half class, five afternoons a week until the priest-instructor is satisfied that the student understands Latin grammar and syntax inside out. Sometimes this takes several years.

The seminarian is then given a test in which he must translate Latin theological texts. If the instructor and the Rector are satisfied and convinced that the seminarian understands the language sufficiently, he is excused from the class. If they are unpersuaded, the seminarian goes back to class until he learns enough to convince them of his knowledge.

In addition I teach a course on the Latin Psalms of the Breviary. These form the major portion of the Divine Office, which clerics must pray every day after Subdiaconate.

The seminarians must translate the Psalms line by line in class, take daily quizzes on the special vocabulary of the Psalms and learn the meaning of the approximately 240 Latin passages in the Psalter that are particularly difficult to understand.

(I hope to make some of this material available on the Internet at www.traditionalmass.org.)

2. Philosophy. This discipline seeks to impart a systematic and intimate knowledge of the causes and reasons of things in the universe. It considers the world, the cause of the world, and man himself (his nature, origin, operations, moral end, and scientific activities).

^{14.} Apostolic Letter Officium Omnium Ecclesiarum, 1 August 1922, AAS 14 (1922), 453-4.

^{15.} Allocution to the Discalced Carmelites *Magis Quam*, 23 September 1951, in *Discorsi e Radiomessagi di sua Santità Pio XII* (Vatican: 1952) 13:258. "...reputandus est lamentabili mentis laborare squalore."

An understanding of scholastic ("Thomistic") philosophy is a necessary prerequisite to understanding Catholic theology.

The main courses in this discipline are Logic, Cosmology, Natural Psychology, Metaphysics, Ethics, Theodicy, and History of Philosophy, and at Most Holy Trinity require more than 400 class hours over three years.

3. Theology. This is "the science of God and Divine things" that systematically examines supernatural revelation in the light of Christian faith.

Below is a list of theology courses taught at Most Holy Trinity Seminary. They are typical of requirements in the standard pre-Vatican II theology program, though some material may have been divided differently.

The first two headings listed, Dogmatic and Moral Theology, comprise the two major courses during these four years. The first is a systematic study of the Faith; the second, a thorough examination of the principles and practice of morality, and therefore especially important for hearing confessions.

- *Dogmatic Theology*. Revelation. The Church. The One God. The Trinity. God the Creator. Grace. The Incarnate Word. Sacraments. Last Things. (680 hrs.)
- *Moral Theology*. General Principles. Theological Virtues. Cardinal Virtues. Ascetical and Mystical Theology. (420 hrs.)
- Sacred Scripture. Introduction. (75 hrs.) Reading and Commentary on Texts. (Variable hours.)
- Canon Law. General Introduction. Sacramental Law (180 hrs.)
- Liturgy. History/General Introduction. Rites in Particular. Modern Age and the New Mass. Rubrics of the Mass. Breviary Psalter Translation. (240 hrs.)
- Church History. Primitive Church. Middle Ages. Modern Age. (210 hrs.)
- *Practica*. Homiletics. Gregorian Chant. Practice of Mass. Pastoral Theology.
- **4. Course Preparation, Exams.** In order to teach a subject effectively the professor must prepare extensive notes for himself and the students. The first time a professor teaches a major course, he needs about 3-4 hours to prepare notes for each hour of actual class time.

The seminarian uses these notes to study for exams, which at Most Holy Trinity he takes three times a year. Needless to say, you must pass exams for all major courses.

- **5. Orders and Studies.** The Code of Canon Law also prescribes the point a seminarian must have achieved in his education before his promotion to each major order. These rules applied equally to diocesan and religious order priests:
 - *Tonsure, Minor Orders.* Not before beginning theology.
- Subdiaconate. Not before near the end of third year of theology.
 - *Diaconate*. Not before beginning of fourth year of theology.
 - Priesthood. Not before middle of fourth year of theology. 16

^{16.} Canon 976.1-2. "Nemo sive saecularis sive religiosus ad primam tonsuram promoveatur ante inceptum cursum theologicam. Firmo praescripto can. 975, subdiaconatus ne conferatur, nisi exeunte tertio cursus theologici anno; diacona-

This was the general law of the Church. Dispensations would sometimes allow earlier conferral of subdiaconate and diaconate.

