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A Historical-Canonical Analysis

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**THE DEACON'S PARTICIPATION IN THE *TRIA MUNERA*
IN THE LATIN AND UKRAINIAN CATHOLIC CHURCHES:
A HISTORICAL-CANONICAL ANALYSIS**

by
Douglas M. LECLAIR

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**THE DEACON'S PARTICIPATION IN THE *tria munera*
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by
DOUGLAS M. LECLAIR

ABSTRACT

Since the Second Vatican Council (1962-1965), the legislation and other official documents of the Roman Catholic Church have often characterized the Church's mission in terms of the *tria munera*, the threefold functions of teaching, sanctifying, and governing. According to Church law and teaching, all the baptized have the right and obligation to participate in their own manner in this threefold mission. This study explores the proper role of the deacon's exercise of the *tria munera* as set forth in the canon law of the Latin and the Eastern Catholic Churches with a special focus on the particular laws of the Ukrainian Catholic Church.

In response to the decrees of Vatican II, Pope Paul VI restored the permanent order of the diaconate to the Latin Church where it had been dormant for centuries; at the same time, the diaconate was reaffirmed and reawakened in the Eastern Catholic Churches where it had survived in law though only barely in practice. While much has been written about the identity and ministry of the deacon since Vatican II, this is the first study to examine thoroughly the juridical sources on the deacon's participation in the *tria munera* as it impacts his functions, rights, obligations, and relationship with the other members of the hierarchy and the laity.

The first chapter surveys the origin, nature, and distinguishing characteristics of the order of the deacon. This is developed mainly from juridical and liturgical sources with a particular focus on the similarities and differences in the diaconate in the Christian East and West. The second chapter analyzes in-depth the restoration of the permanent diaconate in the legislation of the Latin Church, noting also some differences and tensions between the so-called "transitional" and the permanent order of the diaconate. The third chapter develops and analyzes the laws on the diaconate in the Ukrainian Catholic Church, especially the Ukrainian Church in Canada.

The fourth chapter is a comparative analysis of the laws of the Latin Church and the common and particular law of the Ukrainian Catholic Church with regard to the order of deacons and the *tria munera*. The conclusions sum up the key similarities and differences in these two legal systems on this issue and offer some suggestions for future legislative reforms.

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ABBREVIATIONS

AA	VATICAN II, Decree <i>Apostolicam actuositatem</i>
AAS	<i>Acta Apostolicae Sedis</i>
ADA	<i>Acta et documenta Concilio oecumenico Vaticano II apparando: Series prima (antepreparatoria)</i>
ADP	<i>Acta et documenta Concilio oecumenico Vaticano II apparando: Series secunda (praeparatoria)</i>
AG	VATICAN II, Decree <i>Ad gentes</i>
AS	<i>Acta Synodalia Sacrosancti Concilii oecumenici Vaticani II</i>
AN	SACRED CONGREGATION FOR THE CLERGY, General Catechetical Directory <i>Ad normam decreti</i>
CCC	<i>Catechism of the Catholic Church</i>
CCEO	<i>Codex canonum Ecclesiarum orientalium</i>
CD	VATICAN II, Decree <i>Christus Dominus</i>
CEC	Congregation for the Eastern Churches
CIC	<i>Codex iuris canonici</i> (1983)
CLSA	Canon Law Society of America
CDWDS	CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS
CP	PONTIFICAL COUNCIL FOR THE MEANS OF SOCIAL COMMUNICATION, <i>Communio et progressio</i>
CT	POPE JOHN PAUL II, Apostolic Exhortation, <i>Catechesi tradendae</i>
DAPNE	PONTIFICAL COUNCIL FOR PROMOTING CHRISTIAN UNITY, <i>Directory for the Application of the Principles and Norms on Ecumenism</i>
DMLPD	CONGREGATION FOR THE CLERGY, <i>Directory for the Ministry and Life of Permanent Deacons</i>
DV	VATICAN II, Dogmatic Constitution <i>Dei Verbum</i>

<i>EN</i>	POPE PAUL VI, Apostolic Exhortation <i>Evangelii nuntiandi</i>
<i>GS</i>	VATICAN II, Pastoral Constitution <i>Gaudium et spes</i>
<i>IGMR</i>	<i>Missale Romanum: Institutio generalis Missalis romani</i>
<i>LEF</i>	<i>Lex Ecclesiae fundamentalis seu Ecclesiae catholicae universae lex canonica fundamentalis</i>
<i>LG</i>	VATICAN II, Dogmatic Constitution <i>Lumen gentium</i>
<i>OE</i>	VATICAN II, Decree <i>Orientalium ecclesiarum</i>
<i>OT</i>	VATICAN II, Decree <i>Optatam totius</i>
<i>PC</i>	VATICAN II, Decree <i>Perfectae caritatis</i> .
<i>PO</i>	VATICAN II, Decree <i>Presbyterorum ordinis</i>
<i>Rites2</i>	<i>The Rites of the Catholic Church</i> , vol. 2
<i>SC</i>	VATICAN II, Constitution <i>Sacrosanctum concilium</i>
<i>SCDW</i>	SACRED CONGREGATION FOR DIVINE WORSHIP
<i>SCO</i>	PAUL VI, Apostolic letter motu proprio <i>Sacrum diaconatus ordinem</i>
<i>UCC</i>	Ukrainian Catholic Church
<i>UCC Canons</i>	Canons of the Particular Law of the Ukrainian Greek Catholic Church
<i>UR</i>	Vatican II, Decree on Ecumenism <i>Unitatis redintegratio</i>

INTRODUCTION

The *tria munera* are the three key functions of the mission of Christ which He gave to the Church, the functions to teach, to sanctify, and to govern.¹ Vatican II used this notion as a framework for organizing the activity of all the faithful according to their status and role in the Church, whether cleric or lay. For example, the Dogmatic Constitution on the Church, *Lumen gentium* 31, says that the faithful are incorporated into Christ by baptism, are placed in the People of God, and in their own way share the priestly, prophetic, and kingly function of Christ.² The priestly, prophetic, and kingly functions of Christ, as applied to the Church in contemporary official Roman Catholic theology and canon law, translate into the Church's sanctifying function (*munus sanctificandi*), the teaching function (*munus docendi*), and the governing, or ruling, function (*munus regendi*).

In his promulgation of the 1983 Code of Canon Law, Pope John Paul II reaffirmed the work of the Fathers of the Second Vatican Council in *Lumen gentium*,

¹ "These functions are an ancient patristic notion that described three dimensions of Christ's mission. He completes the messianic promises (that there would come a great prophet, a new high priest, and a king to rule for all time) through his preaching, sacrifice, and transforming rule over the earth. The threefold description was seldom used in the Middle Ages, but Calvin reintroduced the 'prophet-priest-king' trilogy to understand Christ. His usage was picked up later by some German Lutherans, eventually being adopted in the last century by German Catholic authors through whom it entered into current Catholic usage." See commentary of J.H. PROVOST in J.A. CORIDEN, T.J. GREEN, and D.E. HEINTSCHEL (eds.), *The Code of Canon Law: A Text and Commentary*, New York/Mahwah, NJ, 1985, p. 125.

² The statement in its original context was on the laity, but it equally applies to all the faithful: "Nomine laicorum hic intelleguntur omnes christifideles praeter membra ordinis sacri et status religiosi in Ecclesia sanciti, christifideles scilicet qui, utpote baptisate Christo concorporati, in Populum Dei constituti, et de munere Christi sacerdotali, prophetico et regali suo modo participes facti, pro parte sua missionem totius populi christiani in Ecclesia et in mundo exercent" (21 November 1964, in AAS, 57 [1965], pp. 5-71, no. 31).

which recovered an ancient ecclesiology that all the members of the People of God have a role, according to their station in life, in the *tria munera*.³ The very first canon of Book II of the Code, entitled *De Populo Dei*, on the People of God, repeats the above statement from *Lumen gentium* 31 and adds that the faithful's participation in Christ's priestly, prophetic, and royal office must be exercised "in accord with the condition proper to each one."⁴ This same theological-juridical statement also serves as the first canon of Title I in the Code of Canons of the Eastern Churches promulgated by Pope John Paul II in 1991.⁵

³ JOHN PAUL II, Apostolic constitution *Sacrae disciplinae leges*, 25 January 1983, in AAS, 75 (1983), pp. vii-xiv.

⁴ Can. 204, §1. Christifideles sunt qui, utpote per baptismum Christo incorporati, in populum Dei sunt constituti, atque hac ratione muneris Christi sacerdotalis, prophetici et regalis suo modo participes facti, secundum propriam cuiusque condicionem, ad missionem exercendam vocantur, quam Deus Ecclesiae in mundo adimplendam concredidit.

See *Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus, fontium annotatione et indice analytico-alphabetico auctus*, Libreria editrice Vaticana, 1989, English translation *Code of Canon Law*, Latin-English Edition: New English Translation prepared under the auspices of the CANON LAW SOCIETY OF AMERICA, Washington, DC, Canon Law Society of America, 1998.

See commentary on c. 204 by R.J. KASLYN in J.P. BEAL, J.A. CORIDEN, T.J. GREEN (eds.), *New Commentary on the Code of Canon Law*, commissioned by the Canon Law Society of America, New York/Mahwah, NJ, Paulist Press, 2000, pp. 245-247.

⁵ *Codex canonum Ecclesiarum orientalium, auctoritate Ioannis Pauli PP. II promulgatus, fontium annotatione auctus*, Libreria editrice Vaticana, 1995, English translation *Code of Canons of the Eastern Churches*, Latin-English Edition: New English Translation prepared under the auspices of the CANON LAW SOCIETY OF AMERICA, Washington, DC, Canon Law Society of America, 2001 (= CCEO) c.7.

G. NEDUNGATT states: "By defining the Church as the People of God, Vatican Council II brought about a profound re-evaluation of the meaning of belonging to such a People. That is to say, it clarified fully the condition which is common to all the Christian faithful, whether in sacred orders or not, laity, religious, the married people and others, from the Pontiff to the most humble of the baptized." See *A Guide to the Eastern Code: A Commentary on the Code of Canons of the Eastern Churches*, Kanonika 10, Rome, Pontificio Instituto Orientale, 2002, pp. 81-82.

Since Vatican II, contemporary magisterial and juridical documents specifically apply the notion of the *tria munera* to the diaconal order.⁶ This is especially to be noted in the 1998 *Directory on the Ministry and Life of Permanent Deacons* of the Congregation for the Clergy which, beginning with the conciliar teaching of *Lumen gentium* 29, uses the *tria munera* as a basis for discussing the diaconal ministry.

The Second Vatican Council synthesized the ministry of deacons in the threefold “diaconia of the liturgy, the word and of charity.” In this way diaconal participation through the ordained ministry in the one and triple *munus* of Christ is expressed. The deacon is “*teacher* in so far as he preaches and bears witness to the word of God; he *sanctifies* when he administers the sacrament of baptism, the Holy Eucharist and the sacramentals, when he participates at the celebration of Holy Mass as a minister of the Blood and conserves and distributes the Blessed Eucharist; he is a *guide* in as much as he animates the community or a section of ecclesial life.” Thus deacons assist and serve the bishops and priests who preside at every liturgy, are watchful of doctrine, and guide the people of God.⁷

⁶ The *Catechism of the Catholic Church* states in no. 1596: “Diaconi sunt ministri ordinati ad munera servitii Ecclesiae; sacerdotium non accipiunt ministeriale, sed ordinatio illis confert munera magni momenti in ministerio verbi, cultus divini, pastoralis gubernationis et servitii caritatis, quae quidem munera sub auctoritate pastoralis sui Episcopi debent explere.” *Catholicae Ecclesiae Catechismus*, Libreria Editrice Vaticana, 1997.

See also JOHN PAUL II, Allocution to permanent deacons, 16 March 1985, in *Insegnamenti*, vol. 8, no. 1 (1985), p. 649, no. 2.

⁷ *Directorium pro ministerio et vita diaconorum permanentium*, 22 February 1998, in AAS, 90 (1998), pp. 879-927, no. 22; Vatican English translation *Directory for the Ministry and Life of Permanent Deacons*, Libreria Editrice Vaticana, 1998 (= *DMLPD*).

Ministerium diaconi summam perstringitur a Concilio Vaticano II hisce tribus verbis « diaconia liturgiae, verbi et caritatis ». Hoc modo exprimitur participatio diaconalis unici et triplicis muneris Christi in ministerio ordinato. Diaconus « est *magister*, quatenus proclamat et illustrat Verbum Dei; est *sanctificator*, quatenus administrat sacramentum baptismi, Eucharistiam et sacramentalia, participat celebrationem S. Missae, ut « minister sanguinis », conservat et distribuit Eucharistiam; est *ductor*, quatenus est incitator communitatum vel sectorum vita ecclesialis ». Sic diaconus auxiliatur et inservit episcopis et presbyteris, qui semper praesunt liturgiae, pervigilant super doctrinam et moderantur Populum Dei.

The Congregation for Catholic Education takes a similar approach in the 1998 *Basic Norms for the Formation of Permanent Deacons*. One small section of this document is devoted to the ministry of deacons, and the ministerial functions of deacons are organized according to the categories of the three *munera*.⁸ It is this very question of the relationship of the deacon to the *tria munera* that is the focus of this thesis. As the chapters unfold we will see more fully and in greater detail how these three functions relate to the deacon in the Eastern Catholic Churches, in particular the Ukrainian Catholic Church, and in the Latin Church.

The main question before us is the relationship of the deacon to the *tria munera* and his participation in them. A second key question for our investigation is related to it, namely, whether the framework of the *tria munera* is a complete or adequate way to describe the ministry, role, and ecclesial identity of the deacon. The International Theological Commission has noted that some particular Churches have not restored the permanent diaconate as a result of a merely functional understanding of it.⁹ From a

⁸ *Ratio fundamentalis institutionis diaconorum permanentium*, 22 February 1998, in AAS, 90 (1998), pp. 843-879, no. 9, English translation *Basic Norms for the Formation of Permanent Deacons*, Boston, Pauline Books and Media, 1998 (= CCE, *Basic Norms*).

⁹ « À Vatican II et dans les documents postconciliaires, nombreuses et diversifiées sont les fonctions attribuées aux diacres en divers domaines ou, comme le dit LG 29a, “in diaconia liturgiae, verbi et caritatis.” Dans ces documents on ne trouve pas de réflexion sur le fait que toutes ces tâches et fonctions peuvent être réalisées (comme cela se produit aujourd’hui en beaucoup de communautés) par les chrétiens qui n’ont reçu aucune ordination diaconale. Or, il semblerait exister, selon AG 16f, un “ministère véritablement diaconal” antérieurement à l’ordination, laquelle ne ferait que fortifier, unir plus étroitement à l’autel et conférer une plus grande efficacité sacramentelle. Cette constatation confirme les doutes de quelques-uns à propos de la sacramentalité du diaconat: Comment affirmer cette sacramentalité si elle ne confère aucune ‘potestas’ spécifique semblable à celle que confèrent le presbytérat et l’épiscopat? Cette même constatation devient un motif pour lequel certaines églises locales justifient leur méfiance et leur attitude négative face à l’instauration du diaconat permanent: pourquoi une telle ordination si les mêmes fonctions peuvent être réalisées par des laïcs et par les ministères laïcs, de façon peut-être plus efficace et plus souple dans leur fonctionnement? Nous sommes donc face à une question théologique qui a des répercussions pratiques et

merely functional perspective, there is no need to have a permanent order of deacons incardinated in the diocese when laity can assume nearly all the same functions with less bother. Thus, while primarily addressing the first question on the deacon and the *tria munera*, we shall simultaneously keep a critical eye open to the second question on the adequacy of this very approach.

These two large questions open up many others. What is a deacon? What are the origins of the diaconate in the early Church? What is the context in which the deacon works both historically and today? What role does the deacon have in the Church? The three functions of the Church are fulfilled differently by the three grades of holy orders – bishop, presbyter, and deacon – and differently as well by the laity. The central focus of this thesis is the participation in the *tria munera* of deacons, the faithful who are in the first grade of holy orders. We shall examine this question primarily from its treatment in the canon law of the Roman Catholic Church, both in the universal law of the Latin Catholic Church and the common law of the Eastern Catholic Churches, with a special focus on one of the Eastern Churches, the Ukrainian Catholic Church.¹⁰

pastorales » COMMISSION THÉOLOGIQUE INTERNATIONALE, *Le diaconat : Évolution et perspectives*, Paris, Les Éditions du Cerf, 2003, p. 115 (= INTERNATIONAL THEOLOGICAL COMMISSION, *Le diaconat*). This document was approved unanimously by the Commission on 30 September 2002 and submitted to Cardinal J. Ratzinger who ordered its publication. It was published only in French.

¹⁰ The author of this thesis was ordained and incardinated as permanent deacon for nearly ten years in the Latin Diocese of Phoenix, however, during nearly all of this period he was loaned from the Latin Bishop of Phoenix to the Ruthenian Bishop of Van Nuys where served as a deacon with biritual faculties in the Byzantine Catholic Eparchy of Van Nuys. He later was incardinated as a deacon and is now a priest in the Ukrainian Catholic Archeparchy of Winnipeg. The interest in a comparative approach to the law of these two Churches *sui iuris* thus has an experiential as well as an academic foundation.

The first chapter is historical and is intended to give the reader a point of reference for a meaningful discussion of the issues. It is a historical-canonical survey beginning with the New Testament, patristic sources, ordination rites, and canon law in the early Church. From the very beginning, the Church has known the diaconal order and ministry. It was a stable and permanent order everywhere in the Church, East and West. We shall then see its decline in the Middle Ages in the Church of the West where it became merely a transitional order, a temporary stage on the way to priestly ordination. Churches in the East, overall, never lost the permanent diaconate, even if its numbers and prestige no longer match that of the early centuries.

The second chapter examines the restoration of the permanent diaconate in the Latin Church, which was decreed at the Second Vatican Council and was implemented in the documents of the Holy See afterward. Especially notable is the 1967 apostolic letter of Pope Paul VI restoring the permanent diaconate and establishing the legislation regulating it. Much of this text is still the current law of the Latin Church or forms the basis for it.

The third chapter turns eastward. It considers the diaconate in the Eastern Churches, especially the Ukrainian Catholic Church. After some Eastern Churches formed a union with the Church of Rome, they lost elements of their own heritage over time due to various latinizing influences. The permanent diaconate was never banned in the Eastern law as it was in the Latin Church. In practice, it had never entirely died out in the Eastern Catholic Churches but had diminished very considerably. In Canada, the permanent diaconate was not introduced in the Ukrainian eparchies until after Vatican II. Considerable attention in this chapter is given to the key legislation of the

Ukrainian Catholic bishops of Canada that introduced the permanent diaconate and established regulations to guide it.

Chapter Four brings together Catholic East and West in a canonical comparative study. What is the universal threefold mission of the Church seen from the eyes of both the East and the West? What are the similarities and differences regarding deacons' participation in that mission, East and West? What is the current state of the law, which is the instrument that makes that mission real in the ministry of the deacons, and what are the similarities and differences between East and West? Such questions will be addressed in an analysis of key juridical texts of the *ius vigens*, primarily the 1983 Code of Canon Law for the Latin Church *sui iuris*, the 1991 Code of Canons of the Eastern Churches, which is the common law for all the Catholic Eastern Churches *sui iuris*, the 1998 *Directory for the Ministry and Life of Permanent Deacons* of the Congregation for the Clergy, and the 2002 "Canons of the Particular Law of the Ukrainian Greek Catholic Church."

The purpose of this present thesis is different from other works on the diaconate. It intends to explore the depth of the deacon's ecclesial status and identity and of the value of his relationship to the *tria munera*. This is done particularly from a historical and canonical perspective; there will be no attempt to develop a theology of the diaconate, although theological questions are certainly related to the issues addressed here.¹¹ It is not meant to be only a synthesis of the history and law on deacons and their functions but also an analysis and evaluation of it. We seek to

¹¹ See D. Gonneaud, "La sacramentalité du ministère diaconal," in *Revue théologique de Louvain*, 36 (2005), pp. 3-20, which explores the ecclesiological renewal at Vatican II on the episcopacy and the diaconate with particular reference to the *tria munera*.

uncover the authentic tradition of both East and West, as rooted in the New Testament, the writings of the Fathers of the Church, rites of ordination, and juridical texts and see to what extent this great Tradition has been preserved, or altered, in the present day. Our ultimate aim, hopefully, is to be of service to the Church, East and West, in her current and future law and practice, especially in local Churches where considerable diversity exists and where pastoral needs demand immediate solutions.

CHAPTER ONE

A HISTORICAL-CANONICAL SURVEY OF THE ORDER OF DEACONS AND THEIR ROLE IN THE EXERCISE OF THE *tria munera*

Our question for this chapter comes from the very reflections of the Fathers of Vatican Council II: what are the origin, nature, and distinguishing characteristics of the order of the deacon? What is the relevance of the *tria munera* to the order of deacon? What were the factors that led to the decline of the permanent diaconate in the West? Only once these questions are addressed will we be able to move forward towards developing a meaningful and useful construct of the relationship of the deacon to the threefold mission, the *tria munera*, of the Catholic Church. Portions of the New Testament, the Greek and Latin Fathers, and the records of early councils, which are preserved in medieval canonical collections, are the primary source materials for the history of the diaconate in the earliest centuries of the Church.¹

The first three sections of the chapter treat texts from both the Christian East and West. The fourth section focuses on the decline of the permanent diaconate in the West, which was not paralleled in the East. The final section treats the diaconate in the experience of the Christian East.

¹ J.W. POKUSA, *A Canonical-Historical Study of the Diaconate in the Western Church*, Washington, Catholic University of America Press, 1979, p. 2 (=POKUSA, *A Canonical-Historical Study*). Pokusa makes note of the scarcity of early legislation on the subject. Pokusa states that his dissertation “proposes a canonical-historical study of the changing functions the law attributed to deacons.” Focusing on the functions makes his work an excellent companion to this paper for more detailed study.

1.1 The Institution of the Order of Deacons and the Early Centuries

Following the first Pentecost, the Apostles were filled with the strength and grace of the Holy Spirit, not only to speak in tongues, but having the courage to venture into the world and preach to all nations.² The Apostles were commissioned by Jesus and through them their successors to act until the end of the world.³ He had given them all authority for their work by divine institution, so they set forth into the world to begin the work of building the one, true, Catholic and apostolic Church of which today we are the inheritors.⁴

As the Church grew in those early years while the Apostles were still alive, it became necessary for them to delegate a portion of their mission. They chose to

² “But you shall receive power when the Holy Spirit has come upon you; and you shall be my witnesses in Jerusalem and in all Judea and Samaria and to the end of the earth” (Acts 1:8).

³ 2 Cor 5:20.

⁴ John 20:21-23. See T. HORVATH, “Theology of a New Diaconate,” in *Revue de l’Université d’Ottawa*, 38 (1968), p. 255 (=HORVATH); CATHOLIC THEOLOGICAL SOCIETY OF AMERICA, “Restoration of the Office of Deacon as a Lifetime State,” in *Worship*, 45 (1971), p. 198 (=CTSA, “Restoration”). The common law of agency means to act in one’s stead as though it were the principal acting without regard to the separate identity of the agent as long as the actions of the agent are authorized. “Now as Christ was sent from His Father into this world, so He sent His disciples” (John 17, 18:20, 21); HORVATH, p. 517. See also J.M. BARNETT, *The Diaconate: a Full and Equal Order*, rev. ed., Valley Forge, PA, Trinity Press International, 1995 (=BARNETT). The Jewish concept of agency is found in the *halakah*, Jewish law. The basic principle of Jewish agency is that “an agent is like the one who sent him” (ibid., pp. 16-18). “Jesus possessed both power and authority from God, so much that the people were amazed” (Mk 1:22, 27). “Jesus sends the disciples forth with his own power and authority. “As the Father has sent me, so I send you” (John 20:21-23). We might note also that Paul was given authority (2 Cor 10:8), having been called to be an Apostle (Rom 1:1; Gal 1:1). See F.T. KIRKWOOD, “The Diocesan Ministry of Permanent Deacons in the History and Canon Law of the Roman Catholic Church to the Council of Trent,” Master’s thesis, Ottawa, Saint Paul University, 1986 (=KIRKWOOD), who says that “the deacon has authority ... of a special type, conformed most closely to that of Christ the Servant; ... manifested by his service....” (p. 9). See also, Mark 9:41-ff; Mt 10, 40-ff; Luke 10:16.

delegate a share in the service portion, the *diakonia* they received from Our Lord, to those who would fulfill what we would eventually understand to be the order of the deacon.⁵ Scripture is clear how this came about and, in fact, about the identity of those men who were selected to assist the Apostles.

Brothers, select from among you seven reputable men, filled with the Spirit and wisdom, whom we shall appoint to this task.... The proposal was acceptable to the whole community, so they chose Stephen, a man filled with faith and the Holy Spirit, also Philip, Prochorus, Nicanor, Timon, Parmenas, and Nicholas of Antioch, a convert to Judaism. They presented these men to the apostles who prayed and laid hands on them.⁶

Similarly, deacons must be dignified, not deceitful, not addicted to drink, not greedy for sordid gain, holding fast to the mystery of the faith with a clear conscience. Moreover, they should be tested first; then if there is nothing against them, let them serve as deacon.... Deacons may be married only once and must manage their children and their households well. Thus those who serve well as deacons gain good standing and much confidence in their faith in Christ Jesus.⁷

Service by the order of deacons thus began through the authority of the Apostles who delegated a share in the diaconal ministry of Christ.

