

## Prologue

### INTRODUCTION, UNDERLYING PREMISES, AND ASSUMPTIONS<sup>1</sup>

“All roads lead to Rome,” thus it is that in studying the canonical institution of suitability for an ecclesiastical office, deciding where to begin can be a difficult endeavor. The most important thing is to begin somewhere, so the most obvious place to embark on a detailed study of suitability is canon 149§1 of the 1983 Code of Canon Law. This canon states, “In order to be promoted to an ecclesiastical office, a person must be in the Communion of the Church, as well as suitable, namely, endowed with those qualities which are required for that office by universal or particular law or by the law of the foundation.”<sup>2</sup> This canon is key to understanding suitability and will be explored in all its terms and concepts.

Suitability for an ecclesiastical office is built on the *Christifidelis* as the prototypical potential candidate. Although many explanations of suitability primarily consider the aptness of clergy for an ecclesiastical office, this is in fact taking a concrete example as if it were the concept itself in the abstract. Some concrete examples that are presented as the abstraction of suitability include: the specific study of clergy’s suitability for ecclesiastical offices; the scrutinies for Holy Orders; or, the admission criteria for the Seminary. This type of model focuses mainly or exclusively on describing suitability from the perspective of a clergy candidate. It is important to state from the beginning that although these models are indeed instruc-

1. N.B.: MODERN LANGUAGE ASSOCIATION citation style used throughout. See: <https://style.mla.org/>. One main difference to other citation styles is the separation of elements with periods instead of commas.

2. CANON LAW SOCIETY OF AMERICA. *The Code of Canon Law: A Text and Commentary*. Geoffrey Chapman, London 1985. Canon 149. (N.B.: Cited throughout as “CIC 1983”).

tive, historical, and/or specific case-study examples of the broader concept of suitability, they are not, and ought not be treated as if they were, exhaustive examples of what suitability *per se* entails.

In the past, the Church emphasized religious life and the priesthood to such an extent that the lay faithful were often overshadowed. Then, the Second Vatican Council returned to, rediscovered, and further developed the original spirit of Christianity with the right and just sense of the Universal Call to Holiness for all the *christifideles*. In that vein, this book dares to insist that the ecclesiastical office and a candidate's suitability (or lack thereof) to hold that office is actually the paradigm and the suitability for Holy Orders a beautifully developed exemplar - but not the paradigm of suitability itself.

All canonists owe a debt of gratitude as they stand on the shoulders of the giants of intellects and academics, the saintly men and women who paved the way for each one of the next generation's small contributions to the science of canon law. However, honoring this rich legacy also demands the exercise of the same level of academic rigor as they themselves cultivated, doing them credit by not just accepting their discoveries but also, and more importantly, enriching and advancing them. Let us who have the honor to practice canon law not be like the unfaithful steward in the Gospel parable hiding away our talents by failing to build on the legacy left us, and instead, let us strive to be among the faithful stewards!<sup>3</sup>

Just as Vatican Council II altered our focus as a Church from clericalism to the Universal Call to Holiness of all the baptized, so too the eligible subject to hold ecclesiastical office. This is reflected in the suppression of the requirement in canon 153§1<sup>4</sup> of the 1917 Code of Canon Law of being ordained in order to hold any office in the Church. This restriction was subsequently replaced by canon 228§1<sup>5</sup> of the 1983 Code of Canon Law which shifted and refined the exclusive requirement to a much more nuanced legislation where the general requirement for suitability is Bap-

3. Cfr. MATTHEW 25:14-30.

4. CODEX IURIS CANONICI. Typis Polyglottis Vaticanis, Città del Vaticano 1948. Canon 153 par. 1 "Ad vacans officium promovendus debet esse clericus, iis qualitibus praeditus, quae a iure communi vel, particulari aut a lege foundationis ad idem officium requiruntur." (N.B. Cited throughout as "CIC 1917").

5. CIC 1983. Canon 228§1 "Qualified lay persons are capable of assuming from their sacred pastors those ecclesiastical offices and functions which they are able to exercise in accord with the prescriptions of law."

tism and not Holy Orders. Authors on the subject have mentioned this, for example, A. Viana's recent article in *Ius Ecclesiae* published in 2016.<sup>6</sup> Although this fact is indisputable and obvious, it merits more than just a passing mention as it will be applied in practice to provide the fundamental point of departure in this book's discussion of suitability for ecclesial office. It merits an explicit statement because one's conclusions stand or fall based on the premises from which one departs.

This book focuses specifically on the concept of suitability without delving into the arguments surrounding ecclesiastical offices, the power of governance, mission, mandates, or other various related topics, which have previously been debated at length in recent academic and scholarly works. These corollary topics will be discussed only insofar as they directly relate to suitability itself.

Suitability facilitates the proper placement of potential candidates.<sup>7</sup> An ecclesiastical office is a cell within the Body of the Church. Suitability is a positive tool for making sure the right member of the Body of Christ is placed in the appropriate cell. An ecclesiastical office is extrinsic to the being of the office-holder and exists independently from a specific person. Suitability, on the other hand, is intrinsic to a specific person and must be judged individually in each case and for each vacancy of an office.