II. Ordaining the Unfit: Illicit and Sinful

SUCH IS THE spiritual and academic formation the Church prescribes to insure that candidates for the priesthood are properly judged (*rite probati*) as to whether they possess the "moral conduct" and the "required knowledge" which, taken together, constitute "canonical fitness" (*idoneitas canonica*) for Holy Orders.

What if a candidate lacks the required formation, and is therefore canonically unfit? Church law is clear:

First, to ordain him would be illicit. Canon 974 lays down moral conduct and required knowledge as conditions for "licit" ordination, and we have examined in some detail what comprises these conditions.

Second, canon 973 prohibits a bishop *under pain of mortal sin* from ordaining a canonically unfit candidate.

"The bishop shall not confer sacred orders on anyone unless he has positive proof, amounting to moral certainty, of the candidate's canonical fitness; otherwise he [the bishop] not only *sins most gravely*, but also exposes himself to the danger of sharing in the guilt of another."

Two things about this are particularly noteworthy:

- The canon applies not only to the conferral of the priesthood, but also even to the *lower* sacred orders of diaconate and subdiaconate.
- The canon underlines the serious nature of this prohibition by stating that if the bishop violates it, he "sins most gravely." This is one of the few passages in the Code that specifically mentions mortal sin as a consequence of violating a canon.

The canonist Regatillo explains that this is a sin "against the public good, which is harmed exceedingly by unworthy ministers."

And finally, in the certificate he issues after the ordination the ordaining bishop must swear that the candidate he has promoted has been duly examined beforehand and "found fit" — *idoneum repertum*."

III. Validity of Orders from Unfit Bishops

I HAVE AMPLY demonstrated elsewhere that canonists, moral theologians and various church decrees conceded a general presumption of validity to ordinations and episcopal consecrations conferred by Catholic bishops, Orthodox bishops and schismatic Old Catholic bishops in certain countries."

These authorities take it for granted that all such bishops follow the rites prescribed in their respective liturgical books,

tus, nisi incepto quarto anno; presbyteratus, nisi post medietatem eiusdem quarti anni."

^{17.} Canon 973.3. "Episcopus sacros ordines nemini conferat quin ex positivis argumentis moraliter certus sit de ejus canonica idoneitate; secus non solum gravissime peccat, sed etiam periculo sese committit alienis communicandi peccatis." My emphasis.

^{18.} Jus Sacramentarium, 919.

^{19.} See S. Pietrzyk, *A Practical Formulary in Accordance with the Code of Canon Law* (Little Rock: Pioneer 1949), 168. In an alternative formula the bishop attests that the candidate met all the requirements prescribed by Trent and the Code.

^{20. &}quot;The Validity of the Thuc Consecrations," Sacerdotium 3 (Spring 1992) 20-1.

and thus employ the essential matter (imposition of hands) and form (formula proper to each order) required for the validity of an ordination.

But how far does this presumption extend? Does it extend even to orders conferred by an underworld traditionalist "bishop" of the type mentioned at the beginning of this article — someone canonically unfit for the priesthood himself, lacking a proper ecclesiastical education, summarily ordained a priest, and raised to the episcopate, perhaps by a bishop equally ignorant and canonically unfit?

I doubt that any Roman canonist explored such an issue in a pre-Vatican II canon law manual — Holy Orders conferred by, say, a chicken farmer-bishop untrained in Latin and theology.

The principle to be applied, nevertheless, is clear enough: Unless someone has received proper training, no presumption of validity is accorded to the sacraments he confers, because he may not know enough to confer them validly.

This is easily deduced from the following cases.

A. Baptism by a Layman

We all learned in catechism class that while the priest is the ordinary minister of baptism, in an emergency even a layman can validly administer the sacrament.

The moral theologian Merkelbach, however, states that the validity of such a baptism is often suspect in practice, and recommends that the priest confer the sacrament again conditionally, unless witnesses can confirm what took place, or unless someone "completely serious... trustworthy, circumspect, instructed in the rite of baptizing, asserts that he baptized the child properly."