The earliest scriptural texts indicate that the order of deacon is established by the years 56-57 or 61-63. Already when these texts were written, the diaconate was regarded as pertaining to the basic structure of the Churches.⁸ We find references to

⁵ "Do you realize what I have done for you? ...You call me 'teacher' and 'master' and rightly so, for indeed I am...I have given you a model to follow so that as I have done, you should do also.... If you understand this, blessed are you if you do it" (John 13:12-27). According to Catholic tradition, the *diakonia* of Christ was handed over to the Apostles at the Last Supper with these words and the action of the foot washing.

⁶ Acts 6:3-6.

⁷ 1 Tim 3:8-13.

⁸ CANADIAN CONFERENCE OF CATHOLIC BISHOPS, *Guidelines of the Episcopal Committee on the Permanent Diaconate*, Ottawa, CCCB, 1967 (=CCCB, *Guidelines*), p. 21.

the deacons in the Pauline communities at Philippi (Phil 1:1) and at Ephesus (1 Tim 3:8), and again where the distinct office of the deacon is present by the 50s-60s A.D (1 Tim 3:1-13). The very first Christian communities experienced the ministry of deacons. The role of the deacon was structured in the earliest community of Gentiles at Jerusalem itself.⁹ We find reference to the existence of the deacon in the Pauline and apostolic Churches early on.¹⁰ The author of the epistle to Timothy, traditionally attributed to St. Paul, writes that deacons must excel in holding the mystery of faith.¹¹ In his references to the deacons, Paul places a high regard on their necessary role in the community, particularly as they form part of what we have come to know as the hierarchy of the Church.¹² This New Testament experience of the diaconate as a service ministry and as an assistant to the Apostles presents us with “the original design” of the diaconal role.¹³

Already in apostolic times, the ministry of the deacon is an integral part of the mission of the Church. According to Paul, the prophets occupied the second place after the Apostles and are the foundation of the Church together with the Apostles.¹⁴ Paul is referring to some leadership role within the community, the ability and position to give

⁹ E.P. ECHLIN, *The Deacon in the Church: Past and Future*, Staten Island, NY, Alba House, 1971, p. 6 (=ECHLIN, *The Deacon*); idem, “The Deacon’s Golden Age,” in *Worship* 45, (1971), p. 38 (=ECHLIN, “Deacon’s Golden Age”). See also HORVATH, p. 277.

¹⁰ ECHLIN, *The Deacon*, p. 10.

¹¹ 1 Tim 3:9.

¹² E.P. ECHLIN, “The Origins of the Permanent Diaconate,” in *The American Ecclesiastical Review*, 163 (July-December 1970), p. 100 (=ECHLIN, “Origins”).

¹³ ECHLIN, “Golden Age,” p. 37.

¹⁴ 1 Cor 12:28; Eph 4:11; Eph 2:20; 1 Cor 12, 10; Rom 12, 6.

direction to the people, a form of participation in the ruling function. He continues that their gift (their call to the ministry of service) was bestowed for the benefit of the community and, if they speak, they should speak intelligibly, unlike those speaking in tongues.¹⁵ Their principal work was to explain the mystery of salvation, a work particularly entrusted to deacons.¹⁶ This broad notion of explaining the mystery of salvation is identical to what we call today the teaching function of the Church. The example of the deacon Philip baptizing the eunuch indicates that the ministry also extended to the function of sanctification as we currently understand it. Also, from the New Testament writings we see that the deacon's service is for the benefit of the community, not the individual. This service may take the form of preaching/teaching, leading, and working together with the "Apostles," i.e., the authority/hierarchy of the Church. The episcopal delegation of *diakonia* through the imposition of hands allows the deacon to speak/work with authority.

Some have challenged the interpretation of the Scripture that the seven of Acts 6 were the original deacons.¹⁷ However, the Scriptures are clear, particularly the

¹⁵ 1 Cor 14:4. See also 1 Cor 14:1-40.

¹⁶ 1 Cor 13:2; Eph 1:3-2:22; 3:2; 1 Tim 3:9. "Another work of the prophets was to bring pagans to the obedience of faith (Rom 16:26). They taught, encouraged the believers (1 Cor 14:29-32), improved, corrected and consoled (1 Cor 14:3) and finally, read the hearts of the unbelievers (1 Cor 14:24-25)." HORVATH, p. 498.

¹⁷ H. THURSTON, art. "Deacons," in *Catholic Encyclopedia*, vol. 4, New York, Robert Appleton Company, 1908, p. 648. "Protestant commentators have constantly raised objections against the identification of this choice of the seven with the institution of the diaconate. But ... tradition among the Fathers is both unanimous and early." "Whether or not the seven early Christians were deacons in the full sense, the account in Acts accords with the understanding of the diaconate as it emerged and evolved in the Church." See also G.J. LANGENDERFER, "Canonical Development of the Permanent Diaconate in the United States with Special Application to the Diocese of Toledo, Ohio," Master's Seminar Paper, Ottawa, Saint Paul

writings of St. Paul, which distinctly place the seven beside the Apostles. This is a commonly held opinion and certainly in conformity with the teaching of the Fathers of the early Church.¹⁸

It is also impossible to ignore the contributions made by the original seven. First, the fact that the use of deacons continued and spread through the Pauline Churches indicate the value and success of the presence of the deacon. Second, Stephen, one of the seven, became the first martyr (Acts 7:54-60). Further, the fact that he was martyred for his preaching indicates from the beginning of this ministry that the role of helper to the Apostles may have included functions other than merely waiting on tables.¹⁹ Third, of Philip we know that he was a great teacher, even performing miracles and baptizing new members into the faith.²⁰ Finally, we must note that, already in the New Testament, deacons were assisting the *episkopoi*, the bishops (Phil 1:1). This service of the bishop will continue to be a distinguishing characteristic of the diaconate throughout its history.²¹ The deacon's association to the bishop, and later also to the presbyters, is a consistent feature of his identity and role in the community.

University, 1987, p. 3, who argues that there was a mandate to the Church from Christ for the diaconate, citing Mark and Matthew.

¹⁸ CCCB, *Guidelines*, p. 20. Irenaeus is the first to use the term deacons in reference to the seven of Acts 6 (KIRKWOOD, p. 7).

¹⁹ "And Stephen, full of grace and power, did great wonders and signs among the people" (Acts 7:8).

²⁰ Acts 8:4-8; 26-35; Philip baptizes the eunuch, 8:36-39.

²¹ W. DITEWIG, *The Exercise of Governance by Deacons: A Theological and Canonical Study*, Washington, Catholic University of America, 2002 (=DITEWIG), p. 27.

As we leave the pages of Scripture and the apostolic beginnings, we also will leave the simplicity of the function of the deacon and will see that it changes in many ways. The history of how the diaconate developed is very complex.²² We can, however, draw some certain conclusions about the office of deacon from the time of the Apostles. First, a principal function of the deacon was that of helper to the Apostles who were the leaders of the Christian communities. Second, the deacon appears to have been appointed to the role without term limits. Third, the deacon is an official representative to do service on behalf of the Apostles, in their name, for the people. Fourth, the deacon shares in the actual ministry of the Apostles, taking over duties they no longer had time to do themselves. Fifth, since the deacon shares by delegation in the ministry of the Apostles, the apostolic *diakonia*, the deacon shares in the *diakonia* given the Apostles by Christ. Therefore, we may also conclude that, as Jesus shared his authority with the Apostles, the deacon, through his ministry of *diakonia* personally delegated to him, acted in the name of the Apostles. (Later we will say they act in the name of the Church.) The deacon shares in the authority of Christ in so far as it is necessary to fulfill the deacon's ministry, whatever role that may be.

What about the early deacons' roles in the mission of the Church to teach, sanctify, and govern? The Apostles reserved to themselves, at least for a time, leadership in prayer and the ministry of the word.²³ At some point in his ministry,

²² POKUSA, *A Canonical-Historical Study*, p. 23. HORVATH, p. 297, in response to the bishops of the Latin Church who wanted to know more about the early times of the Restoration, wrote: "It is not easy to give a short and satisfactory account of it in all its different phases." The bishops found that even a careful study of the historical documents reveal "the varied conceptions and understanding of the different centuries about the diaconate." See CCCB, *Guidelines*, p. 23; POKUSA, *A Canonical-Historical Study*, p. 4.

²³ Acts 6:4.

though, we see Stephen doing “great wonders and signs.”²⁴ In some way, apparently, at least Stephen was also teaching and maybe even having some role in sanctifying the people. Philip was baptizing and, therefore, had a role in the function of sanctification.

1.2 Ordination Rites

How did the next generation of successors to the Apostles interpret or understand the diaconate in their Church? What were the words and actions that they used? How did these questions relate to their respective Churches? Did the function of the deacon of the Pauline communities change among their successors in other communities scattered across the Roman Empire?

We have noted above, particularly in reference to the first letter to Timothy, that the New Testament focuses on the qualities of the person who becomes deacon and leaves somewhat open-ended his responsibilities. We know from Scripture that the Apostles selected the seven based on their personal qualities and then prayed over them and imposed hands upon them.²⁵ We also know that St. John is the only one of the evangelists who focuses on the foot washing on Holy Thursday.²⁶ “With the

²⁴ Acts 6:8.

²⁵ N. BROCKMAN, *Ordained to Service: A Theology of the Permanent Diaconate*, Hicksville, NY: Exposition Press, 1976, pp. 3-4 (=BROCKMAN). See also J. COLSON, *La fonction diaconale aux origines de l'Église*, Paris, Desclée de Brouwer, 1960, pp. 10-72; idem, “Les diacres à la lumière de l'histoire,” in *La Vie spirituelle*, 116 (1967), pp. 442-467; L.R. HENNESSEY, “*Diakonia* and *Diakonoi* in the Pre-Nicene Church,” in T. HALTON and J.P. WILLIMAN (eds.), *Diakonia: Studies in Honor of Robert T. Meyer*, Washington, Catholic University of America Press, 1986, pp. 60-86; J.N. COLLINS, *Diakonia: Re-interpreting the Ancient Sources*, New York, Oxford University Press, 1990; E. FERGUSON, s.v. “Deacon,” in *Encyclopedia of Early Christianity*, 2nd ed., New York, Garland Publications, 1998, p. 321.

²⁶ John 13:2-17.

dramatic emphasis given to this event by John, and placed within the Eucharistic context of the Last Supper, the importance of *diakonia* in the life of the disciples and their leaders is clearly stressed.”²⁷ We also know that the first deacons were proposed by the people to the Apostles at the request of the latter.²⁸ The deacon assists the Apostles and later the bishops. Stephen was said to have preached and performed wonders and signs, but the emphasis in Acts at his defense, just prior to his martyrdom, is the strength of his character and refusal to betray the teachings of Christ.²⁹ Does this focus on the qualities of the man persist into the next era of the Church? In the deacon’s role as an assistant, can we make any conclusions about his functions? From the indications that at least Stephen and, likely Philip, may have participated in each aspect of the threefold mission of the Church, does this continue with other succeeding deacons and, if so, then how?

We shall review the various diaconal ordination rites employed through the centuries to see if we can find answers to these questions. From what model were the ordination rites for the deacon formed? Did the ordination rites make any significant changes? Was there uniformity in the rites or, for some reason, did they vary? What do these rites tell us, if anything, about the order of deacon in the Church?

²⁷ DITEWIG, p. 27. See also P.F. ELLIS, *The Genius of John: A Composition-Critical Commentary on the Fourth Gospel*, Collegeville, The Liturgical Press, 1984, p. 213.

²⁸ Acts 6:1-6. “Look around among your own number, brothers, for seven men acknowledged to be deeply spiritual and prudent, and we shall appoint them to this task.”

²⁹ Acts 6:8-8:1.

1.2.1 Ordination rites in the East in the patristic era

According to tradition, four of the five centers of Christianity were established by the Apostles in the East. Therefore, it is in the East that the earliest ordination rites for the deacon are to be found. It is also in the East, particularly at Constantinople, that we later discover the greatest number of deacons.³⁰

The earliest ordination rites are described in the *Apostolic Tradition*.³¹ Traditionally attributed to Hippolytus, recent scholarship demonstrates that it “is neither the work of Hippolytus nor any other individual,” but a composite document which comes from “different sources, quite possibly arising from different geographical regions and probably from different historical periods, from perhaps as early as the mid-second century to as late as the mid-fourth.”³² This Church order contains a rudimentary sacramentary dating from the end of the reign of Pope Zephyrinus (197-217).³³ In the *Apostolic Tradition* we find a sense of the actual

³⁰ “Ordination” is a transliteration of the Greek word, *cheirotomia*. Further in this thesis we will address the issue of the numerical distribution of deacons. Were they everywhere? How large or small a number was there? Did the number of deacons in the Latin West parallel the rise and decline of the diaconate in the West?

³¹ B. BOTTE (ed.), *Apostolic Tradition of Hippolytus, La Tradition apostolique de saint Hippolyte*, 4th ed., Münster, 1972; G.J. CUMING (trans.), *Hippolytus: A Text for Students*, Grove Liturgical Study 8, Nottingham, 1976.

For discussion and comparisons of the rites, see P.F. BRADSHAW, *Ordination Rites of the Ancient Churches of East and West*, New York, Pueblo Publishing Co., 1990, p. 3 (=BRADSHAW, *Ordination Rites*). See also, J. M. HANSSENS, *La liturgie d’Hippolyte*, 2nd ed., vol. 1, Rome, 1965, vol. 2, 1970; and C. VAN DE WIEL, *History of Canon Law*, Louvain, Peeters Press, 1991, p. 37 (=VAN DE WIEL).

³² P. BRADSHAW et al. (eds.), *The Apostolic Tradition: A Commentary*, Minneapolis, Fortress, 2002, pp. xi, 14.

liturgies that were in use. As in Scripture, there is a solemn laying of hands by the bishop on the one being ordained deacon.³⁴ In the words of ordination, the bishop requests God the Father to consecrate the deacon.

God, who created all things and ordered them by your Word, Father of our Lord Jesus Christ, whom you sent to serve your will and make known to us your desire, give the holy Spirit of grace and caring and diligence to this your servant whom you have chosen to serve your Church and to present in your holy of holies that which is offered to you by your appointed high priest to the glory of your name; that, serving blamelessly and purely, he may attain the rank of a higher order, and praise and glorify you through your Son Jesus Christ our Lord; through whom be glory and power and praise to you, with the holy Spirit, now and always and to the ages of ages. Amen.³⁵

We see in this text, as in other early ordination rites, that the primary focus of the Church was on the deacon himself and only secondarily on the roles or functions that he is authorized to perform.

The next major text we find is the *Canons of Hippolytus*, the oldest known derivative of the *Apostolic Tradition*. It is generally thought to be from the fourth century.³⁶ In words highly charged with symbolism, the ordaining bishop beseeches

³³ G. DIX, *The Treatise on the Apostolic Tradition of St. Hippolytus of Rome*, London, 1937, reissued with corrections, preface, and bibliography by H. CHADWICK, London, S.P.C.K., 1968.

³⁴ Bradshaw, *Ordination Rites*, p. 108, differentiates the ordination of the bishop, presbyter, and deacon, referring to the rubrics from the *Apostolic Tradition of Hippolytus* on the ordination of the deacon: "... because he is not being ordained to the priesthood, but to the service of the bishop, to do what is ordered by him." See also Acts 6. The seven were ordained by the Apostles to assist them.

³⁵ *Apostolic Tradition of Hippolytus*, English trans. from BRADSHAW, *Ordination Rites*, pp. 108-109. The higher order refers to 1 Tim 3:13. Frequent reference is made to Bradshaw's work, *Ordination Rites*, because it is a critical edition of the ancient works with English translation and commentary about the development of each.

³⁶ R.-G. COQUIN, *Les canons d'Hippolyte*, *Patrologia Orientalis* 31.2, Paris, 1966; P.F. BRADSHAW (trans.), *The Canons of Hippolytus*, *Alcuin/GROW Liturgical Study* 2,

God the Father to divinely consecrate “this Your servant.” In the texts found in the *Canons of Hippolytus*, hands are laid and the deacon is associated formally with the triumph of the cross, is found to be holy and blameless, i.e., without sin, without shame as was Christ. The prayer of ordination manifests the ontological bonding with Christ as constitutive of the essence of the ministry and the person of the deacon, the servant of God.

O God, Father of our Lord Jesus Christ, we beseech you, pour out your Holy Spirit on N.; count him among those who serve you according to all your will like Stephen and his companions; fill him with power and wisdom like Stephen; make him triumph over all the powers of the Devil by the sign of your cross with which you sign him; make his life without sin before all men and an example for many, so that he may save a multitude in the holy Church without shame; and accept all his service; through our Lord Jesus Christ, through whom be glory to you, with him and the Holy Spirit, to the ages of ages. Amen.³⁷

In this text we see the elevated status of the martyr-saint and proto-deacon Stephen, which indicates the influence of his cult that had promoted him to first among the ancient deacons.

Nottingham, 1987; BRADSHAW, *Ordination Rites*, p. 4. This text was probably written in Egypt around 336-340 A.D.

³⁷ English translation from BRADSHAW, *Ordination Rites*, pp. 11-16. See also, L. GILLET, “Deacons in the Orthodox East,” in *Theology*, 58 (1955), pp. 415-421 (=GILLET), who states: “While the institutional side of the diaconate is left vague, its essence is conceived as a spiritual and interior reality, a grace connected with that received by the first martyr-deacon” (pp. 419-420).

The earliest use of the sign of the cross to be found in any ordination rite was in the rite of ordination for the deacon found in the *Canons of Hippolytus*. It was first used in the East, not early on in the West, and its use probably derived from the administration of baptism. The ordination prayer was usually from a native Church origin. Eventually the concluding ceremonies multiplied including: a) the kiss of welcome—although only the *Apostolic Tradition* has this; b) investiture with the symbols of office; and c) a declaration of ordination. See ECHLIN, *The Deacon*, p. 85. Peter Lombard as well as others associated the deacon with the liturgical use of the cross as connected to his character of service. See BRADSHAW, *Ordination Rites*, p. 32.

By the late fourth century we see in the *Apostolic Constitutions*, which is a composite text drawing on the *Didascalia Apostolorum*, the *Didache*, and the *Apostolic Tradition*, that the deacon has been promoted in importance to a new liturgical role in the ordination of the bishop.³⁸ During part of the actual ceremony of ordination, the deacon is to hold the book of Gospels high over the head of the bishop to be ordained. In the deacon's own ordination rite, the tradition consistently prevails that the bishop, and the bishop alone (there will be one exception later), imposes hands. Likewise, consistent with tradition, God the Father is always invoked for divine consecration of the deacon-ordinand; the graces of the Holy Spirit are to be poured out on him; and some rites preserve the example of St. Stephen as the protomartyr and imitator of the sufferings of Christ.³⁹

Almighty God, true and faithful, bestowing riches on all who call upon you in truth, fearful in counsels, wise in understanding, powerful and great, hear our prayer, Lord, and give ear to our supplication, and let your face shine on this your servant who is appointed to you for ministry, and fill him with spirit and power, as you filled Stephen the protomartyr and imitator of the sufferings of Christ. And grant that he, acceptably performing the sacred ministry entrusted to him, steadfastly, blamelessly, and irreproachably, may be worthy of a higher rank through the mediation of your Christ, your only begotten Son, through whom [be] glory, honor, and worship to you in the Holy Spirit for ever. Amen.⁴⁰

³⁸ M. METZGER (ed.), *Les Constitutions apostoliques*, Sources Chrétiennes 320, 329, 336, Paris, Éditions du Cerf, 1985-1987; J. DONALDSON (trans.), *Constitutions of the Holy Apostles*, New York, 1926; and F. Funk (ed.), *Didascalia et Constitutiones Apostolorum*, Paderborn, In Libreria F. Schoeningh, 1905. The *Apostolic Constitutions* are of Syrian origin.

³⁹ GILLET, p. 421, says that, even in modern times, the "deacon ought to have a real experience of the grace of Stephen -- the grace of the servant who offers himself even unto death."

⁴⁰ Greek text in METZGER, *Les Constitutions apostoliques* 3, pp. 141-149, 217-225; English translation in BRADSHAW, *Ordination Rites*, p. 115.

The last of the liturgical texts we find in this period that was derived from the *Apostolic Tradition* is the *Testamentum Domini*, probably a fifth-century work of Syrian origin.⁴¹ The tradition of a lengthy invocation of the Divine is preserved, and there is a listing of the qualities desired in the deacon.

O God, you who created all things, and who adorned [them] by the Word, you who rest in the pure ages, you who ministered eternal life to us through your prophets, you who have enlightened us with the light of your knowledge; O God who does great things, the maker of all glory, the Father of our Lord Jesus Christ whom you sent to minister to your will so that all the human race might be saved; you made known to us and revealed your Thought, your Wisdom, your Action, your beloved Son Jesus Christ, the Lord of light, the Prince of princes, and God of gods; bestow the spirit of grace and diligence upon this your servant, so that there might be given to him diligence, serenity, strength, power to please you; grant him, O Lord, to be a lawful laborer without shame, kind, a lover of orphans, a lover of pious things, a lover of widows, fervent in spirit, a lover of good things; enlighten, Lord, the one you have loved and have appointed to minister to your Church to offer in holiness to your sanctuary those things offered to you from the inheritance of your high-priesthood, so that he may minister without blame and in purity and holiness and with a pure conscience may be proved worthy of this high and exalted rank through your will, praising you continuously through your only begotten Son Jesus Christ, our Lord, through whom be praise and might to you for ever and ever. Amen.⁴²

The prayer text is expanded and, interestingly, gives certain hints of the kinds of functions the deacon will perform (ministering to orphans and widows).

The text of the *Sacramentary of Sarapion* (350 A.D.) also maintains the ancient tradition: the invocation to the Father, the articulation of the divine prerogative wherein the Father chooses and calls the servant through Jesus Christ, the divine

⁴¹ Syriac text with Latin translation in I.E. RAHMANI, *Testamentum Domini nostri Jesu Christi*, Hildesheim, 1968; English translation J. COOPER and A.J. MACLEAN, *The Testament of Our Lord Translated into English from the Syriac*, Edinburgh, 1902; French translation R. BEYLOT, *Le Testament Domini éthiopien*, Louvain, E. Peeters, 1984.

⁴² BRADSHAW, *Ordination Rites*, p. 120.

institution of the diaconate, and the constitutive words of ordination. However, any list of diaconal functions is conspicuous by its absence.⁴³

Father of the only-begotten, who sent your Son and ordered the things on earth and gave rules to the Church and orders for the help and salvation of the flocks, who chose bishops and presbyters and deacons for the sacred ministry of your catholic Church, who chose through your only-begotten the seven deacons and bestowed on them the holy Spirit; make this man also a deacon of your catholic Church and give in him a spirit of knowledge and discernment, so that he may be able in the midst of the holy people purely and blamelessly to serve in this ministry; through your only-begotten Jesus Christ, through whom to you [be] glory and power in the holy Spirit both now and to all the ages of ages. Amen.⁴⁴

Similar diaconal ordination rituals may also be found in usage throughout the various Eastern Churches, including Armenian, Byzantine, Coptic, East Syrian, Georgian, Jacobite, Maronite, and Melkite.⁴⁵ All these ancient rites from the East are similar in composition and focus. They yield a consistent theology with a focus on the internal, spiritual being of the deacon with little or nothing about his functions in the community, apart from a general reference to service and ministry.

By way of another example, we find in an ancient Armenian diaconal ordination rite the standard, lengthy invocation of God the Father. It proceeds to the

⁴³ Sarapion Thmuisanus, *Bishop Sarapion's Prayer-book*, introduction, notes, and indices by J. WORDSWORTH, London, Society for Promoting Christian Knowledge, 1923. See F.E. BRIGHTIMAN, "The Sacramentary of Sarapion of Thmuis," in *Journal of Theological Studies*, 1 (1900), pp. 88-113, 247-277, English translation in J. WORDSWORTH, *Bishop Sarapion's Prayer-Book*, Hamden, CT, 1964 (=BRIGHTIMAN).

⁴⁴ BRIGHTIMAN, pp. 266-267, English translation in BRADSHAW, *Ordination Rites*, p. 122.

⁴⁵ G. WINKLER, "Zur Geschichte des armenischen Gottesdienstes im Hinblick auf den in mehreren Wellen erfolgten griechischen Einfluss," in *Oriens christianus*, 58 (1974), pp. 154-172; M. ARRANZ, "Les sacrements de l'ancien euchologe constantinopolitain: Étude préliminaire des sources," in *Orientalia christiana periodica*, 48 (1982), pp. 284-335; V. ERMONI, "L'Ordinal copte," in *Revue de l'Orient chrétien*, 3 (1898), pp. 31-38, 191-199, 282-291, 425-434; 4 (1899), pp. 104-115, 416-427, 591-604; 5 (1900), pp. 247-253.

exposition of the free will of the deacon-ordinand to say yes or no. It makes reference to the proto-martyr and deacon Stephen, calling him Apostle and martyr and a model for the deacon-ordinand to follow. The Holy Spirit, through whose power the deacon is ordained, is invoked to bestow heavenly authority and gifts. Interestingly, and most notably, is that this is the only rite to allow for the imposition of hands by the other deacons as well as the bishop.⁴⁶

In another Byzantine rite we see that the deacon is individually chosen and called through the Holy Spirit by the Father, which is quite close to the scriptural account. He is called to holiness and the mysteries of the faith, with whose preservation he is charged. St. Stephen is invoked here as the model second only to Christ, as he is in most of the eastern diaconal ordination rites. In this rite there is an investiture for the newly ordained deacon.⁴⁷

Other known ancient rites used throughout the East are quite similar, for example, the Coptic rite, in which the consistent elements are the invocation of God the Father, His choice of the deacon, the bestowal of the graces of the Holy Spirit, and the models for the deacon, Stephen and Jesus. There is also an investiture.⁴⁸ In the East

⁴⁶ See HORVATH, p. 19, who says, "Personal intimacy with Christ is the key to apostolic service." See also T.C. FOLEY, "The Servanthood of Christ, Part I," in *Deacon Digest*, 3, no. 4 (November, 1986), p. 13 (=FOLEY, "Servanthood, Part I"); A.G. MARTIMORT, *Deaconesses: An Historical Study*, translated by K.D. Whitehead from the French, *Les diaconesses: Essai historique*, Rome, Edizioni Liturgiche, 1982, C.L.V., San Francisco, Ignatius Press, 1986, p. 18. The issues surrounding deaconesses are certainly of value. The topic is beyond the scope of this thesis; however, this author expresses his desire to see further academic study of this subject.

