
EXCERPTA E DISSERTATIONIBUS IN IURE CANONICO

CUADERNOS DOCTORALES

DE LA FACULTAD DE DERECHO CANÓNICO

VOLUMEN 26 / 2014-2015

PUBLICACIÓN PERIÓDICA DE LA FACULTAD
DE DERECHO CANÓNICO /
UNIVERSIDAD DE NAVARRA / PAMPLONA / ESPAÑA



Universidad
de Navarra

La corresponsabilidad. Una propuesta para el sostenimiento de la Iglesia
Jaime Vázquez Sánchez / 11-63

Some Helpful Means for the Fulfillment of Ecclesiastical Functions by Clerics
Reynold Humady Oliveros / 65-130

Canonical Obedience in the Juridical Status of Clerics
Joenick Seisa Territorio / 131-208

Consecrated Widows: an Analysis of Canon 570 of the *Codex Canonum Ecclesiarum
Orientalium*
Christina M. Hip-Flores / 209-258

Principios que guían la administración de los bienes eclesiásticos
Carlos Luis Páez Lucero / 259-306

Caring of Ecclesiastical Goods in the Light of Canon 1276
Elizar A. Cielo / 307-361

Universidad de Navarra
Facultad Derecho Canónico

Reynold Humady OLIVEROS

Some Helpful Means for the Fulfillment of Ecclesiastical Functions by Clerics

Extracto de la Tesis Doctoral presentada en la
Facultad Derecho Canónico de la Universidad de Navarra

Pamplona
2015

Ad normam Statutorum Facultatis Iuris Canonici Universitatis Navarrensis,
perlegimus et adprobavimus

Pampilonae, die 25 mensis novembris anno 2015

Dr. Georgius MIRAS

Dr. Ioachim SEDANO

Coram tribunali, die 27 mensis iunii anno 2014, hanc
dissertationem ad Lauream Candidatus palam defendit

Secretarius Facultatis
D. nus Eduardus FLANDES

Cuadernos Doctorales de la Facultad de Derecho Canónico

Vol. 26, n. 2

Some Helpful Means for the Fulfillment of Ecclesiastical Functions by Clerics*

Reynold Humady OLIVEROS**

[noy_oliveros@yahoo.com]

Summary. INTRODUCTION. I. ECCLESIASTICAL FUNCTIONS. II. THE OFFICEHOLDER OR THE MINISTER. III. BASIC DUTIES OF THE OFFICEHOLDER OR THE MINISTER. 1. Right Use of Function. 2. Adequate Exercise of Duties. IV. CANONICAL HELPS FOR THE FULFILLMENT OF ECCLESIASTICAL FUNCTIONS. 1. Spiritual Aids. A. Daily Eucharist. B. Frequent Confession. C. Spiritual Direction. D. Examination of Conscience. E. Liturgy of the Hours. F. Mental Prayer. G. Spiritual Reading. H. Retreat and Recollection. I. Marian Devotion. 2. Continued Formation. 3. Priestly Association. V. OPERATIVE PRINCIPLES FOR THE FULFILLMENT OF ECCLESIASTICAL FUNCTIONS. 1. *Ad servitium Ecclesiae* 2. *In nomine Ecclesiae* 3. Principle of Suitability 4. Principle of Accountability. CONCLUSION. BIBLIOGRAPHY. TABLE OF CONTENTS OF THE DOCTORAL THESIS.

* *Excerptum of Doctoral Dissertation, Directed by Prof. Dr. D. Jorge Miras Pouso. Título: Fulfillment of Ecclesiastical Functions (An Understanding of the Clerical Obligation to Accept and Faithfully Fulfill an Ecclesiastical Function specified in c. 274 § 2 of the 1983 Code of Canon Law). Date of presentation: June, 27, 2014.*

** Abbreviations:

AA *Apostolicam actuositatem*
AAS *Acta Apostolicae Sedis*
ASS *Acta Sanctae Sedis*
c. canon
cc. canons
CCC Catechism of the Catholic Church
CD *Christus Dominus*
CIC *Codex Iuris Canonici*
GS *Gaudium et spes*
LG *Lumen gentium*
OT *Optatam totius*
PO *Presbyterorum ordinis*
SC *Sacrosanctum Concilium*

INTRODUCTION

On 11 February 2013, on the memorial of Our Lady of Lourdes, the Congregation for the Clergy issued a new *Directory on the Ministry and Life of Priests*. Almost a decade after the publication of the first edition of the *Directory on the Ministry and Life of Priests* in 1994, this new *Directory* enjoys the rich teachings and propitious events on priesthood promoted by St. John Paul II, especially on the last decade of his papacy, and by Pope Emeritus, Benedict XVI, from the moment of his election up to the time of his resignation as Supreme Pontiff on 28 February 2013. Accordingly, this *Directory* is intended “for the edification and sanctification of priests in a world both secularized and indifferent in so many ways”.¹

In the presentation of the new *Directory*, Cardinal Piacenza, Prefect of the Congregation for the Clergy, openly admitted the alarming situation faced by clerics today in almost all parts of the globe. He alluded to the unsettling phenomenon of secularization the disturbing condition of the clerics that has been seriously affecting them for several decades now. In his note, he flat out said that the most deleterious effect caused by rampant secularization is the crisis of the priestly ministry. Buffering his claim, he explained that “on one hand, this becomes evident in the appreciable decline in vocations and, on the other hand, in the spread of a true and concrete loss of the supernatural sense of the priestly mission; these forms of non authenticity, which in their most extreme degenerate expressions have often brought to the surface situations of grave suffering”.²

¹ CONGREGATION FOR THE CLERGY, *Directorium pro Presbyterorum ministerio et vita*, new ed., Vatican City 2013, 48. Henceforth, *Directory on the Ministry and Life of Priests* shall be called *Directory* throughout this research.

² *Directory*, 3. In the Philippines alone, during the preparation for the First National Congress of the Clergy held on 5-9 July 2004 in Manila, a questionnaire was sent to 86 dioceses for reflection, sharing and discussion among priests. The results of the tabulated data gathered from 2,911 respondents (2,835 (97.4%) were priests and 76 (2.6%) were bishops) showed critical concerns on the ministry and life of the local clergy. One of them is the most disturbing lifestyle that mars the image of the Filipino clergy today, which includes the following: material attachment and extravagance (46.8%), closeness to the rich and powerful/ identification with ruling elite (9.1%), habitual recourse to worldly good time, drinking, etc. (10.6%), sexual relations with women/homosexual liaison and activities (25.9%), air of superiority, “bossiness” and with circle of favorites (7.4%). On another category, results collected from 3,127 respondents (3,043 (97.3%) were priests and 84 (2.7%) were bishops) indicated the deepest struggles in the priesthood today, namely: dissipation and lack of focus on the ministry (13.6%), need to deepen the love and service for the poor (24.1%), inappropriate behavior and lifestyle (8.6%), succumbing to “personal weakness” (35.4%), routinary performance of tasks (17.3%). All these data confirmed the pressing need and crucial reality to renew the ministry and life of priests. See: NATIONAL CONGRESS OF THE CLERGY, *History and Grace*, Manila 2005, 195.

Indeed, the recent years have witnessed a Church beset by a crisis of sacred ministry. The involvement of clerics in gravely problematic situations, from blatant abuses in the administration of sacraments, brazen anomalies in the financial management of certain offices in the Church, glaring negligence on the observance of priestly discipline, to the much-publicized cases of sexual misconduct, has lamentably wobbled the entire Catholic Church. The respective papacies of St. John Paul II, Benedict XVI and now Francis, have unfailingly expressed their grievous sorrows for the deplorable abuse of minors by clerics.³

Amidst these truly heart-rending situations that continue to rock the Church especially the priestly ministry and in spite of the prevalence of secularism and the uncovering of wide-ranging cases of clerical misconduct, this study simply aims to recover some juridical elements, principles and means found in the 1983 Code to aid in the faithful fulfillment of ecclesiastical functions by clerics (c. 274 § 2). Bearing in mind that every public function exercised by clerics in the Church is distinct in its nature, character and set of duties,⁴ this work does not intend to propose a canonical measure regarding the diligent fulfillment and faithful carrying out of ecclesiastical functions. Neither does it seek to come up with a quantitative appraisal of whether a particular task, a certain ecclesiastical office or a specific ministry is faithfully performed or injudiciously exercised by its active subject. It, however, proposes the observance of some helpful means drawn from the Code for the clerics' faithful and effective fulfillment of public functions in the Church.

³ From their papal letters, addresses and homilies, one can trace their profound apologies, resolute dispositions and serious efforts to combat this painful malady. See: JOHN PAUL II, Address to the Cardinals and Bishops of the United States during their *ad limina* visit on 23 April 2002, in AAS 94 (2002) 671; BENEDICT XVI, Address to the Bishops of Ireland during their *ad limina* visit on 28 October 2006, in *L'Osservatore Romano. Giornale Quotidiano Politico Religioso*, Yr. 146, No. 251, Città del Vaticano, 29 Ottobre 2006, 4; IDEM, Homily on the Eucharistic celebration with bishops, seminarians and novices at Saint Mary's Cathedral in Sydney, Australia, on the occasion of the 23rd World Youth Day on 19 July 2008, in AAS 100 (2008) 541; IDEM, Homily on the Eucharistic celebration at the Westminster Cathedral during his Apostolic Visit to the United Kingdom on 18 September 2010, in AAS 102 (2010) 618; FRANCIS, Address to the International Catholic Child Bureau on 11 April 2014, <<http://www.zenit.org>>.

⁴ R. RODRÍGUEZ-OCAÑA, *El ejercicio del derecho de asociación de los clérigos y sus límites*, in F. MATEO-SECO et al. (coord.), *La formación de los sacerdotes en las circunstancias actuales: XI Simposio Internacional de Teología de la Universidad de Navarra*, Pamplona 1990, 672-673: "El modo de concretar jurídicamente este deber (c. 274 § 2) dependerá del tipo de munus que deba desempeñar el clérigo; una vez determinado, habrá que acudir a las normas del CIC que regulen dicho oficio".

I. ECCLESIASTICAL FUNCTIONS

Vatican II made a clear articulation of the manner of the Church's foundation by Jesus Christ. In its dogmatic constitution on the Church, *Lumen gentium* relates that Christ inaugurated His Church beginning with the preaching of the good news of the coming of the kingdom of God and culminating with His very paschal event, until he poured out on his disciples the Spirit promised by the Father. Henceforward, the "Church, equipped with the gifts of its founder and faithfully observing his precepts of charity, humility and self-denial, receives the mission of proclaiming and establishing among all peoples the Kingdom of Christ and of God, and is, on earth, the seed and the beginning of that kingdom".⁵

The Church then is so structured with hierarchical organs and is organized in the world as a society.⁶ Established as a society, there exist in the Church different institutions, various ministries, stable offices and even private initiatives, which all work toward a common end, that is, the building up of the Body of Christ.⁷ Through the faithful discharge of these diverse

⁵ VATICAN COUNCIL II, Dogmatic Constitution on the Church *Lumen gentium*, in AAS 57 (1965) 5-75. Henceforth, Dogmatic Constitution on the Church *Lumen gentium* shall be called LG throughout this research. LG 5: "*Ecclesiae sanctae mysterium in eiusdem fundatione manifestatur. Dominus enim Iesus Ecclesiae suae initium fecit praedicando faustum nuntium, adventum scilicet Regni Dei a saeculis in Scripturis promissi: 'Quoniam impletum est tempus, et appropinquavit regnum Dei (Mc 1, 15; cf. Mt 4, 17). Hoc vero regnum in verbo, operibus et praesentia Christi hominibus elucescit. Verbum nempe Domini comparatur semini, quod in agro seminatur (cf. Mc 4, 14): qui illud cum fide audiunt et Christi pusillo gregi (cf. Lc 12, 32) adnumerantur; regnum ipsum susceperunt; propria dein virtute semen germinat et increscit usque ad tempus messis (cf. Mc 4, 26-29). Miracula etiam Iesu Regnum iam in terris pervenisse comprobant: 'Si in digito Dei eicio daemonia, profecto pervenit in vos Regnum Dei' (Lc 11, 20; cf. Mt 12, 28). Ante omnia tamen Regnum manifestatur in ipsa Persona Christi, Filii Dei et Filii hominis, qui venit 'ut ministraret et daret animam suam redemptionem pro multis' (Mc 10, 45). Cum autem Iesus, mortem crucis pro hominibus passus, resurrexerit, tanquam Dominus et Christus Sacerdosque in aeternum constitutus apparuit (cf. Act 2, 36; Hebr 5, 6; 7, 17, 21), atque Spiritum a Patre promissum in discipulos suos effudit (cf. Act 2, 33). Unde Ecclesia, domus sui Fundatoris instructa fideliterque eiusdem praecepta caritatis, humilitatis et abnegationis servans, missionem accipit Regnum Christi et Dei annuntiandi et in omnibus gentibus instaurandi, huiusque Regni in terris germen et initium constituit". For English translation, see: A. FLANNERY (ed.), *Vatican Council II: A Completely Revised Translation in Inclusive Language*, New York 1996.*

⁶ LG 8: "*Societas autem organis hierarchicis instructa et mysticum Christi Corpus, coetus adspectabilis et communitas spiritualis, Ecclesia terrestris et Ecclesia coelestibus bonis ditata, non ut duae res considerandae sunt, sed unam realitatem complexam efformant, quae humano et divino coalescit elemento*". Cf. c. 204 § 2: "*Haec Ecclesia, in hoc mundo ut societas constituta et ordinata, subsistit in Ecclesia catholica, a successore Petri et Episcopis in eius communionem gubernata*".

⁷ P. LOMBARDÍA, *Lecciones de Derecho Canónico*, Madrid 1984, 99.

functions, the Church carries out the mission entrusted to her by Christ. The existence of these functions or *munus* in the Church, evidently affirms the institutional aspect of the Church. Here, Viana noted that in understanding the Church as an institution, the following could not be discounted, namely, that it is founded by Christ, which continues in the history and possesses an organic structure at the service of the mission of the Church.⁸ Indeed, the Church is also an organization,⁹ equipped with hierarchical and charismatic gifts and directed by Christ.¹⁰

The existence of various functions in the Church are not arbitrarily thought of or randomly created by the Church. Evidently, they find also its ultimate origin in Christ, who founded the Church and entrusted to her His mission.¹¹ These *munera ecclesiae* are derived from the *munera Christi*, who is a priest, prophet and king.¹² A careful analysis of the conciliar texts, according

⁸ A. VIANA, *Organización del Gobierno en la Iglesia según el Derecho Canónico Latino*, 3rd ed., Pamplona 2010, 22-23: “Tratar de la Iglesia como institución implica referirse a tres aspectos. En primer lugar, la fundación de la Iglesia por Jesucristo, que es su cabeza. En segundo lugar, la continuidad o permanencia temporal de la fundación misma, objetivamente considerada. En tercer lugar, la existencia de una estructura orgánica al servicio de la misión de la Iglesia en la historia”. Cf. P. LOMBARDÍA, *ibidem*.

⁹ A. VIANA, *ibidem*, 24: “Una simple descripción de las diversas funciones y sujetos que actúan en la sociedad eclesial permiten afirmar en ella la existencia de una organización o, si se prefiere, de diversas organizaciones articuladas en torno a los centros originarios del poder, que son el papa y los obispos”.

¹⁰ LG 4: “*Spiritus in Ecclesia et in cordibus fidelium tamquam in templo habitat (cf. 1Cor 3,16; 6,19), in eis que orat et testimonium adoptionis eorum reddit (cf. Gal 4,6; Rom 8,15-16 et 26). Ecclesiam, quam in omnem veritatem inducit (cf. Io 16,13) et in communionem et ministracionem unificat, diversis donis hierarchicis et charismaticis instruit ac dirigit, et fructibus suis adornat (cf. Eph 4,11-12; 1Cor 12,4; Gal 5,22)*”.

¹¹ CCC 763-766.

¹² T. RINCÓN-PÉREZ, *Disciplina Canónica del Culto Divino*, in INSTITUTO MARTIN DE AZPILCUETA, *Manual de Derecho Canónico*, 2nd ed., Pamplona 1991, 459: “La autonomía sistemática que ahora se concede al Derecho litúrgico-sacramental, en contraste con el CIC antiguo, es consecuencia de la profundización doctrinal acerca de los *munera Ecclesiae*, en cuanto reflejo y participación de los *munera Christi*, que llevó a cabo el Concilio Vaticano II, y prueba clara de la relevancia que esta materia adquiere en el conjunto de la disciplina canónica”. Cf. A. FERNANDEZ, “*Munera Christi*”, in J. OTADUY, A. VIANA y J. SEDANO (eds.), *Diccionario General de Derecho Canónico*, V, Cizur Menor 2013, 508-509: “El sintagma *munera Christi* hace referencia a los diversos oficios, ministerios o funciones que el Verbo Encarnado de Dios ha llevado cabo en su misión específica de Redentor. A su vez, los *munera Christi* se prolongan en los *munera Ecclesiae* y, de modo cualificado, en el ministerio eclesial confiado a quienes actúan *in persona Christi*, en virtud de la *exousia* (potestas) conferida por el sacramento del orden. Los *munera Christi* también se predicen de los *christifideles* en virtud de su participación en el sacerdocio de Cristo mediante la ‘unción’ recibida en el bautismo”; M. AUGÉ, “Función de santificar”, in J. OTADUY, A. VIANA y J. SEDANO (eds.), *Diccionario General de Derecho Canónico*, IV, Cizur Menor 2013, 163: “Se puede

to St. John Paul II, obviously reveals that one speaks of a “triple dimension of Christ’s service and mission, rather than of three different functions. In fact, these functions are closely linked to one another, explain one another, condition one another and clarify one another. Consequently, it is from this three-fold unity that our sharing in Christ’s mission and office takes its origin”.¹³

Thus, all the People of God, “a chosen race, a kingdom of priests, a holy nation, a people to be a personal possession to sing the praises of God who called you out of the darkness into his wonderful light”¹⁴ share in the prophetic, kingly and priestly *munera* of Christ. The Church never owns these *munera*. She only exercises them being the Body of Christ, under the headship and direction of Christ, Himself.¹⁵ In this regard, the Church possesses only a participating role and never an ownership position. Each member of Christ’s faithful participates in these functions depending on his or her condition and fulfills them before the world.

A good portion of these functions are entrusted to some members of the Church to be exercised publicly. As public functions, they are institutionalized, that is, they form part of her very structure and define her very character as an institution founded by Christ, which is “offering to men the salvation brought by Christ with his life, his Word and his grace”.¹⁶ They are committed to the ecclesiastical authority,¹⁷ who regulates them in effect through proper ecclesiastical organization.¹⁸ Thus, it can be termed also as ecclesiastical functions,

afirmar que de este modo el CIC asume prácticamente el esquema de los tria munera, según la tripartición de las funciones de Cristo y de la Iglesia que ha hecho suya el Vaticano II y los documentos posteriores al mismo”.

¹³ JOHN PAUL II, *Ad universos Ecclesiae Sacerdotes*, adveniente Feria V in Cena Domini, in AAS 71 (1979) 397: “*Si loci conciliares accurate inspiciantur, patet loquendum potius esse de triplici ratione ministerii ac muneris Christi quam de tribus diversis officiis. Haec enim inter se penitus cohaerent ac mutuo pariter explicant, afficiunt, illustrant. Quocirca ab eadem triplici unitate profiscitur nostra communicatio missionis munerisque Christi*”.

¹⁴ 1 Pet 2: 9.

¹⁵ LG 7: “*Huius corporis Caput est Christus. Ipse est ima’go Dei invisibilis, in Eoque condita sunt universa. Ipse est ante omnes et omnia in Ipso constant. Ipse est caput corporis quod est Ecclesia. Ipse est principium, primogenitus ex mortuis, ut sit in omnibus primatum tenens (cf. Col 1, 15-18)*”.

¹⁶ J. MARTÍN DE AGAR, *A Handbook on Canon Law*, Montreal 2000, 111.

¹⁷ A. VIANA, *Organización del gobierno*, 26: “Entendemos por función pública o, mejor, por funciones públicas en plural, el conjunto de actividades encomendadas particularmente a las autoridades eclesiásticas que son necesarias para que la Iglesia, considerada como institución, pueda cumplir su misión en la historia”.

¹⁸ J. HERVADA, *Elementos de Derecho Constitucional Canónico*, 2nd ed., Navarra 2001, 176: “La sociedad eclesiástica, hemos dicho, es el factor jurídico-social que unifica en su aspecto externo al Pueblo de Dios en una unidad orgánica, al configurarlo como una estructura social organizada. Si la

which indicate an important element in their composition, that is, the role of the ecclesiastical authority in their distribution and organization. For this reason also, they are considered public and are distinguished from the other functions present in the Church.¹⁹

More than norms and principles, the ecclesiastical organization works towards the integral and harmonious functioning of the ecclesiastical society. It ensures that all the public and official activities in the Church are directed to a common end, legitimately distributed among its members and foster just relations among all the faithful.²⁰ It likewise distinguishes and structures the diverse public functions, which constitute the core and frame of ecclesiastical organization.²¹ These public ecclesiastical functions are generally articulated and exercised through ministries and ecclesiastical offices.²²

sociedad eclesiástica estructura orgánicamente a la Iglesia, quiere decir esto que comprende aquel conjunto de factores que vertebran –si se nos permite la expresión– social y unitariamente al Pueblo de Dios, dándole una organización. ¿Como se realiza esta vertebración? Mediante la existencia de una estructura organizada a quien se atribuye el establecimiento de los cauces por los que discurre la vida social del Pueblo de Dios. La coordinación de los esfuerzos tendentes al bien común, la facultad de decidir sobre las controversias y sobre las cuestiones coyunturales que afectan a la vida global del Pueblo de Dios y la gestión de los intereses comunes (las funciones publicas). A esta estructura eclesial organizada la denominamos organización eclesiástica y la entendemos como la ordenación orgánica de la dimensión oficial y pública de la Iglesia”.

¹⁹ J. SOUTO, *La Noción Canónica de Oficio*, Pamplona 1971, 278: “No existe ninguna función eclesiástica que sea personal, ya que, por su misma calificación, si fuera personal dejaría de ser eclesiástica”.

²⁰ J. HERVADA, *Elementos de Derecho*, 177: “La idea de organización sobrepasa la de simple ordenación de actividades para evitar injusticias o desórdenes; cuando se habla de organización se hace referencia al principio de distribución de funciones (en general, al principio de división del trabajo) entre diversas personas u órganos respecto a unas actividades atribuidas a un todo unitario. Para que exista organización en sentido propio, es preciso que se trate de una unidad de actividades, esto es, de un conjunto de actividades atribuidas a una unidad, en cuyo interior se distribuyen las distintas funciones. Una masa de hombres se ordena; una empresa se organiza. Cuando hablamos de unidad orgánica respecto de la Iglesia, queremos decir que para la obtención de los fines públicos se opera en su interior una distribución ordenada de funciones que se atribuyen a distintos órganos o personas, los cuales aparecen como los titulares de dichas funciones. Esta concisa descripción de la organización pone de relieve que es la noción que explica de modo más coherente, desde un punto de vista jurídico, la conformación de la Iglesia según la idea fundacional. Dos son, en efecto, las bases fundamentales que respecto a las funciones públicas se han señalado, hasta el punto de considerarlas como principios de Derecho divino sobre la constitución de la Iglesia: 1. Las funciones públicas no han sido atribuidas a todo el Pueblo de Dios, sino solo a un *ordo* o *status*, un conjunto de personas a quienes específicamente se les han conferido. 2. Sólo quienes han recibido determinados grados del sacramento del orden pueden ejercer el ministerio correspondiente a esos grados (distinción de funciones dentro del *ordo* o *status*)”.