1. **Theorem 1.**

1. **Theorem 2.**

2. **Theorem 2.**

3. **Theorem 2.**

3. **Theorem 2.**

3. **Theorem 2.**

4. **Theorem 2.**

5. **Theorem 2.**

5. **Theorem 2.**

5. **Theorem 2.**

6. **The

So while a baptism conferred by the *ordinary* minister always enjoys a presumption of validity, *no* such presumption is conceded when it is conferred by another person who has *not* been properly trained. Instead, someone who knows what is required (in this case, the pastor) must then conduct an inquiry in order to ascertain whether the sacrament was conferred validly.²²

Here, the chicken farmer-bishop's ordinations fall into the same category as baptisms conferred by the ignorant and untrained — their validity is not presumed, but *suspect*.

B. Ethiopian Schismatics

Although the Church treated orders conferred by most Eastern schismatic groups as valid, there was at least one exception.

The schismatic Ethiopian (Abyssinian) clergy were widely regarded as ignorant and barely literate; so too, the schismatic Copts (Egyptians) who provided the Ethiopians with the sole bishop authorized to ordain priests in their country. This bishop, called the "Abuna," was always a Copt. He was thus unfamiliar with the Ethiopian rites and liturgical language (Ge'ez), and his practice was to ordain thousands of priests at a time in the same ceremony."

^{21.} B. Merkelbach, *Summa Theologiae Moralis*, 8th ed. (Montreal: Desclée 1949) 3:165. "...persona omnino seria, etiam mera obstetrix, quae sit fide digna, circumspecta, et in ritu baptizandi instructa..."

^{22.} A series of questions to be asked is provided by Merkelbach 3:141.

^{23.} See A. Fortescue, The Lesser Eastern Churches (London: CTS 1913) 308ff.

Faced with this, Rome decreed that any Ethiopian priest who wanted to convert and function as a Catholic priest had to attest first that the Abuna imposed hands on his head and recited the prescribed prayers. Otherwise, he had to submit to conditional ordination."

So where the minister of Holy Orders appeared to lack due knowledge and could not be relied upon to perform the prescribed rite properly, Rome conceded no general presumption of validity, and insisted on an inquiry for each particular case.³⁵

C. Old Catholic Schismatics

Canonists such as Beste[®] and Regatillo[®] concede the presumption of validity to orders conferred by the Old Catholic bishops in Holland, Germany and Switzerland *only*. Of orders conferred by the countless *other* Old Catholic bishops operating (in the U.S., England, etc.) at the time they were writing, the canonists say nothing at all.

Here too, the distinction appears to be based on whether or not the clergy had an ecclesiastical education. In Holland, Germany and Switzerland, Old Catholic clergy were required to have theological training.* In the other countries Old Catholic bishops conferred ordinations and consecrations pell-mell on hundreds of untrained candidates.

To demonstrate the problem this poses for the validity of Holy Orders conferred in the latter group, we need take as an example only one series of Old Catholic bishops in the U.S.: Mathew (consecrated 1908), de Landas Berghes (1913), Carfora (1916), Rogers (1942), Brown (1969).

While the first and third bishops in the line, Mathew and Carfora, had been properly-trained Catholic priests and presumably would have known how to confer a sacrament properly, the second and fourth, de Landas Berghes and Rogers, are identified only as, respectively, "a distinguished Austrian nobleman" and "a West Indian Negro."

But navigating through the second most complex ceremony in the Roman Rite — Episcopal Consecration — and getting the essential parts right (or even knowing what they are) is not exactly something a layman picks up in a Habsburg emperor's court or a Caribbean sugar cane field. There is no reason then to assume that either de Landas Berghes or Rogers had any idea about how to confer this sacrament validly.

^{24.} Holy Roman Inquisition, Response *Ordinatio Presbyteri*, 10 April 1704, in P. Gasparri, *Tractatus Canonicus de Sacra Ordinatione* (Paris: Delhomme 1893) 1057. This response also refutes the argument made by the Society of St. Pius V that the Catholic priests consecrated bishops by Abp. Thuc in 1981 could not attest to the fact of their own consecrations. If the statements of ignorant Africans about their ordinations (some stark naked when ordained [Fortescue, 311n]) were sufficient proof for Rome, there should be no problem accepting the word of a Dominican theologian (Bp. Guérard) or a seminary professor and pastor (Bp. Carmona) who states that he has been duly consecrated a bishop.

^{25.} The response from the Inquisition (*supra*) provides the questions to be asked in each case.