⁴⁷ This is identified as a rite from the Constantinopolitan tradition; English translation in BRADSHAW, *Ordination Rites*, pp. 136-137.

⁴⁸ *Ibid.*, pp. 143-145.

Syrian rite is found the consecration and choice by God, the working of the Holy Spirit, preservation of the continuity of the apostolic tradition, reference to the ministry of the deacon, the model of St. Stephen, requirements of holiness by the deacon-ordinand, the critical value of the mysteries of faith, a rite of investiture and, interesting to note, the giving and reception of the Book of Gospels.⁴⁹ A shorter prayer of ordination is found in the Georgian rite which also grants the newly ordained deacon a better place of rank in the kingdom of heaven.⁵⁰ Another ordination rite of note is the Jacobite because, in addition to the somewhat established, standard form, it requests guidance in several areas which appear to have been problematic for the clergy of that period. The Maronite rite essentially uses the same prayer as the Jacobite, but the prayer is extended in singing the praises of God. It contains an intercession linked to the character of the deacon's holiness, asking God to "grant a spiritual ministry to this your servant N...." There is also an investiture in the Maronite ritual. Finally, we see in the Melkite rite a long prayer of invocation of the Godhead, reference to the original seven deacons, some mention of the duties of the deacon, the calling of the man by God, the man's freedom and choice in response, and then the outpouring of the graces of the Holy Spirit. In this rite both God and man very clearly play a role, one in choosing and the other in responding.⁵¹

⁴⁹ J.M. VOSTÉ, *Pontificale iuxta ritum Ecclesiae Syrorum occidentaliū, id est Antiochae, versio latina*, Typis polyglottis Vaticanis, 1941-1944, pp. 155-241. See also comments in BRADSHAW, *Ordination Rites*, pp. 158-160.

⁵⁰ P.-M. GY, "Ancient Ordination Prayers," in *Studia liturgica*, 13 (1979), p. 73.

⁵¹ BRADSHAW, *Ordination Rites*, pp. 190-194, 205-208.

1.2.2 Ordination rites in the West

The oldest known classical Roman ordination rite text appears in the *Leonine Sacramentary* attributed to the seventh century.⁵² This western rite evidences considerable borrowing from the eastern models of diaconal ordination, with some additions and modifications. As in ancient times, the invocation of the Father, for the consecration of this man whom He has already chosen and called, is primary and forms the basis for the justification of the ordination. Another constitutive element in the prayer of ordination is the petition for the bestowal of the graces of the Holy Spirit. The deacon, referred to as “Levite,” is called to personal holiness and great virtue, to “the service of sacred office,” and to be “strong and stable in Christ.”⁵³ The long prayer invokes the desired qualities and virtues of a deacon but mentions no specific duties other than service at the altar.

In both the *Gelasian Sacramentary* of the eighth century⁵⁴ and the *Ordines Romani*,⁵⁵ we discover a typically more elaborate investiture ceremony, reflecting a tradition of elaborate ceremony influenced by the ceremonies of state in the Roman Empire. In the ninth century, a Roman rite of diaconal ordination is found in the

⁵² C.L. FELTOE, *Sacramentarium Leonianum*, Cambridge University Press, 1896, pp. 119-123, 139-140; commentary and English translation in BRADSHAW, *Ordination Rites*.

⁵³ BRADSHAW, *Ordination Rites*, pp. 216-217.

⁵⁴ H.A. WILSON, *The Gelasian Sacramentary: Liber Sacramentorum Romanae Ecclesiae*, Oxford, Clarendon Press, 1894, pp. 22-28, 151-152. See also L.C. MOHLBERG, *Missale Francorum*, Rome, 1957, pp. 6-13.

⁵⁵ M. ANDRIEU, *Les Ordines romani du Haut Moyen Age*, Louvain, Spicilegium Sacrum Lovaniense, Louvain, 1956, vols.3-4, 1931-1961, fasc. 11, 23, 24, 28, 29, 1931-1961.

Gregorian Sacramentary.⁵⁶ This sacramentary moved from Rome to Gaul when it was brought back by Charlemagne from Pope Hadrian. Charlemagne used the Roman rites in an attempt to impose uniformity in his empire even with respect to Church matters.⁵⁷ Nevertheless, the Gallic copyists did not hesitate to introduce some of their own traditions into it. The Gallican Rite, the ancient native Christian rite of Gaul, had reached its highest level of development by the late fifth-sixth centuries and then declined in the seventh century as it was displaced by the Roman Rite in the eighth century. The *Statuta Ecclesiae antiqua*, attributed to Gennadius of Marseilles (ca. 490 A.D.), contained rubrics of the Gallican tradition.⁵⁸ Reflecting the eastern beginnings of the Church and the influence of the eastern rituals, the early Gallican prayers focused on the deacon candidate's call or his being chosen, the holiness required of him, the aid of the Holy Spirit to him; mention is made of both St. Stephen and the original seven.

In Spain we find a regional variation of the Gallican rite, the Mozarabic liturgy or Visigothic Rite of Spain.⁵⁹ The Spanish tradition remained more consistent and freer of Roman liturgical influence for two reasons. The first is the geography of Spain, which was more isolated and made it more impervious to outside influence, and the second is the lack of a leader, such as Charlemagne, who wanted to impose the Roman

⁵⁶ H.A. WILSON (ed.), *The Gregorian Sacramentary*, containing three mss. from codex 164 of Cambrai, Codex reginensi 337 and Codex ottonianus 313 from the Vatican Library, London, Henry Bradshaw Society, 1915.

⁵⁷ See BRADSHAW, *Ordination Rites*, p. 18.

⁵⁸ G. MASSILIENSIS (ed.), *Statuta Ecclesiae antiqua*, Paris, Presses universitaires de France, 1960.

⁵⁹ See commentary in BRADSHAW, *Ordination Rites*, pp. 15-16.

or another rite. This freedom from influence persisted until the eleventh century when the Gregorian reforms brought about the nearly total abolition of the Mozarabic Rite.

The *Liber ordinum* of the eleventh century, only discovered in 1886, contained a number of blessings, collects, and an exhortation used in the ordination of a deacon.⁶⁰ There was a simple investiture which included the stole, or orarion, and a presentation of the Book of Gospels. The first collect prays that the deacon “may be resplendent in the office of levitical blessing; and being glorious with spiritual benediction among the blooming lilies of the holy altar, may shine with the grace of holiness.”⁶¹ There are Old Testament references to Joshua attending to Moses and Samuel ministering in the temple. The Holy Spirit is invoked legitimately as the result of divine discernment and perfection of the virtues in the deacon. He is bonded with Christ for service at the altar: “Let him continue in Christ strong and stable....”⁶²

In the British Isles, the *Leofric Missal* of the tenth century was used during the Anglo-Saxon period at Exeter.⁶³ The use of this missal, probably based on the Gallican missal, was limited to England. We also find the so-called Later Composite Rite. As Bradshaw notes, “since almost none of the surviving liturgical books of Latin Christendom antedates the eighth century, the more ancient rites have to be reconstructed largely from books in which a later process of elaboration is already

⁶⁰ *Le Liber ordinum*, Monumenta Ecclesiae Liturgica 5, Paris, Firmin-Didot, 1904, cols. 48-50, 54-55.

⁶¹ English translation in BRADSHAW, *Ordination Rites*, p. 232.

⁶² Ibid.

⁶³ F.E. WARREN, *The Leofric Missal*, Oxford, Clarendon Press, 1883, p. 217; N. ORCHARD (ed.), *The Leofric Missal*, London, Boydell Press, 2002.

under way.”⁶⁴ By way of example, he points out how the Gallican Rite deteriorated and was displaced by the Roman Rite. Nonetheless, some native forms of ordination prayers survived.⁶⁵ He also points out that the *Sacramentary of Angoulême*, from the late eighth century, uses parts of the *Leonine Sacramentary*, the Gallican rite, the *Statuta Ecclesiae antiqua*, and other Roman forms.⁶⁶ In the tenth century the use of the *Romano-German Pontifical* was widespread in Latin Christendom.⁶⁷ Norman invaders brought it with them to England.

We have seen several common elements in the early ordination rites of both East and West. The authoritative basis for the ministry of the deacon is his call by the Father, as He called Christ. There are some strong statements of the spiritual and ontological bonding between the deacon and Christ. The prayers focus on the qualities of the man being called to the ministry with very little or no reference to the duties or functions that this ministry might entail, other than service in the model of Christ and of Stephen at the head of the original seven.⁶⁸ The imposition of the bishop’s hand on

⁶⁴ BRADSHAW, *Ordination Rites*, p. 17.

⁶⁵ See *Gelasian and Missale Francorum*.

⁶⁶ BRADSHAW, *Ordination Rites*, pp. 238-241; and P. CAGIN (ed.), *Le Sacramentaire Gélasien d’Angoulême*, Angoulême, Société historique et archéologique de la Charente, 1919, pp. 148-152.

⁶⁷ *Le Pontifical romano-germanique*, Vatican City, Biblioteca apostolica vaticana, 1963-1972.

⁶⁸ 1 Tim 3:8-13 does not give us functions but qualifications. It is an interesting point that the earliest scriptural and subsequent ritual references, even for the first three centuries, emphasize more who the deacon is rather than what he does. The ancients really understood the diaconate, and maybe that is why the office was so important to them. See *CIC* c. 1025 on requisite qualities in today’s law.

the one being ordained was the principal ritual gesture of ordination in all the ancient sources.⁶⁹

We can draw some clear conclusions from this review of ordination rites. There is a line of consistency with the norm or “the original design” established in the New Testament. As the Apostles looked to men with certain good qualities to be deacons, so too their successors focused on the qualities of the men upon whom they would lay hands. The letter to Timothy advised: “Do not lay hands hastily.”⁷⁰ It was good advice, taken to heart by the successors of the Apostles.

We can also draw clearly a conclusion from what is not present, namely, a listing of the functions of the deacon. The order of the diaconate is truly a ministry of service. He is an assistant to the leaders of the community, the bishops and the presbyters, serving the people of God in the way in which he is directed. In submitting his will to God, the deacon becomes open to service in whatever manner necessary. By washing feet, essentially the lowly duty of a slave, Jesus gave the example that service means any duty, even the lowliest.⁷¹ However, the focus of the ordination rites is not on any specific functions of service but more on the spiritual and human qualities necessary for the diaconal ministry.

⁶⁹ BRADSHAW, *Ordination Rites*, p. 33. See 2 Tim 1:6. Cf. also *CIC* c. 1009 §2.

⁷⁰ 1 Tim 5:22.

⁷¹ ECHLIN, *The Deacon*, p. 3, says that “the origins of the permanent diaconate cannot be seen in isolation, but must be discovered within the development of the apostolic ministry of bishop, presbyter, and deacon.” DITEWIG, p. 25, also notes, “Nonetheless, the scriptural evidence reveals very little about specific diaconal functions of governance.” He adds, “While it is impossible to determine the precise nature or the comprehensive functions of these ministers, it seems quite clear that these deacons were collaborators with *apostoloi* or *episkopoi*” (ibid. p. 27).

This focus of the ordination rites contrasts greatly with any merely functional notion of the deacon. We see a renowned incidence of this when the deacon Alcuin (d. 804), following his ordination, went to his Bishop Elcbert and asked him what he was to do.⁷² Thus, as late as 800, the functions of deacons were not fixed and could change from time to time and from region to region. The functions were secondary to the sacramental essence of the diaconal order.

In what way, then, is the function of the deacon fulfilled? How is he directed to perform his ministry? Is there a pattern, some common duties, some way to define service? Since we have seen in the review of these ordination rites that little or nothing is said about the functions of the deacon, how can we know what the successors to the seven do to promote the threefold mission of the Church?

In the next section we will be looking for answers to these questions from the post-scriptural writings and traditions that remain from the times after the Apostles. These include writings of the Fathers of the Church, canonical directives, and synodal or conciliar decisions which parallel in time the ordination rites we have reviewed. They provide some information into the workings of the Church where the deacon performs his ministry and participates in the exercise of the *tria munera* of the Church.

1.3. The Ministry of the Deacon in the Early Church

We have seen that the ordination rites of the ancient and medieval Church manifest little or no regard for the functions of the deacon. For that, we must look to

⁷² J. BLIGH, "Deacons in the Latin West since the Fourth Century," in *Theology* 58, no. 425 (November 1955), pp. 421-429 (=BLIGH).

scholarship that examines other historical evidence. From ancient times the deacon had exercised various practical functions, including non-liturgical ministries like business manager, property manager, inspector general, researcher, canonical advisor, councilor, messenger, inspector, and so forth.⁷³ According to the needs of the particular see, the bishop could adjust and/or add to the usual duties of the deacon. Remembering that effective leadership by the bishop is crucial to his administration of the see, he would choose his most effective, well-trained, closest assistants, the deacons, to be his ears, eyes, and hands in many roles as an extension of himself. Overall, the historical evidence reveals that the diaconal function was adapted to contemporary needs of liturgy, word, and charity.⁷⁴ Such were the areas for the bishop to assign a wide range of specific duties.

In liturgical matters, the more ancient texts witness to the deacon assisting only in the celebration of the bishop's own liturgy.⁷⁵ This later expanded with the parochial deacons so that, by the fourth century, they assisted presbyters as well.⁷⁶ Even at the episcopal see, most deacons served together with presbyters in the period from the

⁷³ HORVATH, p. 24. The archdeacon was the principal administrator in the diocese from the fourth to the seventh centuries. See R. NOWELL, *The Ministry of Service: Deacons in the Contemporary Church*, London, Burns and Oates, 1968, p. 34.

⁷⁴ ECHLIN, *The Deacon*, p. 38.

⁷⁵ *Ibid.*, p. 21.

⁷⁶ KIRKWOOD, p. 22.

fourth to sixth centuries.⁷⁷ There is clear evidence that, certainly by the sixth century, deacons functioned in parishes led by presbyters.⁷⁸

A significant evolution occurred in Church organization following the Roman persecutions as the Church grew in membership and new parishes were created. These new members, along with the established members of the faithful, needed ministering, both sacramentally and administratively. The primary ministry of the presbyters was cultic, but the deacon continued to minister when the liturgy was not being celebrated. His was an open-ended ministry, which included administrative matters. The ministry of the deacon was much in demand in this period of growth.

In the post-apostolic period, many of the surviving early documents referring to the deacon are, as with the ordination rites, from the eastern regions of the Church. We turn now to a survey of the more important documents that mention deacons and their ministerial and spiritual functions, beginning with references in conciliar legislation.

In the early centuries of the Church, there was no extensive legislation regarding the rights and obligations of the deacon in fulfilling the threefold mission of the Church. Rather, the praxis of the early Church formed the initial framework itself for defining the role of the deacon in the local Churches. Some early councils of the Church referred to the diaconate in their *Acta*, or else the deacon himself was active in the business of the council. Some examples are Arles, Ancyra, Elivra, and Nicea.⁷⁹ At

⁷⁷ POKUSA, *A Canonical-Historical Study*, p. 83.

⁷⁸ Ibid., p. 132. See also idem, "The Diaconate: a History of Law Following Practice," in *The Jurist* 45 (1985), pp. 95-135 (=POKUSA, "The Diaconate"). On p. 97 he refers to the decline of the diaconate as "the atrophy of the order."

⁷⁹ N.P. Tanner (ed.), *Decrees of the Ecumenical Councils*, London, Sheed & Ward, Washington, DC, Georgetown University Press, 1990; HORVATH, pp. 503-504.

times, councils determined limitations on what functions the deacon might perform, particularly by curbing the more egregious abuses such as their celebration of the Eucharist.

The early Christian communities did not enact any body of legislation on the diaconate as we have today. It is mainly in writings of the patristic authors that we find glimpses of the diaconal ministry, of how these men assisted the bishop and served the community. In these writings we find various roles or duties assigned to deacons.

From the pages of the *Didache*, *The Lord's Instruction to the Gentiles through the Twelve Apostles*, we find deacons present in the Eastern Churches of Syria (Palestine) and the Western Churches of the Corinthians and Romans.⁸⁰ The *Didache* "corroborates the evidence in 1 Clement that deacons were functioning in the late first century and that their function was leiturgia."⁸¹ In the *Didache*, "The deacon, by reason of his office, did what the prophet and teacher did by reason of the charism received from the Holy Spirit as a special gift."⁸²

⁸⁰ A. MILAVEC (trans.), *The Didache*, text, translation, analysis and commentary, Collegeville, MN, Liturgical Press, 2003; B. D. EHRMAN (ed. and trans.), *The Apostolic Fathers* (includes Greek text and English translation), Cambridge, MA, Harvard University Press, 2003. HORVATH, p. 23.

⁸¹ POKUSA, *A Canonical-Historical Study*, p. 8. It was written in the late first century or early second century; the exact date is not known. See also ECHLIN, *The Deacon*, p. 16: "In early Christian writings leiturgia connoted both worship and service of the neighbor." See also HORVATH, p. 497.

⁸² HORVATH, p. 497, in reference to the *Didache*, 15, 1-2. St. John the Theologian united the diaconal function directly to the Eucharist in his Gospel account of the Last Supper. It is part of the Tradition of the Church. (1 Cor 12:8, the gift of preaching; 1 Cor 12:10; Acts 11:27, 15:21, 21:9-10, the gift of exhortation). The Eastern Churches, coming from the Orthodox tradition, focus on this Johannine viewpoint that the deacon's presence is critical to the celebration of the Divine Liturgy. See also, CCCB, *Guidelines*, p. 24.

In the second century Ignatius of Antioch wrote favorably about the deacons in his *Letter to the Trallians*: “It is for the rest of you to hold the deacon in as great respect as Jesus Christ.”⁸³ He writes this not to honor any one individual but out of respect for the service ministry, the *diakonia*, which is part of the mission of the Church. Ignatius stated, “Let the deacons (my special favorites) be entrusted with the ministry of Jesus Christ who was with the Father from eternity and appeared at the end of the world.”⁸⁴ The “ministry of Jesus Christ” is quite open-ended in terms of the functions that might be involved, but it clearly shows that Ignatius regarded his deacons as participating in the mission that Christ entrusted to the Church.

We have already considered the ordination rite contained in *The Apostolic Tradition*. We shall now consider it from the perspective of its disciplinary content with reference to the deacon. It sees the source of the deacon’s authority as coming from the bishop.⁸⁵ Canon 215 of the *Apostolic Tradition* exhorts: “Let the deacons and presbyters assemble daily at the place which the bishop shall appoint for them. And let not the deacons especially neglect to assemble every day unless sickness prevents

⁸³ M. STANFORTH (ed.), *Early Christian Writing*, Baltimore, Penguin Books, 1967, p. 95; *The epistles of St. Ignatius, Bishop of Antioch*, J.H. STRAWLEY (trans.), London, Society for Promoting Christian Knowledge, 1935. Cardinal Stafford also cites St. Ignatius of Antioch on this point that, without all three orders of bishop, deacon, and priest, “one cannot speak of the Church.” See F. STAFFORD, *The Ideal Family of the Permanent Deacon*, Address to the Deacons in Rome, 19 February 2000, http://www.vatican.va/roman_curia/congregations/ccclergy/documents/rc_con_ccclergy_doc_19022000_idf_en.html (2 July 2007).

⁸⁴ IGNATIUS, *Magnesians*, 6:1, in *Early Christian Fathers*, ed. C.C. RICHARDSON, New York, Collier Books, Macmillan Publishing Co., 1970, p. 95 (=RICHARDSON).

⁸⁵ See B.S. EASTON (trans. and ed.), *The Apostolic Tradition of Hippolytus: Translated into English with Introduction and Notes*, Cambridge, University Press, 1934, pp. 38-39.

them.”⁸⁶ Deacons must be men of prayer and attentive to duty. That they do this every day indicates the stability and permanence of the office to each particular see.

Another important canonical document, composed in Syria in the third century, is the *Didascalia Apostolorum*,⁸⁷ which has been said to be “perhaps the earliest attempt to compile a *Corpus Iuris Canonici*.”⁸⁸ It treats the relationship of bishop to deacon, the source of the deacon’s authority, the deacon’s responsibility to the poor, and the deacon’s exercise of governance.⁸⁹

Let the bishops and the deacons, then, be of one mind; and do you shepherd the people diligently with one accord. For you ought both to be one body, father and son; for you are in the likeness of the Lordship. And let the deacon make known all things to the bishop, even as Christ to His Father. But let him order such things as he is able by himself, receiving power from the bishop, as the Lord did from his Father.... Yet let the deacon be the hearing of the bishop, and his mouth and his heart and his soul; for when you are both of one mind, through your agreement there will be peace in the Church.⁹⁰

Let the deacon be ready to obey and to submit himself to the command of the bishop. And let him labor and toil in every place whither he is sent to minister or to speak of some matter to anyone. For

⁸⁶ DIX, p. 57.

⁸⁷ See R.H. CONNOLLY (ed.), *Didascalia Apostolorum: The Syriac Version*, Oxford, Clarendon Press, 1969; *Traditio apostolica*, E. TIDNER (ed.), Texte und Untersuchungen zur Geschichte der altchristlichen Literatur, Bd. 75, Berlin, Akademie Verlag, 1963; M.D. GIBSON, *The Didascalia Apostolorum in Syriac*, edited from a Mesopotamian manuscript, London, Cambridge University Press, 1903; M.D. GIBSON (trans.), *The Didascalia Apostolorum in English*, translated from the Syriac, London, Cambridge University Press, 1903.

⁸⁸ A.G. CICOGNANI, *Canon Law*, 2nd rev. ed., Philadelphia, Dolphin Press, 1935, p. 185 (=CICOGNANI). See also C. VAN DE WIEL, p. 38; and POKUSA, *A Canonical-Historical Study*, p. 32. No other ancient Christian writing gives us such detail. The community is smaller than Rome. The bishop and deacons are to be “constant” in their care of all. See also HORVATH, p. 502; and ECHLIN, “Origins of the Permanent Diaconate,” p. 44.

⁸⁹ DITEWIG, p. 37.

⁹⁰ *Didascalia Apostolorum: The Syriac Version*, p. 109.

it behooves each one to know his office and to be diligent in executing it. And be you [bishop and deacon] of one counsel and of one purpose, and one soul dwelling in two bodies.⁹¹

There is to be constant agreement in mind and heart between the deacon and the bishop. The office consists of any functions whatsoever that the bishop sees fit for the deacon to perform, but we cannot establish a single paradigm defining these functions because they are not present. The service ministry of the deacon is what the particular bishop establishes it to be. Function is therefore a secondary matter with regard to defining a deacon and his ministry.

In the *Didascalia* the numerous functions possible to a deacon are those associated with the community's good ordering, discipline, and administration.⁹² One of the earliest functions of the deacons encompassed the administration of justice. "Let your judgments be held on the second day of the week.... Let also the deacons and presbyters be ever present in all your judgments, to judge without acceptance of persons, as men of God, with righteousness."⁹³ As representative of the bishop, the appointed deacon welcomed new members into the community from elsewhere. "If anyone come in from another place, bringing commendatory letters, let the deacon be the judge of the affair, inquiring whether they be of the faithful, and of the Church, whether they be not defiled by heresy, and besides, whether the party be a married woman or a widow. And when he is satisfied in the things of the Lord, let him conduct

⁹¹ Ibid., p. 148.

⁹² DITEWIG, p. 38.

⁹³ *Didascalia Apostolorum: The Syriac Version*, p. 111.

everyone to the place proper to him.”⁹⁴ The sources of the authority of the deacon are to be found in the sacramental authorization received through the laying on of hands and by specific assignments from the bishop, which today would often be called canonical mission.

Bishop Cyprian witnesses to a quite extraordinary exercise of authority by deacons. In response to the reconciliation of those who lapsed in faith during the Decian persecutions, he allowed both presbyters and deacons to reconcile the lapsed in danger of death.

If they should be seized with any misfortune and peril of sickness, [they] should, without waiting for my presence, before any presbyter who might be present, or if a presbyter should not be found and death begins to be imminent, before even a deacon, be able to make confession of their sin, that, with the imposition of hands upon them for repentance, they should come before the Lord with the peace which the martyrs have desired, by their letters to us, to be granted to them.⁹⁵

This sort of extraordinary function by a deacon is not repeated elsewhere. A canon of the Council of Arles (314 A.D.) forbade deacons from celebrating the Eucharist: “Concerning deacons, whom we know to offer (*offerre*) in many places: it is determined that this must never happen.”⁹⁶ The need for this written legislation at a council was to stem the extreme abuse of deacons celebrating the Eucharist without a presbyter. This was a case of deacons violating the bounds of the ministry and was entirely inconsistent with their part in the *tria munera*.

⁹⁴ Ibid. DITEWIG, p. 38, states: “The deacon does all this because of the power received from the bishop, both through the laying on of hands and also by specific assignments given to him by the bishop.”

⁹⁵ CYPRIAN, *Epistle XII*, in *Ante-Nicene Fathers*, vol. 5, p. 293.