²¹ *Ibidem*, 180.

²² J. ARRIETA, sub c. 145, in *Exegetical Commentary on the Code of Canon Law*, I, Illinois 2004, 886.

These ecclesiastical functions are usually entrusted also to those who receive the ministerial priesthood, which is at the service of the priesthood of all the baptized. In this regard, public functions in the Church and pastoral functions are terms, which are used interchangeably in many occasions for the obvious reason that the public functions in the Church have always a pastoral content.²³ Indeed, ecclesiastical functions consist of the very pastoral activity of the sacred ministers, which they are expected to exercise with utmost pastoral charity and prudential governance. Since they are committed by the Church, particularly entrusted by her authority, therefore, they are appropriately to be exercised in the name of the Church and for the service of the Church.

II. THE OFFICEHOLDER OR THE MINISTER

The officeholder or the minister is a physical person who is a member of the Church and holds a public function in the Church.²⁴ Ecclesiastical offices are received by officeholders through canonical provision. The provision of an ecclesiastical office is effected “by its being freely conferred by the competent ecclesiastical authority; by appointment made by the same authority, where there has been a prior presentation; by confirmation or admission by the same authority, where there has been a prior election or postulation; finally, by a simple election and acceptance of the election, if the election does not require confirmation”.²⁵ Clerical ministries, on the other hand, are received at the moment of receiving the sacred ordination. Its recipients are called sacred ministers who in law are also called clerics.²⁶

By being an officeholder or a minister, he becomes the legitimate person who possesses the faculty to exercise all the functions proper to an office, posi-

²³ J. ARRIETA, *Governance Structures within the Catholic Church*, Montreal 2000, 17.

²⁴ A. VIANA, *Organización del gobierno*, 78: “El elemento personal del oficio se refiere a la persona física que es titular del cargo. Puede tratarse de una o varias personas físicas. En el caso de varias personas físicas titulares del oficio estas pueden constituir un colegio y se habla entonces de oficios pluripersonales o colegiados (...) En efecto, la titularidad de un oficio, de un cargo público en la Iglesia, comporta una peculiar relación con la organización eclesial y con los demás fieles que no puede aplicarse a los no bautizados ni a los acatólicos”.

²⁵ c. 147: “*Provisio officii ecclesiastici fit: per liberam collationem ab auctoritate ecclesiastica competenti; per institutionem ab eadem datam, si praecesserit praesentatio; per confirmationem vel admissionem ab eadem factam, si praecesserit electio vel postulatio; tandem per simplicem electionem et electi acceptationem, si electio non egeat confirmatione*”.

²⁶ c. 207 § 1: “*Ex divina institutione, inter christifideles sunt in Ecclesia ministri sacri, qui in iure et clerici vocantur; ceteri autem et laici nuncupantur*”.

tion of work or ministry he assumes. These functions are naturally performed in view of the laws of the Church and in compliance with the instructions and orders of the competent authority.²⁷ This further implies that since he is the lawful holder of the post, no one can simply usurp it from him,²⁸ neither can he be simply removed from it without any grave reason.²⁹ By being an officeholder or a minister, he likewise acquires certain obligations and rights, which are distinct from the obligations and rights of the public function he receives from and, in turn, performs in the Church.³⁰

III. BASIC DUTIES OF THE OFFICEHOLDER OR THE MINISTER

1. *Right Use of Function*

Ecclesiastical function received from the Church is received under the authority of the Church. It follows that this public function is to be exercised in the name of the Church and always for the good of the Church. This further affirms why public functions in the Church are not personal but always institutional.³¹ They are entrusted by the Church to be fulfilled, but never to be possessed, by an individual person or various persons known as officeholders. Since these public functions do not totally pertain to, but are only legitimately exercised by their respective holders, they are, therefore, not intended as well to be discharged for their personal advantage but always in view of the common good of the entire People of God.

Generally, the use of public functions that serves one's personal interests possesses a broad connotation of undue economic gains. Abuses of office are often tainted with unjustified income excessively generated by the

²⁷ M. SÁNCHEZ MORÓN, *Derecho de la Función Pública*, 4th ed., Madrid 2004, 204: "El derecho al encargo tiene dos significaciones. Primera significación: el funcionario tiene la facultad de ejercer todas las funciones o prerrogativas del cargo o puesto de trabajo que desempeña, naturalmente en los términos que establezcan las leyes aplicables y con observancia de las instrucciones y órdenes de sus superiores jerárquicos. Segunda significación: el funcionario no puede ser removido de su cargo, sino en los supuestos y con las condiciones que las leyes establezcan".

²⁸ c. 1381 § 1: "*Quicumque officium ecclesiasticum usurpat, iusta poena puniatur. § 2: Usurpationi aequiparatur ilegítima, post privationem vel cessationem a munere, eiusdem retentio*".

²⁹ c. 193 § 1: "*Ab officio quod alicui confertur ad tempus indefinitum, non potest quis amoveri nisi ob graves causas atque servato procedendi modo iure definito*".

³⁰ A. VIANA, *Organización del gobierno*, 79: "Estos derechos y obligaciones de la persona titular del oficio deben distinguirse de los derechos y obligaciones del oficio que son ejercidos por el titular".

³¹ J. SOUTO, *La Noción Canónica*, 284.

officeholder for personal benefits.³² Souto, however, was keen to note that *in proprium commodum* does not only refer to the use of a particular office to acquire unwarranted monetary compensation. It further implies that the direct beneficiary of whatever services rendered is the officeholder himself.³³ This means that the end for which a particular public function is assumed is for the promotion of oneself, advancement of one's career or elevation of one's authority.³⁴ Hence, an ecclesiastical office or ministry is not properly used, denoting a certain act of abuse by its active subject.

Public functions in the Church obviously entail their proper use. At their core are the protection of the communion of the People of God, which is marked by a visible bond of justice, and the guarantee of effective delivery of services to the same members of the People of God, which is basically the expression of the Church's pastoral charity. As Hervada asserted the right use of public function is basically summed up in the promotion of justice and is ordained towards the building up of the Church.³⁵ Thus, a public function in the Church that is rightly held protects the juridical relationships of all the faithful, the Bishops and the clerics, the pastors and the laity, among the clerics and among the laity themselves. They ensure as well the necessary services that attend to the legitimate needs of the community.

In connection with this, Hervada further put forward three concrete conditions that warrant the right use of functions in the Church. Accordingly, he cited them as follows: the respect for the fundamental rights of the faithful, the employment of the distinct faculties of the Pastors according to their proper ends and the exercise of the faculties for the attainment of the common good.³⁶

³² VATICAN COUNCIL II, Decree on the Ministry and Life of Priests *Presbyterorum ordinis*, in AAS 58 (1966) 991-1024. Henceforth, Decree on the Ministry and Life of Priests *Presbyterorum ordinis* shall be called PO throughout this research. PO 17: "*Itaque officium ecclesiasticum ne quaestui habeant neve redditus ab eo provenientes in propriae rei familiaris amplificationem impendant*".

³³ J. SOUTO, *La Noción Canónica*, 312: "Hay que advertir en este punto que el provecho propio "*in proprium commodum*" no tiene únicamente un sentido económico, es decir, buscar una compensación crematística por el servicio realizado, sino que significa también el ejercicio de la función en beneficio directo del que la ejerce".

³⁴ *Ibidem*: "Las funciones publicas deben ejercerse procurando el interés ajeno (el del ente) y no el propio, es decir, no buscar el provecho propio".

³⁵ J. HERVADA, *Elementos de Derecho*, 245: "En general, el recto uso de la función de gobierno se resume en la justicia y en que esté ordenado *ad aedificationem Ecclesiae*".

³⁶ *Ibidem*: "Más en concreto podemos señalar los siguientes requisitos: 1. El respeto a los derechos fundamentales de los fieles. Si la función de gobierno dimana de la voluntad fundacional de Cristo, no menos dimanar de ella los derechos fundamentales de los fieles. El respeto a estos derechos constituye, pues, un orden constitucional en el ejercicio de la función de gobierno. 2. El man-

With these three requirements, they assure that functions in the Church are rightly observed, which, in turn, work towards the preservation and benefit of the entire People of God.

The Code, in contemplating the essential necessity of the right use of public function in the Church, penalizes any of its abuse of power or office. It notes that “a person who abuses an ecclesiastical power or function is to be punished according to the gravity of the act or omission, not excluding privation of office, unless a law or precept has already established the penalty for this abuse”.³⁷ Marzoa commented that the “designation of the offense is sufficiently broad to include any arbitrary behavior in exercising public power in the Church (whether of order or of jurisdiction) or in performing an office. It must be kept in mind that the expression *munus* is broader than office and may be extended to cover any *munus*, even if it has not been *stabilter constitutum*”.³⁸ For there to be an offense of abuse, he added, “it is unnecessary for the abuse of power or office to be followed by specific harm to others”.³⁹

Therefore, a particular ministry or a certain ecclesiastical office must be received with the right intention.⁴⁰ Right intention is needed both for the assumption of public functions in the Church and for their proper execution. Indeed, there must be no deplorable contradiction between the public function one accepts in the Church and the conduct by which one legally exercises this function. An officeholder “is no mercenary working for a temporal recompense, nor yet an employee who, while attending conscientiously to duties of his office, at the same time is looking to his career and personal promotion”.⁴¹

tenimiento de las distintas facultades de los Pastores en los términos de sus propios fines. En tal sentido podría constituir un abuso, por ejemplo, utilizar facultades de fuero interno, concedidas a los Pastores en orden a la *salus animae* de los fieles, para garantizar el cumplimiento de acciones de gobierno en el fuero externo, cuando solo estuviese en juego un interés social que fuese defendible por medios sociales. 3. El uso de las facultades de gobierno para la obtención del bien común. Se opondría a ello usar de esas facultades para favorecer ilegítimos intereses de grupo”.

³⁷ c. 1389 § 1: “*Ecclesiastica potestate vel munere abutens pro actus vel omissionis gravitate puniatur, non exclusa officii privatione, nisi in eum abusum iam poena sit lege vel praecepto constituta*”.

³⁸ A. MARZOA, sub c. 1389, in *Exegetical Commentary on the Code of Canon Law*, IV/1, Illinois 2004, 528.

³⁹ *Ibidem*.

⁴⁰ E. DE LA LAMA, “Rectitud de Intención”, in J. OTADUY, A. VIANA and J. SEDANO (eds.), *Diccionario General de Derecho Canónico*, VI, Cizur Menor 2013, 763: “Rectitud de intención es, ya hoy, un concepto dinámico que lleva al compromiso fuerte y definitivo con la vocación pública que se acepta”.

⁴¹ PIUS XI, Encyclical Letter on the Catholic Priesthood *Ad catholici sacerdotii*, in AAS 28 (1936) 28-29: “*Non mercenarii sunt, qui idcirco laborant, ut sui operis mercedem assequantur; non eorum instar, qui, quamquam ex officio vacant demandato sibi muneri, suae tamen privatae etiam utilitati inbiant et ad altiora contendunt*”.

2. *Adequate Exercise of Duties*

Every public function in the Church possesses a certain set of duties. There are particular rights acquired and obligations specified once a public function in the Church is assumed. As Souto observed, there exists a two-fold effect at the very moment an office is provided; one of them gives rise to a number of duties to be fulfilled. He stated “the provision is a complex act – a set of acts that constitutes a process – that produces a double effect: first, the incorporation of the person to the office which legitimizes his exercise of the function attributed to the office; second, the establishment of the relationship of service, which issues in a series of rights and obligations between the physical person and the organization”.⁴²

These duties are expected to be discharged by the officeholder who assumes a particular public function in the Church in view of the overall activity and operation of the ecclesiastical organization. An office, according to Huels, “is a stable juridic entity by means of which a person performs the duties of the office. While every office entails the performance of certain duties, the duties of office are not identical to the office itself”.⁴³ Like all other officeholders, it is their obligation to meet in an accurate and timely manner all the indicated duties of their charge.⁴⁴

Concretely speaking, a diocesan bishop, by receiving the episcopal office and ministry, has some duties to be performed. They are likewise expected of him to be fulfilled by the portion of People of God entrusted to him. Canons 381-402 talk about the diocesan bishops and listed down a number of his obligations to be performed. Among them, he needs to observe his being constituted a pastor of his particular Church (c. 383), special solicitude and relation to presbyters (c. 384), promotion of vocations (c. 385), his being a teacher of faith (c. 386), his being a priest of sacred worship with the obligation to offer mass especially for the people of his particular Church (cc. 387-389), his being a minister of governance (cc. 391-393), his being a director of apostolate

⁴² J. SOUTO, *La Noción Canónica*, 302: “La provisión es un acto complejo –conjunto de actos que constituyen un procedimiento– que produce un doble efecto: 1. la incorporación de la persona al oficio, con la consiguiente legitimación para ejercer la función atribuida al oficio; 2. la instauración de la relación de servicio, en virtud de la cual surgen una serie de derechos y obligaciones entre la persona física y la organización”.

⁴³ J. HUELS, “Towards Refining the Notion of ‘Office’ in Canon Law”, in *The Jurist* 70 (2010) 409.

⁴⁴ M. SÁNCHEZ MORÓN, *Derecho*, 265: “Como de cualquier trabajador, es deber del funcionario cumplir de manera exacta y puntual las funciones de su cargo”.

(c. 394), the obligation of residence (c. 395) and the duty of pastoral visitation (c. 396).

A priest, who received an ecclesiastical office of being a parish priest, is envisaged to be a minister of the Word (c. 528 § 1), a minister of sanctification (c. 528 § 2) and a minister of pastoral governance (c. 529). He is likewise especially entrusted with all the duties mentioned in c. 530, namely: administration of the sacraments of baptism, confirmation of those who are in danger of death, *viaticum* and anointing of the sick, assistance at marriage and nuptial blessing, performance of funeral rites, blessing of baptismal font at Easter time, the leading of procession outside the Church, and solemn blessing outside the Church, and the more solemn Eucharistic celebration on Sundays and holy days of obligation. He is also obliged to reside in a rectory near the Church (c. 533 § 1), apply a Mass for the people entrusted to him (c. 534), inscribe accurately and preserve carefully the parochial registers (c. 535), set up a financial council (c. 537). The parish community entrusted to him is likewise expecting that he will unfailingly perform all these aforementioned duties.

The careful and conscientious performance of one's duties certainly builds up the Church. In the same way, the faithful and adequate discharge of the duties of pastoral ministry leads to the perfection of its minister.⁴⁵ On the contrary, negligence of duties results in harm to the community and to the officeholder himself.⁴⁶ Clearly, if the diocesan bishop has the duty of pastoral visitation (c. 396) and does not comply with it, it may lead to the neglect of the legitimate spiritual needs of those who belong to his pastoral care. The same holds true for the parish priest who does not find time to nourish the faithful with the "devout celebration of the sacraments, and in particular that they frequently approach the sacraments of the Blessed Eucharist and Penance".⁴⁷

⁴⁵ c. 276 § 1: "*In vita sua ducenda ad sanctitatem persequendam peculiari ratione tenentur clerici, quippe qui, Deo in ordinis receptione novo titulo consecrati, dispensatores sint mysteriorum Dei in servitium Eius populi. § 2: Ut hanc perfectionem persequi valeant: 1º: imprimis ministerii pastoralis officia fideliter et indefesse adimpleant...*".

⁴⁶ JOHN PAUL II, Feria V in *Coena Domini* anno 1994 presbyteris missa, in AAS 86 (1994) 647: "La fedeltà alla vocazione edifica la Chiesa; ogni infedeltà, invece, diventa una dolorosa ferita nel Corpo mistico di Cristo".

⁴⁷ c. 528 § 2: "*Consulat parochus ut sanctissima Eucharistia centrum sit congregationis fidelium paroecialis; allaboret ut christifideles per devotam sacramentorum celebrationem, pascantur; peculiarique modo ut frequenter ad sanctissimae Eucharistiae et poenitentiae sacramenta accedant; annitatur item ut iidem ad orationem etiam in familiis peragendam ducantur atque conscie et actuose partem habeant in sacra liturgia, quam quidem, sub auctoritate Episcopi dioecesanì, parochus in sua paroecia moderari debet et, ne abusus irrepant, invigilare tenetur*".

The Code, in this regard, insists that a “person who through culpable negligence illegitimately places or omits an act of ecclesiastical power, ministry, or function with harm to another is to be punished with a just penalty”.⁴⁸

It is, therefore, necessary that there is a clear understanding of one’s assumption of office or reception of ministry. The acceptance of public functions in the Church presumes that their active subjects know the extent and the scope of their obligations and rights. Diligent exercise of their duties may well mean the diligent manner by which they ought to perform and have to concretely manifest the duties assigned to them.⁴⁹ Ignorance does not justify negligence of their duties neither prevents natural repercussions. For this reason, it may be well said that a proper understanding of one’s office forms part of the basic duty of the officeholder in order to diligently exercise the duties pertaining to his post.

IV. CANONICAL HELPS FOR THE FULFILLMENT OF ECCLESIASTICAL FUNCTIONS

There are a good number of essential helps that may be drawn from the Code for the effective exercise of ecclesiastical functions by clerics. A number of works have been written also about them, viewed from different perspectives and fields of studies. Due to their invaluable contribution, the Code has recovered and articulated them. Our intention in this section is to show their juridical value and relation to the faithful and conscientious fulfillment of public functions in the Church. Three of them were selected, which essentially concern the life of clerics and directly affect their exercise of public ecclesiastical functions. These three canonical helps touch on the priestly spirituality, formation and relationships.

1. *Spiritual Aids*

The Code binds all clerics to undertake their office with fidelity (c. 274 § 2). Being ordained, they are configured to Christ and made sharers “in the authority with which Christ, the Head of the Church, builds up, sanctifies and

⁴⁸ c. 1389 § 2: “*Qui vero, ex culpabili negligentia, ecclesiasticae potestatis vel ministerii vel muneris actum illegitime cum damno alieno ponit vel omittit, iusta poena puniatur*”.

⁴⁹ A. PALOMAR, *Derecho de la Función Pública: Régimen Jurídico de los Funcionarios Públicos*, 8th ed., Madrid 2009, 512: “La obligación del desempeño con diligencia las tareas que tengan asignadas se conforma sobre la base de dos elementos de carácter modal: uno, las tareas asignadas deben realizarse con diligencia y, dos, que dicha aptitud tiene que concretarse sobre las tareas asignadas”.

governs his Body”.⁵⁰ Being in this status, as we have explained before, makes them capable to “offer the sacrifice of Christ, forgive sins and, in Christ’s name, publicly perform the priestly office on behalf of men”.⁵¹ Such lofty dignity of priesthood, according to Pius XII, “demands from priests that they react to their exalted office with the strictest fidelity”.⁵²

Indeed, there is a necessity for a solid spiritual life on the part of the priest if he is to live up to his rank and fulfill his duties properly.⁵³ The very nature of his office “demands holiness in him who holds it. A priest should have a loftiness of spirit, a purity of heart and a sanctity of life befitting the solemnity and holiness of the office he holds”.⁵⁴ At the same time, it must be well remembered that, “even though the increasing needs of Christian society today more urgently demand personal holiness in priests, they are already obliged by the very nature of the high ministry confided to them by God to work unceasingly for their own sanctification always and everywhere”.⁵⁵

Pius X described priests as instruments for the salvific mission of Christ. They are men “whom God employs for the salvation of souls; they must, therefore, be instruments fit to be employed by God”.⁵⁶ Time and again, this has been the Church’s chief concern “that all who are invested with the priestly ministry should be in every way fitted for the discharge of their re-

⁵⁰ A. DEL PORTILLO, *On Priesthood*, Chicago 1974, 21.

⁵¹ *Ibidem*.

⁵² PIUS XII, Apostolic Exhortation on the Development of Holiness in Priestly Life *Menti nostrae*, in AAS 42 (1950) 659-660: “*Excelsa haec dignitas a sacerdotibus postulat ut gravissimo officio suo fidelitate summa respondeant. Cum divinae in terris provebendae gloriae ac mystico fovendo augendoque Christi Corpori inservire debeant, oportet omnino ita sanctitudinis fulgore praestent, ut per eos ‘Christi bonus odor’ usquequaque propagetur*”.

⁵³ PIUS X, Apostolic Exhortation to the Catholic Clergy on Priestly Sanctity *Haerent animo*, in ASS 41 (1908) 564: “*Hoc igitur certum ratumque habeamus, sacerdotem, ut gradum officiumque digne sustineat suum, precandi studio eximie deditum esse oportere*”.

⁵⁴ PIUS XI, Encyclical Letter on the Catholic Priesthood *Ad catholici sacerdotii*, in AAS 28 (1936) 20: “*Perspicuum tamen est eiusmodi dignitatem, in iis omnibus qui eadem insigniti sunt, illam excelsitatem mentis, animi munditiam morumque integritatem postulare, quae sacerdotalis muneris maiestati sanctitatisque respondeant*”.

⁵⁵ PIUS XII, *Menti nostrae*, 658-659: “*Quodsi adauctae hodie christianae societatis necessitates internae perfectionis formam magis magisque a sacerdotibus postulant, animadvertendum tamen est eos, ex ipsius altissimi muneris natura divinitus accepti, sanctitatis officio teneri semper, ubique totisque viribus assequendae*”.

⁵⁶ PIUS X, *Haerent animo*, 563: “*Hoc accedit magnopere considerandum, nihil praeterea esse homines nisi instrumenta, quibus ad animorum salutem utitur Deus; ea oportere idcirco ut apta sint quae a Deo tractentur*”.

sponsibilities”.⁵⁷ For what is at stake here is not only the personal welfare of priests but the “common welfare of catholic peoples; the one cannot be separated from the other”.⁵⁸ Thus, “anyone who exercises the priestly ministry exercises it not for himself alone, but for others”.⁵⁹ The priest is, therefore, bound to exercise certain spiritual disciplines to aid him in the faithful discharge of his office.⁶⁰

C. 276 § 2 enumerates a number of spiritual means to aid in the ministry and life of priests. This is a clear juridical articulation of the conciliar teaching of *Presbyterorum Ordinis*.⁶¹ Among these spiritual aids mentioned are the following: daily celebration of the Eucharist, daily recitation of the liturgy of the hours, spiritual retreats, regular mental prayer, frequent approach to the sacrament of penance, devotion to the Virgin Mother and use of other general and special means to holiness. These specific aids, both in the schemata and the observations of the Fathers, were based on papal teachings, the 1917 Code and the experience and personal devotions of the bishops.⁶²

In urging the observance of these spiritual helps, the Directory on the Ministry and Life of Priests noted that for priests “to rise to the challenge continuously presented to him by the secularist mentality, the priest must make every effort to protect the absolute primacy of his spiritual life, his continuous presence with Christ and his generous pastoral charity, intensifying his communion with all men and, above all, with other priests”.⁶³ Attributing the absolute pre-eminence to their spiritual life, that is, “avoiding any neglect due to other activities”⁶⁴ is the essential key for the effective carrying out of their ministry. The *Directory* aptly envisaged then that “the care for the spiritual life should be felt as a joyful duty on the part of the priest himself,

⁵⁷ *Ibidem*, 555: “*Inter haec unum praecipue Nos occupat: homines sacri ordinis eos omnino esse, qui pro muneris officio esse debent*”.