^{26.} U. Beste, Introductio in Codicem (Collegeville MN: St. John's 1946), 951.

^{27.} Jus Sacramentarium, 878.

^{28.} Dutch Old Catholics studied at their theological school in Utrecht or at a university, Germans at a theological school in Bonn, and the Swiss at the University of Berne. P. Baumgarten, "Old Catholics," *Catholic Encyclopedia* (New York: Appleton 1913) 11:235–6. These groups were also organized and somewhat centralized. They consecrated a limited number of bishops, kept proper records, followed the old ordination rites, and had clear lines of succession.

^{29.} P. Anson, Bishops at Large (London: Faber 1964) 189, 433.

This problem is complicated by yet another: Rogers' own *priestly* ordination was doubtful, which would in turn render his episcopal consecration doubtful.*

So by the time we get to Brown in 1969, there is no possible way to sort out whether his orders are valid or not.

Such problems are encountered across the board with orders derived not only from the Old Catholics," but also from the Brazilian nationalist schismatics." Sacraments conferred by the ignorant cannot be presumed valid.

D. A Married Bishop

Finally, a true tale about how some of the clergy described at the beginning of this article actually confer sacraments will illustrate the problem with assuming they are validly ordained or consecrated.

A married bishop ordained another married man a priest using a photocopy of the traditional ordination rite. The photocopy, however, was missing the page containing the essential sacramental form that must be recited for an ordination to be valid

Since this would-be bishop had no training, he had no idea anything was wrong. The mistake was detected only because an apostate priest (correctly trained) happened to be present. Not to worry, though. The apostate priest "corrected" the error himself afterwards by imposing hands and reciting the correct form — having announced that he had been secretly consecrated a bishop by Pius XII himself!

From the foregoing, it is clear that those who lack the requisite training for the priesthood cannot be counted on to ordain priests and consecrate bishops validly. Accordingly, Holy Orders conferred in the underworld menagerie of untrained Old Catholic, Brazilian-schismatic or Palmerian chicken farmers, male nurses and estate liquidators can enjoy *no* presumption of validity.

In the practical order, therefore, their sacraments must be treated as "absolutely null and utterly void."

IV. Use of Orders by the Canonically Unfit

IN THE YEARS since Vatican II, various unfit candidates have managed to obtain Holy Orders from Catholic bishops or non-

^{30.} He appears to have been ordained a priest in the Vilatte succession (Anson, 433), which was of uncertain validity. According to most theologians the order of priesthood is required to receive episcopal consecration validly.

^{31.} Apologists for the validity of Old Catholic or Old Roman Catholic orders in the United States (the terms are interchangeable) invariably try to support their case by citing the same group of published statements by various Catholic authors. With one exception, however, these statements appeared not in theological works, but in popular ones (various religious dictionaries for the laity, overviews of non-Catholic sects, etc.), or they refer to the Old Catholic bodies in Europe about whose orders there is no dispute. The one article cited from a scholarly journal ("Schismatical Movements among Catholics," *American Ecclesiastical Review* 21 [July 1899], 2–3) is from a passage concerning the specific issue of the *priestly* ordination of René Vilatte which cannot be disputed. The passage cited proves nothing about *subsequent* Old Catholic episcopal consecrations in the U.S., which were a dog's breakfast of the type already described above.

^{32.} Among these bishops we encounter, for instance, a vestment dealer jailed twice for fraud and a seminary drop-out who, starting in 1961, worked his way through at least three different nationalist Old Catholic and Eastern sects.

Catholic bishops, and have then gone on to function in traditionalist chapels.

Assuming it could be proven in a given case that the orders so received were valid, would it be permissible for such a person to exercise them nevertheless, given the dearth of traditional Catholic priests?

A. Orders from a Catholic Bishop

The specific purpose of a great number of the canons regulating Holy Orders was to prevent a Catholic bishop from ever ordaining an unfit candidate to the priesthood, either unknowingly or knowingly, and failing that, preventing such a man from ever functioning as a priest.

In addition to the many regulations already cited, other canons made the diocesan ordinary the proper minister of Holy Orders for all his subjects (thus a gatekeeper against the unfit),33 forbade a bishop (under pain of suspension)⁴⁴ from ordaining without proper permission another bishop's subjects," called for testimonial letters for each ordinand (verifying studies, moral character, lack of impediments),* required examinations in theology for promotion to Major Orders," legislated ordination banns (to ferret out impediments), forbade (except after rigorous investigation, and in some cases a Vatican dispensation) receiving seminarians who had been dismissed from or even voluntarily left other seminaries or religious institutes."