⁹⁶ W.A. JURGENS (trans. and ed.), “First Council of Arles,” in *The Faith of the Early Fathers*, vol. 1, Collegeville, Liturgical Press, 1970, p. 273 (=JURGENS).

The pinnacle of the governing authority of the deacon in the early Church was achieved with the introduction of the office of the archdeacon in the fourth century.

Beginning with the fourth century this specialized activity of the *diaconus episcopus* takes on gradually the character of a juridical ecclesiastical office.... Thus, in the period from the fourth to the eighth century the archdeacon is the official supervisor of the subordinate clergy, has disciplinary authority over them in all cases of wrong doing, and exercises a certain surveillance over their discharge of duties assigned them. It was also within the archdeacon's province to examine candidates for the priesthood; he had also the right of making visitation among the rural clergy.... The archdeacon was, moreover, the bishop's chief confidant, his assistant, and when it was necessary, his representative in the exercise of the manifold duties of the episcopal office. This was especially the case in the administration of ecclesiastical property, the care of the sick, the visitation of prisoners, and the training of the clergy.⁹⁷

In 306 A.D. the Council of Elvira, and then in 506 A.D. the Council of Agde, discussed the authority of deacons in charge of a Christian community. Their authority with respect to sacramental initiation was limited to the administration of baptism, but their authority in fiscal matters matched that of the presbyters.⁹⁸ Here we have a clear example of the deacon's exercise of a role in the *munus* of governance.

⁹⁷ J.P. Kirsch, s.v. "Archdeacon," in *The Catholic Encyclopedia*, vol. 1, New York: Robert Appleton Company, 1907, p. 63. See also J.W. POKUSA, "The Archdeacon's Office and Functions in the Decretals of Gregory IX," JCL thesis, Catholic University of America, 1977; and idem, *A Canonical-Historical Study of the Diaconate in the Western Church*, Washington, DC, Catholic University of America, 1979, pp. 210-350.

⁹⁸ *Concilia Galliae AD 314 – AD 506, Corpus Christianorum, Series Latin*, vol. 148, ed. C. MUNIER, Turnholti, Typographi Brepols Editores Pontificii, 1963, p. 225. POKUSA, *A Canonical-Historical Study*, p. 73, asserts that the practice of placing deacons in charge of Christian communities had apparently died out by 597 and the Council of Toledo. See also R. ZENK, *The Office of the Deacon in Ecclesiastical Law*, JCD dissertation, Rome, Pontifical Gregorian University, 1958, p. 14 (=ZENK). "That the deacon did actually baptize during these earlier centuries of the Church seems practically certain." There is also mention of it at the Council of Elvira.

Clement of Alexandria placed emphasis on the diaconal office as one of spiritual interpretation: "he acts and teaches the things of the Lord."⁹⁹ John Chrysostom, too, wrote of the deacon's spiritual ministry: "The prayers conducted by the deacon are efficacious prayers of the Church."¹⁰⁰

In the *Apostolic Constitutions* (375-400 A.D.), which form a part of the earliest canonical documents of the Church,¹⁰¹ Paul's parallel between deacon and prophet was restated. It said deacons were to receive the honor due to prophets.¹⁰² We find repeated there the fact of deacons serving in the two positions of judge and the one who welcomes new members.¹⁰³ While the deacon may lead the community in prayer, this

⁹⁹ HORVATH, p. 500.

¹⁰⁰ Ibid., pp. 503-504. The deacon has traditionally been regarded as a leader of prayer, especially the Liturgy of the Hours. See R. TAFT, *The Liturgy of the Hours in the East and West: the Origins of the Divine Office and Its Meaning for Today*, Collegeville, Liturgical Press, 1986 (=TAFT, *Liturgy of the Hours*). See also CIC, 1983, canons 276, §§2, 3; 1174, §1; Jas 5:16. The prayer of a holy man is powerful. It will be heard. St. Paul exhorts us as did the Lord to "pray constantly" (1 Th 5:17). We have as well the following from the liturgical examination of the candidate for the diaconate to illustrate the solemn nature of the obligation to the Liturgy of the Hours. "Bishop: Are you resolved to maintain and deepen a spirit of prayer appropriate to your way of life and, in keeping with what is required of you, to celebrate faithfully this Liturgy of the Hours for the Church and for the whole world? Candidate: I am." See *The Rites of the Catholic Church as Revised by Decree of the Second Vatican Ecumenical Council and Published by the Authority of Pope Paul VI*, English translation prepared by The International Commission on English in the Liturgy, New York, Pueblo Publishing Co., 1976.

¹⁰¹ HORVATH, p. 498; POKUSA, *A Canonical-Historical Study*, p. 43; CCCB, *Guidelines*, p. 24; CIC, 1983, canon 380. See also *Apostolic Constitutions* and the *Testament of Our Lord*, written about the second half of the fifth century; A.J. OTTERBEIN, *The Diaconate According to the Apostolic Tradition of Hippolytus and Derived Documents*, Studies in Sacred Theology, 1st series, no. 95, Washington, Catholic University of America Press, 1945, p. 8. POKUSA, *A Canonical-Historical Study*, p. 54. Pokusa notes that the Church Orders from the patristic age are very likely reflective of the traditions of the Church.

¹⁰² HORVATH, p. 498.

¹⁰³ B. STEIMER, art. "Apostolic Constitutions," in S. DÖPP and W. GEERLINGS (eds.), *Dictionary of Early Christian Literature*, New York, Crossroad Publishing, 2000, p. 44.

document reflects the general eastern tradition that the deacon does not baptize or celebrate other sacraments.¹⁰⁴ This tradition persisted in the East. Evidence of it is found again in the fifth century in the *Testamentum Domini nostri Jesu Christi*, another pseudo-apostolic collection, where the deacon may only baptize in cases of necessity.¹⁰⁵

The *Apostolic Church Order* (early fourth century) sets out the proper constitution of a Church court: "There shall be three deacons for 'by three shall every matter be established'."¹⁰⁶ The *Codex Canonum ecclesiasticorum* states: "For this ministry there is given to the deacon a seven-fold grace...."¹⁰⁷ The functions involved in this ministry are not defined, though we have seen that there are many ways the deacon exercised the *tria munera*. The more significant point being made is that the deacon has the sacramental grace to fulfill the task assigned him.

We have seen that the emphasis of the records surviving from the early Church was on deacon himself and his spirituality, and only secondarily on his fulfilling whatever diverse roles the bishop might assign to him. No functional definition may be

¹⁰⁴ ZENK, p. 15.

¹⁰⁵ See RAHMANI (ed.), *Testamentum Domini nostri Jesu Christi*; J. COOPER and A.J. MACLEAN (eds.), *The Testament of Our Lord Translated into English from the Syriac*; and Beylot, *Le Testamentum Domini éthiopien*. See ZENK, p. 17.

¹⁰⁶ A. HARNACK, *Sources of the Apostolic Canons*, trans. J. OWEN, London, F. Norgate and Co., 1895, p. 17. These deacon-judges constitute the court "in order that they may be able to bear an effective witness in cases of complaint before the disciplinary judgment."

¹⁰⁷ HORVATH, p. 507.

attributed to the deacon on the basis of this historical record.¹⁰⁸ To sustain this conclusion even further, we can look to Polycarp, bishop of Smyrna, who wrote: “Likewise the deacons should be blameless before his righteousness, as servants of God and Christ and not of men; not slanderers, not double-tongued, not lovers of money, temperate in all matters, compassionate, careful, living according to the truth of the Lord, who became a ‘servant of all’.”¹⁰⁹ The qualities, not the functions, of deacons are foremost.

From the textual evidence reviewed in this section, we see that the deacon was held in high honor, and his rank was well established among what became known as the major orders. Bishop, presbyter, and deacon comprised the nucleus of the Christian hierarchy, the official leaders of the Church in its mission of bringing Christ to the world. There is a continuity from the apostolic times in the defining factors of the deacon. (1) His qualities as a person are paramount. (2) His ministry is broadly to be of service to the community. (3) His is a ministry that collaborates with the bishop and the presbyters, with the bishop as the head. (4) His ministry is integrally related to the threefold mission of the Church in that we find witness of his functioning in all three *munera* of teaching, sanctifying, and governing.

What was to be the next stage for this order of deacon in the Church? How do we bridge the time that some have referred to as the “golden age” of the diaconate¹¹⁰ to

¹⁰⁸ Nor can a functional definition be assigned to the deacon in the Church in present times. For an extended treatment of this point, see D.M. LECLAIR, *The Deacon as Icon of Christ*, Phoenix, AZ, Catholic Sun Publishing, 2001.

¹⁰⁹ POLYCARP, *The Letter of Polycarp to the Philippians*, 5:2, in RICHARDSON, p. 133.

¹¹⁰ ECHLIN, “Golden Age,” *passim*.

the need for its restoration in the Latin Church? How is the relationship changed between the deacon and the threefold mission of the Church, or is it changed? These are the questions that we shall next attempt to address.

1.4. The Decline of the Permanent Diaconate in the Western Church

In many ways, the history of the deacon in the Latin Church paralleled the history of the western Roman Empire itself. There was a great rise in the order, a “golden age” of the diaconate, and then a decline which lasted for a very long time. It was a decline which had already begun at a time when it would have appeared as though the active role of the deacon in the Western Church would be enduring.

In the third century the diaconate was flourishing. Particularly in martyrdom were deacons conspicuous by their presence.¹¹¹ The persecutions of August 258 at Rome included the martyrdom of Bishop (Pope) Xystus II and his seven deacons, one of whom was St. Lawrence the Archdeacon.¹¹² Deacons were loyal associates of their bishop. When Cyprian was martyred at Carthage on September 14, 258, his deacons accompanied him, and this scenario was repeated time and again.¹¹³ Indeed, the special relationship between the bishop and his deacons in the early centuries of the Church

¹¹¹ C.B. RUFFIN, *The Days of the Martyrs: A History of the Persecution of Christians from Apostolic Times to the Time of Constantine*, Huntington, Indiana, Our Sunday Visitor, Inc., 1985, as cited in L.C. SHERMAN, *The Deacon in the Church*, Alba House, N.Y., Society of St. Paul, 1991, p. 14 (=SHERMAN, *The Deacon in the Church*). “Another resource for information on the history of the diaconate is contained in the Roman Martyrology, and the catalog of saints. It is reassuring to find a good number of deacons and elevated deacons on these lists.” There are many more than Sherman indicates, plus there are many more not on the lists due to lack of record keeping and lost records regarding martyrs in the early Church.

¹¹² *Liber pontificalis*, vol. 1, p. 155, in KIRKWOOD, p. 12.

¹¹³ ECHLIN, *The Deacon*, p. 41.

also made the diaconate a fertile ground for candidates to the episcopate.¹¹⁴ Ironically, the “seeds of diaconal decline,” to use Echlin’s words, were planted in the midst of this flourishing, third-century diaconate.¹¹⁵

1.4.1 Reasons for the decline

Following the example of Cornelius of Rome (251-253) who advanced through all “clerical” grades to the episcopacy, the diaconate gradually became a preliminary step to the priesthood. In the early fourth century, the position of the Church shifted in the Roman Empire from persecuted to permitted. As a result, the Church was more and more influenced by the laws, practices, and culture of Roman civilization. One such influence was the *cursus honorum*, a career-long practice of civil administrators and military personnel advancing from lower to higher offices.¹¹⁶ In the Church, the threefold structure of ordained ministry—deacon, priest, and bishop—began to parallel the *cursus honorum*, which came to be enlarged by the addition of minor orders. This ecclesiastical parallel to the civil and military hierarchy of the state created a paradigm shift for the ordained ministry. There arose a uniform remodeling of the ordained ministry from a triangular model of three distinct orders to a vertical model of progression from one order to the next. For the diaconate, the result was the beginning

¹¹⁴ KIRKWOOD, p. 12. It must be recalled, however, that the transfer of bishops in that time was unknown because any such movement violated two traditions at least. First, a movement of a sitting bishop would “widow” his diocese to which, in the theology of the day, he was wed. Second, the theory of relative ordination prevented any movement since one was ordained for life in the place of ordination. Also, bishops were elected from within the local Church; there was no central authority who had the power to transfer them. A vacancy meant a new episcopal ordination. At Rome this led to many deacons becoming pope. As the closest assistant to the bishop, a deacon was a natural successor. Deacons were simply the best qualified. SHERMAN, *The Deacon in the Church*, cites Leo the Great, Gregory the Great, and Gregory VII as just a few of the deacons who excelled and were chosen to be bishop of Rome.

¹¹⁵ ECHLIN, “Origins,” pp. 42-43.

of a reduction of the office as subordinate to the presbyterate rather than its traditional role in collaboration with other ministers having distinct orders and roles. The language of a canon enacted at the Council of Nicaea (A.D. 325) reflected this development: "The deacons are to keep within their proper bounds, knowing that they are the servants of the bishop and that they are less than presbyters."¹¹⁷

With the growth of Christian communities there was a growth in the need for sacramentally empowered ministers, namely, presbyters. The numbers of presbyters increased continually until they greatly outnumbered deacons. Also, many deacons, already well-trained and experienced, were advanced by their bishops to the presbyterate. Both factors contributed greatly to the development of a *cursus honorum* system. The post-Nicean diaconate model is a mix of truly permanent deacons and those who, stopping temporarily at that stage for training, experience, and other reasons, advanced on to the presbyterate. The deacon had been the assistant to the bishop since apostolic times, but he now became an assistant to the presbyters as well. In the *Statuta Ecclesiae antiqua* (c. 475 AD), this change is reflected in the ordination rite. It previously read that the deacon was ordained *non ad sacerdotium sed ad*

¹¹⁶ BARNETT, p. 104. According to J. Bligh, the ecclesiastical *cursus honorum* may be found in false decretals which attribute the system to about half a dozen different popes. See BLIGH, pp. 421-422.

¹¹⁷ *Council of Nicaea*, can. 18, translation in JURGENS, p. 286. According to the result of his research, DITEWIG, p. 51, asserts that, "Legislation and exhortations abound in which the deacon is enjoined from sitting among presbyters or in any way being seen as superior, or even equal, to the presbyters."

ministerium episcopi. This was changed to read that he was ordained *non ad sacerdotium sed ad ministerium*, omitting the reference of limitation, *episcopi*.¹¹⁸

Despite the shift created by the imposition of the Roman hierarchical structure, the deacon, while increasing his service to include assistance to presbyters, did not entirely lose his intimate connection with the office of the bishop. In fact, the ranks of the deacons were depleted not only through ordinations to the presbyterate but also through the continuing ancient practice of elevating a deacon to the episcopacy upon vacancy of the see. The choice of a deacon rather than a presbyter to fill a vacancy in the bishop's office was quite practical and comprehensible, since many of the bishop's duties were administrative, as were the deacon's.¹¹⁹ Having been the "eyes and ears" of the bishop, the deacon shared in the episcopal administration as well as being the bishop's main assistant at all liturgical functions. Many times the deacon was the best qualified successor to the bishop.

By the fourth century the diaconate was a ministry with a tremendous demand upon it. As we have seen, the deacon was the prime liturgical and administrative assistant to the bishop with greater or lesser roles (functions) depending on the vision and needs of the particular local see. The stresses often entailed in fulfilling the demands of this office, now less of an honor than in the past, contributed to its ranks being diminished in the West. Between the fifth and the eleventh centuries, the permanent order of deacons eventually became little more than a transitional order.

¹¹⁸ C. MUNIER (ed.), *Concilia Galliae AD 314 – AD 506, Corpus Christianorum, Series Latina*, vol. 148, Turnholti, Typographi Brepols Editores Pontificii, 1963, pp. 175, 181. "Thus the deacon shall know he is the presbyter's minister as well as the bishop's."

¹¹⁹ BARNETT, p. 66.

The primary duties of the deacon were absorbed in large measure by the presbyterate. In the Middle Ages, the main function of the deacon, where he still existed at all, was to assist the priest at the Eucharist. He was once the helper of the bishop in the administration of diocese. Now his role had largely been reduced to that of liturgical assistant to the priest at Mass.¹²⁰

1.4.2 The demise of the permanent deacon in the Western Church

In modern times we have seen what one author described in the 1980s as the “unparalleled growth” of deacons,¹²¹ but such was not so in the first millennium. Even in the ancient Church when deacons played a vital role, the Western Church did not have many deacons in each see.¹²² Typically, there were a limited number of deacons in the local communities. The number of deacons in the see of Rome for the first four centuries was limited to seven in deference to what was perceived to be the precedent of Acts 6. It was on this basis that the see of Rome was divided into seven diaconal regions, whose origin is attributed to Pope Fabian (d. 250).¹²³

It is generally accepted that the diaconate started to decline in the Western Church in the fifth century. “Decline” may mean a number of things, but with regard to the diaconate it basically refers to two points. The first is that the number of deacons

¹²⁰ BROCKMAN, pp. 28-29.

¹²¹ FOLEY, “Servanthood, Part I,” p. 14.

¹²² POKUSA, *A Canonical-Historical Study*, p. 101.

¹²³ SYMONDS, p. 422. On p. 103, he states: “Already in the patristic era the western Church had learned how to live without deacons being everywhere available. It was, therefore, relatively a simple matter for subsequent ages to strive for the necessary ministry, the priesthood, without undue anxiety over its lack of deacons. Only in the episcopal community did there remain a sense of absolute need to have the services of deacons.”

ordained and employed by bishops declined as more presbyters were ordained. Secondly, many offices heretofore filled by deacons were now filled by presbyters. These two factors are interconnected. The number of permanent holders of the ranks of deacons declined primarily because of the need for presbyters. The offices formerly held by deacons often were filled by presbyters; and presbyters often were ordained from the ranks of those who were educated, talented, and trained for Church service, those who in earlier times would have been chosen deacon or, if already a deacon, would have remained in the diaconal order without “advancing” to the presbyterate.

The decline of the diaconate was coupled with the growth of the Church and the consequent demand for more sacramental ministers. According to one theory, the bishop faced this increasing demand, especially from the emerging rural Churches, simply by ordaining existing deacons to the presbyterate.¹²⁴ This would help to explain the early development of the transitional diaconate. It also makes the most sense with regard to what we now call the transitional diaconate because the method of drafting presbyters from the ranks of deacons gave the bishops well-trained presbyters capable of both administration and the care of souls. The eventual presbyter started and was trained in the diaconal ranks and, when opportune, was ordained to the priesthood. The result was a decline in the permanent office of deacon until, by the tenth century, it was almost everywhere in the West a preliminary step to the priesthood. In the parish, where the former deacon assistants to the bishops were now presbyters, the permanent

¹²⁴ ECHLIN, *The Deacon*, pp. xii-xiii.

diaconate died out, persisting only until the ninth or tenth century in most parts of the West.¹²⁵

Pokusa found many instances in which the small number of deacons was a real problem.¹²⁶ The shortage of deacons in the early Church is partially attributable to the limitation by tradition and conciliar canons to seven per see or large city. In the fourth century presbyters began assuming the diaconal role of helper of the bishop, and the number of presbyters grew with the growing Christian communities and the development of the rural Churches. It was, as a matter of expediency, better to have a presbyter than a deacon because of the need for sacraments. Deacons often became a luxury to support, and this was one more reason for their decline in history. Where funds were available to maintain the diaconate, usually at the level of the see rather than the parish, it was the office of the archdeacon which persevered until the thirteenth or fourteenth century when the role was so widely usurped by a presbyter that it was seldom held by a deacon anymore, though the traditional title was kept because of the importance still regarded to the diaconal rank and role.¹²⁷

The historical fact of the decline of the permanent diaconate is witnessed in papal, conciliar, and canonical texts. In 494 Pope Gelasius complained of a shortage of clergy in Italy, and it is thought that he was referring to deacons.¹²⁸ We find that a

¹²⁵ KIRKWOOD, p. 47.

¹²⁶ POKUSA, "The Diaconate," pp. 101ff.

¹²⁷ Ibid., p. 103.

¹²⁸ POKUSA, *A Canonical-Historical Study*, p. 127.

similar complaint was registered in 524 at the Council of Arles.¹²⁹ The Council of Merida (666), in canon 10, indicated that every diocese needs an archdeacon since there were seldom enough deacons; hence one archdeacon simply by representation could take the place of the seven at a see.¹³⁰ In 1050 the Council of Coyac indicated there was a shortage of deacons.¹³¹ The commentators on the *Decretum Gratiani* made note of the fact of the general scarcity of deacons.¹³² The *Glossa ordinaria* pointed out the discrepancy between some ancient texts that witnessed to deacons serving in all the Churches and the dearth of deacons in their own time.¹³³ It appears that reference to the deacon in canonical works and mention at the councils began to wane during the period ending with Gratian, and such references nearly disappeared thereafter.¹³⁴ This reflected the actual situation of deacons in ecclesiastical life.¹³⁵ No further juridic development of non-liturgical diaconal functions occurred from the *Decretals* of

¹²⁹ Ibid., p. 129.

¹³⁰ MANSI, *Conciliarum*, vol. 11, col. 81 as cited in KIRKWOOD, p. 75. See also SYMONDS, p. 426.

¹³¹ POKUSA, *A Canonical-Historical Study*, p. 166.

¹³² Ibid., p. 202. *Corpus iuris canonici*, ed. Lipsiensis secunda post Æ. L. Richter curas ad librorum manu scriptorium et editionis Romanæ fidem recognovit et adnotatione critica instruxit Æ. Friedberg, pars prior, *Decretum Gratiani*, Leipzig, B. Tauchnitz, 1879.

¹³³ POKUSA, *A Canonical-Historical Study*, p. 202.

¹³⁴ See also canon 636 of Gratian's *Decretum* cited by POKUSA, *A Canonical-Historical Study*, p. 135. Several deacons have made canonical history by their contributions as canonists. Among them in the earlier years of the Church was Fulgentius, a deacon of Carthage, who around 546 put together a methodical canonical collection, the *Indiculus canonum Fulgentii Ferrandi*, which became the widely used collection in the African Church until the twelfth century.

¹³⁵ POKUSA, *A Canonical-Historical Study*, p. 163.

Gregory IX to the Second Vatican Council's decision in favor of a restored permanent diaconate.¹³⁶

By the eleventh and twelfth centuries we find instances where the office of archdeacon was held not only by presbyters and occasionally by deacons but even by laymen as well.¹³⁷ By the thirteenth century the office of archdeacon was filled nearly everywhere in the West by presbyters.¹³⁸

The title of "deacon" was retained in places for certain primarily administrative offices—curial, monastic, cathedral, and transitional—but the office was not actually occupied by a deacon. Some of these offices persevered at Rome to modern times.¹³⁹ In reality, the ministry of service and participation by permanent deacons in the sanctifying and teaching functions had disappeared, and participation in the governing function was limited to a handful of men in a few places. In religious orders, too, the permanent diaconate was rare but had not totally disappeared. St. Francis of Assisi remained life-long in the diaconal state.¹⁴⁰

¹³⁶ Ibid., p. 343. See also ZENK, who studied the sacramental-liturgical ministry of the deacon. His work could be used as a companion to Pokusa's study on the canonical functions. The shortcoming of Zenk's work is that he focuses on the role of the deacon from purely a standpoint of functions. In other words, he pursues his thesis on the basis of listing what the deacon was or was not allowed to do, or even perhaps did in heretical violation of the practice and laws of the Church.

¹³⁷ KIRKWOOD, p. 100.

¹³⁸ "It was this powerful institution of the archdiaconate which stood out until at least the thirteenth century as a stronghold of the permanent deacon, and remained in the law of the Western Church a symbol of what the diocesan diaconate had been and might be" (ibid.).

¹³⁹ ECHLIN, *The Deacon*, p. 92.

¹⁴⁰ Ibid. The religious orders played an important role in the road to the restoration of the permanent diaconate in the Latin Church.

Several points emerge from this brief overview of the decline of the diaconate as a permanent and stable office in the Latin Church. First, the decline of the deacon as assistant to the bishop was a major change in the Scriptural and patristic model where the bishop and deacon were the twin pillars, as it were, of the local Church. Second, the change from the deacon to the presbyter as the second to the bishop in ministry meant that responsibilities in the exercise of the *tria munera* would shift as well. Without deacons the presbyters would have not only the responsibility for the sacramental needs of the people, the principal functions of the *munus sanctificandi*, but they would also have to assume in a more vigorous way the preaching/teaching roles of the deacon, functions of the *munus docendi*. The emphasis on *diakonia* which the stable diaconate had brought to these *munera* shifted. The shift would also be felt at the curia over time as the presbyters filled the offices formerly held by deacons. The twin pillars became bishop and presbyter. Both orders contained an element of *diakonia*, but the danger, both then and even now, is that the idea of the diaconate as a merely transitional order reduces the importance of *diakonia*, and even greater yet is the danger that the *diakonia* fails to be exercised by some in the presbyterate and even in the episcopate.

Even during the “golden age” when the diaconate was at its peak, there were not enough deacons to satisfy the needs of the various churches. Where these few were ordained presbyters, the local churches were without deacons altogether.¹⁴¹ In many churches, there were no deacons to perform the traditional diaconal duties, so these

¹⁴¹ Ibid., pp. 126-127.

specific tasks became optional or were taken over by others.¹⁴² Since there were few deacons, their roles were performed by others or not performed at all. The subdeacon and other minor orders developed as assistants to the limited number of deacons.¹⁴³ The story was not the same in the East where the diaconate continued to flourish.