⁵⁸ *Ibidem*, 556: “*Qua tamen in hortatione, non vestras tantum utilitates tuebimur, sed communes etiam catholicarum gentium; quum aliae ab aliis dissociari nequaquam possint*”.

⁵⁹ *Ibidem*, 557: “*Quicumque enim sacerdotio potitur, eo non sibi tantum, sed aliis potitur*”.

⁶⁰ PIUS XII, *Menti nostrae*, 661: “*Ad id tamen peculiari officio adstringitur sacerdos. Quaevis enim eius sacerdotalis actio suapte natura – quatenus nempe sacrorum administer hac de causa divinitus vocatus est, ac divino munere divinoque charismate insignitus – ut ad hoc contendat necesse est*”.

⁶¹ PO 18.

⁶² E. PFNAUSCH, *The Relationship between Ministry and Holiness in the life of the Diocesan Priest: An Interpretation of Canon 276.2.1 of the 1983 Code of Canon Law*, Washington DC 1994, 90.

⁶³ *Directory* 48.

⁶⁴ *Directory* 49.

and also as a right of the faithful who seek in him, consciously or not, the man of God, the counselor, the mediator of peace, the faithful and prudent friend, the sure guide to confide in during the more difficult moments in life to find encouragement and security”.⁶⁵

It then provided a concrete plan for the spiritual life of priests, defining more precisely the manner of applying the canonical provision cited above.⁶⁶ It enumerated the following spiritual practices and aids: daily celebration of the Eucharist, with suitable preparation and ensuing thanksgiving; frequent confession and spiritual direction already practiced in the seminary, and often even before that; the complete and fervent celebration of the liturgy of the hours, which is a daily obligation for him; examination of conscience; the regular practice of mental prayer; the *lectio divina*, prolonged moments of silence and colloquium, especially in periodical spiritual retreats and days of recollection; the precious expressions of Marian devotion, such as the Rosary; the *Via Crucis* and other pious exercises; the fruitful reading of the lives of the saints; etc.⁶⁷ While the *Directory* did not endorse any specific form of spiritual life for priests, through these daily sacred actions that priests perform, however, they are believed to have “set on the right course to perfection of life”.⁶⁸

Now, a brief look into these spiritual aids may be said here as indicated by the Code and the *Directory*. They will be expounded through citations from papal documents and conciliar decrees while showing their juridical relevance found in the very exercise of the priestly ministry. For, indeed, the “proper exercise of priestly functions requires a greater interior holiness”.⁶⁹ Such holiness is the unflinching solicitude of the Church for her pastors. For this reason, Pius XII was moved to say that the fundamental duty of priests is to “be holy because, as you know, your ministry is holy”.⁷⁰ As it is known, the saintly and

⁶⁵ *Directory* 50.

⁶⁶ c. 31 § 1: “*Decreta generalia exsecutoria, quibus nempe pressius determinantur modi in lege applicanda servandi aut legum observantia urgetur; ferre valent, intra fines suae competentiae, qui potestate gaudent exsecutiva*”.

⁶⁷ *Directory* 50.

⁶⁸ PO 12: “*Per ipsas enim cotidianas sacras actiones, sicut et per integrum suum ministerium, quod cum Episcopo et Presbyteris communicantes exercent, ipsi ad vitae perfectionem ordinantur*”.

⁶⁹ JOHN XXIII, Encyclical Letter *Sacerdotii nostri primordia*, in AAS 51 (1959) 550: “*Siquidem ad sacerdotalium munerum debitam perfunctionem requiritur maior sanctitas interior, quam requirat etiam religionis status*”.

⁷⁰ PIUS XII, *Menti nostrae*, 660: “*Sancti estote, quia, ut nostis, sacrum est ministerium vestrum*”.

devout Curé of Ars “used all these helps in carrying out his apostolic office, and without a doubt they are suitable to all times and places”.⁷¹

A. Daily Eucharist

Convinced of the immense treasure of the Eucharistic Sacrifice, Pius XII reflected on its indispensable importance in the life of Christians and, especially, in the life and works of priests. He noted its particular relation to the fulfillment of priestly office, commenting that if the Eucharist holds an irreplaceable value for all Christians, then “much more does it hold for priests, who are the ministers of Christ, principally in order to celebrate the Eucharistic Sacrifice. And precisely in the Eucharistic Sacrifice, when in the person of Christ, he consecrates bread and wine, which become the Body and Blood of Christ, the priest can draw from that same fountain of the supernatural life the inexhaustible treasures of salvation and all those helps which he needs for himself personally and for the fulfillment of his mission”.⁷²

Vatican II sustained the supreme worth of the Eucharist and rightly stated that it is the “source and summit of the Christian life”.⁷³ It further maintained that all “the other sacraments, as well as with every ministry of the Church and every work of the apostolate, are tied together with the Eucharist and are directed toward it”.⁷⁴ Having said so, it is indubitably of supreme importance that the life of every Christian has to be nourished by the Eucharist being “a paschal banquet in which Christ is received, the mind is filled with grace, and a pledge of future glory is given to us”.⁷⁵ In the case of priests, the conciliar fathers were in agreement of the centrality of the Eucharist in their

⁷¹ JOHN XXIII, *Sacerdotii nostri primordia*, 563: “*His nimirum praesidiis in apostolico officio obeundo novensilis Arsiensis Curio usus est, quae, sine cuiuspiam dubitatione, in omnibus temporis et loci adiunctis semper validissima sunt*”.

⁷² PIUS XII, *Menti nostrae*, 666: “*Iamvero si hoc pro christianis omnibus, maiore profecto titulo pro sacerdotibus valet, qui idcirco praesertim Divini Redemptoris ministri sunt, ut Eucharisticum sacrificium peragant. Quo quidem in Eucharistico sacrificio, dum personam Christi sustinentes, panem et vinum consecrant, quae Corpus et Sanguis Christi fiunt, inexhaustos ex ipso supernae vitae fonte haurire possunt salutis thesauros omniaque illa auxilia, quae sibi non modo necessaria sint, sed suo etiam ipsorum explendo muneri*”.

⁷³ LG 11: “*Sacrificium eucharisticum, totius vitae christianae fontem et culmen, participantem, divinam Victimam Deo offerunt atque seipsos cum Ea*”.

⁷⁴ PO 5: “*Cetera autem Sacramenta, sicut et omnia ecclesiastica ministeria, et opera apostolatus, cum Sacra Eucharistia cohaerent et ad eam ordinantur*”.

⁷⁵ VATICAN COUNCIL II, Constitution on the Sacred Liturgy *Sacrosanctum Concilium*, in AAS 56 (1964) 97-134. Henceforth, Constitution on the Sacred Liturgy *Sacrosanctum Concilium* shall

ministry and life.⁷⁶ The Eucharist is, thus, affirmed as “the source and apex of the priesthood’s teaching, ruling and sanctifying powers”.⁷⁷ So to speak, it remains at the very root and foundation of the priesthood.

It is no wonder that the Code earnestly recommends the daily celebration of the Eucharist for priests (c. 276 § 2 2º) being the “beginning, means and end of priestly ministry”.⁷⁸ With this paramount value, they “will feel doubly obliged to daily celebration because the Eucharistic celebration is their principal ministry and because they exercise the priestly office for the benefit of all the faithful”.⁷⁹ Therefore, a priest is called “to celebrate the Holy Eucharistic Sacrifice, to meditate constantly on what it means and transform his life into a Eucharist, which becomes manifest in love for daily sacrifice, especially in fulfilling the duties and offices proper to his state”.⁸⁰ Priests then must ponder constantly on the supreme importance of the Eucharist and the great spiritual nourishment it carries for their effective pastoral ministry. This esteemed recognition of the Eucharist extends as well to the adoration of the Eucharist and daily visit to the Blessed Sacrament. These exercises find great worth as well for the faithful fulfillment of priestly ministry.⁸¹

As it can be recalled from *Presbyterorum ordinis* 5, St. John Paul II affirmed and put forward that if the Eucharist is the center and summit of the Church’s life, it is likewise the center and summit of priestly ministry and life. For this reason, “we can understand, then, how important it is for the spiritual life of the priest, as well as for the good of the Church and the world, that priests follow the Council’s recommendation to celebrate the Eucharist daily... In this way priests will be able to counteract the daily tensions which lead to a lack of focus and they will find in the Eucharistic Sacrifice – the true center of their lives and ministry – the spiritual strength needed to deal with their different pastoral responsibilities. Their daily activity will thus become truly Eucharistic”.⁸²

be called SC throughout this research. SC 47: “*Convivium paschale, in quo Christus sumitur, mens impletur gratia et futurae gloriae nobis pignus datur*”.

⁷⁶ See, for example, the conciliar interventions of ATAÚN in *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II*, III, pars 4, 252; GOTTARDI, *Ibidem*, 591; TENHUMBERG, *Ibidem*, 650.

⁷⁷ R. TARTRE, *The Post-Conciliar Priest: Comments on Some Aspects of the Decree on the Ministry and Life of Priests*, New York 1966, 5.

⁷⁸ *Directory* 66.

⁷⁹ A. MARZOA, sub c. 904, in *Code of Canon Law Annotated*, 2nd ed., Montreal 2004, 700.

⁸⁰ *Directory* 67.

⁸¹ Cf. PO 18.

⁸² JOHN PAUL II, Encyclical Letter on the Eucharist in its Relationship to the Church *Ecclesia de Eucharistia*, in AAS 95 (2003) 454: “*Comprehenditur itaque quantum habeat momentum in spiritali*

Benedict XVI also made his exhortation to priests on the daily celebration of the Eucharist saying “to this end I join the Synod Fathers in recommending the daily celebration of Mass, even when the faithful are not present. This recommendation is consistent with the objectively infinite value of every celebration of the Eucharist, and is motivated by the Mass’s unique spiritual fruitfulness. If celebrated in a faith-filled and attentive way, Mass is formative in the deepest sense of the word, since it fosters the priest’s configuration to Christ and strengthens him in his vocation”.⁸³

Along with the fulfillment of this exhortation by priests, the *Directory* likewise urged priests to exercise the maximum care in celebrating the Eucharist by paying adequate attention to the “appropriateness and cleanliness of the place, the structure of the altar and tabernacle, the dignity of the sacred vessels, the vestments, the hymns, the music, the sacred silence and the use of incense during more solemn celebrations, etc”.⁸⁴ To enhance further the sacredness of the celebration, priests who celebrate and concelebrate are reminded of their obligation “to wear the sacred vestments prescribed by the liturgical norms” and, corresponding to c. 846 § 1, “follow the rite established in the liturgical books approved by the competent authority, without adding, removing or changing anything”.⁸⁵ It likewise noted the competence of ecclesiastical authority in oversight function like Ordinaries, Superiors of Institutes of Consecrated Life, Moderators of Societies of Apostolic Life and all other Prelates, who possess the “grave responsibility, besides for being first in example, of exercising vigilance so that the liturgical norms regarding the celebration of the Eucharist are faithfully observed at all times by all and in all places”.⁸⁶

vita sacerdotis, nec non pro totius Ecclesiae et mundi emolumento, ut propositum conciliare Eucharistiae quotidie celebrandae exsequatur (...) Hoc pacto potest sacerdos omnem vincere tensionem dispersivam suos per dies, dum in eucharistico Sacrificio, vero vitae suo centro suique ministerii, necessarias detegit spirituales vires ut variis pastoralibus occurrat muneribus. Ita dies ipsius revera fiet eucharistici”.

⁸³ BENEDICT XVI, Post-Synodal Apostolic Exhortation on the Eucharist as the Source and Summit of the Church’s Life and Mission *Sacramentum caritatis*, in AAS 99 (2007) 167: “*Huius rei causa una Nos cum Patribus synodalibus suademus sacerdotibus ut unoquoque die Eucharistiam celebrent, etiam fidelibus absentibus. Monitio haec in primis cum virtute reapse infinita congruit cuiusque Celebrationis eucharisticae; et rationem pariter ducit de eius singulari efficientia spiritali quandoquidem, si attento vivitur animo ac fide, Sancta Missa sensu verbi altissimo educat, quatenus conformationem cum Christo promovet ac propria in vocatione stabilis sacerdotem”.*

⁸⁴ *Directory* 67.

⁸⁵ *Ibidem*.

⁸⁶ *Ibidem*.

B. Frequent Confession

The Apostolic Exhortation *Menti nostrae* eloquently spoke of the true necessity and practical importance in the pastoral ministry of frequent reception of the sacrament of penance by priests. It articulated that even if “we are the ministers of Christ, we are, nevertheless, wretched and weak; how then can we ascend to the Altar and handle the Sacred Mysteries unless we make a frequent effort to expiate our sins and cleanse ourselves? By means of frequent Confession, the right knowledge of one’s self is increased, Christian humility is developed, perverse moral habits are uprooted, negligence and spiritual torpor are resisted, the conscience is purified, the will is fortified, salutary self-control is obtained, and an increase of grace is secured by the very fact that the Sacrament is received”.⁸⁷

Indeed, there exists an intimate connection between the very ministry that priests exercise and the very life that they live, between the sacraments that they validly administer and the faith that they personally keep in reception or celebration of them. *Presbyterorum ordinis* expressed “the ministers of sacramental grace are intimately united to Christ our Savior and Pastor through the fruitful reception of the sacraments, especially sacramental Penance, in which, prepared by the daily examination of conscience, the necessary conversion of heart and love for the Father of Mercy is greatly deepened”.⁸⁸

Thus, the Code in considering the obligations and right of the clerics, promotes the frequent reception of the sacrament of confession (c. 276 § 2 5°) as an essential aid to their ministry and life.⁸⁹ For the whole priestly exist-

⁸⁷ PIUS XII, *Menti nostrae*, 674: “*Quamvis enim Iesu Christi ministri, miseri tamen sumus; quomodo igitur possumus Dei aram ascendere ac sacra pertractare, nisi saepe nos expiare ac purificare studeamus? Hac enim ratione recta sui ipsius cognitio augetur, christiana crescit humilitas, morum eradicato pravitas, spirituali negligentiae torpori obsistitur, conscientia purificatur, roboratur voluntas, salutaris animorum moderatio procuratur, atque ipsius sacramenti vi augetur gratia*”.

⁸⁸ PO 18: “*Christo Salvatori et Pastori intime uniuntur sacramentalis gratiae ministri per fructuosam Sacramentorum receptionem, speciatim in frequenti Poenitentiae sacramentali actu, quippe qui, cotidiana conscientiae discussione praeparatus, necessariam cordis conversionem ad Patris misericordiarum amorem tantopere foveat*”.

⁸⁹ In the 1917 Code, the frequent reception of the sacrament of penance, which would mean at least once a week, was indicated in two distinct canons: cc. 595 § 1 3° and 1367 § 2. On 8 December 1970, the Decree on Confessions for Religious indicated that frequent confession for Religious meant at least twice a month. However, it was likewise clear when it added that Superiors, on their part, should encourage this frequency and make it possible for the members to go to confession at least every two weeks and even oftener, if they wish to do so. See, SACRED CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, “*Normae circa usum et administrationem Sacramenti Poenitentiae, praesertim apud Religiosas*”, in AAS 63 (1971) 318.

ence “suffers an inexorable decline if by negligence or for some other reason a priest fails to receive the sacrament of penance at regular intervals and in a spirit of genuine faith and devotion. If a priest were no longer to go to confession or properly confess his sins, his priestly being and his priestly action would feel its effects very soon and this would also be noticed by the community of which he was the pastor”.⁹⁰

In further exhorting on the faithful and effective performance of the pastoral ministry, St. John Paul II spoke of the peculiar dynamics that the sacrament of Penance possesses in relation to its ministerial exercise by bishops and priests. With certainty, he said “the more careful we are to receive the sacrament of penance and to approach it frequently and with good dispositions, the better we fulfill our own ministry as confessors and ensure that our penitents benefit from it. And on the other hand, this ministry would lose much of its effectiveness if in some way we were to stop being good penitents. Such is the internal logic of this great sacrament”.⁹¹

The *Directory* did not miss on drawing attention to the exercise of the ministry of reconciliation and the necessity of this sacrament to fervent exercise of the sacred ministry. Priests are particularly reminded of their spiritual obligation to approach the sacrament of penance frequently as their lack or poor reception of the sacrament runs the risk of a more damaging repercussion to the communities of which they are the respective pastors.⁹²

In safeguarding, however, the sacrament from possible abuses in their pastoral ministry, words of caution for priests were made by the *Directory* to observe the stipulations of the ecclesial norm, which give preference and “promote the value of individual and personal confession, the upright accusation

⁹⁰ JOHN PAUL II, Post-Synodal Apostolic Exhortation on Reconciliation and Penance in the Mission of the Church Today *Reconciliatio et Paenitentia*, in AAS 77 (1985) 265-266: “*Eucharistiae celebratio ac Sacramentorum reliquorum ministerium, ardor pastoralis, necessitudo cum fidelibus, communio cum fratribus, socia cum Episcopo opera, vita orationis: ut paucis dicamus, tota sacerdotalis vita contrahit sibi necessario detrimentum, si ob negligentiam aliamve quamvis ob causam usus periodicus, in vera fide ac pietate innixus, Sacramenti Paenitentiae ei defuerit. In Sacerdote, qui non amplius peccata sua confiteretur aut male confiteretur, ipsum eius ‘sacerdotem esse’ et eius ‘sacerdotem agere’ inde afficerentur, atque etiam Communitas id animadverteret, cuius ille est pastor*”.

⁹¹ *Ibidem*: “*Nos Sacerdotes, de ipsorum nostra experientia, possumus affirmare, quatenus diligenter nos conferamus ad Paenitentiae Sacramentum ad illudque accedamus crebro recteque dispositi, melius nos procurare ministerium confessariorum et inde paenitentibus beneficia praestare. Plurimum, contra, efficaciae suae hoc ministerium amitteret, si aliquo modo boni esse paenitentes neglegeremus. Haec logica ratio interna huius magni est Sacramenti*”.

⁹² *Directory* 72.

of sins in the direct colloquy with the confessor, reserving the use of general confession and absolution to only extraordinary cases”.⁹³ Likewise, in keeping the essential value of the sacrament, it went to remind the priests with the provision of the Code that the “proper place for hearing sacramental confession is a church or oratory,”⁹⁴ where they must “dedicate time – also with established days and times – and energies to hearing the confessions of the faithful”.⁹⁵

C. Spiritual Direction

Presbyterorum ordinis already hinted at the fundamental relationship that exists between the exercise of *munera Christi* and spiritual direction. The priestly *munera* is oriented towards the salvations of souls and the guiding of souls, the discernment of the Spirit and the accompaniment of faithful are elemental to the priestly ministry. Thus, it urged priests to see to it that “the faithful are led individually in the Holy Spirit to a development of their own vocation according to the Gospel, to a sincere and practical charity, and to exercise that freedom with which Christ has made us free... In furthering this, priests should help men to see what is required and what is God’s will in the important and unimportant events of life. Also, Christians should be taught that they live not only for themselves, but also according to the demands of the new law of charity... In this way, all will discharge in a Christian manner their duties in the community of men”.⁹⁶

The Church’s time-tested practice of spiritual direction, in close conjunction with the sacrament of Penance, is likewise advanced by the Code since the initial entry of the candidates into the seminary for formation to the priesthood. Aside from becoming accustomed to the frequent reception of the

⁹³ *Directory* 71.

⁹⁴ c. 964 § 1: “*Ad sacramentales confessiones excipiendas locus proprius est ecclesia aut oratorium*”.

⁹⁵ *Directory* 71.

⁹⁶ PO 6: “*Quapropter ad sacerdotes, qua in fide educatores, pertinet curare sive per se sive per alios, ut singuli fideles ad suam propriam vocationem secundum Evangelium excolendam, ad sinceram operosamque caritatem, et ad libertatem, qua Christus nos liberavit, in Spiritu Sancto adducantur. Parum proderunt caeremoniae, etsi pulchrae, vel consociationes, etsi florentes, si non ordinantur ad educandos homines ad maturitatem christianam consequendam. Quam ut promoveant, eis auxilio erunt Presbyteri ut in ipsis eventibus magnis vel parvis, quid res exigant, quae sit Dei voluntas perspicere valeant. Edoceantur etiam christiani ut non sibi solum vivant, sed, secundum exigentias novae legis caritatis, unusquisque sicut accepit gratiam, in alterutrum illam administret et ita omnes officia sua in communitate hominum christiane absolvant*”. Cf. CONGREGATION FOR THE CLERGY, *The Priest, Minister of Divine Mercy: Material for Confessors and Spiritual Directors*, Vatican City 2011, 113.

sacrament of penance, students are to be better prepared for their future pastoral ministry through regular spiritual direction. Hence, it is recommended that they have “a director for their spiritual life who has been freely chosen and to whom they can open their conscience with confidence”.⁹⁷

The *Directory* likewise pressed not only on the necessity to exercise the ministry of spiritual direction but, at the same time, the practice of spiritual direction by priests themselves. There is no doubt that it is a true pastoral priority, which is “greatly beneficial for the Church”.⁹⁸ It has been demonstrated that the practice of spiritual direction “issues in personal and community renewal, vocations, missionary spirit, and the joy of hope”.⁹⁹ However, this important element of ministerial duty demands that the “priest personally receives spiritual direction, seeking it out and following it with fidelity, so as to be better able to direct others”.¹⁰⁰ Spiritual direction certainly “fosters and maintains faithfulness and generosity in the carrying out of the priestly ministry”.¹⁰¹

In the recent document, “Priest: Minister of Divine Mercy”, it highlighted that the one “who appreciates spiritual direction and values it, not only recommends it in his ministry but also practices it personally. If we do not lose sight of the objective of spiritual direction ways can always be found to ensure that spiritual direction is both given and received”.¹⁰² Thus, by “placing the formation of their soul in the hands of a wise fellow-member, priests will enlighten their conscience, from the first steps in the ministry, and realize the importance of not walking alone along the paths of spiritual life and pastoral duties”.¹⁰³

Though spoken more than half the century past, the words of Pius XII remain in vigor when he recommended that “in undertaking and advancing

⁹⁷ c. 246 § 4: “*Ad sacramentum paenitentiae frequenter accedere assuescant alumni, et commendatur ut unusquisque habeat moderatorem suae vitae spiritualis libere quidem electum, cui confidenter conscientiam aperire possit*”.

⁹⁸ *Directory* 73.

⁹⁹ CONGREGATION FOR THE CLERGY, *The Priest, Minister of Divine Mercy*, 66.

¹⁰⁰ *Ibidem*, 75.

¹⁰¹ JOHN PAUL II, Post-Synodal Apostolic Exhortation on the Formation of Priests in the Circumstances of the Present Day *Pastores dabo vobis*, in AAS 84 (1992) 81: “*Usus pariter directionis spiritualis multum sane confert ad permanentem sacerdotum educationem provehendam. Translaticium instrumentum est quod nihil interea perdidit suae praestantiae non solum ut spiritualis formatio praestetur, sed etiam ut perpetua fidelitas ac magnanimitas in ministerii sacerdotalis executione promoveatur sustineaturque*”.

¹⁰² CONGREGATION FOR THE CLERGY, *The Priest, Minister of Divine Mercy*, 114.