This book is the publication of the doctoral thesis written and defended in the Canon Law Department of the University of Navarre, under the direction of Doctor Don Antonio Viana Tomé. I would like to take this opportunity to express my gratitude to him for his indefatigable academic guidance. The methodology used for the thesis that became this book was a comprehensive review of available research on the topic of suitability. This research included a thorough study of original historical documents to construct an easily accessible compilation and narrative of the history of suitability through the ages. I then synthesized and summarized everything I was able to find on the subject to present it with the addition

6. VIANA, A. *La comprobación de la idoneidad para el oficio eclesiástico y el orden sagrado*. *Ius Ecclesiae* 28 no. 2 (2016). 345-366.

7. CONGREGATION FOR BISHOPS. *Apostolorum Successores*. 22 February 2004. no. 61. The Principle of the right Person for the right Post. "In conferring offices within the diocese, the Bishop ought to be guided solely by supernatural criteria and the pastoral good of his particular Church. Therefore he should look first of all to the good of souls, respecting the dignity of persons and making use of their talents in the most appropriate and beneficial way, in the service of the community, always assigning the right person to the right post."

of my little grain of sand to the beach of canon law doctrine. This book seeks to advance the body of canonical science to foster the appointment to ecclesiastical offices of the most suitable candidate available while offering tools to evaluate situations where an office-holder is or becomes unsuitable while in office.

A major issue faced in researching and writing this book was a lack of many referred articles written specifically on the topic. To compensate the dearth of these, I instead relied on primary legislative and historical sources as well as articles and commentaries on related topics to assist me in the development of this book.

It is apparent that only God's grace, my personal tenacity, and a supportive family and faculty could possibly explain how this academic work came to fruition.

One important goal of this work is to refocus suitability for ecclesiastical offices from the default of clergy, seminarians, and sometimes religious to the primordial candidate as a qualified baptized member of the faithful, not only nor mostly the ordained faithful. Even if on a practical level clergy still occupy the majority of ecclesiastical offices, on a theoretical level this is not required by the current legislation (admitting the exceptions where the law requires a clergy or priest). A change in the mindset of the competent appointing authorities to more faithfully reflect the *mens legis* will slowly change the actual composition of ecclesiastical offices.

There are two main divisions in this book, the first is a theoretical treatise on the abstract concept of suitability which also includes an historical survey of suitability through the vicissitudes of time. The first chapter defines terms and important concepts to properly frame the discussion. This chapter discusses three main topics. The first topic defines in-depth what is an ecclesiastical office? The second topic discusses the prerequisites required before suitability can come into existence. The last topic in the first chapter describes the essential elements of suitability. Chapter two provides the history of suitability by tracing the legislative antecedents to canon 149 of the 1983 Code of Canon Law (CIC). This exploration of the history of suitability is divided into three timeframes. These timeframes include remote, proximate, and immediate/concurrent legislative sources. The remote sources include Ecumenical Councils and their influence on the 1917 Code of Canon Law. The proximate legislation includes the 1917 Code and Vatican Council II. The final section

includes the *iter* of canon 149, as well as an exegesis on canon 149§1. It also touches on corresponding canons in the 1990 Code of Canons of the Eastern Churches (CCEO).

Throughout this book, other universal law is offered alongside the canons of the 1983 CIC. This includes the corresponding canons from the CCEO as well as magisterial documents. These references are generally made in a parenthetical fashion directly after the citations to the CIC &/or in footnote references. While by no means exhaustive, I have attempted to be thorough in providing these sources as the universal law is not solely contained in-between the covers of the 1983 Code of Canon Law. Scarcity of expert articles or publications can be attributed to the unavailability of these sources as certain topics dealt with in this book are not yet fully developed by the canonical doctrine.

The second division of this book deals with practical considerations related to suitability. It includes chapters three and four which study how the 1983 Code of Canon Law and particular law regulate suitability, respectively. Chapter three is a study of suitability throughout the 1983 Code of Canon Law. Its two sections include suitability in situations that are not ecclesiastical offices and suitability requirements for specific ecclesiastical offices. The first section includes usage of suitability in the CIC that does not refer to a specific office and the admission to Holy Orders and Consecrated Life. The second section discusses individual ecclesiastical offices within capital offices, the diocesan chancery, Catholic educators, and offices with the care of souls.

The final chapter addresses suitability for an ecclesiastical office in particular law. It contains three sections, particular councils and suitability, the United States national canonical legislation, and suitability in the online Policy Compendium of the Archdiocese of Saint Paul & Minneapolis. The highlights of the fourth chapter are the studies of the Plenary Councils of Baltimore, the United States Conference of Catholic Bishops' Co-Workers in the Vineyard of the Lord, and the analysis of the well-developed set of policies compiled, published, and publicly available from the Archdiocese of Saint Paul & Minneapolis. The Archdiocesan online Policy Compendium includes no less than seven sets of policies treating aspects of suitability ranging from Essential 3 requirements to review boards, from handbooks to lay participation in official parish positions, and everything in-between.

The final two sections are the Conclusions and References. Fifteen of the most important conclusions that can be drawn from this book are included. The conclusions are a thematic summary of the in-depth arguments proposed throughout the book. The Conclusions section also offers summaries of the unresolved doctrine on suitability, the novelties presented, solutions proposed, and a proposal for a future investigation directly related to suitability. The reference sections include a sources cited and a bibliography. The former lists mainly legislative and references cited while the latter lists authors cited. These references offer many helpful publications, both physical and Internet sources that can assist future researchers in further advancing this critical aspect of the law.