In patristic times the Church as a whole had developed a tradition of following a pattern of only seven deacons at a see. Unlike the East, the West continued to follow this tradition of seven only, despite the ministerial deficit this created. The East, being less rigid and more flexible by nature in its interpretation, saw the increased need for more deacons at a given see and increased that number as needed, even to great numbers for the elaborate ceremonies and the ministries at the Hagia Sophia.¹⁴⁴ Thus we have a specific instance where the West and the East diverged in their interpretation of a very important part of Church practice, that of the deacon's role in the mission of the Church. The West, legalistic in its attachment to tradition, contributed to the decline of the office of the deacon in the Latin Church. On the other hand, the Churches of the East, fully cognizant of tradition, adapted the actual exercise of the tradition to the needs of the individual see, contrary to what was happening in the West, all the while contributing to the preservation of the permanent and stable order of the deacon.

¹⁴² Ibid., pp. 178-179.

¹⁴³ KIRKWOOD, p. 32.

¹⁴⁴ SYMONDS, pp. 408-414. While the West continued to limit the number of deacons, this was not true in the East. Symonds, citing the *Didascalia Apostolorum*, argues that from third century "the number of deacons is to be proportionate to the number of the congregation" (p. 409).

We should note that the permanent diaconate never entirely died out in the West until the latter part of the nineteenth century. A vestige of the permanent diaconate remained in the Roman Church until 1870, but it was restricted to certain members of the papal diplomatic corps. Since many of these men held positions in the Papal States, the need to maintain this custom ended in 1870 when the Papal States were effectively lost. The last of these permanent deacons died before the turn of the nineteenth century.¹⁴⁵ With his death, the permanent office of deacon had completely vanished in the Latin Church.¹⁴⁶

1.5 The Deacon in the Eastern Churches

Despite common beginnings, the experience of the diaconate in the Churches of the East was different from that of the West.¹⁴⁷ In the East, the number of deacons declined, but much later than in the West and for various reasons. The office never disappeared completely, nor was it transformed merely into a transitional stage, although those destined for the priesthood received *cheirotomia*, or ordination to the diaconate. Because the Eastern Churches maintained the office of deacon, the situation in the East only appeared in some places to mimic that in the West where the transitional diaconate had almost entirely displaced the permanent diaconate. The

¹⁴⁵ BROCKMAN, p. 27. CCCB, *Guidelines*, p. 14.

¹⁴⁶ KIRKWOOD, p. 66. The last surviving cardinal deacon holding diaconal office and the cardinalate was Teodolfo Mertel, who died in 1899. Carlo Cristofori was the last such cardinal deacon, appointed by Leo XIII in 1885; he died in 1891.

¹⁴⁷ The difference between East and West was significant. One of these key differences was the development of the diaconess in the East. See A.G. MARTIMORT, *Deaconesses: An Historical Study*, trans. K.D. WHITEHEAD from the French, *Les diaconesses: Essai historique*, Rome, Edizioni Liturgiche, 1982, C.L.V., San Francisco, Ignatius Press, 1986.

Churches of the East continued the ancient tradition, both retaining men as deacons for life as well as ordaining deacons to the presbyterate and even to the episcopate. This latter practice may still be found in the Orthodox Churches.¹⁴⁸

1.5.1 Numbers of deacons in the East

The tradition of limiting to seven the number of deacons at a given see was not strange or unfamiliar to the East. Already in 314 the Council of Neocesarea had imposed the limit of seven deacons per see.¹⁴⁹ Churches in the East, however, tended to observe the rule of need rather than the fixed rule of seven. Where records have survived, we find in subsequent centuries the numbers of deacons in Eastern Churches, such as Alexandria, Edessa, and Constantinople, were well beyond the limit of seven. Constantinople alone had more than one hundred deacons for centuries.¹⁵⁰ The numbers of deacons continued to grow in the East as the functions of deacons grew. Gillet cites three reasons for the increased demand for deacons in the areas of charitable assistance, administration, and the liturgy. First, due to its size, the system of charitable distribution became a veritable bureaucracy. Second, the deacons became the administrative body of the local Church. Third, the liturgical functions of the

¹⁴⁸ *Orthodoxia* 2002, Regensburg, Ostkirchliches Institut, 2002, pp. 57, 101. This practice still occurs among the Orthodox, e.g., the present Archbishop of the Old Believers of Moscow and All Russia, ALIMPIJ, was elected archbishop when in the order of deacon. In the Ecumenical Patriarchate of Constantinople, it is not uncommon for those in the order of deacon to be elected to the episcopate. The previous Great Archdeacon, TARASSIOS, was consecrated Metropolitan of Buenos Aires in June of 2001.

¹⁴⁹ GILLET, p. 415.

¹⁵⁰ Ibid.

deacon increased as ritual and ceremonial developed.¹⁵¹ The order continued to grow healthy and vibrant, much larger in numbers than in the West.

In order to arrive at a clearer idea of the number of deacons in the Byzantine period, we can turn to a decree of the Emperor Justinian issued in 535 A.D. He limited the clergy of the Hagia Sophia in Constantinople to sixty priests, one hundred deacons, forty deaconesses, ninety subdeacons, 110 readers, twenty-five cantors, and one hundred doorkeepers. In the next century, the Emperor Heraclius set the limit at eighty priests, 150 deacons, forty deaconesses, seventy subdeacons, 160 readers, twenty-five cantors, and one hundred doorkeepers.¹⁵² The Orthodox maintained the diaconate in widespread use and in great numbers until modern times.¹⁵³

1.5.2 The functions of deacons in Eastern Churches

The diaconate in the Byzantine East originated in the apostolic period, as discussed above. During the apostolic and pre-Nicene periods, the basic paradigm of the diaconal ministry of the present-day Constantinopolitan tradition developed, and the theology, spirituality, and functions of the diaconate were formulated.¹⁵⁴ As seen

¹⁵¹ These three aspects or functions of the deacon grew out of a natural expansion of the role of the deacon in the mission of the Church. First, the fact is that in the East the duties of the diaconate as a charitable office for the distribution of provisions and alms were so huge in many places that the deacon became an *oeconomus*. Through the centuries and with changes of governments, this charitable function gradually was taken over by the civil authorities, and the deacon's role in this ministry diminished. Second, the diaconal role in the administration of the see also expanded for quite some years.

¹⁵² See B.D. KENNEDY, "The Diaconate in the Ukrainian Catholic Church: An Outline of a Paradigm," http://www.saintelias.com/DivServices_elia/DiakonUGCC/DiakonUGCC1.html (2 July 2007) (=KENNEDY, "Diaconate").

¹⁵³ CCCB, p. 81. In Russia, before the revolution, there were about 15,000 deacons in the Orthodox Church.

¹⁵⁴ KENNEDY, "Diaconate," states: "In the early second century, Ignatius of Antioch explicitly presented a typology of the hierarchical ministries of his own day.... This paradigm

earlier in this chapter, the diaconate was not originally a probationary order for the presbyterate; it was a lifelong vocation, with the notable exception being a deacon chosen by the local Church to be its bishop.¹⁵⁵

During the fourth through the ninth centuries, the liturgical role of the deacon was prominent in the East. The number of deacons in the East remained substantial in some places during this period, particularly at Constantinople, and deacons were especially conspicuous in their liturgical roles. In the Byzantine Empire, moreover, the deacons usually held the highest ecclesiastical offices in the patriarchal administration.¹⁵⁶ Some functioned as *synkellos*, the personal confidant to the patriarch or bishop (and frequently the successor to the patriarchal throne). Many functioned as the *economos*, who oversaw finances and managed the property of the Church. Deacons knew various other roles as well. Some acted as *sakellarios*, the supervisor of a monastery. Often, the deacon functioned as the *skeuophylax* in the roles of sacristan and supervisor of church services, keeper of the liturgical vessels, vestments, and books. Some were also the *chartophylax*, the librarian and archivist, a role that eventually came to include also being supervisor of the clergy, notary of marriages,

of Ignatius is still influential in the Eastern Churches today." See also S. SALAVILLE and G. NOWACK, *Le rôle du diacre dans la liturgie orientale*, Paris-Athens, Institut français d'études byzantines, 1962.

¹⁵⁵ H. CHADWICK, *The Early Church*, Pelican History of the Church, vol. 1, Hammondsworth, Penguin, 1967, p. 48. When presbyters began to preside at the liturgy as representatives of the bishop, the deacon's ministry in the East also took on an expanded role as *economos* and in his ministry of charity to assist the growing numbers of needy; this institutional commitment reduced the time he had for his personal ministry of charity. In the sixth century, the Church of Alexandria fed as many as 7,500 persons per day. See L. GILLET, "Deacons in the Orthodox East," in *Theology*, 58, no. 425 (November 1955), p. 416.

¹⁵⁶ *The Cambridge Medieval History*, vol. 4, part 2, pp. 114-116.

and head of the patriarchal chancery. A deacon might also be the *sakellion*, who was the supervisor of a parish.¹⁵⁷

The liturgical functions of the deacon as an assistant to the bishop and to the priest included duties at the celebration of the sacraments. Another function of the deacon was to “purify,” meaning to prepare candidates for Christian initiation and to protect what is sacred from what is profane, that is, to protect the holy objects and see to it that they are treated with respect and dignity.¹⁵⁸ The chief liturgical function of the deacon was, and remains, his participation in the celebration of the Divine Liturgy, the Eucharistic liturgy.

The Council of Ephesus in 431 introduced the office of archdeacon to the East.¹⁵⁹ The office of the archdeacon in the East developed differently than it had in the West. In the East, the archdeacon’s office was never filled by a presbyter except among some eastern Catholics in imitation of the Latin Church.¹⁶⁰ In the fourth and fifth centuries the archdeacon had a strong position in the curia, particularly in the curia of the Patriarch. From about the middle of the fifth century the archdeacon

¹⁵⁷ KENNEDY, “Diaconate.”

¹⁵⁸ GILLET, pp. 418-419.

¹⁵⁹ GILLET, p. 417.

¹⁶⁰ KENNEDY, “Diaconate.” Currently, two titles are used for this office: the archdeacon who, properly speaking, is a monastic and the protodeacon who is a non-monastic. However, at present there is no clearly defined administrative role for this rank, yet the archdeacon/protodeacon still functions as the bishop’s chief liturgical assistant. He has liturgical precedence among the deacons and he presents candidates for ordination. In the present day there is still a rite for elevation to the archdeacon and protodeacon. It is conferred by the *cheirothesia* which includes a blessing and a grace, even though the office in contemporary times is seldom more than an honorific. Such an elevation may only be done by a bishop. Archdeacons are monks, chief among the hierodeacons, or monks. Protodeacons may be of the married clergy and take precedence in rank over deacons. In the West, the title of *protodiakonos* was not used.

fulfilled the role of the master of ceremonies.¹⁶¹ At Constantinople there were two archdeacons. One was the Great Archdeacon of the Patriarch and the other was the archdeacon of the imperial court. In rank, the Archdeacon of the Patriarch preceded all the clergy except for the metropolitans of the Great Synod. This archdeacon was chosen from the *exokatakoiloi*, the six principal officers of the patriarch: the Great Ekonomos, the Great Sakellarios, the Great Skeuophylax, the Great Chartophylax, the Sakellion and the Protekdikos (a priest who acted as the patriarchal penitentiary). Generally, all these offices were held by deacons except the *protekdikos*. Subsequent to the Council of Chalcedon, the deacon holding the office of *ekonomos* took over the administration of Church properties from the archdeacon. The role of the archdeacon diminished further with the growth of the office of the *chartophylax* (archivist and notary), usually held by a deacon.¹⁶² The Great Archdeacon still exists in Constantinople today, but he lacks the power and influence he enjoyed historically. He serves as a member of the patriarchal curia along with the Second Deacon, the Third Deacon, and the Patriarchal Deacon. As for the office of the imperial archdeacon, its fate was tied to that of the Empire which fell in 1453.

Deacons in the East, as in the West, have historically functioned in several areas. These are especially the broad ministry of charity, service in the liturgy, and Church administration. However, the diaconal order cannot be identified solely in terms of these common functions. From the eastern viewpoint, the deacon's

¹⁶¹ The deacon in the East is to know and be well-versed in the liturgical services, directing both the priest and the people so that the priest can concentrate on the prayers. As such the deacon in the East functions as a master of ceremonies, unlike in the West where priests often fill the role of master of ceremonies.

¹⁶² KENNEDY, "Diaconate."

participation in the mission of the Church is foremost. He is extremely flexible in his functions. The essence of the diaconal order is that of a spiritual and interior reality, a grace that is seen to be in connection with that received by Stephen, the first martyr-deacon. This “grace of Stephen” is then the grace of all deacons, no matter what form of *διακονία* they took on, not excluding martyrdom.¹⁶³

CONCLUSION

From this historical-canonical survey of the order of deacon, we can state several conclusions. The first is that the ancient Church took a spiritual and personal, not a functional, approach to the diaconate. The qualities of the deacon were more important than what tasks he might be assigned. Since the functions of the deacon varied according to the needs of the community in each see, the deacon is not definable by function. The interpretation of the diaconate through function rather than essence and mission has clouded certain modern understandings of the diaconate.

Second, the *diakonia* of Christ, residing in the bishop, is shared through the sacrament of orders with the deacon. The role of the deacon in the threefold mission of the Church is well established as one of teaching, ruling, and sanctifying in close collaboration with the presbyters and the bishop. Thus, when the need of the bishop was paramount for presbyters to cover the rural parishes, the bishop, finding men of good quality, shared with them not only his *diakonia* but a share in his cultic powers, and so increased the ranks of the presbyters. Deacons, having already exercised the

¹⁶³ See GILLET, p. 420.

ministry and Church administration, were a natural choice to assume the additional duties of the priesthood.

In the Latin Church the development of the stable office of the deacon into a transitional office of short or virtually no duration doomed the continued existence of the office. William Ditewig tenuously asserts that, in the Latin Church, “the diaconate *never* disappeared; rather, it was transformed and re-defined into a transitory stage on the way to ultimate ordination into the presbyterate. The diaconate ceased being described on its own terms and began being defined and described by its relationship to the presbyterate, its ultimate end.”¹⁶⁴ In response to Ditewig, it may be asserted factually that the diaconate *nominally* never disappeared, but the reality is that the diaconate ceased to have a vital part in the exercise of the *tria munera* of the Church. The office of deacon went in a much different direction in the Churches of the East than it did in the Latin West. There, deacons were numerous well into the Middle Ages and beyond, and the permanent diaconate has existed continually there since its apostolic foundations.

¹⁶⁴ Ditewig, pp. 2-3 writes: “It is a central thesis of this work that a significant difficulty exists in understanding the contemporary diaconate ... precisely because much of the theological and canonical language that has developed concerning the ordained ministries emerged subsequent to the decline of the diaconate as a permanent order.”

CHAPTER TWO

THE RESTORATION OF THE PERMANENT DIACONATE IN THE LATIN CHURCH

In the previous chapter, we have seen that, over time, the diaconate in the Latin Church was transformed from a stable and permanent office to a merely transitional order, as a stage before ordination to the priesthood. It no longer played a key role in the exercise of the Church's *tria munera*. From a collaborative ministry of three pillars—bishop, presbyter, and deacon—only two pillars survived. A principal question in this chapter is what moved the Latin Catholic Church in the twentieth century to rediscover the office of deacon and restore it to a permanent and stable order. Would the Fathers of Vatican II define the diaconate in a new way or would they, in fact, return to the original vision of the diaconate as found in Holy Scripture and the early centuries of the Church? What role would the deacon have in the threefold mission of the Church? What rights and obligations would the deacon have with regard to the *tria munera*? Finally, what functions would the restored diaconate have? This chapter seeks answers to such questions from the key juridical texts that produced the restoration of the permanent deacon in the Latin Church, both those of the Second Vatican Council and subsequent legislation by Pope Paul VI.

Before exploring the restoration of the permanent diaconate in the Latin Church, we will first consider a prior attempt at its restoration at the Council of Trent. While this restoration ultimately was not successful, the Tridentine decree was invoked as a precedent in the debates at Vatican II and was a factor contributing to its twentieth-century restoration. We shall also briefly review the functions of the deacon in the 1917

Code of Canon Law, which represented the principal source of law on the issue at the time the bishops assembled for the council in 1962.

2.1 The Restoration at the Council of Trent

The permanent diaconate in the Latin Church had all but disappeared by the time of the Great Schism between East and West. The transitional diaconate had become the norm and continued so for nearly another millennium, even though vestiges of the diaconate remained to be found in various forms. The last vestiges of diocesan diaconal ministry were seen in the deacons at Rome—the curial deacon, the cardinal deacon, and the archdeacon.

The memory of the stable and permanent office of the deacon did not completely disappear in the West, but it remained dormant for centuries. This memory was recovered, even if only temporarily, at the Council of Trent (1545-1563), which decreed that the traditional functions of the deacon as well as those of the subdiaconate and the minor orders should be exercised by those ministers. Before considering that decree, some background information will be useful.

In September 1562, having completed twenty-two previous sessions, the last focusing on the Mass, the Council of Trent commenced discussions about the sacrament of holy orders. For the Fathers of the Council, theological reflection regarding orders centered on their relationship to the Eucharist. The theologians who began to meet on 23 September 1562 heard first from Salmeron who gave a presentation on the various orders

known to have existed in the Church from its beginnings.¹ Francisco Sanchez said that both the diaconate and the presbyterate were “major” orders because of their close association with the Eucharist, while the other orders, the “minor” orders, were not so closely associated with the Eucharist and therefore not sacramental.² Speaking on 24 September, Benedict of Mantua argued that the episcopacy, the presbyterate, and the diaconate were all sacramental.³ The Council remained in discussion on the topic of orders for some time. By 2 June 1563 the Bishop of Ostuni put forth a proposal.

I desire that the functions of subdeacon and deacon, diligently culled from the sayings of the holy Fathers and conciliar decrees, be restored, especially those of deacons. For the Church has always used their services, not only in ministering at the altar, but also in baptism, in the care of the sick, of widows and the suffering. Finally, all the needs of the people are placed before the bishop by deacons.⁴

From this proposal, one sees two motives for restoring the diaconal functions. The first is the tradition of the Church as witnessed in the writings of the Fathers and in texts of councils. The second is the pastoral need for the ministry of the deacon, not just for ministering at the altar, but for works of charity and service. The Bishop of Ostuni was not just expressing a need for his own ministry of *diakonia* in his diocese but was voicing for the whole Church the pastoral needs that traditionally had been attended to by ordained deacons who sacramentally represented the Church in their works of service.

¹ *Concilium Tridentinum: Diariorum, actorum, epistularum, tractatum nova collectio*, Goerresian Society, 13 vols., Freiburg, 1901- , 9:7. See also H.J. SCHROEDER (trans.), *Canons and Decrees of the Council of Trent*, Rockford, IL, Tan Books and Publishers, 1978.

² Ibid., 9:11.

³ Ibid., 9:12.

⁴ Ibid., 9:558-559.

On 6 July 1563, a text was presented to the Council that described the place of deacons in the Church. It gave a comprehensive listing of traditional diaconal functions that were known from early sources. The text reiterates the position of the early Church that the deacon's ministry is of major importance in the hierarchy and shares a position next to the priesthood, not below it.

It is fully apparent that many necessary and sacred services were committed to the order of deacons, which is distinct from other ministries of the Church and is next to the priesthood. They are the eyes of the bishops and special ministers of the Church whose works, whether in the celebration of the sacred mysteries or in the administration of the Church, should always be present.

In the holy sacrifice they offer at the altar the gifts received from the subdeacon, they care for the altar of the Lord, proclaim the Gospel to the people, assist the consecrating priests, and admonish the people on the solemn rites to be observed in church. They also should exhort that [the people] raise their hearts and prepare their souls for prayer. They should warn those who intend to be present at the sacrifice to have no adversity among themselves, no hatred, no wrath or ill will, but mutual love.⁵

The ministry of deacons should be assiduous in governing the Church. Their office is to guard the preaching bishop lest he be threatened by vicious enemies or the divine word be reviled by insults and be despised. When the bishop directs, deacons may baptize and preach, and may reconcile, without solemnity, public penitents to the Church in case of necessity and in the absence of the bishop or priests. They should seek out and diligently care for whatever pertains to the corporal needs of widows, students, orphans, the imprisoned, the sick and all the afflicted and provide for the spiritual help of the faithful. They have loving concern for all the faithful in works of mercy, especially for those in whom they observe a greater need for such charity.⁶

In this text presented to the council, we see all three of the *munera* coming to the fore. Regarding the sanctifying function, the deacon's various roles in the celebration of the sacred mysteries are enumerated. Recalling functions the deacon exercised in the early

⁵ Ibid.

⁶ Ibid., 9:601.

Church, the text says that he may administer baptism and, in a case of need when a bishop or presbyter is unavailable, he may reconcile public penitents without solemnity. Clearly, the mission of sanctification in this text involves much more than assisting at liturgy. The text explicitly mentions that deacons have a role in the governing function, even if a rather curious example is used, that of protecting the bishop from insolent people while he preaches. However, works of the apostolate are generally considered part of the governing function of the Church, and several examples are given: attending to the corporal needs of widows, students, orphans, the imprisoned, the sick, and providing spiritual help to the faithful.⁷ As for the teaching function, the text says that deacons may preach when so permitted by the bishop.

With this background, we now consider the decree of Trent that called for the restoration of the actual exercise by deacons of their traditional functions, particularly at the liturgy, as well as the functions of the subdeacon and the four minor orders of porter, lector, exorcist, and acolyte. The pertinent text is part of the reform decree of the twenty-third session of the Council of Trent, celebrated 15 July 1563. The decree treats various disciplinary matters pertaining to clerics and holy orders. It makes reference to deacons in several chapters, two of which are of particular interest here. In chapter 2, the Fathers distinguished the major and minor orders.

But, since the ministry of so holy a priesthood is something divine, that it might be exercised in a more worthy manner and with greater veneration, it was consistent that in the most well-ordered arrangement of the Church there should be several distinct orders of ministers, who by virtue of their office should minister to the priesthood, so distributed that those already having the clerical tonsure should ascend through the minor to the major orders. For the Sacred Scriptures mention unmistakably not only the priests but also the deacons, and teach in most definite words

⁷ As works of charity, these might also be seen as acts of the *munus sanctificandi*. See 1983 Code c. 839, §1.

what is especially to be observed in their ordination; and from the very beginning of the Church the names of the following orders and the duties proper to each one are known to have been in use, namely, those of the subdeacon, acolyte, exorcist, lector and porter, though these were not of equal rank; for the subdiaconate is classed among the major orders by the Fathers and holy councils, in which also we read very often of other inferior orders.⁸

It is noteworthy that the text mentions the scriptural origins of the order of deacon and the manner of his ordination.

The restoration of the traditional functions pertaining to the minor orders and to the major orders of the diaconate and subdiaconate, and their exercise by those ministers, was decreed in chapter 17 of the reform decree from Session 23. Prefacing the chapters of the decree is the introduction: "The same holy council of Trent, continuing the matter of reform, resolves and ordains that the things following be at present decreed."⁹

That the functions of holy orders from the deacon to the porter, which have been laudably received in the Church from the times of the Apostles, and which have been for some time discontinued in many localities, may again be restored to use in accordance with the canons, and may not be derided by the heretics as useless, the holy council, burning with the desire to restore the ancient usage, decrees that in the future such functions shall not be exercised except by those constituted in these orders, and it exhorts in the Lord each and all prelates of the churches and commands them that they make it their care to restore these functions, so far as it can be conveniently done, in cathedral, collegiate and parochial

⁸ Cum autem divina res sit tam sancti sacerdotii ministerium, consentaneum fuit, quo dignius et maiori cum veneratione exerceri posset, ut in Ecclesiae ordinatissima dispositione plures, et diversi essent ministrorum Ordines, qui sacerdotio ex officio deservirent; ita distributi, ut, qui iam clericali tonsura insigniti essent, per minores ad maiores ascenderent. Nam non solum de sacerdotibus, sed et de diaconis sacrae Litterae apertam mentionem faciunt; et quae maxime in illorum ordinatione attendenda sunt, gravissimis verbis docent; et ab ipso Ecclesiae initio sequentium Ordinum nomina, atque uniuscuiusque eorum propria ministeria, subdiaconi scilicet, acolythi, exorcistae, lectoris, et ostiarii in usu fuisse cognoscuntur, quamvis non pari gradu; nam subdiaconatus ad maiores Ordines a patribus, et sacris Conciliis refertur, in quibus et de aliis inferioribus frequentissime legimus. In *Canones et decreta Sacrosancti Oecumenici Concilii Tridentini*, Rome, Ex Typographia Polyglotta S.C. De Propaganda Fide, 1904, p. 150; translation in H.J. SCHROEDER (ed. and trans.), *The Canons and Decrees of the Council of Trent*, Rockford, Tan Books and Publishers, 1978, pp. 160-161 (=SCHROEDER).

⁹ SCHROEDER, p. 164.

churches of their diocese, if the number of people and the revenues of the Church are able to bear it.... In case there should not be at hand unmarried clerics to exercise the functions of the four minor orders, their place may be supplied by married clerics of approved life, provided they have not married a second time, are competent to discharge the duties, and wear the tonsure and clerical garb in church.¹⁰

The ultimate aim of the decree is that the traditional functions of the minor orders, the subdiaconate, and the diaconate be restored and exercised by the men in those respective orders. Regarding the diaconate, the most effective way to see that the diaconal functions actually would be restored on a permanent basis and performed by men who actually were deacons would have meant the restoration of the permanent diaconate. With permanent deacons, the exercise of these functions would be secure and would not have to depend on the occasional ministry of temporary deacons who would soon be ordained priests, much less by priests dressing up as deacons at liturgy. Regarding the minor orders, the Fathers clearly intended, in the case of married men, that they would normally be permanently exercised by the same men, since they would not be eligible to be advanced to the major orders which were open only to celibates.