¹⁰³ *Directory* 73.

in the spiritual life, you do not trust too much to yourselves, but with docile simplicity seek and accept the help of someone who, with wise moderation, can guide your soul, point out to you the dangers, suggest suitable remedies, and in every internal and external difficulty can guide you in the right way towards an ever greater perfection, according to the example of the saints and the teachings of Christian asceticism. Without these prudent guides for one's conscience, it is often very difficult to be duly responsive to the impulses of the Holy Spirit and of the grace of God".¹⁰⁴

D. Examination of Conscience

Presbyterorum ordinis likewise emphasized the important practice of daily examination of conscience, which helps prepare the priests in their pastoral undertaking. Being ministers of sacramental grace, "they are intimately united to Christ our Savior and Pastor through the fruitful reception of the sacraments, especially sacramental Penance, in which, prepared by the daily examination of conscience, the necessary conversion of heart and love for the Father of Mercy is greatly deepened".¹⁰⁵

While the Code sensibly need not enumerate all the aids for the spiritual life of priests, it prudently promotes, nevertheless, the use of other common means for priestly sanctification.¹⁰⁶ Among them is the long-held practice of the Church of examination of conscience. As Pius XII openly spoke of the importance of the daily examination of conscience vis-à-vis the exercise of pastoral ministry, thus, reminding priests not to omit it "which is undoubtedly the most efficacious means we have for taking account of the conduct of our spiritual life during the day, for removing the obstacles which hinder or re-

¹⁰⁴ PIUS XII, *Menti nostrae*, 674: "Quam ad rem opportunum etiam ducimus vos adhortari, dilecti filii, ut in spiritualis vitae itinere ingrediendi persequendoque ne nimis vobis confidatis, sed demisso docili-que animo ab iis consilium suscipiatis petatisque auxilium, qui sapienti moderatione vos regere possint, qui adventantia pericula vobis praenuntiari queant, itemque consentanea vobis indicare remedia, et in difficultatibus omnibus ex internis externisque rebus oriundis, vos recta ratione ducere, vosque ad perfectionem illam, cotidie auctiorem dirigere, ad quam sanctorum Caelitum exempla probatique christianae asceseos magistri vos alliciant et advocent. Etenim sine prudentibus hisce conscientiae moderatoribus, plerumque difficillimum est supernis Sancti Spiritus impulsionibus divinaeque gratiae recto modo obsecundare".

¹⁰⁵ PO 18.

¹⁰⁶ c. 276 § 2 5º: "Ut hanc perfectionem persequi valeant: sollicitantur ut orationi mentali regulariter incumbant, frequenter ad poenitentiae sacramentum accedant, Deiparam Virginem peculiari veneratione colant, aliisque mediis sanctificationis utantur communibus et particularibus".

tard one's progress in virtue, and finally, for determining on the most suitable means to assure to our sacred ministry greater fruitfulness and to implore from the Heavenly Father indulgence upon so many of our deeds wretchedly done".¹⁰⁷ The *Directory* likewise put forward the importance of daily examination of conscience¹⁰⁸ for the effective and generous performance of the duties of sacred ministry.

E. Liturgy of the Hours

The essential value of prayer in the ministry and life of priests has been unquestionable since time immemorial. Popes of the recent past, convinced of the vital character of prayer in the performance of priestly duties, never failed to call on priests to nourish and immerse their ministerial work in prayer. Pius X was convinced that a priest "must be specially devoted to the practice of prayer if he is to maintain worthily his dignity and to fulfill his duty".¹⁰⁹ Pius XII, speaking of the obligation of priests to recite the Divine Office expressed that the "Church herself never ceases praying, so she ardently desires that her children should do the same (...) To priests, she has committed the special duty of consecrating to God, praying also in the name of the people, every period of the day and every circumstance of life (...) Moreover, the Divine Office is a most efficacious means of sanctification (...) Therefore, the canonical hours should be recited worthily, attentively, and with devotion, as we are reminded at the beginning of the Office".¹¹⁰

Recently-canonized John Paul II, certain of the decisive role played by prayer in the living out of priesthood, said "our priesthood must be linked

¹⁰⁷ PIUS XII, *Menti nostrae*, 673-674: "*Neque praetermittat suae conscientiae secreta cotidie perscrutari sui que ipsius censuram gerere; quod procul dubio tantum valet simul ad spiritualis vitae rationem per elapsi diei spatium inquirendam, simul ad illa removenda obstacula, quae virtutis incrementa vel retardent, vel praepediant, simul denique ad ea omnia alacrius persequenda, quae sacerdotalia munera magis frugifera efficiant, et ad caelestis Patris, ob tot misere acta, misericordiam implorandam*".

¹⁰⁸ *Directory* 50.

¹⁰⁹ PIUS X, *Haerent animo*, 564: "*Hoc igitur certum ratumque habeamus, sacerdotem, ut gradum officiumque digne sustineat suum, precandi studio eximie deditum esse oportere*".

¹¹⁰ PIUS XII, *Menti nostrae*, 669-671. "*Siquidem, quemadmodum Ecclesia ab effundendis precibus nullo tempore cessat, ita percipit ut filii sui supplicationes numquam intermittant (...) Sacrorum autem administris hoc peculiare munus concredit, sit nempe, populi etiam nomine comprecando, omnis temporis rerumque decursum quodammodo Deo consecrent (...) At horariae preces multum etiam multumque ad sanctitatem efficaciter assequendam conferunt (...) Quamobrem horariae preces, ut in earum notatur initio, digne, attente ac devote recitandae sunt*".

with prayer, rooted in prayer”.¹¹¹ Benedict XVI was not remiss in his reminder to “those who by virtue of their state in life are obliged to pray the Liturgy of the Hours should carry out this duty faithfully for the benefit of the whole Church. Bishops, priests and deacons aspiring to the priesthood, all of whom have been charged by the Church to celebrate this liturgy, are obliged to pray all the Hours daily”.¹¹² Current pope, Francis, during his homily in one of his daily masses at the Chapel of Santa Marta, reiterated the vital weight of the relationship with Jesus found in prayer and its concomitant effect on the exercise of priestly office. He thought about priests who distance themselves from Christ and end up becoming unctuous priests who harm the Church. He encouraged priests to seek the Lord in prayer for “the strength of a priest is rooted in this relationship”.¹¹³

The Code emphasizes also the important duty of priests to prayer, especially the obligation to fulfill the liturgy of the hours daily (c. 276 § 2 3°). The praying of the liturgy of the hours works both for themselves as they extend to the other hours of the day the praise and thanksgiving of the Eucharistic celebration and for others as they offered it in the name of the Church for all the people entrusted to their care and, indeed, for the whole world.¹¹⁴

In the new edition of the *Directory*, one of the new topics treated concerns the praying of the liturgy of the hours.¹¹⁵ It both urged its observance and de-

¹¹¹ JOHN PAUL II, Epistula sacerdotibus, adveniente feria V in Cena Domini missa, in AAS 79 (1987) 1290: “*Si in nostra meditatione feriae V in Cena Domini hoc anno Cenaculum cum Gethsemani coniungimus, id facimus ut intellegatur quam arcte nostrum sacerdotium oporteat orationi iungatur: penitus in oratione radicitur*”.

¹¹² BENEDICT XVI, Post-Synodal Apostolic Exhortation on the Word of God in the Life and Mission of the Church *Verbum Domini*, in AAS 102 (2010) 741: “*Qui ob vitae statum Liturgiae Horarum recitatione tenentur, hoc munus fideliter vivant in totius Ecclesiae beneficium. Episcopi, presbyteri et diaconi ad sacerdotium aspirantes, qui ab Ecclesia celebrandi eam mandatum receperunt, singulis diebus cunctas Horas absolvere debent*”.

¹¹³ <<http://www.news.va/en/news>> [2014-01-11].

¹¹⁴ PO 5: “*Laudes et gratiarum actiones quas adhibent in Eucharistiae celebratione ipsi Presbyteri ad diversas horas diei dilatant in Divino persolvendo Officio, quo quidem nomine Ecclesiae, pro toto populo sibi commisso, immo pro universo mundo, Deum deprecantur*”.

¹¹⁵ The new *Directory* admitted to have maintained substantially unchanged the layout of the previous *Directory*. An initial look, however, at its table of contents reveals that it has modified a number of titles of topics to make them precise and relevant to the present circumstance and direction of the Church. There are likewise topics, which were deleted but were either replaced with new ones or simply left without being replaced, as it was not necessary at all. Three topics, however, were not lengthily treated in the old *Directory* but are distinguished in the new *Directory* for their adequate treatment, namely: on mass intentions, on liturgy of the hours and on the Eucharist and Mary.

fined the extent of praying daily and completely the liturgy of the hours.¹¹⁶ It then said that the daily obligation to pray the breviary or the liturgy of the hours “is also one of the solemn commitments undertaken in ordination to the diaconate in public form, which may not be omitted without grave cause. It is an obligation of love that is to be attended to under all circumstances, including during times of vacation. The priest is obliged to pray all the Hours daily, that is to say, Morning Prayer (Lauds) and Evening Prayer (Vespers), as well as the Office of Readings, at least one of the parts of Daytime Prayer, and Night Prayer (Compline)”.¹¹⁷

F. Mental Prayer

Pius X eloquently expressed his esteem for the practice of mental prayer and stated the important reason for applying mental prayer for the various functions of priestly office. He convincingly communicated the grave and urgent need for its daily practice saying that “it is a rich source of the wisdom and virtue which are so useful in the supremely difficult task of caring for souls”, and concluded his words recalling the pastoral address of St. Charles Borromeo: “Realize, my brethren, that nothing is so necessary to an ecclesiastic as mental prayer before, during and after all our actions”.¹¹⁸

In the same way, Pius XII was not in doubt of the looming danger posed by the omission of mental prayer in the ministry of priests. Firm in his conviction, he considered it as a grave duty to exhort “the practice of daily meditation, a practice recommended to all the clergy also by Canon Law. For just as the desire for priestly perfection is nourished and strengthened by daily meditation, so its neglect is the source of distaste for spiritual things, through which piety is lessened and grows languid, and the impulse towards personal sanctification is not only weakened or ceases altogether, but the entire priestly ministry suffers great harm. It must therefore be stated without reservation that no other means has the unique efficacy of meditation, and that, as a consequence, its daily practice can in no wise be substituted for”.¹¹⁹

¹¹⁶ CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS, *Responsa ad Quaestiones circa obligationem persolvendi liturgiam horarum*, in *Notitiae* 37 (2001) 190-194.

¹¹⁷ *Directory* 75.

¹¹⁸ PIUS X, *Haerent animo*, 569: “*Intelligite, fratres, nihil aequae ecclesiasticis omnibus viris esse necessarium ac est oratio mentalis, actiones nostras omnes praecedens, concomitans et subsequens*”.

¹¹⁹ PIUS XII, *Menti nostrae*, 672: “*Gravi igitur officio Nos teneri ducimus ad cotidianae meditationis usum vos peculiari modo cohortari; quem quidem usum Codex etiam Iuris Canonici clericis omnibus commen-*

The teachings of Vatican II validated this helpful spiritual practice in the Church and once again showed that the adherence to the discipline of daily mental prayer for clerics is essential to the fulfillment of their ministry. *Presbyterorum ordinis* noted that it is “especially through mental prayer and the vocal prayers which they freely choose, priests seek and fervently pray that God will grant them the spirit of true adoration whereby they themselves, along with the people committed to them, may intimately unite themselves with Christ the Mediator of the New Testament, and so as adopted children of God may be able to call out ‘Abba, Father’ (Rom 8:15)”.¹²⁰ As conciliar father, Bishop Köstner of Austria aptly commented, “mental prayer was necessary because there is no way ministry can be efficacious if mental prayer is neglected”.¹²¹ Considering its importance in the exercise of the ministry, the Code and the *Directory* also encourage regular time for the practice of mental prayer by clerics.¹²²

G. Spiritual Reading

Another specific spiritual aid added by Vatican II for the living out of priestly life and performing of pastoral ministry is the discipline of spiritual reading. Nourished by regular spiritual reading, priests “can more diligently seek signs of God’s will and impulses of his grace in the various events of life, and so from day to day become more docile to the mission they have assumed in the Holy Spirit”.¹²³ This plays a very important role in their daily conduct and pastoral solicitude so that they can “show the face of a truly

dat. Quemadmodum enim ex cotidiana eiusmodi meditatione sacerdotalis perfectionis studium alitur ac renovetur; ita ex eius neglegentia illud oritur spiritualium rerum taedium, quo pietas defervescit ac languet et quo non tantum suus cuiusque ad sanctitatem impulsus vel intermittitur, vel retardatur; sed sacri etiam ministerii opera haud levia capiunt detrimenta. Quamobrem iure meritoque asseverandum est peculiarem sacrae meditationis efficacitatem nulla posse alia ratione haberi, atque adeo cotidianus eius usus nullo alio modo substitui posse”.

¹²⁰ PO 18: “Multimodis, speciatim per probatam orationem mentalem et varias precum formas, quas libere eligunt, Presbyteri quaerunt et a Deo enixe rogant illum verae adorationis spiritum, quo ipsi, simul cum plebe sibi commissa, intime se cum Christo Novi Testamenti Mediatore uniant, et ita tamquam filii adoptionis clamare possint: ‘Abba, Pater’ (Rom. 8,15)”.

¹²¹ J. KÖSTNER, *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II*, III, pars. 4, 458: “nam nescio, quomodo sacrum ministerium efficax esse possit, si oratio mentalis negligatur”.

¹²² Cf. c. 276 § 2 5°; *Directory* 50.

¹²³ PO 18: “Sub lumine fidei lectione divina enutritae, possunt Dei voluntatis signa et Eius gratiae impulsus in variis vitae eventibus sedulo inquirere, et ita missioni suae in Spiritu Sancto assumptae dociliores in dies fieri”.

priestly and pastoral ministry to believers and unbelievers alike, to Catholics and non-Catholics”.¹²⁴

Indeed, by virtue of his being consecrated, a priest “is marked, molded and characterized by the way of thinking and acting proper to Jesus Christ, Head and Shepherd of the Church, and which are summed up in his pastoral charity”.¹²⁵ Thus, pastoral ministry puts to the fore the tall order for the priest to “demonstrate in his bearing and conduct the total self-giving of himself to the flock which he has been entrusted”.¹²⁶ In this regard, Cardinal Heenan was insistent about the exercise of spiritual reading, which he regarded as an indispensable duty for priests since “private spiritual reading and meditation on the scriptures are part of the duty he owes to his sacred ministry as an ordained to preach the Gospel”.¹²⁷

True enough, Pius X already saw the great advantages gained by priests who combine their daily meditation with the constant reading of spiritual books and, consequently, the adverse effect to the personal and pastoral welfare of priests who neglect it. He keenly observed how “the clergy allow their minds to be overcome gradually by the darkness of doubt and turn aside to worldly pursuits; the chief reason for this is that they prefer to read a variety of other works and newspapers, which are full of cunningly propounded errors and corruption, rather than the divine books and other pious literature”.¹²⁸ Hence, contending on the value of spiritual reading in the ministry and life of priests, Pius X insisted on the reading of pious books, which, according to him, functions to “remind us of our duties and of the prescriptions of legitimate discipline; they arouse the heavenly voices that were stifled in our souls; they rid our resolutions of listlessness; they disturb our deceitful complacency; they show the true nature of less worthy affections to which we have sought to close our eyes; they bring to light the many dangers which beset the path of the imprudent”.¹²⁹

¹²⁴ LG 28: “*Memores sint se sua cotidiana conversatione et sollicitudine fidelibus et infidelibus, catholicis et non catholicis, faciem ministerii vere sacerdotalis et pastoralis exhibere*”.

¹²⁵ JOHN PAUL II, *Pastores dabo vobis*, 21: “*Per hanc ergo consecrationem a Spiritu peractam in sacramentali effusione, spiritualis presbyteri vita instruitur, confingitur, signatur quodammodo iis habitibus, gestibus, placitis, quae Ipsius Christi Iesu, Capitis et Pastoris Ecclesiae, propria sunt, et quae compendio efficiunt caritatem quam dicimus pastorem*”.

¹²⁶ *Directory* 54.

¹²⁷ J. HEENAN, *Council and Clergy*, London 1966, 39.

¹²⁸ PIUS X, *Haerent animo*, 570: “*Sed contra heu saepius accidit nostra aetate, ut homines e clero tenebris dubitationis sensim offundantur et saeculi obliqua sectentur, eo praesertim quod piis divinisque libris longe alios omne genus atque ephemeridum turbam praecoepant, ea quidem scatenia errore blando ac lue*”.

¹²⁹ *Ibidem*: “*De nostris quippe officiis ac de praescriptis legitima disciplinae graviter commonefaciunt; repressas in animo caelestes voces suscitant: desidiam propositorum castigant; dolosam obturbant tranquillitatem; minus probabiles affectiones, dissimulatas, coarguunt; pericula detegunt, saepenumero incautis potentia*”.

H. Retreat and Recollection

The conciliar document, *Presbyterorum ordinis*, mindfully indicated the need for regular spiritual retreats and recollections on the part of the clerics for the diligent fulfillment of their ministry with fidelity to the daily colloquy with Christ.¹³⁰ Being especially in the world today, “when people are so burdened with duties and their problems, which oftentimes have to be solved with great haste, range through so many fields, there is considerable danger of dissipating their energy. Priests, too, involved and constrained by so many obligations of their office, certainly have reason to wonder how they can coordinate and balance their interior life with feverish outward activity”.¹³¹

Therefore, through prolonged moments of silence and prayer in periodical retreats and days of recollection, priests will have the opportunity to “examine all their works and projects to see what is the will of God – namely, to see how their endeavors compare with the goals of the Gospel mission of the Church”.¹³² In this way, they can measure and verify if there exists a coordinated life among them, which is undoubtedly necessary for “spiritual and pastoral growth, in which one can devote more time to pray in peace; opportunities to get back to what it means deep down to be a priest, to find fresh motives for faithfulness and pastoral endeavor”.¹³³

The actual Code finds its fundamental value as an effective means for the spiritual life of clerics contributing to the efficacy of his pastoral ministry. It acquiescently stipulates its obligatory nature in c. 276 § 2 4°. Compared to the 1917 Code, which only required the secular priests to perform spiritual exercises at a minimum of every three years,¹³⁴ the 1983 Codes leaves it to

¹³⁰ Cf. PO 18.

¹³¹ PO 14: “*Hodierno in mundo, cum tot sint officia quae obire debent homines cumque tanta sit diversitas problematum quibus anguntur, quaeque saepius ipsis celeriter solvenda sunt, in discrimine haud raro versantur qui sese in diversa dispergant. Presbyteri autem, permultis obligationibus sui muneris implicati et distracti, non sine anxietate quaerere possunt quomodo cum exterioris actionis ratione interiorem vitam suam ad unitatem componere valeant*”.

¹³² *Ibidem*: “*Ut unitatem vitae suae etiam concrete verificare valeant, omnia incepta sua considerent probantes quae sit voluntas Dei, quae nempe sit inceptorum cum normis evangelicae missionis Ecclesiae conformitas*”.

¹³³ JOHN PAUL II, *Pastores dabo vobis*, 80: “*Progressionis et auctus spiritualis ac pastoralis opportunitates sunt, tum etiam occasiones orationis longioris et tranquillioris, tempora quibus reditur ad radices ipsius existentiae sacerdotalis, quibus renovatur novum studium fidelitatis et pastoralis actuositatis*”.

¹³⁴ c. 126 (1917 Code): “*Omnes sacerdotes saeculares debent tertio saltem quoque anno spiritualibus exercitiis, per tempus a proprio Ordinario determinandum, in pia aliqua religiosave domo ab eodem designata vacare; neque ab eis quisquam eximatur, nisi in casu particulari, iusta de causa ac de expressa eiusdem Ordinarii licentia*”.

the provision of local legislation. Both the old and new *Directories* pressed for their compliance and likewise sustained that the “two most usual modes which may be prescribed by the Bishop in his own diocese are the day of recollection, possibly each month, and the annual retreat”.¹³⁵ The present Directory, though, further suggested that the yearly retreat by clerics could last for six days.¹³⁶

In the end, noteworthy remembering is the exhortation of Pius XII, who was convinced in recommending the practice of spiritual retreats and recollections. His words remain significantly substantial up to now to the priestly ministry and life as he said “when we seclude ourselves for some days from our accustomed occupations and habitual environment, and retire into solitude and silence, we are then more attentive to give ear to the voice of God, which consequently penetrates more deeply into our soul. Retreats, while they call us to a more holy fulfillment of the duties of our ministry, and to the contemplation of the Mysteries of the Redeemer, give new strength to our will, that we may serve Him without fear, in holiness and justice before Him all our days”.¹³⁷

I. Marian Devotion

Vatican II, while expounding the doctrine on the Church, expressly taught the role of the Blessed Virgin in the mystery of the Incarnate Word and in the mystical body, and urged the duties of the faithful towards her.¹³⁸ Fostering the upholding of the long-held Marian practices and exercises by all the members of the Church, the Council was careful enough in reminding priests to exhibit filial devotion and veneration to the Blessed Virgin Mary, protector of priestly ministry, as she is a true example of obedience, being

¹³⁵ Cf. 1994 *Directory* 85; 2013 *Directory* 103.

¹³⁶ *Directory* 103.

¹³⁷ PIUS XII, *Menti nostrae*, 675: “*Cum enim nos per aliquot dierum spatium ex suetis rebus suetisque vivendi agendique rationibus segregamus, ac solitudinem silentiumque petimus, tum facilius profecto secundas damus aures divinis eloquiis, quae altius in animos descendunt nostros; dumque nos haec Exercitia ad officia sanctius exsequenda revocant et ad suavissimo Iesu Christi mysteria contemplanda, voluntatem nostram ita confirmant, ut serviamus illi in sanctitate et iustitia omnibus diebus nostris*”.

¹³⁸ LG 54: “*Ideo Sacrosancta Synodus, doctrinam de Ecclesia, in qua divinus Redemptor salutem operatur, exponens, illustrare sedulo intendit tum munus Beatae Virginis in mysterio Incarnati Verbi et Corporis Mystici, tum hominum redemptorum officia erga Deiparam, matrem Christi et matrem hominum, maxime fidelium, quin tamen in animo habeat completam de Maria proponere doctrinam, atque quaestiones labore theologorum nondum ad plenam lucem perductas dirimere. Servantur itaque in suo iure sententiae, quae in scholis catholicis libere proponuntur de Illa, quae in Sancta Ecclesia locum occupat post Christum altissimum nobisque maxime propinquum*”.

filled and led by the Holy Spirit to dedicate herself completely to the work of God especially with regard to man's redemption.¹³⁹

The Code also expresses her essential role in the priestly ministry and encourages the clerics to maintain a special devotion to the Virgin Mother of God (c. 276 § 2 5°). The *Directory* has been consistent in the inclusion of the Marian dimension in the overall landscape of priestly spirituality. It emphasized that the spirituality of clerics “could not be considered complete if it were to fail to include the message of Christ's words on the Cross, in which He conferred his Mother to the beloved disciple, and, through him, to all priests called to continue His work of redemption”.¹⁴⁰ Mary is considered as the “the most eminent formator of Christ's priesthood, since it is she who knows how to model his priestly heart, protect him from dangers, fatigue and discouragement, and, with maternal solicitude, watch over him so he may grow in wisdom and grace before God and men (cf. *Lk* 2:40)”.¹⁴¹ Among the practices of Marian devotion, which priests may use, are the praying of the rosary, consecration, acts of veneration or offering.