Even if an unfit candidate could have maneuvered around these barriers and somehow managed to find a Catholic bishop gullible or careless enough to ordain him — a retired bishop, say other church laws would still have barred him from exercising his illicitly-obtained orders.

Lacking a celebret (the document from his diocesan bishop verifying good standing), he could not have offered Mass publicly in any church, and lacking also an indult to celebrate on a portable altar, he could not have offered Mass anywhere else either. Lacking faculties from a diocesan Ordinary, he could not have preached, performed solemn baptism, brought communion to the sick, conferred absolution and extreme unction (except in danger of death), witnessed marriages, or even blessed rosaries

And needless to say, canon law explicitly prohibits a married man who has managed to obtain Holy Orders from exercising them.[®]

In a word, Church law would have barred the canonically unfit priest from nearly all priestly acts, because only a priest who had received the required seminary formation would have been authorized to perform them.

35. Canons 955-963.

^{33.} Canon 955.1. This was the rule for secular clergy. A slightly different procedure applied for religious, but the effect was the same.

^{34.} Canon 2373.

^{36.} Canon 993. Again, a slightly different rule applied for religious.

^{37.} Canons 996-7.

^{38.} Canons 998-1000

^{39.} Canon 1363.3. SC Religious & SC Seminaries, joint Decree Consiliis Initis, 25 July 1941, AAS 33 (1941), 371. SC Seminaries, private to Abp. Of Toledo 8 May 1945. SC Seminaries private to Vicar General of Cologne, Rispondiamo, 12 January 1950, Ochoa, *Leges Ecclesiae post Codicem* (Rome:1969) 2:2727-8.
40. Canon 132.3. "Conjugatus qui sine dispensatione apostolica ordines majores,

licet bona fide, suscepit, ab eorunem ordinum exercitio prohibetur."

Unless you entered the priesthood by this gate, you did not function at all — and this is the standard to apply to the canonically unfit traditionalist clergy who have managed to obtain Holy Orders from a Catholic bishop.

No priestly training, no priestly work.

B. Orders from a Schismatic

In not a few instances since Vatican II, we encounter the case of a traditional Catholic who receives ordination or even episcopal consecration from a non-Catholic bishop (an Old Catholic or Brazilian schismatic, for instance), and then begins ministering to traditional Catholics. In some cases, he has made a Profession of Faith and Abjuration of Error in an attempt to rectify the anomaly of receiving orders from a schismatic.

As I have noted elsewhere, receiving orders this way might not, in and of itself, incur an excommunication, still less one that would automatically "infect" unsuspecting laymen associated with a person so ordained.

That said, although one traditionalist writer calls such orders "tarnished gold," the correct adjective is "stolen." Holy Orders are the property of the Church, whose law forbids the canonically unfit to receive or exercise them.

While the Church usually permitted those who had been raised and ordained in schism to exercise their orders when they abjured and were received into the Church, a *Catholic* who went outside the Church to receive Holy Orders — even if their validity was certain — was *not* permitted to exercise them, even if he repented of his action.

In 1709 the Holy See was asked the following question about the reception of orders from a schismatic:

"Because there is a need for priests to serve Armenian Catholic churches both in Aspaan and Giulfa where there are no Armenian Catholic bishops, is it permitted to send someone to be ordained and receive Holy Orders from one of the schismatic and heretical bishops?"

The Holy Office responded: "This is in no way permitted, and those ordained by such bishops are irregular and suspended from the exercise of Orders." "

This was also the Church's practice in the more recent case of René Villatte (1854–1929).