It should be noted that this reform, while encouraged, was not imposed on the bishops and other prelates. The decree exhorts and commands them to restore the

¹⁰ Ut sanctorum Ordinum a diaconatu ad ostiariatum functiones, ab apostolorum temporibus in Ecclesia laudabiliter receptae, et pluribus in locis aliquandiu intermissae, in usum iuxta sacros canones revocentur, nec ab haereticis, tamquam otiosae, traducantur, illius pristini moris restituendi desiderio flagrans sancta Synodus decernit, ut in posterum, huiuscemodi ministeria non nisi per constitutos in dictis Ordinibus exerceantur; omnesque et singulos praelatos ecclesiarum in Domino hortatur, et illis praecipit, ut, quantum fieri commodo, poterit, in ecclesiis cathedralibus, collegialibus, et parochialibus suae dioecesis, si populus frequens, et ecclesiae proventus id ferro queant, huiusmodi functiones curent restituendas, et ex aliqua parte redituum aliquorum simplicium beneficiorum, vel fabricae ecclesiae, si proventus suppetant, aut utriusque illorum, eas functiones exercentibus stipendia assignent; quibus, si negligentes fuerint, ordinarii iudicio, aut ex parte mulctari, aut in totum privari possint. Quod si ministeriis quatuor minorum Ordinum exercendis clerici caelibes praesto non erunt, suffici possint etiam coniugati vitae probatae, dummodo non bigami, ad ea munia obeunda idonei, et qui tonsuram, et habitum clericalem in ecclesia gestent. Translation in SCHROEDER, p. 174.

functions of the six orders below the priesthood “so far as it can conveniently be done” (*quantum fieri commode poterit*) and “if the number of people and the revenues of the church are able to bear it.” Effectively, the reform decree amounted to a recommendation to restore the traditional, ideal practice, but prelates were not required to implement the decree, and they did not do so to any significant extent.¹¹ In reality, there was neither sufficient interest in nor theological knowledge of the permanent diaconate to move this along. The diaconate remained a brief transitional stage on the way to priesthood. Even as late as 1969, before the *novus Ordo Missae* took effect, the roles of deacon and subdeacon at solemn Mass typically were filled by priests.

Despite this lack of any mandatory restoration of the permanent diaconate, the Fathers of the Council of Trent had reaffirmed the “original design” of the deacon’s position with the bishop and the priest as a team. Although the actual text of the decree did not identify the precise functions of the deacon (or the subdeacon, or the minor orders), one can assume from the earlier text presented to the council that they had in mind all of the traditional diaconal roles in the *munera* of sanctifying, governance, and teaching.

2.2. The 1917 Code

Despite the work put into the project, neither the Council at Trent, nor Vatican I later, made any lasting contribution to the restoration of the permanent diaconate.¹² The

¹¹ See HORVATH, p. 512. See also, J.M. ROSS, “Deacons in Protestantism,” in *Theology*, 58 (1955), pp. 429-436.

¹² Vatican Council I was cut short on 20 October 1870 with the outbreak of the Franco-Prussian War, the Italian invasion of the Papal States, and the surrender of Rome in September 1870.

1917 Code of Canon Law was the next body of legislation of major canonical significance with regard to the diaconate. In this Code, deacons had a small role in the exercise of the *tria munera*. The local ordinary could grant a deacon the faculty to preach (c. 1342, §1); the deacon was an extraordinary minister of baptism (c. 741) and of holy Communion (c. 845, §2); and he was an ordinary minister of exposition and reposition, but not benediction, of the Blessed Sacrament (c. 1274, §2). Though not mentioned in the Code, the deacon could also assume his proper functions in the solemn Mass and the Mass *coram Episcopo*. That is the sum of it. Worst of all, in this Code the universal law of the Latin Church positively forbade accepting candidates to the diaconate, subdiaconate, and minor orders who did not intend to advance to the priesthood. Canon 973, §1 said that first tonsure and the orders must only be conferred on those who have the intention of advancing to the priesthood and of whom it may reasonably be expected that they will be worthy future priests.¹³ The only possibility remaining was the case of a man, ordained a deacon, who chose not to be ordained a priest; he could then exercise his diaconal order on a permanent basis (*CIC* 1917 c. 973, §2), that is, if he could find a bishop who would allow him to function. The insignificant place of the deacon in the post-Tridentine Church was now codified in the first Code of Canon Law. The permanent diaconate was now dead in the law as well as in fact.

2.3 Twentieth Century Restoration Movement

During the early part of the twentieth century, some remarkable events occurred in Europe which contributed to scholarly and pastoral discussion on the need for the

¹³ Prima tonsura et ordines illis tantum conferendi sunt, qui propositum habeant ascendendi ad presbyteratum et quos merito conicere liceat aliquando dignos futuros esse presbyteros.

permanent diaconate, and this movement helped lay the foundations for its restoration at Vatican II.¹⁴ Interest in a renewed diaconate was expressed by members of both the Catholic and Protestant churches in Europe.¹⁵ During the early twentieth century a number of discussions took place about the diaconate in so-called diaconate circles, both of which were primarily centered in Germany, and both of which were primarily a product of the laity and staffed by laity.¹⁶ However, it was the Second World War that forged these preliminary discussions and desires for a renewed diaconate into the movement that would ultimately continue until Vatican II and the full restoration. Otto Pies, S.J. and Wilhelm Schamoni, while interned at the infamous Dachau prison camp, used their time of imprisonment to discuss at great length the restoration of the diaconate. The need for the diaconal ministry, expressed earlier by the Fathers of Trent, was now felt at the grassroots of the Latin Church in Europe. Following the war and their release from prison, each produced his own respective work on the diaconate.¹⁷ Also, after the

¹⁴ DITEWIG, p. 93, cites the following: 1) the German experience prior to the Second World War, 2) the Dachau experience and post-war developments centered in Germany and France, 3) pastoral developments related to the *missio ad gentes* and catechetics, and 4) significant papal teachings.

¹⁵ HORVATH, p. 512.

¹⁶ There were significant strides by both the Anglican and Lutheran churches to restore the diaconate fully and recognize its sacramental nature. The topic was the basis of ecumenical meetings, primarily in Europe, in the twentieth century. See J.M. ROSS, "Deacons in Protestantism," in *Theology*, 58 (1955), pp. 429-436, who says, regarding the restoration, that "it would only be in the twentieth century that the flames became fires that burned with result." See also *Diaconat, XXI^{ème} siècle*, Théologies pratiques, Brussels, Lumen Vitæ, 1997, esp. pp. 203-215 on the permanent diaconate in Protestantism.

¹⁷ W. SCAMONI, *Familienväter als geweihte Diakone*, Paderborn, Schöningh, 1953; English translation *Married Men as Ordained Deacons*, trans. O. EISNER, London, Burns & Oates, 1955; and O. PIES, S.J., "Cellblock 26 — Experiences of the Priestly Life in Dachau," in *Stimmen der Zeit* (October 1947). The writings on the possible restoration of the diaconate are by no means limited to those cited in this thesis, too many to be reviewed in this thesis.

war, Josef Hornef, a Protestant in Germany, produced writings which very positively affected the restoration. The Lutheran Church in Germany witnessed a growing commitment among the laity to a restored diaconate. All of this grassroots' fervor contributed to the movement for restoration.¹⁸

The growing momentum toward restoration was not limited just to Germany or to Protestants. By 1956 this concern became manifest in Catholic circles with discussions on the restoration at the national congress of pastoral liturgy held at Assisi.¹⁹ By 1962 the Fathers of Vatican II were presented with requests from both outside and from among their brother bishops to study the matter. The Benedictines and Franciscans also led a movement among religious communities in a desire to adopt the permanent diaconate.²⁰

A major highlight in the contributions to the research into both the history and the theology of the diaconate was the 1962 publication of a collected work under the

¹⁸ CCCB, *Guidelines*, pp. 5-6. Hornef also noted that, in his opinion, "...there are two alternative remedies: the Church can either permit priests to marry in the manner in which the Greek uniates are permitted to do, or she can expand the sphere of activity of deacons, so that these men, who would be allowed to be married, could carry out in part the teaching office and other ecclesiastical functions, while the priest ... would exclusively administer the sacraments...." J. HORNEF, "The Genesis and Growth of the Proposal," in *Foundations for the Renewal of the Diaconate*, Washington, United States Catholic Conference, 1993, p. 6. Also, Schamoni commented that a married diaconal clergy is an "assimilation to the practice of the Eastern Church that can be traced back to apostolic times." See W. SCHAMONI, *Married Men as Ordained Deacons*, p. 7.

¹⁹ See W. VAN BEKKUM, "The Liturgical Revival in the Service of the Missions," in *The Assisi Papers*, Proceedings of the First International Congress on Pastoral Liturgy, Assisi-Rome, September 18-22, 1956, Collegeville, Liturgical Press, 1957, pp. 95-112. See also E. D'SOUZA, "Permanent Deacons in the Missions," in J. HOFINGER (ed.), *Liturgy and the Missions: The Nijmegen Papers*, New York, P.J. Kennedy & Sons, 1960, pp. 177-190. A good review of the theological discussions of the time is that of P. BELTRANDO, *Diaconi per la Chiesa*, Milan, Istituto Propaganda, 1977.

²⁰ CCCB, *Guidelines*, pp. 6-7.

direction of Karl Rahner and Herbert Vorgrimler, *Diaconia in Christo*.²¹ This theological, exegetical, and patristic study stands out among all others. Some claim that the contribution of Karl Rahner was almost singly responsible for a great portion of the council's work on the restoration.²² The course of the Church on the road to a restoration had now been set.

2.4 The Second Vatican Council

The Fathers of the Second Vatican Council reflected profoundly on the nature of the Church and its relation to the world. As part of this reflection, it drew on the organic ecclesiology of the ancient Church, which contrasted sharply with the *societas perfecta* model that had been the predominant self-vision of the Church entrenched since at least the 1800s.²³ References to the diaconate are found in a number of the council documents. In key passages from some of the conciliar documents we find a concrete commitment on the part of the Fathers actually to implement a restored permanent diaconate, unlike Trent's halfhearted attempt.

The progression of the council and the development of its resulting documents are divided into three historical phases.

²¹ Freiburg, Herder, 1962.

²² There was a practical problem for the fathers of Vatican II in that there were few experts to consult, as there was little to no experience with permanent deacons in the Latin West for a millennium. See ECHLIN, *The Deacon*, p. 119.

²³ We will not enter into the details of this renewed ecclesiological vision, but we mention its impact as part of the background to the restoration of the deacon as a permanent and stable office in the Latin Church.

1. The antepreparatory phase, in which subjects for discussion were canvassed from bishops around the world, were reviewed, and were compiled for discussion.²⁴
2. The preparatory phase, in which the proposals for discussion were actually assigned to the various commissions for study and recommendation.²⁵
3. The actual sessions of the council in which these topics were discussed, debated, and upon which recommendations, documents, or other results occurred as recorded in the *acta*.²⁶

2.4.1 The conciliar debate

During the antepreparatory stage, a number of proposals were put forth regarding the possible restoration of the diaconate. While not citing the proposals in detail and by content, it is sufficient to note that the wide geographical range of bishops who offered the proposals indicated significant and widespread support from bishops throughout the world.²⁷ The move was no longer just a European resurgence.

During the following phase, the preparatory stage, Cardinal Massella, who chaired the commission *De disciplina Sacramentorum*, was the primary overseer of the

²⁴ *Acta et documenta Concilio oecumenico Vaticano II apparando: Series prima (antepreparatoria)*, Typis Polyglottis Vaticanis, 1960-1961 (=ADA).

²⁵ *Acta et documenta Concilio oecumenico Vaticano II apparando: Series secunda (praeparatoria)*, Typis Polyglottis Vaticanis, 1969 (=ADP).

²⁶ *Acta Synodalia Sacrosancti Concilii Vaticani II*, Typis Polyglottis Vaticanis, 1970- (=AS).

²⁷ Ditewig goes into great detail about the categories of the proposals, their content, geographic locations of the bishops who proposed them, and how support or rejection of the proposals may be broken down. He presents some very helpful tables. See DITEWIG, pp. 73-76.

investigation of the proposals for the restoration.²⁸ Other commissions charged with review of materials were the Commission for the Oriental Churches and the Commission for the Missions. By January 1962, Cardinal Massella brought together the work that had been done on the proposals and reduced them to one question: "Whether the diaconate should be restored in the Latin Church."²⁹ The first general debate, *De diaconatu permanente seu stabili instaurando*,³⁰ followed the presentation of the draft *De Sacramento Ordinis*.³¹ The debate focused not only on the diaconate itself but related questions such as the minor orders, the method that the restoration should follow, ages for ordination to the various orders, and intervals between reception of orders. The Commission examined the materials presented to it on the theological, juridical, pastoral, and social aspects of the question. The bishops voted on what they perceived were the major issues, particularly the ordination of married men. The result was that the Commission found sufficient support to redraft their proposal to fit the views of the council Fathers.

Cardinal Amleto Cicognani followed the presentation by Cardinal Masella with the presentation of the Commission for the Oriental Churches. Their document, *De Ecclesiae Sacramentis*, proposed "revitalization" of a diaconate that could be traced back to its ancient roots.³² While the permanent diaconate had disappeared in the Latin

²⁸ G. PHILIPS, "History of the Constitution," in H. VORGRIMLER (ed.), *Commentary on the Documents of Vatican II*, vol. 1, New York, Herder and Herder, 1967, p. 106.

²⁹ DITEWIG, p. 77.

³⁰ ADP, II/II, pp. 150 – 153.

³¹ ADP, II/II, pp. 138 – 150.

³² ADP, II/VI, p. 262.

Church, Cicognani explained to the Central Commission, it had continued to exist in the Eastern Churches, although some were currently without deacons due to many reasons. Therefore, while Cardinal Masella proposed a *restoration* of the diaconate in the Latin Church, Cicognani proposed a *revitalization* in the Eastern Churches.

Although the presentations by Cardinal Masella and Cardinal Cicognani were just days apart, the Commission for the Missions did not present its draft proposal for another two months.³³ The proposal looked at some of the possible functions for deacons, the distinctiveness of the diaconal and priestly vocations, and the issue of married men as deacons. It intended that the diaconate only be open to those seeking ordination and that it not be extended to laypersons merely on the basis of the functions that they perform.³⁴

Conciliar commissions assessed the proposals and the background work that had been done on the diaconate and began drafting those documents which would ultimately emerge from the council and become the driving force for the restoration in the Latin Church. In the 1962 *Schema Constitutionis dogmaticae de Ecclesia*, which later evolved into *Lumen gentium*, no mention was made of the diaconate. This document was criticized by the bishops for a number of reasons and was redrafted. It was not reintroduced until September 1963, under the new incipit *Lumen gentium*, and was accepted for discussion in October 1963. Interestingly, the diaconate was not bifurcated but was rather treated as a unitary order with the understanding that some deacons would continue on to the priesthood but that in other cases it would be possible for deacons to

³³ ADP, II/III, p. 211.

³⁴ Ibid., pp. 211-213.

remain in a proper and permanent order of the hierarchy.³⁵ Cardinal Browne, Vice-President of the Commission *De doctrina fidei et morum*, in his presentation referred to the diaconate and presbyterate as “divinely instituted assistants of the bishops.”³⁶

The principal conciliar debate on the subject of restoring the permanent diaconate in the Latin Church occurred during the 41st to the 49th general assemblies (4-16 October 1963). There was a flurry of debate on the issue, some of which was presented orally and some of which was presented in written form. It was nonetheless clear from the debate that the bishops held some strong positions. What was extraordinary was that they were able to progress from their differences and bring themselves to agreement. Among the challengers was Cardinal Spellman of New York who objected to the diaconate. He said that more study was needed on its history with a view as to exactly why it became obsolete in the Latin Church. He also said that properly training these permanent deacons would prove troublesome. He did not think that they had a valuable contribution to make, and he feared that their presence would diminish vocations to the priesthood. Cardinal Bacci and Bishop de Mello echoed Cardinal Spellman.³⁷ The naysayers, however, were challenged by those in favor of the restoration. For example, Cardinal Doepfner noted that it was nothing new to reaffirm the sacramentality of the diaconate since that had already been accomplished at the Council of Trent.³⁸

³⁵ AS II/I, p. 235.

³⁶ AS II/I, p. 340.

³⁷ DITEWIG, pp. 84 ff., analyzes the debate and cites the positions of a number of the Fathers both for and against the diaconate. As an aside, the author of this present thesis notes for readers that Antonio Cardinal Bacci was then a permanent fixture in the Holy Offices, serving at various times on the Congregations for Religious, Causes of Saints, and Catholic Education. Bishop de Mello, S.J., was bishop of the titular see of Nasaitensis (Nasai).

³⁸ AS II/II, pp. 227-230.

The tide of the discussion and debate turned definitively for the restoration when Cardinal Suenens spoke eloquently on its behalf.³⁹ Cardinal Suenens grounded his brilliant presentation in Sacred Scripture, the writings of the apostolic Fathers, the consistency of Tradition, and the authority of the liturgical books of both the East and West.⁴⁰ As to the purpose, organization, and subject matter of the arguments for the restoration, one could do no better than to have adopted Cardinal Suenens' model which specifically relied on the threefold *munus* of the Church: *munus docendi*, *munus sanctificandi*, and *munus regendi*. His argument was persuasive and contributed to building a conciliar consensus for the restoration.⁴¹ Some who had not yet been convinced of the need for the restoration, or who had even opposed it, completely changed their point of view in favor of restoration following his presentation.⁴²

2.4.2 *Lumen gentium* 29

In 1964, the final draft of *Lumen gentium* was proposed and the Dogmatic Constitution on the Church was adopted on 21 November.⁴³ Article 29 of the constitution, situated in chapter 3 on the hierarchical structure of the Church, is devoted

³⁹ Ibid., pp. 317-319.

⁴⁰ Ibid.

⁴¹ Suenens' articulation of a theology of the diaconate "helped focus for the Fathers the essential elements of the issue, and not just on the functional dimension of the diaconate." See DITEWIG, p. 88.

⁴² This is not to say that Suenens' address closed the debate. Various other bishops spoke for and against restoration. Bishop Šeper even cited relations between the Western and Eastern Churches as being a valuable reason for the restoration in the Latin Church. In AS II/II, pp. 358-360.

⁴³ Dogmatic Constitution on the Church *Lumen gentium*, 21 November 1964, in AAS, 57 (1965), pp. 5-71.

to the diaconate.⁴⁴ It begins by saying that deacons are a lower level of the hierarchy and receive the imposition of hands “not unto the priesthood, but unto the ministry.”⁴⁵ Deacons receive the sacramental grace of holy orders to serve the people of God in conjunction with bishops and presbyters. The text of paragraph 29 includes a general treatment of the office of the deacon, a list of major functions of the deacon, justification for the restoration, and the possibility of ordaining married men to the diaconate. The deacon would minister in liturgy, word, and charity, as well as in administration. Most of the specific functions listed in paragraph 29 are those of the *munus sanctificandi*: administering baptism and Holy Communion, assisting at marriages and giving the nuptial blessing, bringing Viaticum to the dying, presiding over worship and the prayer of the faithful, administering sacramentals, and officiating at funerals and burials. Regarding the teaching function, the council mentioned that deacons would read the scripture to the faithful and instruct and exhort them. Concerning their participation in the *munus regendi*, the council broadly stated that deacons are dedicated to works of charity and functions of administration.⁴⁶

In the second paragraph of article 29, the council fathers refer to the diaconate and its functions as “extremely necessary” for the life of the Church, and notes that these

⁴⁴ AS, III/I, pp. 227-229.

⁴⁵ FLANNERY1, p. 387.

⁴⁶ In gradu inferiori hierarchiae sistunt Diaconi, quibus «non ad sacerdotium, sed ad ministerium» manus imponuntur. Gratia etenim sacramentali roborati, in diaconia liturgiae, verbi et caritatis Populo Dei, in communione cum Episcopo eiusque presbyterio, inserviunt. Diaconi est, prout ei a competenti auctoritate assignatum fuerit, solemniter baptismum administrare, Eucharistiam servare et distribuere, matrimonio Ecclesiae nomine adistere et benedicere, Viaticum moribundis deferre, fidelibus sacram legere Scripturam, populum instruere et exhortari, fidelium cultui et orationi praesidere, sacramentalia ministrare, ritui funeris ac sepulturae praeesse. Caritatis et administrationis officiis dediti, meminerint Diaconi moniti Beati Polycarpi: «Misericordes, seduli, incedentes iuxta veritatem Domini, qui omnium minister factus est».

functions are “difficult to fulfill” because of the current laws and customs of the Latin Church. The council implied that a change in canon law and customs was needed “to restore the diaconate as a proper and permanent rank of the hierarchy.” It left the decision to the conferences of bishops, with the approval of the pope, on whether the permanent diaconate should be restored in a given region. It left to the pope the decision whether married men “of a more mature age” may be ordained deacons, with the law of celibacy remaining in force for younger men seeking this order.⁴⁷ Effectively, the council left much discretion to the conferences of bishops and diocesan bishops both for the restoration of the permanent diaconate and to the actual forms of service that deacons might undertake.⁴⁸

2.4.3 Other conciliar texts

The diaconate was mentioned eleven times in six different documents of Vatican II.⁴⁹ In *Orientalium Ecclesiarum*, Vatican II also called for a restoration of the permanent

⁴⁷ Cum vero haec munera, ad vitam Ecclesiae summopere necessaria, in disciplina Ecclesiae latinae hodie vigenti in pluribus regionibus adimpleri difficulter possint, Diaconatus in futurum tamquam proprius ac permanens gradus hierarchiae restitui poterit. Ad competentes autem varii generis territoriales Episcoporum coetus, approbante ipso Summo Pontifice, spectat decernere, utrum et ubinam pro cura animarum huiusmodi diaconos institui opportunum sit. De consensu Romani Pontificis hic diaconatus viris maturioris aetatis etiam in matrimonio viventibus conferri poterit, necnon iuvenibus idoneis, pro quibus tamen lex coelibatus firma remanere debet.

⁴⁸ “Ce que [Vatican II] rétablit, c’est le principe de l’exercice permanent du diaconat, et non une forme particulière qu’il aurait eu dans le passé. Ayant établi la possibilité de rétablir le diaconat permanent, le concile semble ouvert aux formes qu’il pourrait prendre dans le futur en fonction des besoins pastoraux et de la pratique ecclésiale, mais toujours dans la fidélité à la Tradition.” See INTERNATIONAL THEOLOGICAL COMMISSION, *Le diaconat*, p. 88.

⁴⁹ *Lumen gentium*, 20, 29, 41; *Sacrosanctum concilium*, 25, 38, 68; *Ad gentes divinitus*, 15, 16; *Christus Dominus*, 15; *Dei Verbum* 25; *Orientalium Ecclesiarum*, 17.

See also the main contributions to the Council published in the collective work, J. LÉCUYER ET AL., *Le diacre dans l’Église et le monde d’aujourd’hui*, Paris, Éditions du Cerf, 1966. See also E.P. ECHLIN, “The Origins of the Permanent Diaconate,” in *American Ecclesiastical Review*, 163 (July-December 1970), pp. 92-105, who says, “When representative Christians convene in a

diaconate in the Catholic Eastern Churches: "The holy council wishes the institution of the permanent diaconate to be restored where it has fallen into disuse, in order that the ancient discipline of the Sacrament of Orders may flourish once more in the Eastern Churches."⁵⁰ The council touched on the diaconate in other contexts as well. *Lumen gentium* 20 says that presbyters and deacons are the helpers of the bishop who has the charge of the community. *Christus Dominus* 15 says that both presbyters and deacons are dependent on the bishops in the exercise of their power. *Lumen gentium* 41 counts deacons in the first place among the ministers of lesser rank than that of presbyter and says that deacons, "waiting upon the mysteries of Christ and of the Church, should keep themselves free from every vice, should please God and give good example to all in everything."⁵¹ *Dei verbum* 25 says that deacons "are officially engaged in the ministry of the Word."⁵²

The achievement of Vatican II in restoring the permanent diaconate was "in complete continuity with ancient tradition and the specific decision of the Council of Trent."⁵³ It was a *restoration* of the ancient tradition, not an innovation.⁵⁴ Moreover, the

solemn synod the promptings of the Spirit in the church are intensified.... At an ecumenical council the Spirit often outdistances theologians" (pp. 92-93).

⁵⁰ OE 17; FLANNERY1, p. 447.

⁵¹ FLANNERY1, p. 399.

⁵² Ibid., p. 764.

⁵³ CONGREGATION FOR CATHOLIC EDUCATION and CONGREGATION FOR THE CLERGY, Joint Declaration, 22 February 1998, Libreria Editrice Vaticana, 1998, p. 1 (=JOINT DECLARATION).

⁵⁴ DITEWIG, p. 20, sees a new paradigm with regard to the diaconate, not solely related to the work of the Fathers of the Council. He says "the renewed diaconate is not simply a restoration of the ancient diaconate. It is a new expression of this ministry in the church." We disagree with this premise. The Fathers of the Council were not about inventing the diaconate but rather recovering it, much as they set about recovering the ancient ecclesiology.

council laid the groundwork for later juridical norms that would determine in greater detail the deacon's participation in the *tria munera*.⁵⁵ This will be particularly evident in the directory on permanent deacons published in 1998.⁵⁶ However, the immediate implementation of the council's call for the restoration of the permanent diaconate came with legislation enacted by Pope Paul VI.