Interestingly, the new *Directory* added another topic in connection with Mary and, that is, the Eucharist and Mary. Inspired by St. John Paul II, who affirmed that Mary is “a woman of the Eucharist in her whole life,”¹⁴² it fostered the serious contemplation on “the Blessed Virgin – along whose side is St. Joseph, the master of interior life – which places before the priest the ideal to pursue in the ministry of his community so this community as well may be glorious through the priestly gift of his own life”.¹⁴³

In sum, the suitable spiritual helps enumerated above for the fulfillment of priestly functions are drawn out from *Presbyterorum ordinis* and form part of the Code's section on obligations and rights of clerics.¹⁴⁴ As St. John Paul II noted through the “insightful teaching of the Second Vatican Council, we can grasp the conditions and demands, the manifestations and fruits of the intimate bond between the priest's spiritual life and the exercise of his threefold ministry of word, sacrament and pastoral charity”.¹⁴⁵

¹³⁹ Cf. PO 18.

¹⁴⁰ *Directory* 84.

¹⁴¹ *Directory* 85.

¹⁴² JOHN PAUL II, Encyclical Letter on the Eucharist in its Relationship to the Church *Ecclesia de Eucharistia*, in AAS 95 (2003) 469: “*Maria mulier tota sua vita est Eucharistica*”.

¹⁴³ *Directory* 86.

¹⁴⁴ Cf. PO 18; c. 276 § 2.

¹⁴⁵ JOHN PAUL II, *Pastores dabo vobis*, 26: “*Percipere ex ditissima Concilii Vaticani II doctrina possumus quatenam sint condiciones, exigentiae, fructus ex intima relatione quae viget inter vitam spiritualem presbyteri et exercitium eius triplicis ministerii: Verbi, Sacramenti, servitii Caritatis*”.

These spiritual aids, however, are not considered strange from the life of clerics since they are already initiated into these sacred exercises during their seminary training. The Code's provisions on the formation of clerics evidently reflect these spiritual disciplines.¹⁴⁶ Indeed, "training in these valuable practices was the purpose of the daily routine in the seminary,"¹⁴⁷ so that "those who are to take on the likeness of Christ, the priest, by sacred ordination should form the habit of drawing close to Him as friends in every detail of their lives".¹⁴⁸

By these helpful spiritual means provided by the Code and further specified by the *Directory*, priests are disposed "to live their ministry with depth"¹⁴⁹ in the midst of the numerous pastoral demands and social challenges, "to be the herald of hope"¹⁵⁰ in this ecclesial challenge of a new evangelization and "to be a man of God and a master of prayer"¹⁵¹ even with the proliferation of sects and emergence of new cults. As Benedict XVI thoughtfully put it, "this is not to forget that the efficacy of the ministry is independent of the holiness of the minister; but neither can we overlook the extraordinary fruitfulness of the encounter between the ministry's objective holiness and the subjective holiness of the minister,"¹⁵² so much so that the very holiness of priests "is of the greatest benefit for the fruitful fulfillment of their ministry".¹⁵³

2. *Continued Formation*

Another helpful tool consistently endorsed both by the 1917 and 1983 Codes for the faithful fulfillment of priestly public functions is the undergoing of continued formation through the discipline of sacred studies.¹⁵⁴ The whole text of c. 279 of the actual Code regards "the matter of continuing education as an obligation of clerics,"¹⁵⁵ and requires priests to study

¹⁴⁶ Cf. cc. 232-264.

¹⁴⁷ D. COZZENS, *The Conciliar Documents and the 1983 Code* in D. COZZENS (ed.), *The Spirituality of the Diocesan Priest*, Manila 2005, 158.

¹⁴⁸ VATICAN COUNCIL II, Decree on the Training of Priests *Optatam totius*, in AAS 58 (1966) 8.

¹⁴⁹ *Directory* 45.

¹⁵⁰ *Directory* 46.

¹⁵¹ *Directory* 47.

¹⁵² BENEDICT XVI, Letter Proclaiming a Year for Priests on the 150th Anniversary of the *Dies Natalis* of the *Curé* of Ars, in *L'Osservatore Romano*, Yr. 42, No. 25, Vatican City 2009, 3.

¹⁵³ PO 12: "*Ipsa autem sanctitas Presbyterorum ad proprium ministerium fructuose complendum plurimum confert*".

¹⁵⁴ Cf. c. 129 (1917 Code); c. 279 (1983 Code).

¹⁵⁵ T. RINCÓN-PÉREZ, sub c. 279, in *Code of Canon Law Annotated*, 2nd ed., Montreal 2004, 229.

sacred sciences, attend pastoral lectures and cultivate other disciplines of studies.¹⁵⁶ It closes its provision with an explicit remark that continued pursuit of knowledge provided by priestly permanent training “contributes to the exercise of pastoral ministry”.¹⁵⁷ Indeed, permanent formation functions “as faithfulness to the priestly ministry and as a process of continual conversion”.¹⁵⁸

C. 279 faithfully reflects Vatican II’s frame of mind on the subject of priestly ongoing formation. Conciliar documents *Presbyterorum Ordinis*, *Optatam Totius* and *Christus Dominus* critically examined its importance, necessity and effect into the ministry and life of priests. *Presbyterorum Ordinis* highlighted the importance of permanent formation and urged priests to “suitably and without interruption perfect their knowledge of divine things and human affairs and so prepare themselves to enter more opportunely into conversation with their contemporaries”.¹⁵⁹ *Optatam totius*, while reiterating the necessity of continued priestly training in view of the circumstances of contemporary society, pressed for the employment of suitable means to this end like “pastoral institutes working together with suitably chosen parishes, meetings held at stated times, and appropriate projects whereby the younger clergy would be gradually introduced into the priestly life and apostolic activity, under its spiritual, intellectual, and pastoral aspects, and would be able, day by day, to renew and foster them more effectively”.¹⁶⁰ Finally, *Christus Dominus* presented one of the essential tasks of bishops that bears a direct effect on the performance of ministerial duties, namely, their pastoral solicitude for the overall welfare of the priests, which includes spiritual, intellectual and material as-

¹⁵⁶ J. LYNCH, “The Obligations and Rights of Clerics”, in *New Commentary on the Code of Canon Law*, New York 2000, 364.

¹⁵⁷ c. 279 § 3: “*Aliarum quoque scientiarum, earum praesertim quae cum sacris conecuntur, cognitionem prosequantur, quatenus praecipue ad ministerium pastorale exercendum confert*”.

¹⁵⁸ JOHN PAUL II, *Pastores dabo vobis*, 70, citing *Propositio* 31, Synod of Bishops, VIII Ordinary General Assembly on the Formation of Priests in Circumstances of the Present Day (30 September–28 October 1990).

¹⁵⁹ PO 19: “*Cum vero nostris temporibus cultura humana et etiam scientiae sacrae novo gressu progrediantur, incitantur Presbyteri ut scientiam suam de divinis et humanis apte et sine intermissione perficiant, atque ita ad colloquium cum coetaneis opportunius ineundum se praeparent*”.

¹⁶⁰ OT 22: “*Conferentiarum Episcoporum erit in singulis nationibus aptiora media adhibere, cuiusmodi sunt pastoralia Instituta cum parocciis opportune selectis cooperantia, conventus statis temporibus cogendi et accommodatae exercitationes quarum ope iunior clerus sub aspectu spirituali, intellectuali et pastorali in sacerdotalem vitam atque apostolicam operositatem gradatim introducatur easque in dies magis renovare ac fovere valeat*”.

pects, “so that they may live holy and pious lives and exercise a faithful and fruitful ministry”.¹⁶¹

To urgently implement the conciliar directives, the Apostolic Letter *Ecclesiae sanctae* issued *motu proprio* by Paul VI in 1966 came into force.¹⁶² It exhorted bishops either individually or collectively on their important role to “make provisions that all priests, even if engaged in the ministry, complete a series of pastoral lectures in the course of the year immediately after ordination and that they attend at specified times other lectures in which an opportunity is given to their priests both to acquire a fuller knowledge of pastoral methods and of the theological, moral and liturgical sciences, and to strengthen their spiritual life and to share their apostolic experiences with their brother priests. Bishops or episcopal conferences should also see to it that, according to local conditions, one or several priests of proven learning and virtue are chosen as moderators of studies to promote and arrange pastoral lectures and other aids which are considered necessary to foster the scientific and pastoral training of priests of their own territory: study centers, mobile libraries, congresses on catechetics, homiletics or the liturgy and other subjects of this kind”.¹⁶³

Succeeding post-conciliar documents insisting on the vital requirement of priestly ongoing formation uninterruptedly came out. Aside from the Code, among the notable ones are *Inter ea*,¹⁶⁴ 1970 *Ratio Fundamentalis In-*

¹⁶¹ VATICAN COUNCIL II, Decree on the Pastoral Office of Bishops in the Church *Christus Dominus*, in AAS 58 (1966) 673-696. Henceforth, Decree on the Pastoral Office of Bishops in the Church *Christus Dominus* shall be called CD throughout this research. CD 16: “*Solliciti sint eorum conditionum spiritualium, intellectualium et materialium ut hi sancte pieque vivere atque ministerium suum fideliter ac fructuose adimplere valeant*”.

¹⁶² PAUL VI, Apostolic Letter given *motu proprio Ecclesiae sanctae* on Implementing the following Decrees of Vatican Council II: Decree on the Pastoral Office of Bishops in the Church *Christus Dominus*, Decree on the Ministry and Life of Priests *Presbyterorum Ordinis*, Decree on the Adaptation and Renewal of Religious Life *Perfectae Caritatis* and Decree on the Missionary Activity of the Church *Ad gentes Divinitus*, in AAS 58 (1966) 757-787.

¹⁶³ *Ibidem*, I, 7: “*Curent Episcopi aut singuli aut inter se coniuncti ut omnes Presbyteri, etiam si ministerio addicti sunt, seriem praelectionum pastoralium statim post ordinationem per annum perficiant, atque frequentent, statis temporibus, alias praelectiones, quibus ipsis Presbyteris praebeaturo occasio cum ad pleniorum rationum pastoralium et scientiae theologicae, moralis et liturgicae cognitionem acquirendam, tum ad vitam spiritualem roborandam et experientias apostolicas inter se cum fratribus communicandas. Curent etiam Episcopi vel Conferentiae Episcopales, iuxta cuiusque territorii condiciones, ut eligantur unus vel plures Presbyteri probatae scientiae et virtutis, qui, tamquam studiorum moderatores, promoveant et ordinent praelectiones pastorales ceteraque subsidia, quae necessaria existimantur ad fovendam formationem scientificam et pastoralem Presbyterorum proprii territorii: centra studiis destinata, bibliothecas itinerantes, congressus de re catechetica, homiletica vel liturgica et alia huiusmodi*”.

¹⁶⁴ SACRED CONGREGATION FOR CLERGY, “*Inter ea*”, in AAS 62 (1970) 123-134.

stitutionis Sacerdotalis,¹⁶⁵ *Pastores dabo vobis* and the 1994 and 2013 Directories on the Ministry and Life of Priests.¹⁶⁶ Direct correlation between permanent formation and faithful fulfillment of priestly office has been highlighted and put forward by these documents. Priests were urged to continue their training throughout their whole life and in its different dimensions, namely, spiritual, intellectual and pastoral so that they may be “better equipped to undertake and perform the duties of the apostolate”¹⁶⁷ and, hence, exercise the priestly ministry more fruitfully.¹⁶⁸ With the issuance of a *Directory*, which designated its last chapter to an extensive treatment of the subject, certain characteristic features of this continued training for clerics were proposed. It followed the program construct of permanent formation expounded by *Pastores dabo vobis*.¹⁶⁹

It then described its fundamental design, which has to be ongoing, that is, “developed in such a way that all priests may receive it always, keeping in mind the characteristics and possibilities that vary with age, condition of life, and assignments”.¹⁷⁰ This is precisely the reason why it is called permanent or continued formation inasmuch as it lasts for the entire priestly lifetime. It has also

¹⁶⁵ SACRED CONGREGATION FOR CATHOLIC EDUCATION, “*Ratio Fundamentalis Institutionis Sacerdotalis*”, in AAS 62 (1970) 321-384.

¹⁶⁶ Some noteworthy canonical studies on this topic are contributed by the following authors: H. GUANZON, *The Development and the Juridical Aspects of Priestly Permanent Formation*, Rome 1995; G. LEE, *Formazione permanente del presbitero secondo i documenti ecclesiastici del presente secolo*, Rome 1997; M. ZINGARI PETER, *The Ongoing Formation of Priests according to c. 279 and Pastores dabo vobis no. 71*, Rome 2001; M. KOLAKANI, *Ongoing Formation of Priests in the light of c. 279 of C.I.C. 1983*, Rome 2003.

¹⁶⁷ SACRED CONGREGATION FOR CATHOLIC EDUCATION, *Ratio Fundamentalis*, 100: “*Institutio sacerdotalis natura sua talis est, ut per totam vitam, praesertim autem primis post sacram ordinationem annis, continuari atque magis magisque perfici debeat. Quam ob rem decretum Optatum totius n.22 praescribit sacerdotalem institutionem post Seminarium prosequendam et perficiendam esse quoad partem spiritualem, intellectualem et maxime pastoralem, ut novi sacerdotes apostolicum munus melius inire et prosequi valeant. Hac in re foveatur inter sacerdotes labor manipulatim factus qui plura commoda ministerio pastoralis praesertim bodie afferre potest*”.

¹⁶⁸ SACRED CONGREGATION FOR CLERGY, *Inter ea*, 1: “*Inter ea, quae ad Sacram Congregationem pro Clericis pertinent, Constitutione Apostolica Regimini Ecclesiae universae hoc statuitur: Congregatio media et subsidia quaerit, proponit et urget quibus sacerdotes ad sanctitatem asequendam contendant; studia ne intermittant, adeo ut iidem praesertim in divina revelatione, scientia theologica, artibus liturgicis necnon in humanis disciplinis magis magisque edocti, fructuosius exercent sacerdotale ministerium; instituta pastoralia promoveat; curat erigendas bibliothecas pro clero; instituendos ubique statis temporibus cursus, quos vocant, pro sacerdotibus, praesertim novensilibus, ut iidem pastorales cognitiones et methodum perficiant atque amplificent, experientias apostolicas mutuo communicent, activitates pastorales coordinent*”.

¹⁶⁹ Cf. JOHN PAUL II, *Pastores dabo vobis*, 72.

¹⁷⁰ *Directory* 91.

to be complete, which means it “must cover and harmonize all the dimensions of the formation of priests” – comprising the human, spiritual, pastoral and intellectual aspects of formation. Continued formation must be conducted in a structured manner, that is, “not as something haphazard, but as a systematic offering of subjects, which unfolds by stages and takes on precise forms”.¹⁷¹ It must also be given in a personalized way, which is “an awareness, especially on the part of those responsible, that all priests must be reached personally, taking care of each one, and not simply having all the diverse opportunities available to them”.¹⁷² Ongoing formation must likewise pay particular attention on specific needs of certain age groups and take into serious consideration the special situations and challenging demands of pastoral ministry from first years of priesthood, after a certain number of years, to the advanced age and even those in special circumstances.¹⁷³

The *Directory* further emphasized that the requirement for clerics of an ongoing formation “begins and develops from the moment of receiving the Sacrament of Holy Orders”.¹⁷⁴ By the reception of the ministerial priesthood, they are juridically bound to engage themselves in continued formation for the lifestyle they have to observe and for the public function they have to faithfully discharge as sacred ministers of the People of God. In fact, the *Directory* considered permanent formation as “a means to heighten the exclusive relationship that necessarily has an impact on everything that a priest is and does”.¹⁷⁵

As St. John Paul II explicitly related, “permanent formation is a requirement of the priest’s own faithfulness to his ministry, to his very being. It is love for Jesus Christ and fidelity to oneself. But it is also an act of love for the People of God, at whose service the priest is placed. Indeed, an act of true and proper justice: The priest owes it to God’s people, whose fundamental right to receive the word of God, the sacraments and the service of charity, the original and irreplaceable content of the priest’s own pastoral ministry, he is called to acknowledge and foster. Ongoing formation is necessary to ensure that the priest can properly respond to this right of the People of God”.¹⁷⁶

¹⁷¹ *Directory* 97.

¹⁷² *Directory* 98.

¹⁷³ *Directory* 111-114.

¹⁷⁴ *Directory* 87.

¹⁷⁵ *Ibidem*.

¹⁷⁶ JOHN PAUL II, *Pastores dabo vobis*, 70: “Itaque formatio permanens declaratio est et postulatum fidei sacerdotis propriae erga ministerium suum, immo erga suam ipsius naturam. Est igitur amor in Iesum Christum et cohaerentia secum ipso. Sed est etiam testimonium amoris erga populum Dei, in cuius

Since it deals with juridical obligation, what is being protected here is the harm that may be inflicted on the right of all the faithful “to be assisted by their Pastors from the spiritual riches of the Church, especially by the word of God and the sacraments”.¹⁷⁷ Threat of serious and immediate repercussions on pastoral ministry is not wanting should there be sharp breaks in continuity, or worse a complete difference between formation before ordination to the priesthood and formation after ordination to the priesthood.¹⁷⁸

Furthermore, lack of committed formation after ordination exacerbates the ministerial danger of functionalism, which reduces ministerial priesthood into a simple fulfillment of functions or tasks.¹⁷⁹ This ultimately threatens the exercise of an authentic pastoral charity that reflects the charity of Christ manifested in the bearing and conduct of priests.¹⁸⁰ Therefore, only a lifestyle guided and deepened by constant training and continued formation is rightly suited towards the faithful and effective fulfillment of priestly ministry. Permanent formation for priest “appears not only as a necessary condition but also as an indispensable means for constantly refocusing on the meaning of his mission and for ensuring that he is carrying it out with fidelity and generosity... Only a suitable ongoing formation will succeed in confirming the priest in the essential and decisive element in his ministry, namely his faithfulness”.¹⁸¹

Now, the responsibility of providing permanent formation for priests is particularly entrusted by the Code to the diocesan bishops, which urges them

*servitium sacerdos est constitutus. Immo testimonium verae et propriae iustitiae: ille enim debitor est erga Populum Dei, cum vocatus sit ad agnoscendum simulque promovendum eius ius, fundamentale ‘ius’, per quod ei debentur, scilicet destinantur, Verbum Dei, Sacramenta et Caritatis servitium, quae sunt elementa essentialia – quaeque abalienari nequeunt – ad pastoralia sacerdotis ministeria perficienda. Necessaria igitur est formatio permanens, ut huic Dei Populi iuri congruenter sacerdos respondere valeat”. Cf. L. NAVARRO, “The Juridical Status of the Clergy”, in *Philippine Canonical Forum* 3 (2001) 49: “Even if it is not formulated in the Code of Canon Law, there are not only juridical relationships between a cleric and his Ordinary or his Superior, but also between the cleric and the entire People of God and especially the Christian community he has to serve. This community has rights and duties with regard to the priest”.*

¹⁷⁷ c. 213: “*Ius est christifidelibus ut ex spiritualibus Ecclesiae bonis, praesertim ex verbo Dei et sacramentis, adiumenta a sacris Pastoribus accipiant*”.

¹⁷⁸ JOHN PAUL II, *Pastores dabo vobis*, 71: “*Si namque inconstantia esset immo discrepantia has duas inter rationes institutionis gravia consecraria statim evenirent, quae ad pastorem actionem respicerent atque fraternam communionem inter presbyteros, inter illos nominatim qui aetate distinguuntur*”.

¹⁷⁹ *Directory* 55.

¹⁸⁰ *Directory* 54.

¹⁸¹ JOHN PAUL II, *Pastores dabo vobis*, 75: “*In Ecclesia, qua ‘munere’, formatio perennis sacerdotis comprehenditur non solum sicut necessaria condicio, verum etiam sicut ratio minime praetermittenda, ut constanter de significatione recogitetur fidesque detur illam fideliter atque alacriter ad effectum adductum iri*”.

“to see that their priests have the means and the institutions needed for the development of their spiritual and intellectual life”.¹⁸² This provision is drawn from the conciliar document *Christus Dominus* requiring the bishops “to encourage institutes and organize special congresses where priests might come from time to time for the purpose of more prolonged retreats ordered to a renewal of life and to acquire deeper understanding of ecclesiastical studies, especially sacred scripture, theology, the more important social problems and new approaches to pastoral work”.¹⁸³ Since it is also an obligation by clerics to the People of God, it denotes that they receive adequate means at their disposal to fulfill the said obligation. Thus, they possess the right before their proper Ordinary to receive permanent formation.¹⁸⁴ This implies that if it is to be effective “structures or programs must be established. It is imperative that they not only be planned but also actually implemented”.¹⁸⁵

In this regard, the *Directory* rightly claimed that ongoing formation is a right-duty of priests and, equally, imparting it is a right-duty of the Church.¹⁸⁶ Accordingly, since the “vocation to the sacred ministry is received in the Church, only the Church has the competence to impart the specific formation according to the responsibility proper to such ministry”.¹⁸⁷ Care, however, must be observed that such relevant formation of priests “should be beyond any attempt at uniformity. The duty for oversight and fostering falls upon the competent authority so that ecclesial communion is not broken, but without

¹⁸² c. 384: “*Episcopus dioecesanus peculiari sollicitudine prosequatur presbyteros quos tamquam adiutores et consiliarios audiat, eorum iura tutetur et curet ut ipsi obligationes suo statui proprias rite adimpleant iisdemque praesto sint media et institutiones, quibus ad vitam spiritualem et intellectualem fovendam egeant; item curet ut eorum honestae sustentationi atque assistentiae sociali, ad normam iuris, prospiciatur*”.

¹⁸³ CD 16: “*Quare institutiones foveant et peculiare conventus instaurent, in quibus sacerdotes aliquoties congregentur tum ad longiora peragenda exercitia spiritualia in vitae suae renovationem tum ad altiorum acquirendam cognitionem ecclesiasticarum disciplinarum, praesertim Sacrae Scripturae et theologiae, socialium maioris momenti quaestionum, necnon novarum actionis pastoralis rationum*”.

¹⁸⁴ T. RINCÓN-PÉREZ, “Sobre algunas cuestiones canónicas a la luz de la Exhortación Apostólica *Pastores dabo vobis*”, in *Ius Canonicum* 33 (1993) 330: “El deber jurídico de la formación permanente lleva implícito un derecho del sacerdote a que se arbitren los medios necesarios para el logro de una mejor formación espiritual, intelectual y pastoral (...) Ciertamente es que el c. 279 § 2 contempla la formación permanente desde la perspectiva del deber del sacerdote; pero es impensable un deber de esta índole sin que a la vez se disponga de los medios necesarios para cumplirlo. Y es aquí donde aparece el deber correlativo del Obispo y de la organización diocesana correspondiente, a tenor de las competencias que les confiere el c. 279 § 2”.

¹⁸⁵ J. LYNCH, *The Obligations and Rights*, 364.

¹⁸⁶ *Directory* 90.