Vilatte, a drop-out from several Catholic seminaries and religious communities, was ordained a priest in 1885 by the Swiss Old Catholic bishop of Berne, and then (it is said) consecrated a bishop in 1892 by Syro-Jacobite schismatics in Ceylon (Sri Lanka). This erratic character consecrated at least seven bishops between 1898 and 1929; no one knows how many priests he ordained "

In 1925 he made a formal declaration of his repentance before the Papal Nuncio in Paris, was received back into the

^{41.} Holy Office, Decree *Bisognando*, 21 November 1709, 278, in *Collectanea S.C. de Propaganda Fide:* 1602–1906 (Rome: Polyglot 1907) 1:92... "Bisognando qualche ministro per servizio delle chiese degli armeni cattolici, tanto in Aspaan quanto in Giulfa, per non esservi vescovi armeni cattolici, si mandano ad ordinare ed a prender gli ordini sacri da qualcuno dei vescovi scismatici ed eretici. R. Nullo modo licere; et ordinati ab hujusmodi Episcopis sunt irregulares, ac suspensi ab exercitio Ordinum." The cities mentioned are in present-day Iran. 42. See Anson, 91–129.

Church, and was allowed to live in retirement at the Cistercian Abbey of Pont-Colbert at Versailles.

Even though there could be no question about the validity of his priestly ordination, Vilatte was not permitted to exercise the orders he received outside the Church. He was treated as a layman.

This is the principle to apply to the would-be traditional Catholic priest or bishop who has received priestly ordination or episcopal consecration from schismatics. His orders — even if he could prove their validity beyond any doubt — are "stolen." He is forbidden to exercise them, and thereby profit from his theft.

V. Objections and Evasions

HERE ARE various objections I have heard made to the foregoing, along with my responses:

1. Private Study. *I can study on my own while I live at home, and then find a bishop to ordain me.*

"The theological course of studies must be taken, not privately, but in schools instituted for this purpose according to the prescribed course of studies laid down in canon 1365."

And the law prescribes that your must *live* in the seminary: "The obligation affecting the course of theology requires not merely study in a seminary, but actual residence, *and the obligation is a grave one.*" "

The purpose of this law is not merely to insure proper *academic* formation. In a seminary superiors will observe, form and judge the seminarian's character and behavior — something very difficult to do if he does not live in community with them.

Theology, moreover, is not just some sort of advanced catechism course, but an actual *science*. You need qualified teachers who explain the material and test you on it.

2. Pius XII. Pope Pius XII didn't go to a seminary, but studied on his own at home, and then was ordained. If he did it, anyone can do it.

False. Pius XII, because of ill health, received special permission from the Cardinal Vicar of Rome to *live* at home while studying for the priesthood.

This is consistent with an exception allowed by Canon 972.1, permitting the Ordinary to dispense a seminarian from the obligation to reside in a seminary, "in a particular case, and for a grave reason."

The young Pacelli did not "study on his own." Although he lived at home, he attended classes at the Pontifical Gregorian University, studied philosophy, Latin and Greek at the University of the Sapienza, and took theology at the Papal Athenaeum of

^{43.} Anson, 126-8. As regards his episcopal orders, Mgr Chaptal, Auxiliary Bishop of Paris said that Cardinal Merry del Val did not regard Vilatte's ordinations and consecrations as valid because they had been so "commericialized." Anson, 128. Fr. Joseph van Grevenbroek, the abbot of the Cistercian Abbey of Spring Bank where I was once a novice, had been a young priest at Pont-Colbert when Vilatte was still alive and told us that the abbot of Pont-Colbert, Fr. Janssens, tried to press Cardinal Merry del Val into issuing a statement on the validity of Vilatte's episcopal consecrations. The Cardinal replied: "We'll never issue a decision." 44. Canon 976.3 "Cursus theologicus peractus esse debet non privatim, sed in scholis ad id institutis secundum studiorum rationem can. 1365 determinatam." 45. J. Abbo & J. Hannon, *The Sacred Canons* (St. Louis: Herder 1957) 2:972.

St. Apollinaris where he obtained a Baccalaureate and Licentiate in theology *summa cum laude*.

3. Inapplicable Canons. Because of the situation in the Church, the canons prescribing a lengthy spiritual and academic formation for priests no longer apply.

Also false. Canonists such as Cicognani^a and Bouscaren-Ellis^a lay down specific criteria for when an ecclesiastical law ceases. Commentators agree that intrinsic cessation of an ecclesiastical law occurs only when it becomes useless, harmful or unreasonable.

In light of the many papal pronouncements on the grave obligation to ordain only those who are properly formed, no one can make such a case against the laws cited above.