2.5 *Sacrum Diaconatus Ordinem*

The most important legislation on the permanent diaconate since the first millennium is the Apostolic Letter *motu proprio Sacrum diaconatus ordinem (SDO)* promulgated by Pope Paul VI on 18 June 1967.⁵⁷ This *motu proprio* restored the permanent and stable office of the deacon to the Latin Church. The Latin Church now possessed both a permanent and a transitional diaconate. We shall analyze *SDO* in some detail, given the major importance of this document for our topic and due to the fact that most of its norms form the basis for the current law of the Latin Church on the permanent diaconate. Indeed, the *motu proprio* is still in effect except when a later law is directly contrary to any of its provisions or when a certain norm in it has been completely

⁵⁵ The Fathers of Vatican II, rather than distinguishing power of order and power of jurisdiction, "preferred to employ the tripartite distinction of the sanctifying, teaching, and governing functions of Christ and the Church." See J. BEAL, "The Exercise of the Power of Governance by Lay People: State of the Question," in *The Jurist*, 55 (1995), pp. 16-17. Beal points out that unresolved theological issues left by the council, as well as legal issues, will be "the task of its commentators and eventually those responsible for the revision of the Code of Apostolic Letter Law."

⁵⁶ CONGREGATION FOR THE CLERGY, *Directory for the Ministry and Life of Permanent Deacons*, Libreria Editrice Vaticana, 1998, no. 40.

⁵⁷ In AAS, 59 (1967), pp. 697-704; English translation in *CLD*, vol. 6, pp. 577-584. See the annotations in *Ami du Clergé*, 77 (1967), pp. 505-509.

reordered by a later law.⁵⁸ We shall also point out the pertinent canons of the 1983 Code and other more recent sources of the Latin law treating the same matter as the *motu proprio*, except for those matters to be treated in chapter four.⁵⁹

In introducing the legislation, the pope cites Phil 1:1 and Tim 3:8-13 to illustrate his conviction that the Catholic Church “has held the sacred Order of the diaconate in highest honor since the time of the Apostles.”⁶⁰ He briefly reviews the texts of the Second Ecumenical Vatican Council on the restoration of the permanent diaconate and, adhering to the “very ancient tradition,” he says the diaconate is “not to be considered as a mere step toward the priesthood, but it is adorned with its own indelible character and its own special grace so that those who are called to it can ‘serve the mysteries of Christ and the Church’ (LG 41) in a stable fashion.”⁶¹ He then gives an additional purpose of this legislation, which is not only to restore the permanent diaconate but to establish the rules for implementing it and the conditions for the exercise of the diaconal ministry and for the training of candidates. In keeping with Vatican II, the actual determination of whether permanent deacons will serve in the local Churches is to be determined by the competent territorial episcopal conferences, whose decision is to be followed with the approval of the Supreme Pontiff. The introduction ends with the affirmation that all the rights and obligations of clerics as found in the Code of Canon Law apply also to permanent

⁵⁸ See cc. 6, §1, nn. 2, 4; 20. It is clear that *SDO*, on the whole, is still in effect, as its provisions are often cited verbatim in the two Vatican directories on the permanent diaconate and the formation of permanent deacons, issued in 1998. These directories are treated in chapter four, and some norms from the latter are cited below in the commentary on *SDO*.

⁵⁹ These are chiefly the articles in the latter part of the *motu proprio* dealing with the obligations, rights, and functions of deacons.

⁶⁰ *CLD*, vol. 6, p. 577.

⁶¹ *Ibid.*, p. 578.

deacons, unless some other provision be made. *SDO* itself treats many of these clerical obligations and rights.

Following the introduction are thirty-six norms laying down the new legislation. This legislation establishes the conditions for the approval of the restored permanent diaconate by an episcopal conference and the Holy See, celibate and married candidates, and the admissions of candidates by ordinaries. The law also sets minimum age limits, basic training requirements, and the requirement that married candidates be married for a number of years.

Article 1

It is the task of the legitimate assemblies of bishops or episcopal conferences to discuss, with the consent of the Supreme Pontiff, whether and where – in view of the good of the faithful – the diaconate is to be instituted as a proper and permanent rank of the hierarchy.⁶²

This first and most important point of *SDO* is that the restoration of the permanent diaconate is to be “in view of the good of the faithful.” The Church needs the permanent diaconate to provide for the good of the faithful, not just to have a restoration for the sake of novelty or archaism. It had been determined by the Fathers of Vatican II that the mission of the Church, and how this mission can be fulfilled by the deacon, is the first reason for the restoration of the permanent diaconate. The deacon is to serve the people as part of the hierarchy. He is not an independent minister but is part of the team joined with the episcopacy and the presbyterate. The mission of the Church for the good of the faithful is fulfilled by the exercise of the *tria munera*.

Article 2

⁶² 1. Est officium legitimorum episcopalium Coetuum seu Conferentiarum, Summo Pontifice assentiente, deliberare, utrum et ubinam diaconatus, tamquam proprius ac permanens Hierarchiae gradus, in fidelium bonum sit instituendus, necne.

When asking the Apostolic See for approval, the reasons must be explained which favor the introduction of this new practice in a region as well as the circumstances which give well-founded hope of success. Likewise, the manner will have to be indicated in which the new discipline will be implemented, that is to say, whether it is a matter of conferring the diaconate on "suitable young men for whom the law of celibacy must remain intact, or on men of more mature age, even upon those living in the married state," or on both kinds of candidates.⁶³

Having stated that the "good of the faithful" is the primary reason for the restoration, Paul VI requires the conference of bishops to explain concretely the circumstances in the region which suggest that there will be a "well-founded hope" for its success. Further, considering each region, the conference of bishops must determine what candidates will make the best choice to give the ministry a well-founded hope of success, be they celibate, or both married and celibate.

Article 3

Once the approval of the Holy See has been obtained, it is within the power of each ordinary, within the sphere of his own jurisdiction, to approve and ordain the candidates, unless special cases are concerned which exceed his faculties. Let the ordinaries, in drawing up the report on the state of their diocese, also mention this restored discipline.⁶⁴

Following the approval of the decree of the conference of bishops by the Holy See, each ordinary may issue dimissorial letters permitting the ordination of permanent deacons. Diocesan ordinaries are to report on this matter in their quinquennial reports,

⁶³ 2. In petenda ab Apostolica Sede approbatione exponendae sunt tum causae, quae novam huiusmodi disciplinam aliqua in regione constituendam suadeant, tum rerum condiciones, quae veram boni eventus spem afferant; itemque describendus erit eiusdem disciplinae modus, utrum videlicet agatur de diaconato conferendo *iuvenibus idoneis ... lex caelibatus firma remanere debet*, an *viris maturioris aetatis, etiam in matrimonio viventibus*, an utrique candidatorum generi.

⁶⁴ 3. Approbatione ab Apostolica Sede impetrata, uniuscuiusque Ordinarii est in sua sacra ditione candidatos probare et ordinare, nisi agatur de casibus eadem facultate exceptis. In relatione de statu suae dioecesis conscribenda, Ordinarii de hac etiam instaurata disciplina commemorent.

presumably so that the Holy See is able to monitor the progress of the restoration. The “special cases” which exceed an ordinary’s faculties would be those for which he would need to seek a dispensation from the Holy See, for example, regarding the age of a man seeking ordination that is below the age established by law.

Article 4

By the law of the Church, confirmed by the Ecumenical Council itself, young men called to the diaconate are obliged to observe the law of celibacy.⁶⁵

Celibacy among younger deacons is retained as a universal practice of the Latin Church. The precise age requirements are established in articles 5 and 12. An unmarried man being ordained to the diaconate must make a public promise to observe celibacy during the rite of ordination itself.⁶⁶ Articles 5-10 refer to the formation of younger men for the permanent diaconate, those in particular who are required to observe the law of celibacy.

Article 5

The permanent diaconate may not be conferred before the completion of the twenty-fifth year. Nevertheless, an older age can be required by the episcopal conferences.⁶⁷

⁶⁵ 4. Ex Ecclesiae instituto, ipso Oecumenico Concilio comprobante, ii, qui ad diaconatum iuvenes vocantur, lege caelibatus servandi astringuntur.

⁶⁶ *De ordinatione Episcopi, presbyterorum et diaconorum, editio typica altera*, 29 June 1989, Typis Polyglottis Vaticanis, 1990, p. 109. The ordinands must respond affirmatively to this question: “Vos, qui parati estis ad caelibatum amplectendum: Vultis in signum animi vestri Christo Domino dediti, propter Regnum caelorum in Dei hominumque servitio hoc propositum perpetuo custodire?” The liturgical law, derogating from c. 1037, says that professed religious must also make this promise.

⁶⁷ 5. Diaconatus permanens ante quintum et vicesimum expletum annum ne conferatur; grandior tamen aetas ab Episcoporum Conferentiis requiri poterit.

The selection of permanent deacons is to be from men of at least twenty-five years of age. This refers to the younger men who are unmarried. The 1917 Code required only the age of twenty-two for the ordination of a transitional deacon (c. 975). The conferences are free to raise the minimum age of twenty-five to suit their own particular circumstances. This remains the current law (*CIC* c. 1031, §§ 2-3). A dispensation of more than a year from the minimal age of twenty-five is reserved to the Holy See (*CIC* c. 1031, §4).

Article 6

The young men to be trained for the diaconal office should be received in a special institute (*Collegium*) where they will be put to the test and will be educated to live a truly evangelical life and prepared to fulfill usefully their own specific functions.⁶⁸

The legislator calls for the establishment of special institutes, or colleges, for the training of permanent deacons. This has been derogated by canon 236 which says that younger candidates are to live in a “special house” unless the diocesan bishop has established otherwise for grave reasons. Thus, these celibate candidates should live together in a house where they will have their spiritual formation. Their academic studies may take place elsewhere, for example, at seminaries intended primarily for candidates for the priesthood, graduate schools of ministry, or Catholic universities, so long as the candidates also have their own formation program organized for them. The men accepted into the formation program would need the qualities necessary for the diaconate to have a “well-founded hope of success.” For this outcome, training and testing the men before ordination are essential. The formation of permanent deacons in the current law is

⁶⁸ 6. Iuvenes, ad munus diaconale instituendi, in peculiare recipiantur Collegium, ubi probentur, ad vitam vere evangelicam vivendam informantur, ad propria et sua officia utiliter exsequenda instruantur.

governed by canon 236 and the *Basic Norms for the Formation of Permanent Deacons*, issued by the Congregation for Catholic Education in 1998,⁶⁹ as well as by the particular law of the conference of bishops and that of the diocesan bishop.

Article 7

For the foundation of this institute, the bishops of the same country or, if advantageous, of several countries, according to the diversity of circumstances, should join their efforts. They should choose, for its guidance, particularly suitable superiors and establish most accurate norms regarding discipline and the ordering of studies, observing the following prescriptions.⁷⁰

Comparable to the ancient model of the diaconate, we see an example here of the principle of subsidiarity in that the local bishop determines the need, the usefulness, and the type of preparation for his own deacons. Each bishop (or major superior) ultimately has authority over and responsibility for the formation of his permanent deacons.⁷¹ However, the bishops of different dioceses may collaborate in a common formation program if this is advantageous, even on the national or multi-national levels.

Article 8

Only those young men should be admitted to training for the diaconate who have shown a natural inclination of the spirit to service of the sacred hierarchy and of the Christian community and who have

⁶⁹ *Ratio fundamentalis institutionis diaconorum permanentium*, 22 February 1998, in AAS, 90 (1998), pp. 843-879, English translation *Basic Norms for the Formation of Permanent Deacons*, Boston, Pauline Books and Media, 1998 (= CCE, *Basic Norms*).

⁷⁰ 7. Ad huiusmodi Collegium condendum, Episcopi eiusdem regionis, vel, si usus fuerit, plurium quoque regionum eiusdemve nationis, pro variis locorum adiunctis suam consociant operam. Eidem autem moderando praepositos peridoneos eligant, legesque tum de morum disciplina, tum de studiorum ratione accuratissime faciant, servatis, quae sequuntur, normis.

⁷¹ See cc. 1025 and 1029 and CCE, *Basic Norms* 19.

acquired a sufficiently good store of knowledge in keeping with the custom of their people and country.⁷²

In this section the legislator reaffirms the focus on the qualities required in the man prior to his even being accepted as a candidate. Although his formation will provide him with the education and skills he will need to fulfill specific functions, he must first and foremost be a man of Christian character who has a “natural inclination” to serve the Church and its ordained bishops and priests. We find here an echo of the prescriptions of both Timothy and Acts, considered in the previous chapter. The *Basic Norms* enumerate the qualities and virtues necessary for *diakonia* (no. 32). The human qualities are psychological maturity, capacity for dialogue and communication, a sense of responsibility, industriousness, equilibrium, and prudence. The virtues are prayer, Eucharistic and Marian devotion, a humble and strong sense of the Church and her mission, spirit of poverty, capacity for obedience and fraternal communion, apostolic zeal, openness to service, and charity.

Article 9

Specific training for the diaconate should be spread over a period of at least three years. The series of subjects, however, should be arranged in such a way that the candidates are ordinarily and gradually led to carrying out the various functions of the diaconate skillfully and beneficially. Moreover, the whole plan of studies can be so arranged that in the last year special training will be given for the various functions which deacons especially will carry out.⁷³

⁷² 8. In diaconatus tirocinium ii tantum iuvenes ascribantur, qui natualem animi inclinationem ad sacrae Hierarchiae et christianae communitatis ministerium ostenderint, quique sat bonam doctrinae copiam, pro suae gentis suique loci consuetudine, sibi comparaverint.

⁷³ 9. Proprium diaconatus tirocinium per tres saltem annos producat; disciplinarum autem series ita digeratur, ut candidati ad varia diaconatus munera scite salutariterque obeunda ordinatim et gradatim adducantur. Tota praeterea studiorum ratio ita poterit componi, ut extremo anno praecipua tradatur institutio pro diversis muneribus, quae diaconi potissimum exsequuntur.

The goal of the deacon's formation is to enable him to carry out his functions "skillfully and beneficially," always "in view of the good of the faithful," in the words of the pope in article 1. The training for the diaconate is to be offered over a period of at least three years. The law does not say whether this is full-time or part-time, but considering that it applies only to younger men who will be obliged to celibacy, it seems that a full-time program is envisioned, one that would give the permanent deacon a somewhat comparable formation to that of a transitional deacon. The practical formation would normally be given in the last year following the necessary theological studies. The Code of Canon Law says that the formation of younger candidates for the permanent diaconate should be for at least three years in a special house, unless the diocesan bishop has established otherwise for grave reasons.⁷⁴

Article 10

To this, moreover, should be added practice and training in teaching the elements of the Christian religion to children and other faithful, in familiarizing the people with sacred chant and in directing it, in reading the sacred books of Scripture at gatherings of the faithful, in addressing and exhorting the people, in administering the sacraments which pertain to them, in visiting the sick, and in general fulfilling the ministries which can be entrusted to them.⁷⁵

⁷⁴ Canon 236. Aspirantes ad diaconatum permanentem secundum Episcoporum conferentiae praescripta ad vitam spiritualem alendam informantur atque ad officia eidem ordini propria rite adimplenda instruantur:

1° iuvenes per tres saltem annos in aliqua domo peculiari degentes nisi graves ob rationes Episcopus dioecesanus aliter statuerit.

⁷⁵ 10. Huc insuper addantur usus atque exercitationes edocendi pueros aliosque fideles christianae religionis elementa, cantum sacrum evulgandi et moderandi, divinos Scripturae libros in fidelium coetibus perlegendi, populum alloquendi et adhortandi, Sacramenta, quae ad diaconos spectant, ministrandi, aegrotos invisendi, eaque in universum implendi ministeria, quae ipsis committi possunt.

In this section the Pontiff presents the overall role of the deacon in fulfilling the *tria munera* by examples of how this can be achieved. With regard to the *munus docendi*, the deacon is to teach the faithful, children and adults alike. He is to participate in the *munus sanctificandi* through his role at liturgies, administering the sacraments which pertain to deacons, and visiting the sick. The deacon may also be trained to fulfill other ministries with which he will be entrusted. To these could be added administrative roles, fulfilling the *munus regendi*. The *Basic Norms* detail the contents of the formation program in its various dimensions—human, spiritual, doctrinal, and pastoral (nn. 66-88).

Article 11

Older men, whether single or married, can be called to the diaconate. The latter, however, are not to be admitted unless there is a certainty not only about the wife's consent, but also about her blameless Christian life and those qualities which will neither impede nor bring dishonor on her husband's ministry.⁷⁶

Articles 11-17 apply to older candidates who, in practice, are mainly married men, although these norms are also applicable to older celibate men who are unable to pursue the more intensive formation program envisioned for younger candidates. The principal concern of this article is the wife of the married candidate. The wife cannot be neglected or forgotten, as the marital relationship and sacrament is also fundamental to the future deacon's life and ministry. Accordingly, she must consent to the candidate's admission to the formation program. The wife's consent, however, seems a lesser value than the quality of her Christian life. *Basic Norms* 56 says there should be a specific program of formation for the wives of candidates. The obligation is on the ecclesiastical

⁷⁶ 11. Grandioris aetatis viri, sive caelibes sive etiam matrimonio coniuncti, ad diaconatum vocari possunt; hi vero ne admittantur, nisi constet non solum de uxoris consensu, sed de eiusdem etiam christiana morum probitate illisque dotibus, quae viri ministerium nec impediunt nec dedecorent.

authority to provide the program, not on the wife to participate. A man who has met all the requirements for holy orders cannot be denied the sacrament merely because his wife is unable or unwilling to undergo formation.

Article 12

The older age in this case is reached at the completion of the thirty-fifth year. Nevertheless, the age requirement is to be understood in this sense, namely, that no one can be called to the diaconate unless he has gained the high regard of the clergy and the faithful by a long example of truly Christian life, by his unexceptionable conduct, and by his ready disposition to be of service.⁷⁷

This article is reminiscent of the passages of Acts 6:3-6 ("Brothers, select from among you seven reputable men") and 1 Timothy 3:8-13 on the qualities of the deacon.⁷⁸ The minimal age for ordination of a married man, or a celibate who has pursued the formation of the older candidates, is thirty-five. Additionally, such older men ("older" relative to the age of twenty-five) must be held in high regard within the local Church with respect to their commitment to the Christian life, their good conduct, and their motivation for diaconal ministry.

Article 13

In the case of married men, care must be taken that only those are promoted to the diaconate who, while living a number of (*plures*) years in matrimony, have shown that they are ruling well their own household and

⁷⁷ 12. Grandior, de qua agitur, aetas attingitur quinto et tricesimo anno expleto; et tamen ita est intellegenda, ut nemo ad diaconatum vocari possit, quin diuturno vitae vere christianae exemplo, integris et ingenio ad ministrandum proclivi, cleri fideliumque existimationem sibi conciliaverit.

⁷⁸ "Similarly, deacons must be dignified, not deceitful, not addicted to drink, not greedy for sordid gain, holding fast to the mystery of the faith with a clear conscience. Moreover, they should be tested first; then if there is nothing against them, let them serve as deacon.... Deacons may be married only once and must manage their children and their households well. Thus those who serve well as deacons gain good standing and much confidence in their faith in Christ Jesus."

who have a wife and children leading a truly Christian life and noted for their good reputation.⁷⁹

Again, this norm is reminiscent of the scriptural references to deacons in Acts and Timothy. Candidates for the diaconate who are married must be living in a stable marriage, so a newlywed is excluded. Normally, it takes a good five to ten years or longer for a couple to establish their marriage and household. The wife and children also must be leading a Christian life and have good reputations. The wife, though Christian, need not be Catholic.

Article 14

It is to be desired that such deacons be possessed of no small learning about which we have spoken in nn. 8, 9, and 10 above, or that they at least be endowed with that knowledge which in the judgment of the episcopal conference is necessary for them to carry out their specific functions. Consequently, they are to be admitted for a time in a special school (*Collegium*) where they are to learn all that is necessary for worthily fulfilling the diaconal ministry.⁸⁰

Here the legislator refers back to several previous norms treating the formation of the younger candidates for the permanent diaconate. It is desirable that the older candidates also have comparable knowledge and training. If not, they must at least have sufficient knowledge and ability to fulfill their diaconal functions. The conference of bishops is competent to determine this matter. Thus, there is a standard of competence

⁷⁹ 13. Cum de viris matrimonio iunctis agitur, cavendum est, ut ii tantum ad diaconatum provehantur, qui, plures iam annos in matrimonio viventes, se domui suae bene praeesse ostenderint, quippe quibus et uxor et filii sint vitam vere christianam agentes et integra fama praestantes.

⁸⁰ 14. Optandum est, ut tales etiam diaconi haud mediocri sint ornati doctrina, de qua nn. 8, 9, 10 supra diximus, vel illa saltem polleant scientia, quae episcopalis Conferentiae iudicio iisdem necessaria erit ad propria et sua munera implenda. Quam ob rem in peculiare Collegium aliquamdiu admittantur, ubi ea omnia addiscant, quae ad munus diaconale digne exsequendum opus erunt.

required, but the supreme legislator defers to the judgment of the episcopal conference which, in particular law, will determine the appropriate competence to be achieved. The current law remains the same: “men of a more mature age, whether celibate or married, are to spend three years in a program determined by the conference of bishops.”⁸¹ *Basic Norms* 51 adds: “Where circumstances permit, this preparation must be undertaken in the context of a full participation in the community of candidates, which will have its own calendar of meetings for prayer and formation and will also foresee meetings in common with the community of aspirants.”

Article 15

Should this be impossible, the candidate should be entrusted for his education to an outstanding priest who will direct him and instruct him and be able to testify to his prudence and maturity. Care must always and emphatically be taken that only suitable and skilled men may be admitted to the sacred order.⁸²

This law allows a good measure of flexibility for regions and dioceses that lack the resources, or the number of deacon candidates, that would justify an entire formation program. An older form of formation is here resurrected, that of apprenticeship to a capable priest. Even with this less than ideal formation, the bishop is to ensure that the one ordained is neither ignorant of what is required for the effective exercise of his ministry nor unsuitable for it.

⁸¹ Canon 236, 2° maturioris aetatis viri, sive caelibes sive coniugati, ratione ad tres annos protracta et ab eadem Episcoporum conferentia definita.

⁸² 15. Quodsi forte id fieri nequit, candidatus educandus tradatur spectatissimo sacerdoti, qui de eo curam agat, eumque doceat, deque eius prudentia ac maturitate testimonium afferre valeat. Semper autem ac sedulo cavendum est, ut tantummodo idonei peritique viri in sacrum ordinem ascribantur.

Article 16

Once they have received the order of deacon, even those who have been promoted at a more mature age cannot contract marriage by virtue of the traditional discipline of the Church.⁸³

The legislator continues to follow the ancient practice of both the West and the East, namely, that marriage cannot follow ordination to holy orders of major rank. Interestingly, we will see in the fourth chapter that, many years later, a dispensation from this ancient rule will be made possible to permit remarriage for deacons of the Latin Church in certain prescribed circumstances.

Article 17

Care should be taken that the deacons do not exercise an art or profession which in the judgment of the local ordinary is unfitting or impedes the fruitful exercise of the sacred office.⁸⁴

This was a major derogation from the 1917 Code. That Code prohibited all clerics from engaging in any business or trading, whether for their own benefit or for that of others (c. 142). Clerics could not practice medicine or surgery, nor accept public offices that entail secular jurisdiction or administrative duties (c. 139, §§ 1, 2). Any of these professions and duties may now be pursued by a permanent deacon unless the local ordinary judges that it is unfitting or that it impedes the fruitful exercise of the diaconate (cf. 1983 c. 288).

Article 18

Any deacon who is not a professed member of a religious family must be duly enrolled in a diocese.⁸⁵

⁸³ 16. Post ordinem receptum diaconi, grandiore etiam aetate promoti, ex tradita Ecclesiae disciplina ad ineundum matrimonium inhabiles sunt.

⁸⁴ 17. Caveatur, ne diaconi artem vel professionem exercent, quae Ordinarii loci iudicio eos dedecet, vel fructuosam sacri muneris functionem impediat.

When this law was enacted in 1967, tonsure and the minor orders still existed. Incardination in a religious institute or diocese occurred by law at the reception of first tonsure (1917 c. 111). Effectively, article 18 is merely restating a principle of the existing law to make it clear that permanent deacons must be incardinated in accord with the canons binding all clerics (1917 cc. 111-117). Since the elimination of tonsure, the minor orders, and the subdiaconate in 1972, which will be treated later in this chapter (section 2.7), incardination occurs at ordination to the diaconate (cf. 1983 c. 266). Matters relating to the incardination of deacons are more extensively treated in the *Directory for the Ministry and Life of Permanent Deacons* (nn. 2-5).

Article 19

The norms in force with regard to caring for the fitting sustenance of priests and guaranteeing their social security are to be observed also in favor of the permanent deacons, taking into consideration also the family of married deacons and keeping article 21 of this letter in mind.⁸⁶

The applicable laws of the 1917 Code were canons 979 and 981. A cleric had to have a "title" of some kind before he could receive major orders.⁸⁷ This title had to be "fully adequate for a fitting livelihood" (c. 979, § 2). The ordinary was obliged to ensure that a cleric promoted to major orders would have adequate support (c. 981, § 2). These norms were supplemented significantly in Pope Paul VI's 1966 legislation, *Ecclesiae*

⁸⁵ 18. Quilibet diaconus, qui in aliqua religione non sit professus, alicui dioecesi sit rite ascriptus oportet.

⁸⁶ 19. Quae normae de congruenti sacerdotum sustentatione accuranda deque socialibus, ut aiunt, cautionibus in eorum commodum spondendis vigent, eae in favorem quoque stabilium diaconorum servandae sunt, habita etiam ratione familiae diaconorum in matrimonio viventium, atque articulo n. 21 harum Litterarum perspecto.