¹⁸⁷ *Ibidem*.

causing injury to the rights of the cleric. The cleric from the aspect of his formation, enjoys legitimate spheres of autonomy that must be respected. In this sense, the canonical legislator suggests the encouragement of those institutions that will assist priests in their spiritual life, in their pastoral activities, and in particular – by virtue of the subject matter with which the document is concerned – in regard to those matters involving their intellectual formation. Among those institutions, associations of clerics occupy a prominent place (c. 278), one of whose traditional purposes has been, precisely, that of promoting ecclesiastical culture”.¹⁸⁸

3. *Priestly Association*

Cognizant that people by nature are social beings, Vatican II did not only recognize the existence of associations or fraternities in the Church but held in high esteem their advancement especially the ones that “promote and encourage closer unity between the concrete life of the members and their faith”.¹⁸⁹ As John XXIII validly assessed, the fact that “human beings are by nature social, there arises the right of assembly and association”.¹⁹⁰ The conciliar documents *Apostolicam actuositatem* and *Presbyterorum ordinis* recommended to both the laity and the priests the foundation or membership into associations befitting their respective conditions.¹⁹¹

Following the Council’s vision, the Code’s in-depth consideration of the obligations and rights of the entire People of God included the articulation of the right of association. For the first time, it was promulgated

¹⁸⁸ J. OTADUY, sub c. 279, in *Exegetical Commentary on the Code of Canon Law*, II/1, Illinois 2004, 356-359.

¹⁸⁹ VATICAN COUNCIL II, Decree on the Apostolate of Lay People *Apostolicam actuositatem*, in AAS 58 (1966) 837-864. Henceforth, Decree on the Apostolate of Lay People *Apostolicam actuositatem* shall be called AA throughout this research. AA 21: “*Ommes consociationes apostolatus recte aestimandae sunt; eae vero quas Hierarchia secundum temporum necnon locorum necessitates laudaverit vel commendaverit vel ut urgentiores instituendas decreverit, a sacerdotibus, religiosis et a laicis plurimi faciendae atque secundum modum uniuscuiusque promovendae sunt. Inter illas vero hodie praesertim recensendae sunt consociationes vel coetus internationales catholicorum*”.

¹⁹⁰ JOHN XXIII, Encyclical Letter on Establishing Universal Peace in Truth, Justice, Charity, and Liberty *Pacem in terris*, in AAS 55 (1963) 262-263: “*Ex eo autem quod homines sunt natura sociabiles illud oritur, ut iure iidem possint et in unum locum se congregare, et societatem cum aliis inire; ut ininitas societates ea induant forma, quam existiment ad propositum assequendum magis idoneam; ut in societatibus iidem sua sponte suoque periculo agant, easque ad optatos exitus pervebant*”.

¹⁹¹ Cf. AA 19; PO 8.

that all Christ's faithful possesses this fundamental right of associations,¹⁹² "which serve charitable or pious purposes or which foster the Christian vocation in the world".¹⁹³ They may "create an association within the Church by virtue of the convergence of their free wills, provided that they pursue lawful ends, and, obviously, that they respect the hierarchical constitution of the people of God".¹⁹⁴ Viladrich expounded that these rights are precisely called fundamental because "they correspond, without distinction, to all the baptized, since this is the most basic, common condition among all those which can be attributed to the faithful in social community".¹⁹⁵ No wonder that in dealing with this topic, Cardinal Martínez Sistach observed that the conciliar document about the lay people "does not use the term lay people, but Christian faithful".¹⁹⁶

Devolving, therefore, from this basic right of all Christ's faithful, c. 278 recognizes as well that secular clergy enjoy this "right of association with others for the achievement of purposes befitting the clerical state".¹⁹⁷ Here,

¹⁹² The following works may be consulted for further readings on the association of the faithful: L. MARTÍNEZ SISTACH, *El derecho de asociación en la Iglesia*, Barcelona 1973; IDEM, *Las asociaciones de fieles*, 5th ed., Barcelona 2004. (For English translation: IDEM, *Associations of Christ's Faithful*, Montreal 2008); J. AMOS, *Associations of the Christian Faithful in the 1983 Code of Canon Law: A Canonical Analysis and Evaluation*, Washington D.C. 1986; F. MORRISSEY, "The Right of Association as a Basic Right of the Faithful", in *Das konsoziative element in der Kirche: akten des VI Internationalen Kongresses für Kanonisches Recht*, St. Ottilien 1989, 7-24; L. NAVARRO, "El derecho de asociación de los fieles y la autoridad eclesiástica", in *Fidelium Iura* 8 (1998) 131-162; IDEM, "Typical Forms of the Association of the Faithful", in *Philippine Canonical Forum* 5 (2003) 95-112.

¹⁹³ c. 215: "*Integrum est christifidelibus, ut libere condant atque moderentur consociationes ad fines caritatis vel pietatis, aut ad vocationem christianam in mundo fovendam, utque conventus habeant ad eosdem fines in communi persequendos*".

¹⁹⁴ A. DEL PORTILLO, "Le associazioni sacerdotali", in *Liber Amicorum Monseigneur Onclin: Actuelle thema's van kerkelijk en burgerlijk Recht*, Gembloux 1976, 137.

¹⁹⁵ J. VILADRICH, *Teoría de los derechos fundamentales del fiel*, Pamplona 1969, 355-356: "A estos derechos se les aplica el calificativo de fundamentales, además de por la radicalidad y juridicidad ya mencionadas, porque corresponden sin ningún género de distinción a todos los bautizados, por cuanto esta es la condición común mas radical entre todas las que pueden atribuirse a los fieles en la convivencia eclesial".

¹⁹⁶ L. MARTÍNEZ SISTACH, *Associations of Christ's Faithful*, 19.

¹⁹⁷ c. 278 § 1: "*Ius est clericis saecularibus sese consociandi cum aliis ad fines statui clericali congruentes prosequendos*". Some works, which may be consulted on the topic of priestly association, are the following: A. DE LA HERA, "El derecho de asociación de los clérigos y sus limitaciones", in *Ius Canonium* 23/1 (1983) 171-197; R. RODRÍGUEZ-OCAÑA, *Las asociaciones de clérigos en la Iglesia*, Pamplona 1989; IDEM, *El ejercicio del derecho de asociación de los clérigos y sus límites*, in F. MATEO-SECO et al. (coord.), *La formación de los sacerdotes en las circunstancias actuales: XI Simposio Internacional de Teología de la Universidad de Navarra*, Pamplona 1990, 663-678; E. BORDA, "La

the Code never intends to define what a priestly association is for the reason that it is not the feature of the Code to give definitions.¹⁹⁸ It is, however, clear from its provision that priestly “associations are not ends in themselves”¹⁹⁹ but a valuable means promoted by the Code to aid priests in their ministry and life. These associations proper to priests are specifically geared towards the fostering of priestly sanctity for an effective ministry and the cultivating of priestly relationship in the entire *presbyterium*.²⁰⁰ The spiritual, pastoral and fraternal intentions of priestly associations, though clearly distinct, are not at all separated from one another. They are very much related to each other and fortify priests’ interior life,²⁰¹ which priestly ministry is greatly dependent upon.

A couple of limits is placed by the Code concerning the establishment or membership into priestly associations, namely, when their purposes or activities “cannot be reconciled with the obligations proper to the clerical state, or which can hinder the diligent fulfillment of the office entrusted to them by the competent ecclesiastical authority”.²⁰² Conceived to help priests diligently fulfill the office entrusted to them by their Ordinary, such important legal caveat makes clear that these associations must be prudently selected also. Their purpose and their activity are to be scrutinized in order to determine if they

fraternidad sacerdotal de los presbíteros: fundamentos y formación de los candidatos”, in F. MATEO-SECO, et al. (coord.), *La formación de los sacerdotes en las circunstancias actuales: XI Simposio Internacional de Teología de la Universidad de Navarra*, Pamplona 1990, 623-630; C. BERTOLA, *Fraternidad sacerdotal: aspectos sacramentales, teológicos y existenciales*, Madrid 1992.

¹⁹⁸ Cardinal Martínez Sistach spoke of the following definition of an association: a permanent group of people gathered together to achieve specific purposes by means of an organization recognized by law. Further added were some constitutive elements that appear in this concept of association, namely: members, common purpose, structural support or organization, intervention of the ecclesiastical authority, and a certain stability. See, L. MARTÍNEZ SISTACH, *Associations of Christ's Faithful*, 32-34.

¹⁹⁹ AA 19: “*Consociationes non sunt sibi ipsis finis, sed missioni Ecclesiae circa mundum adimplendae inservire debent; earum vis apostolica e conformitate cum finibus Ecclesiae pendet atque e singulorum membrorum totiusque associationis testimonio christiano et spiritu evangelico*”.

²⁰⁰ c. 278 § 2: “*Magni habeant clerici saeculares praesertim illas consociationes quae, statutis a competenti auctoritate recognitis, per aptam et convenienter approbatam vitae ordinationem et fraternum iuvamen, sanctitatem suam in ministerii exercitio fovent, quaeque clericorum inter se et cum proprio Episcopo unioni favent*”.

²⁰¹ JOHN PAUL II, Ad universos Ecclesiae Sacerdotes, adveniente Feria V in *Cena Domini*, in AAS 71 (1979) 393-417.

²⁰² c. 278 § 3: “*Clerici abstineant a constituendis aut participandis consociationibus, quarum finis aut actio cum obligationibus statui clericali propriis componi nequeunt vel diligentem muneris ipsis ab auctoritate ecclesiastica competenti commissi adimpletionem praepedire possunt*”.

support the advancement of priestly ministry and life.²⁰³ If either of the two cannot be reconciled with the obligation proper to the clerical state or may hinder the diligent fulfillment of the priestly office, the cleric must refrain from its membership.

The *Directory* has likewise consistently upheld the worthwhile contributions of priestly associations to the development of the spiritual and human dimensions of the priestly existence. It further affirmed the vital help demonstrated in the ministerial service as priests “find solid support in the diverse priestly associations”.²⁰⁴ As acknowledged by St. John Paul II “all forms of priestly fraternity approved by the Church are useful not only for the spiritual life but also for the apostolic and pastoral life”.²⁰⁵ In this regard, the *Directory* pressed on the necessary respect for the “right of each diocesan priest to give form and substance to his spiritual life as he best sees fit, obviously ever in conformity with the characteristics of his vocation and the bonds stemming there from”.²⁰⁶

From this, it can be deduced that the right to join or even establish priestly associations evidently pertains to the lawful area of personal autonomy, freedom and responsibility of priests.²⁰⁷ Indeed, the hierarchy possesses the oversight function, power and obligation to exercise vigilance on these associations, “which is manifested in the demand for the acknowledgement or concession of the *nihil obstat*”.²⁰⁸ They have also the right and the duty to “watch over, control, prohibit, penalize and punish, even using censures, those

²⁰³ R. RODRÍGUEZ-OCAÑA, *El ejercicio del derecho*, 671-672: “El CIC prescribe además límites específicos al ejercicio del derecho de asociación de los clérigos. Su origen está precisamente en la condición de clérigo... Los fines de las asociaciones que fundan o a las que se adscriben los presbíteros o diáconos tienen que ser compatibles con la condición clerical. La limitación general –estar de acuerdo con el estado clerical– se ha concretado por tanto en términos que son más evaluables, aún dentro de su generalidad, como son las obligaciones de los clérigos y el desempeño de sus oficios”.

²⁰⁴ *Directory* 106.

²⁰⁵ JOHN PAUL II, *Pastores dabo vobis*, 81. “*Aliud quoddam subsidium importare possunt sacerdotum solidaritates, praesertim vero ipsa instituta saecularia sacerdotum quae prae se ferunt tamquam propriam notam indolem dioecesanam, ex qua arctius sacerdotes cum episcopo consociantur efficiuntque ‘consecrationis statum ubi per vota aliave vincula sacra presbyteri devoventur ad evangelica consilia in vita cotidiana incarnanda’.* Cunctae autem ‘fraternitatis sacerdotalis’ rationes ab Ecclesia probatae proficiunt non tantum ad spiritalem vitam, verum ad vitam quoque apostolicam ac pastorem”.

²⁰⁶ *Directory* 106.

²⁰⁷ J. OTADUY, sub c. 278, in *Exegetical Commentary on the Code of Canon Law*, II/1, Illinois 2004, 351.

²⁰⁸ T. RINCÓN-PÉREZ, sub c. 278, in *Code of Canon Law Annotated*, 2nd ed., Montreal 2004, 228.

clerics who establish or participate in associations of this type”.²⁰⁹ However, it is not within the scope of their competence to choose the kind of priestly association a particular priest wishes to join nor to interfere in the operation and governance of these priestly associations.

Lynch reiterated in his commentary that this right belongs to the personal life of priests and the exercise of their legitimate freedom.²¹⁰ In agreement was Rincón-Pérez who asserted that this is a true *ius* of priests and not just a faculty.²¹¹ A couple of reasons why this right is not dependent on the power of the Bishop nor can it be dictated upon by the concession of the Episcopal Conference are accordingly provided by the *Acta Synodalia* of Vatican II. It noted that such interloping exercise of episcopal power “would give rise to confusion between external and internal fora. Practically speaking, also, many priests, out of respect for their ordinary, would be morally forced to join associations directed by him. A polarization would result between diocesan priests who joined associations run by the bishop and those who did not”.²¹²

Thus, in turn, the Directory for the Pastoral Ministry of Bishops highlighted that the Bishop “should support and value those priestly associations which may exist in his diocese. On the basis of statutes recognized by the competent ecclesiastical authority and through appropriate programmes of spiritual life and fraternal assistance, these associations promote the sanctification of the clergy in the exercise of their ministry and strengthen the

²⁰⁹ J. OTADUY, sub c. 278, in *Exegetical Commentary on the Code of Canon Law*, II/1, Illinois 2004, 353.

²¹⁰ J. LYNCH, *The Obligations and Rights*, 361.

²¹¹ T. RINCÓN-PÉREZ, sub c. 278, in *Code of Canon Law Annotated*, 2nd ed., Montreal 2004, 228.

²¹² This is precisely the reason why during the deliberation of the commission in charge of the drafting of *Presbyterorum ordinis* rejected a proposal that associations of priests be placed under the direction of the diocesan bishop or the conference of bishops. See, *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticanani II*, IV, pars 6, 395, D: “*Petitur in animadversione A(203) ut de istis associationibus pressius agatur, tam sub aspectu theologico quam canonico, et innuitur ut associationes ponantur sub directione Episcopi in unaquaque diocesi, vel Conferentiarum Episcopaliū in unaquaque natione, cui accedit etiam animadversio A(391). Commissio tamen censuit rationem theologicam fundamentalem istarum associationum sufficienter dari in textu, salvo manentibus peculiaribus uniuscuiusque associationis characteribus. Quod attinet vero ad ordinationem canonicam, tales associationes non videntur iuridice submitti debere Episcopis vel Conferentiis Episcopalibus, quia pertinent ad ambitum vitae personalis Presbyterorum et ad exercitium legitimae eorum libertatis. Praeterea hoc congruere non-videatur: a. iuridice, quia in exercitio potestatis episcopalis relate ad Presbyteros confusio oriretur inter forum internum et forum externum; b. practice, quia multi Presbyteri moraliter cogentur ad nomen dandum illi associationi ab Episcopo directae, putantes se ita obsequium praestare proprio Ordinario, etc.; immo, magna divisio oriretur inter sacerdotes dioecesanos, prout pertinerent vel non pertinerent ad illam associationem quam Episcopus regit”.*

bonds which unite the priest with his Bishop and with the particular Church to which they belong”.²¹³ Noticeably, the Bishops’ Directory never placed under the power and direction of the Bishop the establishment or membership into these priestly associations but simply urged their promotion as they are of warranted benefits to the faithful performance of priestly public functions.

V. OPERATIVE PRINCIPLES FOR THE FULFILLMENT OF ECCLESIASTICAL FUNCTIONS

From the foregoing discussion, let us now point out some principles that are operative in the existence of ecclesiastical functions. These principles are essentially present once a public function in the Church is established, entrusted and being fulfilled. They operate to guide the conduct of the competent ecclesiastical authority, the officeholders or the ministers and the recipients of all these services – the entire People of God. Moreover, they find relevance inasmuch as they shed light on the better understanding of the fulfillment of ecclesiastical functions by clerics.

1. *Ad servitium Ecclesiae*

The reception of an ecclesiastical function signifies the reception of a position of service in the ecclesial community. Clerics did not receive the sacred orders in order to be served by the rest of the faithful in the Church. By receiving ecclesiastical functions, they become legitimate officials of the Church whose obligation is to serve faithfully the community of the baptized.²¹⁴ For this reason, Navarro further noted that since the cleric “is destined through a sacrament to fulfill functions of service for the Church, the canonical norms include also some dispositions intended to render the cleric always available, open and ready to fulfill his ministerial service,”²¹⁵ as reflected in cc. 274, 279, 283.

²¹³ CONGREGATION FOR BISHOPS, Directory on the Pastoral Ministry of Bishops *Apostolorum Successores*, Vatican City 2004, 79.

²¹⁴ L. NAVARRO, *The Juridical Status*, 39: The sacred minister does not receive the sacrament of Orders for his own benefit, but to serve the Church. This makes understandable that, without obscuring the universal dimension of the cleric’s mission, in the very moment in which a person is ordained deacon, he is incardinated, and through this incardination is usually determined the portion of the People of God, which the cleric will serve with his ministry.

²¹⁵ *Ibidem*, 41.

Ecclesial service is the orientation of this priesthood, which makes sense that this ministerial priesthood is likewise a hierarchical priesthood.²¹⁶ By virtue of ordination, the sacred ministers possess certain ecclesiastical power. This power is rightly needed in the Church in order that the necessary services for the ecclesial community be rendered. Affirmed by *Presbyterorum ordinis*, it says “these ministers in the society of the faithful are able by the sacred power of orders to offer sacrifice and forgive sins and they perform their priestly office publicly for men in the name of Christ”.²¹⁷ The administration of almost all of the sacraments demands the power of order.²¹⁸ In the same way, public administration of the ecclesiastical society necessitates the power of governance.²¹⁹

However, it must be made clear that public functions in the Church are committed not with the primary intention of bestowing power but of serving

²¹⁶ JOHN PAUL II, *Ad universos Ecclesiae Sacerdotes*, 399: “Nostrum propterea sacerdotium sacramentale est sacerdotium ‘hierarchicum’ simulque ‘ministeriale’. Peculiare quidem ministerium constituit, nempe ‘servitium’ credentium communitati exhibendum. Attamen originem suam non ducit ex illa communitate, quasi huius sit ‘vocare’ vel ‘delegare’. Ipsum vero donum est ad eiusdem communitatis utilitatem, quod ex Christo ipso exoritur; nempe ex sacerdotii eius plenitudine”.

²¹⁷ PO 2: “Idem vero Dominus, inter fideles, ut in unum coalescerent corpus, in quo ‘omnia membra non eundem actum habent’ (Rom. 12, 4), quosdam instituit ministros, qui, in societate fidelium, sacra Ordinis potestate pollerent Sacrificium offerendi et peccata remittendi, atque sacerdotali officio publice pro hominibus nomine Christi fungerentur”.

²¹⁸ Except for the sacraments of Baptism and Matrimony, the rest of the sacraments are exclusively administered either by bishop or by priest. C. 861 § 2 notes that concerning baptism, if the ordinary minister is absent or impeded, a catechist or some other person deputed to this office by the local Ordinary, may lawfully confer baptism; indeed, in a case of necessity, any person who has the requisite intention may do so. With regard to marriage, CCC 1623 explains that in the Latin tradition, the spouses as ministers of Christ’s grace mutually confer upon each other the sacrament of matrimony by expressing their consent before the Church. C. 1057 confirms that a marriage is brought into being by the lawfully manifested consent of persons who are legally capable. The ordained ministers only exercise an assisting role according to c. 1108 § 2, which means asking and receiving in the name of the Church the manifested consent of the contracting parties.

²¹⁹ In c. 331, it spells out the possession of supreme, full, immediate, and universal ordinary power in the Church by the Roman Pontiff being the Head of the College of Bishops, the Vicar of Christ, and the Pastor of the Universal Church: “*Ecclesiae Romanae Episcopus, in quo permanet munus a Domino singulariter Petro, primo Apostolorum, concessum et successoribus eius transmittendum, Collegii Episcoporum est caput, Vicarius Christi atque universae Ecclesiae bis in terris Pastor; qui ideo vi muneris sui suprema, plena, immediata et universalis in Ecclesia gaudet ordinaria potestate, quam semper libere exercere valet*”. In the case of a diocesan bishop, c. 381 § 1 states the scope of his power of governance: “*Episcopo dioeceseo in dioecesi ipsi commissa omnis competit potestas ordinaria, propria et immediata, quae ad exercitium eius muneris pastoralis requiritur, exceptis causis quae iure aut Summi Pontificis decreto supremae aut alii auctoritati ecclesiasticae reserventur*”.

the community.²²⁰ Power comes into play because the recipients are lawfully disposed to exercise it for the service of the community. This is not, nevertheless, to present an opposition between service and power but to simply note that more than power it is the position of service being designated.²²¹ Service is not just a function but “the function of those who received the priestly ministry through the sacrament of holy orders”.²²² Thus, the Code articulates it rather precisely, saying “the authority which Superiors receive from God through the ministry of the Church is to be exercised by them in a spirit of service”.²²³

2. *In nomine Ecclesiae*

Following the principle of service mentioned above on the reception of ecclesiastical function, it becomes obvious that what a cleric accepts is something apart from him. A cleric is not the *munus* but he simply carries out the activities and responsibilities contained in a particular public function in the Church entrusted to him. The *munus* is never personal, in the precise sense that it does not belong to the private juridical patrimony. It is always institutionalized and, thus, pertains to the Church.²²⁴ Souto could be no less right when he says that the public functions in the Church are not proper of the

²²⁰ J. ARRIETA, *Diritto dell'Organizzazione Ecclesiastica*, Milan 1997, 148: “Il codice non presenta l'ufficio ecclesiastico come una tecnica giuridica atta ad attribuire potestà, bensì come una tecnica diretta ad affidare funzioni pubbliche, al servizio della comunità ecclesiale”.

²²¹ E. LABANDEIRA, *Tratado de Derecho Administrativo Canónico*, 2nd ed., Pamplona 1993, 155: “En el Código actual el oficio no es en general una técnica de atribución de poderes sino de servicios. Así como anteriormente se hacía referencia a la participación en la potestad de orden o de jurisdicción, hoy se ha suprimido ese elemento como necesario, y ya hemos visto que algunas funciones de los oficios consisten en simples servicios. Pero de lo dicho no se deduzca ningún tipo de oposición entre poder y servicio, pues si el que manda no realiza su función con espíritu de servicio, es que está cometiendo un abuso de su poder”.

²²² M. CONFOY, *Religious Life and Priesthood: Rediscovering Vatican II*, New Jersey 2008, 30.

²²³ c. 618: “*Superiores in spiritu servitii suam potestatem a Deo per ministerium Ecclesiae receptam exercent. Voluntati igitur Dei in munere explendo dociles, ipsi subditos regant uti filios Dei, ac promoventes cum reverentia personae humanae illorum voluntariam oboedientiam, libenter eos audiant necnon eorum conspirationem in bonum instituti et Ecclesiae foveant, firma tamen ipsorum auctoritate decernendi et praecipendi quae agenda sunt*”.

²²⁴ L. GAHONA FRAGA, “Magisterio de la Iglesia”, in J. OTADUY, A. VIANA y J. SEDANO (eds.), *Diccionario General de Derecho Canónico*, V, Cizur Menor 2013, 234: “Etimológicamente, el término *munus* subraya tres aspectos: se trata de una tarea institucionalizada en el seno de la comunidad eclesial, constituye un deber para los responsables de ejercerla y conlleva la potestad que su ejercicio requiere”.

cleric but of the Church.²²⁵ The physical person who becomes a recipient of a public function in the Church forms part of the totality of the said ecclesiastical function.