Nor may one invoke epikeia or equity here, for this must be governed by what moralists call *gnomé*, a type of mature prudence in judgement. Popes, as we have seen, have warned time and time again that it is *imprudent* and *dangerous* to ordain the canonically unfit.

4. Need for Priests. We live in extraordinary times. Our greatest need is to have more priests to celebrate the traditional Mass. So what if they don't have proper training? Having the Mass is all that matters.

First listen to Pius XI: "One well-trained priest is worth more than many trained badly or scarcely at all. For such would be not merely unreliable but a likely source of sorrow to the Church." **

Then St. Thomas: "God never abandons His Church; and so the number of priests will be always sufficient for the needs of the faithful, provided the worthy are advanced, and the unworthy sent away... Should it ever become impossible to maintain the present number, it is better to have a few good priests than a multitude of bad ones." ⁵

5. "My Vocation." A traditional Catholic who perseveres in wanting to be a priest, even though he has been turned away by various traditionalist seminaries and has not received proper training, would be justified in obtaining ordination nevertheless.

Such a person is a recurring "type," both in the history of the Old Catholic movement and in certain modern-day traditionalist circles. He is the Catholic who wants to be a priest, but is repeatedly told by various seminary and religious superiors that he is unfit for the priesthood on intellectual, spiritual, moral or psychological grounds.

Instead of accepting their judgement, he decides he knows better, so he talks a retired Catholic bishop into ordaining him, or goes to a schismatic who not only ordains him, but even makes him a bishop. No fuss, no need to pass years in a seminary where he is tested and judged for "positive proof of uprightness" and "the required knowledge."

It never occurs to the would-be priest that his act demonstrates that he lacks either the virtues (prudence, humility, etc.)

^{47.} Canon Law, 2nd rev. ed., trans. by Joseph M. O'Hara (Westminster MD: Newman 1934), 625.

^{48.} T. Bouscaren & A. Ellis, Canon Law: A Text and Commentary (Milwaukee: Bruce 1946), 35.

^{49.} See D. Prümmer, Manuale Theologiae Moralis, 10th ed. (Barcelona: Herder 1946) 1:231, 634.

^{50.} Ad Catholici Sacerdotii, loc. cit., 44. My emphasis.

^{51.} Sum. Theol. Suppl., 36.4.1. My emphasis.

or the knowledge (of church law, etc.) that a candidate for ordination should possess.

In other words, the very fact he has obtained Holy Orders this way *confirms* what superiors told him earlier: He has *no* vocation and he is unfit to be a priest.

6. Bad Results. Many priests produced by the old system before Vatican II turned out bad, as even did many priests produced by traditionalist seminaries after Vatican II. Why insist on going through all this trouble?

The reason in both cases is fallen human nature. Priests who have been well trained can nevertheless fall into sin or abandon the faith. Such failures of individuals do not discredit the system that the Council of Trent established and canon law prescribed.

As any parent knows, you can faithfully and consistently provide children with all the proper religious and moral training called for in manuals for Catholic parents, but the child as an adult can still choose to go astray. The important thing for the parent's own salvation, however, is that he did his duty.

7. We're Contemplative Monks. We are monks, so we don't need all this rigorous academic training in Latin, philosophy and theology before ordination. Besides, intellectual pursuits and arguments make priests worldly and proud. Our only interest is contemplation.

This may sound plausible to laymen and even to some priests, but as a former Cisterican monk, I don't buy it.

The abbey I entered and another abbey to which I was later sent were both contemplative houses with strict monastic observances. Nevertheless, monks from both had always been required to receive the same academic formation before ordination that other priests received.

Pius XI, moreover said you do need the studies: "The principal object of this Letter is to exhort religious, whether they are already ordained or preparing for admission to the priesthood, to assiduous study of the sacred sciences; unless they are thoroughly acquainted with these subjects, they will not be capable of fulfilling properly the duties of their vocations." s

Nor — again according to Pius XI — can you play the contemplative card to justify ignorance: "It is a mistake for them [those who lead the contemplative life of the cloister] to think that, if theological studies were neglected before ordination or subsequently abandoned, they can easily dwell in the height and be raised up to interior union with God, even though they lack that abundant knowledge of God and of the mysteries of the faith which is derived from the sacred science." 50

8. Too Much Work. *Providing all the academic training traditionally required is impossible. There are not enough professors or priests to do all this work*

Teaching courses on Latin, philosophy and theology *is* a lot of work.