This principle acknowledges that these ecclesiastical functions are proper to the Church.²²⁶ They do not belong to the individual even if the recipient is a physical person, otherwise it becomes a personal function. The physical person is the recipient of the ecclesiastical function, which makes him the one duly recognized to exercise the public function that belongs to the Church. As we have noted earlier, he is properly speaking the officeholder or the minister. The officeholder is liable to the competent authority for the performance or negligence of his public function in the Church. He is likewise answerable for his public activities and responsible for whatever may preserve or damage the ecclesial communion in view of his ecclesiastical function. This is precisely because what a cleric is doing is not for his own benefit but a real task of service to the Church.

Since this ecclesiastical function belongs to the Church, it leads us to an important consequence in the exercise of a public function in the Church.²²⁷ The officeholder is, reasonably and legitimately, to exercise his function ac-

²²⁵ J. SOUTO, *La Noción Canónica*, 285: “Las funciones públicas son propias y exclusivas de la Iglesia-institución y se distinguen, por tanto, de las funciones privadas que surgen como una manifestación genuina de la condición del fiel, como miembro del Pueblo de Dios y miembro de la comunidad cristiana. Las funciones públicas son por tanto, las funciones institucionales, es decir, aquellas que para subvenir a las necesidades y fines propios le han sido atribuidas unitariamente a la Iglesia constituida en sociedad. Las funciones públicas son propias de la Iglesia-institución, trascienden a las personas físicas y, por tanto, no pueden calificarse como funciones del individuo *uti singulus*, es decir, como funciones personales. Por el contrario, cuando una persona física ejerce una función pública eclesiástica, no la ejerce en nombre propio, sino en nombre ajeno, en nombre de la Iglesia como estructura organizada, con todas las consecuencias a efectos de imputación y responsabilidad que aquello lleva consigo”.

²²⁶ A. VIANA, *Organización del gobierno*, 27: “Todas estas actividades son funciones públicas actuadas en nombre de Cristo y de la Iglesia; son permanentes e institucionales, mas allá de la sucesión histórica de las personas. Por eso, su titularidad y ejercicio no es indiferenciado, sino que se articula a partir de la diversidad personal característica de la estructura jerárquica de la Iglesia. En este sentido, si bien todos los fieles participan según su condición en los *munera docendi, munera sanctificandi y regendi*, estas funciones son específicamente *munera* jerárquicos, atribuidos por Cristo a la Jerarquía para ejercerlos en su nombre en la sociedad eclesiástica”.

²²⁷ J. SOUTO, *La Noción Canónica*, 285: “En consecuencia, el único titular de las funciones públicas eclesiásticas es la Iglesia a la que debe imputarse tanto la actividad como los efectos. El hecho de que el ejercicio de esta actividad deba realizarse a través de personas físicas no menoscaba la naturaleza institucional de estas funciones, ya que el individuo, en estos casos, actúa a modo de instrumento, debiendo someterse a los condicionamientos y limitaciones que comporta el ejercicio de una actividad en nombre ajeno”.

ording to the intention of the Church to which he is accountable.²²⁸ His exercise of the public function in the Church beyond what is lawful or his neglect of some duties proper to his function may, indeed, cause harm to the ecclesiastical society. This is a clarion call for a juridical obligation of clerics to faithfully fulfill the ecclesiastical functions entrusted to them in the service of communion of the People of God.²²⁹ Therefore, this principle reminds them that through the ecclesiastical authority these public functions are received and, appropriately, in the name of the Church they must be fulfilled.²³⁰

3. *Principle of Suitability*

In treating the public functions assumed by clerics in the Church and ascribed either through ecclesiastical offices or ministries, the suitability of the candidate needs to be ensured. Although not expressly stated all the times, such principle of suitability is crucial in the assumption of public ecclesiastical functions.²³¹ At times, lack of suitability to the position assumed in the Church

²²⁸ Cf. J. HUELS, *Towards Refining the Notion*, 429: “Huels, in his studies, proposes for the inclusion of the phrase *ad normam iuris* in the definition of the ecclesiastical office saying that the officeholders exercise their office legitimately only in accord with the law. If their activity is contrary to the divine or ecclesiastical law, they are not acting within the parameters of their office. Likewise, if they perform some act, even if lawful, which does not fall within the rights and obligations of their office, they are not acting in the capacity of their office but as a private person. The addition of the phrase *ad normam iuris* to a canonical definition of office would be an assertion in universal law that the Church does not consider itself liable for the illegitimate or personal acts of its officeholders. The officeholders themselves are solely responsible for such acts and activities”.

²²⁹ J. OTADUY, “Derechos y Obligaciones de los Clérigos”, in J. OTADUY, A. VIANA y J. SEDANO (eds.), *Diccionario General de Derecho Canónico*, III, Cizur Menor 2013, 227: “Es bien sabido que, en derecho canónico, muchos mandatos tienen un contenido predominantemente moral, en el sentido de que afectan a la interioridad de la persona y su observancia apela a su decisión libre. El cumplimiento de un precepto canónico difícilmente podría ser urgido, en ciertas ocasiones, por los medios jurídicos –o jurisdiccionales– al uso. Todo ello no cuestiona la juridicidad de la norma, que no muta en prescripción exclusivamente moral, pues el contenido del mandato guarda relación con la justicia –impone una conducta debida– independientemente de que la observancia pueda o no urgirse coactivamente por parte de la autoridad”.

²³⁰ Some of the canons that cite this principle are the following: cc. 116 § 1, 246 § 2, 301 § 1, 313, 675 § 3, 834 § 2, 1108 § 2, 1192 § 1, 1214, 1258, 1282.

²³¹ A. MIGLIAVACCA, “Idoneidad para Oficios y Ministerios”, in J. OTADUY, A. VIANA y J. SEDANO (eds.), *Diccionario General de Derecho Canónico*, IV, Cizur Menor 2013, 362: “En realidad, esta disposición es aplicable a todos los demás oficios que el obispo haya de encomendar a sacerdotes al servicio de la Iglesia particular, aunque no se diga expresamente que hay que comprobar idoneidad: así, por ejemplo, para nombrar al ecónomo diocesano (c. 494), al canciller (c.483.2), al vicario general (c. 478), o los miembros del cabildo de canónigos (c. 509 § 2)”.

may render the juridical act invalid. At other times, absence of due fitness to perform the duties of a certain office may not necessarily affect the validity of the act but, nevertheless, may be rescinded through the decision of a competent authority or an administrative tribunal.²³² Hence, particular suitability is required from all faithful – laity religious, priests – concerning the acceptance of positions and performance of services in the Church.²³³

The principle of suitability is “a concept that pervades the entire system of Church organization as a condition upon which functions, roles, offices, honors and even ecclesiastical states of life are assigned or constituted for the purpose of the optimal realization of the mission of the Church. In this sense, it constitutes one of the principles guiding the institution and organization of the Church, by which ecclesiastical states of life are duly or validly (as the case may be) granted to persons who are worthy and properly disposed and ecclesiastical roles are given to persons who are suited to carry them out properly, legitimately or validly, according to the particular juridical requirements of each function, in keeping with the Church’s mission and goals as well as concrete historical exigencies”.²³⁴

The Code requires that aside from communion with the Church, one must be suitable in order to be promoted to an ecclesiastical office. This means that he must possess those qualities which are required for that office stipulated by universal or particular law or the law of the foundation.²³⁵ In the same way, for the Bishop to promote a candidate to receive orders, which, at the same time, disposes the person to exercise public function in the Church through ministry, he must be satisfied that the suitability of the candidate has been positively established. In case of doubt about the suitability of the candidate, the bishop has reason not to promote him.²³⁶

²³² c. 149 § 2: “*Provisio officii ecclesiastici facta illi qui caret qualitatibus requisitis, irrita tantum est, si qualitates iure universali vel particulari aut lege foundationis ad validitatem provisionis expresse exigantur; secus valida est, sed rescindi potest per decretum auctoritatis competentis aut per sententiam tribunalis administrativi*”.

²³³ A. MIGLIAVACCA, *Idoneidad para Oficios*, 361.

²³⁴ B. EJEH, “The Principle of Suitability in the Provision of Ecclesiastical Offices in the 1983 Code of Canon Law”, in *Ius Ecclesiae*, 20 (2008) 574.

²³⁵ c. 149 § 1: “*Ut ad officium ecclesiasticum quis promoveatur, debet esse in Ecclesiae communione necnon idoneus, scilicet iis qualitatibus praeditus, quae iure universali vel particulari aut lege foundationis ad idem officium requiruntur*”.

²³⁶ c. 1052 § 1: “*Ut Episcopus ordinationem iure proprio conferens ad eam procedere possit, ipsi constare debet documenta, de quibus in can. 1050, praesto esse atque, scrutinio ad normam iuris peracto, idoneitatem candidati positivis argumentis esse probatam. 2: Ut Episcopus ad ordinationem procedat alieni subditi, sufficit*

This principle seeks for qualities, attributes and qualifications, which are required of the candidate and weighed in due consideration of the demand of the ecclesiastical function to be assumed.²³⁷ Arrieta commented that “in all cases, the authority granting the conferral must assess the requirements of the office in order to judge the suitability of the candidate”.²³⁸ The competent ecclesiastical authority needs here to exercise his administrative discretionary judgment “in view of realizing the good of the Church in the best way possible, given the prevailing circumstances”.²³⁹

The same authority assessing the suitability of the candidate must guarantee that these particular qualities are objectively verifiable²⁴⁰ since they “imply juridical effects in the external order of inter-personal relationships, rights and obligations”.²⁴¹ They must likewise be possessed to a sufficient degree in order to carry out effectively the duties of the functions in the Church. In

ut litterae dimissoriae referant eadem documenta praesto esse, scrutinium ad normam iuris esse peractum atque de idoneitate candidati constare; quod si promovendus sit sodalis instituti religiosi aut societatis vitae apostolicae, eadem litterae insuper testari debent ipsum in institutum vel societatem definitive cooptatum fuisse et esse subditum Superioris qui dat litteras. 3: Si, his omnibus non obstantibus, ob certas rationes Episcopus dubitat num candidatus sit idoneus ad ordines recipiendos, eundem ne promoveat”.

²³⁷ A. MIGLIAVACCA, *Idoneidad para Oficios*, 365: “La idoneidad, tal y como se configura en el CIC, no atañe simplemente a las cualidades personales de un sujeto, sino que se trata siempre de requisitos y cualidades, humanas y espirituales, que se exigen en relación con el servicio eclesial para el que aquel será designado. Es pues el concreto servicio, oficio o ministerio, que se debe desempeñar en cada caso, el que determinara las cualidades y requisitos exigibles al candidato. La idoneidad, por tanto, hay que juzgarla en relación con la misión de la Iglesia, que se concreta en un determinado encargo o tarea. La dimensión eclesial es la categoría interpretativa de la cuestión de la idoneidad”.

²³⁸ J. ARRIETA, sub cc. 149-150, in *Code of Canon Law Annotated*, 2nd ed., Montreal 2004, 129. He further added that “the lack of the necessary qualifications invalidates a conferral already made, and therefore makes it ineffective, but only for those cases in which these qualities were specifically required for validity. In all other cases the conferral made without the required qualifications is valid and has juridical effects, but it may be subsequently revoked by decree or judgment of an administrative tribunal (c.149.2)”.

²³⁹ B. EJEH, *The Principle of Suitability*, 575.

²⁴⁰ A. MIGLIAVACCA, *Idoneidad para Oficios*, 365: “Se comprende entonces que sea la misma Iglesia la que establezca los requisitos que se han de solicitar en cada caso y el modo de comprobarlos, pues es ella la que tiene el deber-responsabilidad, el derecho-deber de verificar la idoneidad de un candidato. La normativa eclesial establecerá los criterios, indicará los requisitos y el modo de verificar la idoneidad. Al legislador, además, le corresponderá actualizar los requisitos y las cualidades exigidas para cada servicio u oficio, teniendo en cuenta, entre otras cosas, los cambios en las condiciones históricas, sociales y eclesiales. De hecho la idoneidad para un cierto oficio o ministerio podrá concretarse de maneras diferentes, en función de la concreta y mudable situación de referencia”.

²⁴¹ B. EJEH, *The Principle of Suitability*, 574-575.

law, sufficient degree “is a question of the minimum that is required, and the judgment of which, to a great extent, is left to the competent authority”.²⁴²

In this connection, it is substantially necessary that the suitability of the candidate is established prior to the reception of any position. For ecclesiastical office, this means before the act of issuing a decree by the competent ecclesiastical authority through a canonical provision.²⁴³ For sacred ministries, this principle of suitability is employed before the act of ordaining a candidate.²⁴⁴ Being then a “fundamental canonical prerequisite for the distribution of competences in ecclesiastical administration, it is both a condition for the legality of the attribution of ecclesiastical functions, powers and their corresponding authority, and also a guarantee of the successful achievement of the purposes for which ecclesiastical duties are instituted, using the right ecclesiastical subjects”.²⁴⁵

The competent authority, however, must be vigilant also that the same suitability is maintained during the performance of duties. The lack of proper fitness by the officeholder to fulfill his tasks may create a ground for his eventual removal from the post. As Arrieta explained “although c. 149 refers above all to the appointment, it is evident that the incumbent of an office needs to have the prerequisites of the office during the whole time he or she occupies it. The authority mentioned in c. 148 has the juridical obligation to guarantee the suitability of the nominee, so much so that the authority is to proceed to the removal from office, transfer, etc. (cc. 184-196), if the incumbent is no longer recognized as being suitable. Authority also is to rescind the appointment (c. 149 § 2) when the reasons for the lack of suitability existed before the appointment, whether they were known or not”.²⁴⁶

Therefore, suitability is an important principle that guides the competent authority in the selection of the candidates who rightly fit the positions

²⁴² A. LENDAKADAVIL, *The Suitability of Candidates for the Priesthood according to the Code of Canon Law of 1983*, Rome 1989, 68-69.

²⁴³ Cf. cc. 48, 146, 156. According to EjeH, this suitability for ecclesiastical office has to be viewed from the following dimensions: fundamental suitability, communion, moral suitability, maturity, appropriate knowledge, freedom from ecclesiastical censures, irregularities and impediments. See, B. EJEH, *The Principle of Suitability*, 575-584.

²⁴⁴ Cf. cc. 1025, 1052. Based on the studies of K. Joseph, this suitability for sacred ministries cover human, moral, spiritual, intellectual, physical and psychological, and pastoral requirements, which the candidate has to meet. See, K. JOSEPH, *The Suitability of Candidates for the Priesthood in the light of c. 1025*, Rome 1999, 109-177.

²⁴⁵ B. EJEH, *The Principle of Suitability*, 589.

²⁴⁶ J. ARRIETA, sub cc. 149-150, in *Code of Canon Law Annotated*, 2nd ed., Montreal 2004, 129.

of services in the Church and in the assessment of the effectiveness of these ecclesiastical offices and sacred ministries.²⁴⁷ Freedom has been conceded to the ecclesiastical authority to exercise administrative discretionary judgment in determining the suitability of the person or lack of it given the conditions, demands and nature of public ecclesiastical functions to be filled in.²⁴⁸ In the end, the principle of suitability boils down to safeguarding the efficacy of the over-all structure and services of ecclesiastical organization, especially exercised through ecclesiastical offices and ministries.

4. *Principle of Accountability*

Accountability as a juridical principle expresses itself in a number of canons in the Code especially in the exercise of public functions in the Church.²⁴⁹ Through valid reception of ecclesiastical functions, one is given the legitimacy to be rightly called as officeholder or minister who possesses the right to exercise the duties of a particular ecclesiastical office or ministry. This, at the same time, naturally demands from the officeholder or minister an accountable service in the Church to guarantee the faithful and effective fulfillment of the various functions in the Church.

In the recent past, the concern for accountability becomes evidently needed with the involvement of priests in gravely problematic situations, which include much-publicized cases of sexual misconduct, mishandling of diocesan patrimony or malversation of parish funds and blatant abuses in the administration of sacraments. Nevertheless, accountability is not only to be promoted since the Church is plagued by clerical misconduct but even in the absence of these multifaceted challenging situations, the principle of account-

²⁴⁷ A. MIGLIAVACCA, *Idoneidad para Oficios*, 361: “Normalmente, corresponderá a la autoridad eclesiástica que desempeña un papel de guía pastoral –párroco, ordinario, obispo, superior, etc.– examinar cuidadosamente la idoneidad requerida”.

²⁴⁸ *Communicationes* 22 (1990) 126.

²⁴⁹ Among these canons are: c. 57 § 1: “*Quoties lex iubeat decretum ferri vel ab eo, cuius interest, petitio vel recursus ad decretum obtinendum legitime proponatur, auctoritas competens intra tres menses a recepta petitione vel recursu provideat, nisi alius terminus lege praescribatur.* § 2: *Hoc termino transacto, si decretum nondum datum fuerit, responsum praesumitur negativum, ad propositionem ulterioris recursus quod attinet.* § 3: *Responsum negativum praesumptum non eximit competentem auctoritatem ab obligatione decretum ferendi, immo et damnum forte illatum, ad normam can. 128, reparandi*”; c. 128: “*Quicumque illegitime actu iuridico, immo quovis alio actu dolo vel culpa posito, alteri damnum infert, obligatione tenetur damnum illatum reparandi*”.

ability must be advanced especially in dealing with pastoral governance for, as Miras explained, “a bad governance cannot be without consequences”.²⁵⁰

Kaslyn believed that accountability is fundamental in the government and direction of the ecclesiastical organization. It exists “as an integral element in the structure of the Church”²⁵¹ and is a “foundational ecclesial imperative”.²⁵² Such accountability may be said to be a natural derivative of the reality and nature of the Church as communion. It is derived from and related to the fundamental obligation of all faithful who “are bound to preserve their communion with the Church at all times, even in their external actions. They are to carry out with great diligence their responsibilities towards both the universal Church and the particular Church to which by law they belong”.²⁵³

Thus, the obligation of maintaining communion necessarily includes the dimension of accountability – accountability to God and to one another.²⁵⁴ All the People of God – whether clerics or laity – must be able “to stand before God and the Church in the exercise of their duties”.²⁵⁵ In virtue of baptism, all Christ’s faithful are called to exercise accountability for the good of the Church.²⁵⁶ As Bishop Wuerl reflected “when all the members of the body assume their proper and responsible roles in the Church, the fruit of this ecclesial communion is solidarity. There is a sense in which solidarity is nothing less than the practical expression of the Church’s communion or unity. Openness strengthens solidarity. It is expressed in the commitment of all the faithful, clergy and laity alike, to consider all of the facts, all the information,

²⁵⁰ J. MIRAS et al., *Compendio de derecho administrativo canónico*, 2nd ed., Pamplona 2005, 73: “La responsabilidad de la Administración, al fijar claramente un límite que el mal gobierno no puede traspasar sin consecuencias –el de la lesividad de los actos– confirma que el recto y adecuado ejercicio del gobierno se reconoce como deber jurídico exigible”. See also: IDEM, “Derecho al buen gobierno en la Iglesia: Una glosa a la doctrina constitucional de Javier Hervada desde el Derecho Administrativo”, in *Escritos en Honor de Javier Hervada, Ius Canonicum*, vol. especial (1999) 367-377.

²⁵¹ R. KASLYN, “Accountability of Diocesan Bishops: A Significant Aspect of Ecclesial Communion”, in *The Jurist* 67 (2007) 109.

²⁵² *Ibidem*, 147.

²⁵³ c. 209 § 1: “*Christifideles obligatione adstringuntur, sua quoque ipsorum agendi ratione, ad communionem semper servandam cum Ecclesia. 2: Magna cum diligentia officia adimpleant, quibus tenentur erga Ecclesiam tum universam, tum particularem ad quam, secundum iuris praescripta, pertinent*”.

²⁵⁴ R. KASLYN, *Accountability of Diocesan Bishops*, 116.

²⁵⁵ D. WUERL, “Reflections on Governance and Accountability in the Church”, in *Governance, Accountability and the Future of the Church*, New York 2004, 14.

²⁵⁶ R. KASLYN, *Accountability of Diocesan Bishops*, 150.

all the implications and all the aspects of a situation. This openness permits the Church to carry out ministry effectively and competently”.²⁵⁷

However, Green was convinced that such accountability behooves all the more public ministers who “are to be held accountable or answerable for the effectiveness of their leadership in realizing the Church’s threefold mission”.²⁵⁸ Officeholders and sacred ministers are accountable to the competent authority who validly entrust to them their functions in the Church and, at the same time, to the “rest of the faithful within the broader context of the entire People of God”.²⁵⁹ As the bishops of the United States of America openly said “the exercise of authority without accountability is not servant leadership; it is tyranny”.²⁶⁰ Thus, Green pushed for the awareness that diocesan bishops need to hold leadership figures in their respective particular churches “accountable for the quality of their service of the Church’s mission while supporting them institutionally”.²⁶¹

Hence, accountability in the public ecclesiastical functions does not simply mean relinquishing post, conceding authority or reprimanding officeholders. It rather essentially deals with “openness or, as is said today, transparency that allows us to verify the Church’s fidelity to her mission”.²⁶² Such openness entails “sharing information, reporting on the discharge of duties and accepting critique of actions”²⁶³ in order to improve the services that are due to the People of God. It further means regularly reviewing the mission effectiveness of ecclesial structures and policies, assessing pastoral ministries and activities and recommending areas of improvements especially in a shifting pastoral environment.²⁶⁴ Stressing on public accountability, which is verifiable and

²⁵⁷ D. WUERL, *Reflections on Governance and Accountability*, 19.

²⁵⁸ T. GREEN, “The 2004 Directory on the Ministry of Bishops: Reflections on Episcopal Governance in a Time of Crisis”, in *Studia Canonica* 41 (2007) 141. See also: IDEM, “Contemporary Challenges to Episcopal Governance: Reflections on the 2004 Directory on the Ministry of Bishops and Other Pertinent Texts”, in *The Jurist* 68 (2008) 418-459; IDEM, “The Pastoral Governance Role of the Diocesan Bishop: Foundations, Scope and Limitations”, in *The Jurist* 49 (1989) 472-506.

²⁵⁹ R. KASLYN, *Accountability of Diocesan Bishops*, 151. Wuertl acknowledged that some critique, however, is directed positively and constructively to the question of accountability of the hierarchy to the whole Church in the exercise of its God-given authority. See, D. WUERL, *Reflections on Governance and Accountability*, 17.

²⁶⁰ *Ibidem*, 109. Cf. NATIONAL REVIEW BOARD, *A Report on the Crisis in the Catholic Church in the United States*, USCCB, Washington D.C. 2004, 126.

²⁶¹ *Ibidem*, 143.

²⁶² D. WUERL, *Reflections on Governance and Accountability*, 13-14.

²⁶³ *Ibidem*, 18.

²⁶⁴ T. GREEN, *The 2004 Directory*, 144.

nurtures credibility, Bishop Wuerl said flat out “if we exercise public ecclesial service – and I use that term in a wide sense – then we should be accountable before the whole Church for how well we do”.²⁶⁵

At present, a couple of areas of accountability concerns pertain to governance accountability and financial accountability. With regard to these matters, Green noted that “minimal standards of ministerial excellence need to be specified and adhered to; and exercising an ecclesiastical office should be seen primarily in terms of the good of the faithful to be served despite legitimate concerns about that of the officeholder”.²⁶⁶ In this connection, it may be recalled as well that from the procedure for the removal and transfer of parish priest specified in cc. 1740-1752, the good of souls must always be taken into account as the substantive reason and final criterion,²⁶⁷ which the diocesan bishop must carefully weigh in holding accountable those concerned. For, at the very least, the ministry of the parish priest needs only to be harmful or ineffective to cause a ground for removal without necessarily proving the commission of serious fault or finding of culpability on the part of the parish priest.²⁶⁸ Hence, adhering to work for the needs of the good of souls, this may further signify that whatever public function in the Church is given, received and exercised, legitimate officeholder or proper minister must mindfully and responsibly consider that it is always for the good, benefit and efficacy of the Church.

Likewise, certain criteria and appropriate measures for Church financial administration, which include the monitoring of the administration of the temporal goods, implementing of pious wills and fulfillment of the purposes of Church goods are to be set and implemented. Some structures that are placed in the Code to ensure accountability are the presbyteral council (c. 495), the financial committee (c. 492) and the pastoral council (511) on the diocesan level and the pastoral council (c. 536) and the finance committee (c. 537) on the parish level. These legal structures are proven effective for a genuinely accountable governance that is needed today as it was before.

²⁶⁵ D. WUERL, *Reflections on Governance and Accountability*, 18.

²⁶⁶ T. GREEN, *The 2004 Directory*, 143. Cf. R. BASS *et al.*, *Canonical Standards for Parishes: A Self-Evaluation Instrument*, Washington D.C. 2002; M. KANE, “New Standards for Pastoral Care”, in *America* (2006), 16-19.

²⁶⁷ A. MARZOA, sub cc. 1740-1752, in *Exegetical Commentary on the Code of Canon Law*, IV/2, Illinois 2004, 2099.

²⁶⁸ c. 1740: “*Cum alicuius parochi ministerium ob aliquam causam, etiam citra gravem ipsius culpam, noxium aut saltem inefficax evadat, potest ipse ab Episcopo dioecesano a paroecia amoveri*”.

CONCLUSIONS

1. In view of what we have exposed above, we affirm that there exist in the Church different institutions, various ministries, stable offices and even private initiatives. Having been established also as a society, the existence of all these functions or *munus* in the Church works toward a common end, that is, the building up of the Body of Christ. Each member of Christ's faithful participates in these functions depending on his or her condition. Through the faithful discharge of these diverse functions, the Church faithfully carries out as well the mission entrusted to her by Christ.

2. A good portion of these functions are entrusted to ordained members of the Church to be exercised publicly. These public functions in the Church are committed to clerics by the competent ecclesiastical authority, who, in effect, regulates them through proper ecclesiastical organization. Thus, they can be termed also as ecclesiastical functions. They are generally articulated and exercised by clerics through ministries and ecclesiastical offices. Since they are committed by the Church, particularly entrusted by her competent authority, therefore, they are appropriately to be exercised in the name of the Church and for the service of the Church.

3. The reception by clerics from the competent authority of whatever ecclesiastical functions presupposes the simultaneous acceptance of obligation of faithfully fulfilling them. Clerics who are conferred with sacred ministries or are entrusted with ecclesiastical offices are, therefore, duty-bound to discharge their public functions diligently in view of the good of the Church. This faithful fulfillment of public ecclesiastical functions is basically manifested in the right use of office and adequate exercise of duties that pertain to them. An abuse of ministry or a neglect of office inevitably possesses detrimental consequences not only to the officeholder or the minister himself but more so to the entire ecclesial community not discounting, at times, some adverse effects even to the civil society. With due consideration to the gravity and the attendant outcome of the act, penalties are justly placed by the Code.

4. While the Code specifies an obligation for clerics to faithfully fulfill whatever ecclesiastical functions are entrusted to them (c. 274 § 2), it likewise never fails to articulate some helpful means proven suitable, beneficial and effective for the faithful exercise of ministerial or ecclesiastical duties by clerics. With the three canonical helps that we have identified – spiritual aids, continued formation and priestly association – an earnest practice of them

by clerics positively results in the development a particular lifestyle that allows them to faithfully perform their public functions in the Church. Hence, observance of spiritual duties, undertaking of permanent formation program and membership into priestly associations are never to be regarded as canonical impositions that hassle the ministry and life of clerics. They are rather necessary spiritual, formational and relational means instrumental to the very fulfillment of clerical obligations particularly of the ecclesiastical functions, which the Code has simply sustained and articulated. Indeed, even in this age and time of crisis of priestly ministry, clerics can still justly fulfill their public functions in the Church aided with the concrete means and practical helps as provided by the Code. Moreover, coupled with the task of the competent authority to choose suitable candidates and hold them accountable to their posts, effective fulfillment of ecclesiastical functions by clerics can, therefore, be faithfully satisfied even at its minimum.

BIBLIOGRAPHY

- Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II*, vol. III, pars 4, 252-650. *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II*, vol. IV, pars 6, 395. AMOS, J., *Associations of the Christian Faithful in the 1983 Code of Canon Law: A Canonical Analysis and Evaluation*, Washington D.C. 1986. ARRIETA, J., *Diritto dell'Organizzazione Ecclesiastica*, Milan 1997; IDEM, *Governance Structures within the Catholic Church*, Montreal 2000; IDEM, sub c. 145, in *Exegetical Commentary on the Code of Canon Law*, I, Illinois 2004, 886-934. IDEM, sub cc. 149-150, in *Code of Canon Law Annotated*, 2nd ed., Montreal 2004, 125-158. AUGÉ, M., "Función de Santificar", in J. OTADUY, A. VIANA y J. SEDANO (eds.), *Diccionario General de Derecho Canónico*, IV, Cizur Menor 2013, 160-163. BASS, R. et al., *Canonical Standards for Parishes: A Self-Evaluation Instrument*, Washington D.C. 2002. BENEDICT XVI, "Address to the Bishops of Ireland during their *ad limina* visit on 28 October 2006", in *L'osservatore Romano Giornale Quotidiano Politico Religioso*, Yr. 146, No. 251, Città del Vaticano, 29 Ottobre 2006, 4-5. IDEM, Post-Synodal Apostolic Exhortation on the Eucharist as the Source and Summit of the Church's Life and Mission *Sacramentum caritatis*", in AAS 99 (2007) 105-180. IDEM, "Homily on the Eucharistic celebration with bishops, seminarians and novices at Saint Mary's Cathedral in Sydney, Australia, on the occasion of the 23rd World Youth Day on 19 July 2008", in AAS 100 (2008) 539-544. IDEM, "Letter Proclaiming a Year for Priests on the 150th Anniversary of the *Dies Natalis* of the *Curé* of Ars", in *L'Osservatore Romano*, Yr. 42, No. 25, Vatican City 2009, 1-3. IDEM, *Homily* on the Eucharistic celebration at the Westminster Cathedral during his Apostolic Visit to the United Kingdom on 18 September 2010, in AAS 102 (2010) 616-619. IDEM, Post-Synodal Apostolic Exhortation on the Word of God in the Life and Mission of the Church *Verbum Domini*, in AAS 102 (2010) 681-787. BERTOLA, C., *Fraternidad sacerdotal: aspectos sacramentales, teológicos y existenciales*, Madrid 1992. BORDA, E., "La fraternidad sacerdotal de los presbíteros: fundamentos y formación de los candidatos", in F. MATEO-SECO et al. (coord.), *La formación de los sacerdotes en las circunstancias actuales: XI Simposio Internacional de Teología de la Universidad de Navarra*, Pamplona 1990, 623-630. CATECHISM OF THE CATHOLIC CHURCH, 11 October 1992. CONFOY, M., *Religious Life and Priesthood: Rediscovering Vatican II*, New Jersey 2008. CONGREGATION FOR BISHOPS, Directory on the Pastoral Ministry of Bishops *Apostolorum Successores*, Vatican City 2004. CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS, "*Responsa ad Quaestiones circa obligationem persolvendi liturgiam horarum*", in *Notitiae* 37 (2001) 190-194. CONGREGATION FOR THE CLERGY, *Directorium pro Presbyterorum ministerio et vita*, new ed., Vatican City 2013. IDEM, *The Priest, Minister of Divine Mercy: Material for Confessors and Spiritual Directors*, Vatican City 2011. COZZENS, D., *The Conciliar Documents and the 1983 Code*, in D. COZZENS (ed.), *The Spirituality of the Diocesan Priest*, Manila 2005. EJEH, B., "The Principle of Suitability in the Provision of Ecclesiastical Offices in the 1983 Code of Canon Law", in *Ius Ecclesiae* 20 (2008) 569-591. FERNANDEZ, A., "Munera Christi", in J. OTADUY, A. VIANA y J. SEDANO (eds.), *Diccionario General de Derecho Canónico*, V, Cizur Menor 2013, 508-509. FLANNERY, A. (ed.), *Vatican Council II: A Completely Revised Translation in Inclusive Language*, New York 1996.

FRANCIS, *Address to the International Catholic Child Bureau on 11 April 2014*, <<http://www.zenit.org>>. GAHONA FRAGA, L., “Magisterio de la Iglesia”, in J. OTADUY, A. VIANA y J. SEDANO (eds.), *Diccionario General de Derecho Canónico*, V, Cizur Menor 2013, 234-242. GREEN, T., “Contemporary Challenges to Episcopal Governance: Reflections on the 2004 Directory on the Ministry of Bishops and Other Pertinent Texts”, in *The Jurist* 68 (2008) 418-459. IDEM, “The 2004 Directory on the Ministry of Bishops: Reflections on Episcopal Governance in a Time of Crisis”, in *Studia Canonica* 41 (2007) 117-151. IDEM, “The Pastoral Governance Role of the Diocesan Bishop: Foundations, Scope and Limitations”, in *The Jurist* 49 (1989) 472-506. GUANZON, H., *The Development and the Juridical Aspects of Priestly Permanent Formation*, Rome 1995. HEENAN, J., *Council and Clergy*, London 1966. HERA, A. DE LA, “El derecho de asociación de los clérigos y sus limitaciones”, in *Ius Canonicum* 23/1 (1983) 171-197. HERVADA, J., *Elementos de Derecho Constitucional Canónico*, 2nd ed., Navarra 2001. HUELS, J., “Towards Refining the Notion of ‘Office’ in Canon Law”, in *The Jurist* 70 (2010) 396-433. JOHN PAUL II, *Ad universos Ecclesiae Sacerdotes*, adveniente Feria V in Cena Domini, in AAS 71 (1979) 393-417. IDEM, Post-Synodal Apostolic Exhortation on Reconciliation and Penance in the Mission of the Church Today *Reconciliatio et Paenitentia*, in AAS 77 (1985) 185-275. IDEM, *Sacerdotibus, adveniente feria V in Cena Domini* missa, in AAS 79 (1987) 1285-1295. IDEM, Post-Synodal Apostolic Exhortation on the Formation of Priest in the Circumstances of the Present Day *Pastores dabo vobis*, in AAS 84 (1992) 657-804. IDEM, *Feria V in Coena Domini* anno 1994 presbyteris missa, in AAS 86 (1994) 641-648. IDEM, Address to the Cardinals and Bishops of the United States during their *ad limina* visit on 23 April 2002, in AAS 94 (2002) 670-672. IDEM, Encyclical Letter on the Eucharist in its Relationship to the Church *Ecclesia de Eucharistia*, in AAS 95 (2003) 433-475. JOHN XXIII, Encyclical Letter *Sacerdotii nostri primordia*, in AAS 51 (1959) 497-531. IDEM, Encyclical Letter on Establishing Universal Peace in Truth, Justice, Charity, and Liberty *Pacem in terris*, in AAS 55 (1963) 257-304. JOSEPH, K., *The Suitability of Candidates for the Priesthood in the light of c. 1025*, Rome 1999. KANE, M., “New Standards for Pastoral Care”, in *America* (2006), 16-19. KASLYN, R., “Accountability of Diocesan Bishops: A Significant Aspect of Ecclesial Communion”, in *The Jurist* 67 (2007) 109-152. KOLAKANI, M., *Ongoing Formation of Priests in the light of c. 279 of C.I.C. 1983*, Rome 2003. LABANDEIRA, E., *Tratado de Derecho Administrativo Canónico*, 2nd ed., Pamplona 1993. LAMA, E. de la, “Rectitud de Intención”, in J. OTADUY, A. VIANA y J. SEDANO (eds.), *Diccionario General de Derecho Canónico*, VI, Cizur Menor 2013, 761-763. LEE, G., *Formazione permanente del presbitero secondo i documenti ecclesiastici del presente secolo*, Rome 1997. LENDAKADAVIL, A., *The Suitability of Candidates for the Priesthood according to the Code of Canon Law of 1983*, Rome 1989. LOMBARDÍA, P., *Lecciones de Derecho Canónico*, Madrid 1984. LYNCH, J., “The Obligations and Rights of Clerics”, in *New Commentary on the Code of Canon Law*, New York 2000, 343-381. MARTÍN DE AGAR, J., *A Handbook on Canon Law*, Montréal 2000. MARTÍNEZ SISTACH, L., *El derecho de asociación en la Iglesia*, Barcelona 1973. IDEM, *Las asociaciones de fieles*, 5th ed., Barcelona 2004. (For English translation: Idem, *Associations of Christ’s Faithful*, Montréal 2008.) MARZOA, A., sub c. 1389, in *Exegetical Commentary on the Code of Canon Law*, IV/1, Illinois 2004, 527-529. IDEM, sub c. 904, in *Code of Canon Law Annotated*, 2nd ed.,

Montréal 2004, 695-735. IDEM, sub cc. 1740-1752, in *Exegetical Commentary on the Code of Canon Law*, IV/2, Illinois 2004, 2099-2105. MIGLIAVACCA, A., “Idoneidad para Oficios y Ministerios”, in J. OTADUY, A. VIANA y J. SEDANO (eds.), *Diccionario General de Derecho Canónico*, IV, Cizur Menor 2013, 361-365. MIRAS, J., “Derecho al buen gobierno en la Iglesia: Una glosa a la doctrina constitucional de Javier Hervada desde el Derecho Administrativo”, in *Escritos en Honor de Javier Hervada, Ius Canonicum*, vol. especial (1999) 367-377. MIRAS, J. et al., *Compendio de derecho administrativo canónico*, 2nd ed., Pamplona 2005. MORRISEY, F., “The Right of Association as a Basic Right of the Faithful”, in *Das konsoziative element in der Kirche: akten des VI Internationalen Kongresses für Kanonisches Recht*, St. Ottilien 1989, 7-24. NATIONAL CONGRESS OF THE CLERGY, *History and Grace*, Manila 2005. NATIONAL REVIEW BOARD, *A Report on the Crisis in the Catholic Church in the United States*, USCCB, Washington D.C. 2004. NAVARRO, L., “El derecho de asociación de los fieles y la autoridad eclesiástica”, in *Fidelium Iura* 8 (1998) 131-162. IDEM, “The Juridical Status of the Clergy”, in *Philippine Canonical Forum* 3 (2001) 31-49. IDEM, “Typical Forms of the Association of the Faithful”, in *Philippine Canonical Forum* 5 (2003) 95-112. OTADUY, J., sub c. 278, in *Exegetical Commentary on the Code of Canon Law*, II/1, Illinois 2004, 351-355. IDEM, sub c. 279, in *Exegetical Commentary on the Code of Canon Law*, II/1, Illinois 2004, 356-359. IDEM, “Derechos y Obligaciones de los Clérigos”, in J. Otaduy, A. Viana y J. Sedano (eds.), *Diccionario General de Derecho Canónico*, III, Cizur Menor 2013, 224-230. PALOMAR, A., *Derecho de la Función Pública: Régimen Jurídico de los Funcionarios Públicos*, 8th ed., Madrid 2009. PAUL VI, Apostolic Letter given *motu proprio Ecclesiae sanctae* on Implementing the following Decrees of Vatican Council II: Decree on the Pastoral Office of Bishops in the Church *Christus Dominus*, Decree on the Ministry and Life of Priests *Presbyterorum Ordinis*, Decree on the Adaptation and Renewal of Religious Life *Perfectae Caritatis* and Decree on the Missionary Activity of the Church *Ad gentes Divinitus*, in AAS 58 (1966) 757-787. PFNAUSCH, E., *The Relationship between Ministry and Holiness in the life of the Diocesan Priest: An Interpretation of Canon 276.2.1 of the 1983 Code of Canon Law*, Washington DC 1994. PIUS X, Apostolic Exhortation to the Catholic Clergy on Priestly Sanctity *Haerent animo*, in ASS 41 (1908) 555-577. PIUS XI, Encyclical Letter on the Catholic Priesthood *Ad catholici sacerdotii*, in AAS 28 (1936) 5-53. PIUS XII, Apostolic Exhortation on the Development of Holiness in Priestly Life *Menti nostrae*, in AAS 42 (1950) 657-702. PORTILLO, A. DEL, *On Priesthood*, Chicago 1974. IDEM, “Le associazioni sacerdotali”, in *Liber Amicorum Monseigneur Onclin: Actuele thema's van kerkelijk en burgerlijk Recht*, Gembloux 1976, 133-149. RINCÓN-PÉREZ, T., *Disciplina Canónica del Culto Divino*, in Instituto Martin de Azpilcueta, *Manual de Derecho Canónico*, 2nd ed., Pamplona 1991, 459-603. IDEM, “Sobre algunas cuestiones canónicas a la luz de la Exhortación Apostólica *Pastores dabo vobis*”, in *Ius Canonicum* 33 (1993) 315-378. IDEM, sub c. 278, in *Code of Canon Law Annotated*, 2nd ed., Montréal 2004, 187-240. IDEM, sub c. 279, in *Code of Canon Law Annotated*, 2nd ed., Montréal 2004, 187-240. RODRÍGUEZ-OCAÑA, R., *Las asociaciones de clérigos en la Iglesia*, Pamplona 1989. IDEM, *El ejercicio del derecho de asociación de los clérigos y sus límites*, in F. MATEO-SECO et al. (coord.), *La formación de los sacerdotes en las circunstancias actuales: XI Simposio Internacional de Teología de la Universidad de Navarra*, Pamplona 1990, 663-678. SACRED CONGREGATION

FOR CATHOLIC EDUCATION, “*Ratio Fundamentalis Institutionis Sacerdotalis*”, in AAS 62 (1970) 321-384. SACRED CONGREGATION FOR CLERGY, “*Inter ea*”, in AAS 62 (1970) 123-134. SACRED CONGREGATION FOR RELIGIOUS AND SECULAR INSTITUTES, “*Normae circa usum et administrationem Sacramenti Poenitentiae, praesertim apud Religiosas*”, in AAS 63 (1971) 318-319. SÁNCHEZ MORÓN, M., *Derecho de la Función Pública*, 4th ed., Madrid 2004. SOUTO, J., *La Noción Canónica de Oficio*, Pamplona 1971. TARTRE, R., *The Post-Conciliar Priest: Comments on Some Aspects of the Decree on the Ministry and Life of Priests*, New York 1966. VATICAN COUNCIL II, Constitution on the Sacred Liturgy *Sacrosanctum Concilium*, in AAS 56 (1964) 97-134. IDEM, Dogmatic Constitution on the Church *Lumen gentium*, in AAS 57 (1965) 5-75. IDEM, Decree on the Pastoral Office of Bishops in the Church *Christus Dominus*, in AAS 58 (1966) 673-696. IDEM, Decree on the Training of Priests *Optatam totius*, in AAS 58 (1966) 718-727. IDEM, Decree on the Apostolate of Lay People *Apostolicam actuositatem*, in AAS 58 (1966) 837-864. IDEM, Decree on the Ministry and Life of Priests *Presbyterorum ordinis*, in AAS 58 (1966) 991-1024. IDEM, Pastoral Constitution on the Church in the Modern World *Gaudium et spes*, in AAS 58 (1966) 1025-1115. VIANA, A., *Organización del Gobierno en la Iglesia según el Derecho Canónico Latino*, 3rd ed., Pamplona 2010. VILADRICH, J., *Teoría de los derechos fundamentales del fiel*, Pamplona 1969. WUERL, D., “Reflections on Governance and Accountability in the Church”, in *Governance, Accountability and the Future of the Church*, New York 2004, 13-24. ZINGARI PETER, M., *The Ongoing Formation of Priests according to c. 279 and Pastores dabo vobis no. 71*, Rome 2001.

GENERAL INDEX OF THE DOCTORAL THESIS

LIST OF ABBREVIATIONS. GENERAL INTRODUCTION. CHAPTER I: ELEMENTS OF CLERICAL OBLIGATION TO FULFILL AN *OFFICIUM ECCLESIASTICUM* IN THE *CORPUS IURIS CANONICI*. I. *Decretum Gratiani*. Introduction. 1. The *Decretum*. 2. An Understanding of *Officium Ecclesiasticum*. 3. *Beneficium Ecclesiasticum* in relation to *Officium Ecclesiasticum*. 4. Powers in the Exercise of Office. A. Power of Order. B. Power of Jurisdiction. 5. Obligation to Fulfill an Office. A. Spiritual End of Office. B. Negligence of Office. Conclusion. II. *Decretales Gregorii IX*. Introduction. 1. *Liber Extra*. 2. An Understanding of *Officium Ecclesiasticum*. 3. Role of the Authority in the Church. 4. Sacred Character of Office. 5. Suitability of Candidate to an Office. 6. Obligation to Fulfill an Office. Conclusion. CHAPTER II: AN UNDERSTANDING OF *MUNUS* IN C. 274 § 2 AS ECCLESIASTICAL FUNCTIONS. INTRODUCTION. I. *Munus* in some English Translations of the 1983 Code. 1. *Munus* as translated in the Code of Canon Law prepared by the Canon Law Society of Great Britain and Ireland (CLSGBI) in association with the Canon Law Society of Australia and New Zealand and the Canadian Canon Law Society. 2. *Munus* as translated in the Code of Canon Law prepared by the Canon Law Society of America (CLSA). 3. Some Considerations. II. *Munus* as Functions in the Church. 1. An Understanding of Functions in the Church. 2. General Classification of Functions in the Church. A. *Munus docendi*. B. *Munus sanctificandi*. C. *Munus regendi*. 3. Participation in the Functions in the Church. A. Institutional Exercise of Functions in the Church. 1). Ministries. a). Ministries exercised by the Ordained. b). Ministries participated in by the Laity. 2). Ecclesiastical Offices. B. Personal Participation in the Functions in the Church. III. Operative Principles in the Entrustment of Ecclesiastical Functions. 1. *Ad servitium Ecclesiae* 2. *In nomine Ecclesiae*. Conclusion. CHAPTER III: FULFILLMENT OF ECCLESIASTICAL FUNCTIONS. Introduction. I. The Officeholder or the Minister. II. Basic Duties of the Officeholder or the Minister. 1. Right Use of Function. 2. Adequate Exercise of Duties. III. Some Helpful Means for the Fulfillment of Ecclesiastical Functions. 1. Spiritual Aids. A. Daily Eucharist. B. Frequent Confession. C. Spiritual Direction. D. Examination of Conscience. E. Liturgy of the Hours. F. Mental Prayer. G. Spiritual Reading. H. Retreat and Recollection. I. Marian Devotion. 2. Continued Formation. 3. Priestly Association. IV. Operative Principles for the Fulfillment of Ecclesiastical Functions. 1. Principle of Suitability. 2. Principle of Accountability. CONCLUSION. GENERAL CONCLUSION. BIBLIOGRAPHY.