But it is possible in our times to give seminarians a complete academic formation that will be sufficient in their priestly work.

There are many excellent basic seminary manuals that cover all the necessary ground for the required courses. It takes a lot of

^{52.} Unigenitusque Dei Filius, loc. cit., 136–7

time and self-discipline for the teacher to prepare classes based on these manuals and for the student to learn the material they contain.

The effort required to organize and supervise this is worth it — because it produces a properly-formed priest worthy of his calling.

9. Sterile Polemic. You are engaging in sterile intellectual polemics in which we have no interest. Your comments are uncharitable, unspiritual and divisive. As a priest, you should keep them to yourself. You are like the Pharisee who boastfully looked upon himself as someone special above the rank and file of the unworthies of the world!

Here is Pius XI on our responsibility to speak out against an ill-trained clergy: "What a terrifying account, Venerable Brethren, we shall have to give to the Prince of Shepherds, to the Supreme Bishop of souls, if we have handed over these souls to incompetent guides and incapable leaders."

VI. Resumé and Conclusions

WE MAY SUM up the foregoing as follows:

(1) Church law requires that anyone ordained to the priest-hood possess canonical fitness (*idoneitas canonica*).

The two principal criteria that determine a candidate's canonical fitness for ordination are (a) virtuous conduct (*mores congruentes*) and (b) the required knowledge (*debita scientia*).

The seminary system established by the Council of Trent and prescribed by canon law provides candidates for ordination with a proper spiritual formation (through the seminary rule, daily schedule, regular spiritual direction, observation and correction, and faculty evaluation) and the required ecclesiastical education (knowledge and understanding of Latin, two years philosophy, four years theology). The Tridentine system insures that ordinands are "properly judged" (rite probati) over a long period of time on both their conduct and their knowledge, and that they are therefore indeed canonically fit for ordination.

Papal legislation and pronouncements repeatedly warn that these requirements are *grave* obligations and that ignoring them endangers the souls of the faithful.

A candidate who has not been "properly judged" according to the norms of law as to his virtue and knowledge is canonically unfit for the priesthood.

- (2) A bishop who confers major orders on a canonically unfit candidate commits mortal sin. (Canon 973.)
- (3) Holy orders conferred by a canonically unfit bishop one who, as among the Old Catholics, Brazilian schismatics, the Palmar de Troya hierarchy and others, lacked the requisite seminary education enjoy *no* presumption of validity. In practice, therefore, episcopal or priestly orders derived from such bishops must be treated as invalid.
- (4) Even if in a particular case a canonically unfit candidate *could* prove that his priestly ordination or episcopal consecration was certainly valid, he would *still* be barred from exercising the orders so received, irrespective of whether they were conferred upon him by a Catholic or a schismatic prelate.

^{54.} Ad Catholici Sacerdotii, 44. The last part of the phrase is not only more pointed in Latin, but also very cleverly balanced: "...rectoribus inertis imperitisque magistris..."

* * * * *

The law and tradition of the Church, then, require that her ministers be formed and tested for their virtue and knowledge before receiving the dignity of Holy Orders, and that the unfit be excluded.

A canonically unfit priest or bishop, even though he may be validly ordained, dishonors the Catholic priesthood and endangers the salvation of souls each time he ascends the altar, enters the confessional or — still worse — puts on a miter and raises to Holy Orders yet more of the ignorant and the unfit.

The dignity of Christ's priesthood and the general good of the Church require that the traditional Catholic laity refuse sacramental ministrations from these men and give no support to their apostolates. To do otherwise lends credence and respectability to what deserves only contempt and condemnation, as is evident from the terrifying words of Pope Pius XI:

"Anyone who undertakes the sacred ministry without training or competence should tremble for his own fate, for the Lord will not suffer his ignorance to go unpunished; it is the Lord who has uttered the dire warning: 'Because thou hast rejected knowledge, I will reject thee, that thou shalt not do the office of priesthood to me'." (Osee 4:6)

If the Lord Himself rejects the unfit, the traditional Catholic laity can do no less — for the only type of person fit to celebrate a Tridentine Mass is a real Tridentine priest.

(Monograph 2003)

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