⁸⁷ E. REGATILLO, *Institutiones Iuris Canonici*, 2nd ed., Santander, Sal Terrae, 1946, vol. 1, p. 195.

sanctae,⁸⁸ which were an implementation of the Vatican II decrees, *Christus Dominus* 16 and *Presbyterorum ordinis* 20-21. *Ecclesiae sanctae* requires patriarchal synods and conferences of bishops to establish norms for the proper support of clergy in the ministry or retired from the ministry. The law makes no distinction between priests and deacons but applies the same standards to all the clergy in identical circumstances, taking into account the nature of the office and of the conditions of time and place. The remuneration should allow such clergy to have a decent living, with enough so that they are also able to help the poor.⁸⁹

The current universal law on this matter is that of canon 281, §§ 1 and 2:

§1. Since clerics dedicate themselves to ecclesiastical ministry, they deserve remuneration which is consistent with their condition, taking into account the nature of their function and the conditions of places and times, and by which they can provide for the necessities of their life as well as for the equitable payment of those whose services they need.

§2. Provision must also be made so that they possess that social assistance which provides for their needs suitably if they suffer from illness, incapacity, or old age.⁹⁰

As we shall see in the commentary on Article 21 below, the norms of canon 281, §§ 1 and 2 apply to all clerics except *married* permanent deacons. The remuneration and

⁸⁸ Apostolic Letter *motu proprio Ecclesiae sanctae*, 6 August 1966, in AAS, 58 (1966), pp. 757-787, no. I, 8.

⁸⁹ Remuneratio clericis tribuenda praecipue eadem requiritur pro omnibus in iisdem adiunctis versantibus, ratione quidem habita tum ipsius muneris naturae, tum temporum locorumque condicionum, atque sufficiens esse debet ut clerici vitam ducere valeant honestam, utque etiam valeant pauperibus adiutorio esse.

⁹⁰ Can. 281 §1. Clerici, cum ministerio ecclesiastico se dedicant, remunerationem merentur quae suae condicioni congruat, ratione habite tum ipsius muneris naturae, tum locorum temporumque condicionum, quaque ipsi possint necessitatibus vitae suae necnon aequae retributioni eorum, quorum servitio, egent, providere.

§2. Item providendum est ut gaudeant illa sociali adsistentia, qua eorum necessitatibus, si infirmate, invaliditate vel senectute laborent, apte prospiciatur.

benefits of permanent deacons, both married and celibate, is more completely regulated in *DMLPD*, nn. 15-20.

Article 20

It is the function of the episcopal conference to issue definite norms on the proper sustenance of the deacon and his family in keeping with the various circumstances of place and time.⁹¹

Here the pope grants a legislative competency to the conference of bishops to enact particular law binding all the bishops of the territory according to the procedure determined by Vatican II.⁹² It is a good example of the principle of subsidiarity, allowing the bishops of each region to determine how permanent deacons will be able to have decent support for themselves and their family.

Article 21

Deacons who are practicing a secular profession take care of their own needs and those of their family from this income insofar as possible.⁹³

This is a prudent norm, for the restoration of the permanent diaconate may well have failed without it, or at least it would not have enjoyed the success it has in certain areas, such as in North America, where most permanent deacons require no salary. Pastors and bishops are quite happy to have their services when it costs them nothing. However, article 21 must be read in conjunction with article 19 and *Ecclesiae sanctae* I, 8. If a deacon lost his job and was unable to support himself and his family, the diocese

⁹¹ 20. Episcopalis Conferentiae erit de honesta sustentatione diaconi eiusque familiae, si matrimonio est iunctus, certas edere normas, pro diversis locorum temporumque adiunctis.

⁹² *Christus Dominus* 38, § 4.

⁹³ 21. Diaconi, qui civilem professionem exercent, ex perceptis inde fructibus sibi suaeque familiae necessitatibus, quantum possunt, consulere debent.

would have a responsibility to assist him, for example, by offering him full-time employment with a fitting salary and benefits.

The current law is that of canon 281, §3, which states:

Married deacons who devote themselves completely to ecclesiastical ministry deserve remuneration by which they are able to provide for the support of themselves and their families. Those who receive remuneration by reason of a civil profession which they exercise or have exercised, however, are to take care of the needs of themselves and their families from the income derived from it.⁹⁴

This is a marked improvement over *SCO*. The Code now makes the distinction between a married deacon who exercises the ministry full-time as opposed to one who has a profession and serves only part-time in the ministry. The former is entitled to a remuneration that will provide for himself and his family; the latter does not have a right to remuneration for his services, unless this is provided in particular law. The canon only mentions *married* permanent deacons. There appears to be a lacuna in the law regarding celibate permanent deacons who have a civil profession and exercise the ministry only part-time. This lacuna may be resolved by using a law passed for similar matters, which is precisely this same canon 281 (cf. c. 19). This is recognized explicitly in *DMLPD*, no. 17. Celibate deacons, too, who have a civil profession and minister only part-time are not entitled to remuneration.

Article 22

According to the above-mentioned Constitution of the Second Vatican Council, it pertains to the deacon, to the extent that he has been authorized by the local ordinary, to attend to these functions: (1) to assist the bishop and the priest during liturgical actions in all things which the ritual of the different orders assign to him; (2) to administer baptism

⁹⁴ Diaconi uxorati, qui plene ministerio ecclesiastico sese devovent, remunerationem merentur qua sui suaeque familiae sustentationi providere valeant; qui vero ratione professionis civilis, quam exercent aut exercuerunt, remunerationem obtineant, ex perceptis inde redditibus sibi suaeque familiae necessitatibus consulant.

solemnly and to supply the ceremonies which may have been omitted when conferring it on children or adults; (3) to reserve the Eucharist and to distribute it to himself and to others, to bring it as Viaticum to the dying and to impart to the people benediction with the Blessed Sacrament with the sacred ciborium; (4) in the absence of a priest to assist at and to bless marriages in the name of the Church by delegation from the bishop or pastor, observing the rest of the requirements which are in the Code of Canon Law, with canon 1098 remaining firm and where what is said in regard to the priest is also to be understood in regard to the deacon; (5) to administer sacramentals and to officiate at funerals and burial services; (6) to read the sacred books of Scripture to the faithful and to instruct and exhort the people; (7) to preside at the worship and prayers of the people when a priest is not present; (8) to direct the liturgy of the word, particularly in the absence of a priest; (9) to carry out, in the name of the hierarchy, the duties of charity and administration as well as works of social assistance; (10) to guide legitimately, in the name of the parish priest and of the bishop, remote Christian communities; (11) and to promote and assist the apostolic works of the laity.⁹⁵

Most of these functions are repeated from *Lumen gentium* 29. However, there are changes and additions. Whereas Vatican II said the deacon presides over the worship and prayer of the faithful, no. 7 of the motu proprio adds the proviso, "particularly when a priest is not present." When a priest is present, it is his office to preside and the deacon's

⁹⁵ 22. Secundum memoratam Concilii Vaticani II Constitutionem, diaconi est, quatenus loci Ordinarius haec ipsa expedienda commiserit :

1) inter actiones liturgicas episcopo et presbytero adesse in omnibus, quae rituales varii ordinis libri eidem attribuunt;

2) baptismum sollemni ritu administrare atque omissas caeremonias super baptizatum sive infantem, sive adultum supplere;

3) Eucharistiam asservare, sibi ceterisque distribuere, eam inviaticum morientibus afferre, atque eucharisticam benedictionem, quam dicunt, cum sacra pyxide populo impertire;

4) ubi sacerdos deest, Ecclesiae nomine matrimoniis celebrandis assistere et benedicere ex delegatione episcopi vel parochi, ceteris servatis, quae in C.I.C. iubentur atque firmo manente can. 1098, ubi quae de sacerdote dicuntur, ea de diacono etiam sunt intellegenda;

5) sacramentalia ministrare, funeris ac sepulturae ritibus praeesse;

6) divinos Scripturae libros fidelibus legere, populumque edocere et adhortari;

7) religiosi cultus officiis et supplicationibus praesidere, ubi sacerdos non adest;

8) verbi Dei celebrationes moderari, ubi praesertim sacerdos deest;

9) caritatis et administrationis officiis atque socialis subsidii operibus, Hierarchiae nomine, perfungi ;

10) parochi et episcopi nomine, dissitas christianorum communitates legitime regere;

11) apostolica laicorum opera fovere et adiuvaré.

to assist. An additional function, in no. 9, is carrying out works of social assistance, which may be considered an act of charity, and thus an act of the *munus sanctificandi* (cf. 1983 c. 839, §1), or it may be considered an apostolic activity, part of the Church's role in the *munus regendi* of pasturing her flock. The final functions, in nn. 10 and 11, are new, both of them activities of the *munus regendi*: to govern, or lead (*regere*), remote Christian communities in the name of the parish priest and of the bishop, and to promote and assist the apostolic works of the laity. The more current sources of law on the functions of deacons are treated in Chapter Four.

Article 23

All these functions (*munera*) must be carried out in perfect communion with the bishop and with his presbyterium, that is to say, under the authority of the bishop and of the priests who are in charge of the care of souls in that place.⁹⁶

The exercise of the *tria munera* by deacons is subject to the authority and supervision of the bishop and the pastor or other priest who has charge of the pastoral care of the community. This was seen above in article 22, no. 10 where, although the deacon has the responsibility for leading a remote community, he nevertheless does so in communion with the bishop and the pastor. Canon 517, §2 of the 1983 Code will enunciate much the same principle, but more restrictively. It does not say that the deacon (or other minister) in a parish without a resident pastor *leads* (*regere*) the community, but rather that he or she has "a participation in the exercise of the pastoral care of a parish" and that a priest is appointed to direct the pastoral care.

Article 24

⁹⁶ 23. Quae omnia munera in perfecta cum episcopo eiusque presbyterio communione exsequenda sunt, videlicet sub auctoritate episcopi et presbyteri, qui eo loci fidelium curae praesunt.

Deacons, as much as possible, should have their part in pastoral councils.⁹⁷

Vatican II called for the establishment of pastoral councils at both the diocesan and parish levels at which both the clergy and the laity would collaborate in fostering pastoral action.⁹⁸ This norm encourages the participation of deacons in such councils, whether of the universal or particular law. The councils in the *CIC* are the diocesan financial council (c. 492), the diocesan pastoral council (c. 511), the parish financial council (c. 537), and the parish pastoral council (c. 536). The universal law also mandates a diocesan commission on the liturgy,⁹⁹ a diocesan commission for ecumenism,¹⁰⁰ and a diocesan catechetical office.¹⁰¹

Article 25

Deacons, as those who serve the mysteries of Christ and of the Church, should abstain from all vice and endeavor to be always pleasing to God, "ready for every good work" for the salvation of men. By reason, therefore, of the order received, they must surpass by far all the others in

⁹⁷ 24. In Consiliis Pastoralibus diaconi, ut fieri potest, suam partem habeant.

⁹⁸ *PO*, nn. 7, 17; *CD*, no. 27; *AG*, no. 30.

⁹⁹ *SC* 45 states that every diocese is to have a commission on the sacred liturgy, under the direction of the bishop, for promoting the liturgical apostolate. It allows the possibility that several dioceses might form a single commission to promote the liturgy by common consultation. *SC* 46 says every diocese, "as far as possible," should have commissions on sacred art and sacred music.

¹⁰⁰ The 1993 *Directory for the Application of the Principles and Norms on Ecumenism* (*DAPNE* 42) requires that there be an ecumenical council, commission, or secretariat in every diocese, although several dioceses may have a joint commission or secretariat if circumstances should favor this approach. The commission or secretariat should reflect the totality of the diocese and generally include among its members clergy, religious men and women, and lay persons of various competencies, especially those who have ecumenical expertise.

¹⁰¹ CONGREGATION FOR THE CLERGY, *Directorium generale pro catechesi*, 15 August 1997, Libreria editrice Vaticana, 1997, nn. 265-267; Vatican English translation *General Directory for Catechesis*, Washington, United States Catholic Conference, 1998.

the practice of the liturgical life, in the love for prayer, in the divine service, in obedience, in charity, in chastity.¹⁰²

This is an exhortation to deacons to excel in virtues, most of which are of the divine law and which bind everyone. Canon 124 of the 1917 Code said that both the interior life and the exterior conduct of the clergy should be superior to that of the laity, to whom they should furnish an example of virtue and good deeds.¹⁰³ This norm of the *motu proprio* does not so sharply divide clergy from laity, but there is a hint of it in saying deacons “must surpass by far all the others.” Due to their reception of the sacrament of holy orders, they act publicly in the name of the Church when they minister, so they should seek to be admirable in their conduct and service. The virtue of chastity is, of course, observed differently by celibate and married deacons, a point that will be given greater attention in Chapter Four.

Articles 26 and 27

26. It will be the task of the episcopal conference to establish more efficacious norms to nourish the spiritual life of the deacons, both celibate and married. Let the local ordinaries, however, see to it that all the deacons: (1) devote themselves assiduously to reading and meditating on the word of God; (2) frequently, and if possible every day, participate actively in the Sacrifice of the Mass, receive the sacrament of the Most Holy Eucharist and devoutly visit the Blessed Sacrament; (3) purify their souls frequently with the sacrament of penance and, for the purpose of receiving it worthily, examine their conscience each day; (4) venerate and love the Virgin Mary, the Mother of God, with fervent devotion.

¹⁰² 25. Diaconi, utpote qui Christi et Ecclesiae mysteriis inserviant, a quovis pravitatis vitio se abstineant Deoque semper placere studeant, *ad omne opus bonum* pro hominum salute *parati*. Ob receptum ergo ordinem, longe aliis excellent oportet in vitae liturgicae actione, in studio precandi, in divino ministerio, in oboedientia, in caritate, in castitate.

¹⁰³ Canon 124: “Clerici debent sanctiorem prae laicis vitam interiorem et exteriorem ducere eisque virtute et recte factis in exemplum excellere.”

27. It is a supremely fitting thing that permanent deacons recite every day at least part of the Divine Office, to be determined by the episcopal conference.¹⁰⁴

Deacons are to be men of prayer. This critical element of their life and ministry, seen in the previous chapter, is traceable to the ancient ordination rites and even to the epistle of St. James (5:14 ff.). It is an integral part of their ongoing spiritual regime without which their capacity to fulfill their role in the *munus sanctificandi* would be greatly lessened.

Most of the clerical obligations in this norm already existed in the 1917 Code, although the legal obligation in that Code was actually placed on the ordinary to see that the clergy observed the practice of frequent confession, daily meditation, visits to the Blessed Sacrament, examination of conscience, and saying the rosary (c. 125). In place of saying the rosary, *SDO* exhorts the deacon to “venerate and love the Virgin Mary, the Mother of God, with fervent devotion.” Article 27 is a derogation from canon 135 of the 1917 Code, which required all clerics in major orders to recite daily all the canonical hours. Permanent deacons are obliged only to those hours as determined by the conference of bishops. The spiritual obligations of permanent deacons in the current law are treated in the final section of Chapter Four.

¹⁰⁴ 26. Episcopalis Conferentiae erit efficaciores normas statuere ad spiritualem vitam alendam diaconorum, tam in caelibatu quam in matrimonio viventium. Curent tamen locorum Ordinarii, ut omnes diaconi:

- 1) assidue legendo attenteque secum meditando Dei verbo vacent;
- 2) frequenter, vel etiam cotidie, quantum fieri potest, Missae sacrificio actuosi intersint, SS. Eucharistiae sacramento reficiantur idemque pietatis causa invisant;
- 3) frequenter Paenitentiae sacramento sui animi maculas abluant, quod ut digne recipiant cotidianam conscientiae suae censuram gerant;
- 4) Deiparam Virginem Mariam impenso pietatis cultu venerentur diligant.

27. Maxime decet stabiles diaconos aliquam saltem divini Officii partem, ab episcopali Conferentia definiendam, cotidie recitare.

Article 28

Diocesan deacons must, at least every third year, attend spiritual exercises in a religious house or pious institution designated by the ordinary.¹⁰⁵

Canon 126 of the 1917 Code had the same law in reference to priests of the secular clergy. This norm now extends the obligation to permanent deacons of the secular clergy to make a spiritual retreat at least once every three years. Permanent deacons who are religious make a retreat in accord with their proper law.

Article 29

Deacons are not to neglect studies, particularly the sacred ones; they should read assiduously the sacred books of Scripture; they should devote themselves to ecclesiastical studies in such a way that they can correctly explain Catholic teaching to others and become daily more capable of instructing and strengthening the minds of the faithful. For this purpose, let the deacons be called to meetings to be held at specified times at which problems regarding their life and the sacred ministry are treated.¹⁰⁶

Canon 129 of the 1917 Code said, in part, that clerics, even after ordination to the priesthood, must not neglect their studies, especially the sacred sciences.¹⁰⁷ In the same vein, this norm treats the continuing formation of permanent deacons. The purpose for this formation is not primarily for their personal enrichment but so that they continually deepen their ability to exercise the *munus docendi* effectively. The continuing formation

¹⁰⁵ 28. Diaconi dioecesani saltem tertio quoque anno in pia aliqua religiosave domo, ab Ordinario designata, sacris exercitationibus vacare debent.

¹⁰⁶ 29. Doctrinarum, praesertim sacrarum, studia diaconi ne intermittant; divinos Scripturae libros assidue legant; ecclesiasticis disciplinis ita se dedant, ut catholicam doctrinam recte ceteris explanare possint, utque in dies magis idonei fiant ad fidelium animos erudiendos et roborandos. Ad id assequendum, diaconi in conventus statis temporibus habendos advocentur, ubi quaestiones de vita et sacro ministerio agantur.

¹⁰⁷ "Clerici studia, praesertim sacra, recepto sacerdotio, ne intermittant"

of permanent deacons in the current law is governed by canon 279, §1 and the two directories of the Holy See issued in 1998.¹⁰⁸

Article 30

Because of the special character of the ministry entrusted to them, they are bound to show reverence and obedience to the bishop; the bishops, however, should in the Lord highly regard these ministers of the people of God and show them paternal charity. If for just cause a deacon lives for a time outside his own diocese, he should willingly submit to the supervision and authority of the local ordinary in those matters which pertain to the duties and functions of the diaconal state.¹⁰⁹

The duty to respect and obey their ordinary was already an obligation of all clerics in the law of the 1917 Code (c. 127). This norm additionally obliges the bishop to hold permanent deacons in high regard and extend paternal charity to them. The second part of the norm addresses a particular situation: a deacon, incardinated in one diocese, who is residing in another. He is subject to the ordinary of the place of residence with respect to the duties and functions of the diaconal state. The current discipline on these matters is principally cc. 273, 271, and *DMLPD* nn. 3 and 8.

Article 31

In the matter of wearing apparel, the local custom will have to be observed according to the norms set down by the episcopal conference.¹¹⁰

¹⁰⁸ CCE, *Basic Norms*, Part IV; *DMLPD*, Part IV.

¹⁰⁹ 30. Diaconi, ob peculiare commissi sibi ministerii rationes, reverentiam et oboedientiam episcopo profiteri tenentur; episcopi vera hos plebis Dei ministros magni faciant in Domino, eosque paterna caritate prosequantur. Si quis autem diaconus extra propriam dioecesim iusta de causa aliquamdiu commoratur, vigilantiae et auctoritatis loci Ordinarii in iis, quae ad diaconalis status officia ac munera pertinent, libenter obsecundet.

¹¹⁰ 31. Quod ad vestis habitum spectat, loci consuetudo servanda erit secundum normas, ab episcopali Conferentia praestitutas.

This is similar to canon 136 of the 1917 Code which said that all clerics are bound to wear becoming clerical attire according to legitimate local customs and the regulations of the ordinary.¹¹¹ Instead of the ordinary, this law says the conference of bishops is to establish norms regulating the attire of permanent deacons. The current law is substantially the same (c. 288, *DMLPD* 10).

Article 32

The institution of the permanent diaconate among religious is a right reserved to the Holy See, which is exclusively competent to examine and approve the recommendations of the general chapters in the matter.¹¹²

This norm gives a procedure to enable a religious institute to have some of its members ordained to the diaconate. First, the general chapter must vote to permit it. Second, the Holy See must approve the recommendation of the general chapter. Moreover, the Holy See must also approve the formation program of the institute for the permanent diaconate (*Basic Norms* 17). These norms apply to all clerical institutes of consecrated life and apostolic life, not excluding religious institutes belonging to any Eastern Catholic Church. This same interpretation applies to the following articles 33-35.

Articles 33-35

33. Religious deacons should exercise the diaconal ministry under the authority of the bishop and of their own superiors according to the norms in force for religious priests; they are also bound by the laws to which the members of the same religious family are obliged.

34. When a deacon who is a religious deacon is staying either permanently or for a while in a region which lacks a permanent diaconate,

¹¹¹ "Omnes clerici decentem habitum ecclesiasticum, secundum legitimas locorum consuetudines et Ordinarii loci praescripta, deferant"

¹¹² 32. Diaconatum permanentem constituere apud religiosos ius proprium Sanctae Sedis est, ad quam unice pertinet Capitulum Generalium hac de re vota expendere atque probare.

he may not exercise diaconal functions except with the consent of the local ordinary.

35. The provisions in nn. 32-34 regarding religious must be regarded as applying likewise to members of other institutes who profess the evangelical counsels.¹¹³

Articles 33-35 treat the permanent diaconate in religious institutes and similar institutes that profess the evangelical counsels. The areas in which religious are subject to the diocesan bishop were determined in *Christus Dominus*, no. 35, §4. They fall into three chief categories: the public exercise of divine worship, the care of souls, and the works of the apostolate (cf. c. 678, §1). Religious deacons are also subject to their own superiors and proper law. If the permanent diaconate has not been established in a diocese, a religious deacon may not exercise his functions in that diocese without the consent of the local ordinary. If the permanent diaconate has been established, the deacon who is a religious must still observe the particular laws which may require the bishop's authorization for him to minister in the diocese.¹¹⁴

¹¹³ 33. Diaconi religiosi ministerium diaconale obeant sub episcopi suorumque antistitum auctoritate, secundum normas, quae in sacerdotes religiosos valent; tenentur quoque legibus, quibus eiusdem religionis sodales astringuntur.

34. Diaconus religiosus, sive stabiliter, sive ad certum tempus commorans in regione, quae diaconatu permanenti caret, munera diaconalia ne exerceat, nisi loci Ordinarii assensu.

35. Quae nn. 32-34 de religiosis dicuntur, eadem de sodalibus ceterorum institutorum, evangelica consilia profitentium, sunt pariter intellegenda.

¹¹⁴ *DMLPD* states in no. 4: "When a deacon is transferred to a community in another diocese, the superior shall be obliged to present him to the local ordinary and to obtain permission for him to exercise his ministry in accordance with the procedures agreed upon between the bishop and the superior."

Article 36

Finally, as regards the rite to be followed in conferring the sacred order of the diaconate and those orders which precede the diaconate, let the present discipline be observed until it is revised by the Holy See.¹¹⁵

The rite of ordination of deacons of the Roman Pontifical, revised by authority of Pope Paul VI in 1968, will be considered in the following section. The 1968 *editio typica* was revised in 1990.¹¹⁶

2.6 *Pontificalis Romani* - Revision of the Ordination Rites

The next major document of the restoration is the Apostolic Constitution of Pope Paul VI, *Pontificalis Romani*.¹¹⁷ As we have shown, the diaconate declined in the Latin Church nearly completely by approximately the eleventh century. During the succeeding periods, due to the ascendancy of the transitional diaconate, the ordination rites in the Latin Church departed from the ancient traditions so much that the ultimate goal of Pope Paul VI in issuing the new rites of ordination in 1968 was to return the rites to their more traditional forms. "It was necessary in the revision of the rite," the pope stated, "to add, delete, or change certain things, in order to restore the texts of the rite to the form they had in antiquity, to clarify expressions, or to bring out more clearly the effects of the sacraments."¹¹⁸

¹¹⁵ 36. Quod denique attinet ad ritum servandum in sacro diaconatus Ordine conferendo, et ad Ordines, qui ipsi diaconatui praeponuntur, disciplina adhuc obtinens servetur, donec a Sancta Sede recognoscatur.

¹¹⁶ *De ordinatione Episcopi, presbyterorum et diaconorum, editio typica altera*, 29 June 1989, Typis Polyglottis Vaticanis, 1990.

¹¹⁷ 18 June 1968, in AAS, 60 (1968), pp. 369-373; English translation in *Rites2*, pp. 22-26.

¹¹⁸ *Rites2*, p. 24.

A key part of the constitution was the pope's reiterating the essential matter of the sacrament, as defined by Pope Pius XII,¹¹⁹ which for all three grades of order is the imposition of hands by the bishop. The pope also reiterated the essential words comprising the form of the sacrament for the ordination of deacons and that for presbyters; he also introduced a new sacramental form for the ordination of bishops. The essential form of the prayer of ordination of deacons is:

Lord, send forth upon them the Holy Spirit
that they may be strengthened
by the gift of your sevenfold grace
to carry out faithfully the work of the ministry.¹²⁰

The reference to the sevenfold gifts of the Holy Spirit recalls the number of the original deacons. It also refers to the seven charisms of the Servant in Isaiah 11.¹²¹

The revised rites of ordination were published by decree of the Sacred Congregation of Rites on 15 August 1968.¹²² The full prayer of ordination, following the pattern of the ancient prayers, invokes the Father, sings praises to God, asks for his blessing on those He has chosen, and reminds them of their special call to holiness and the need to be strong in Christ and imitate him. Following a pattern we saw historically in the western ordination rites, the deacon is called son of Levi. In contrast to the rites for the ordination of bishops and presbyters, at which concelebrating bishops and presbyters, respectively, impose hands, the rite for the ordination of deacons reserves the imposition of hands to the ordaining

¹¹⁹ Apostolic constitution *Sacramentum Ordinis*, 30 November 1947, in AAS, 40 (1948), p. 6.

¹²⁰ *rites2*, p. 24. "Emitte in eos, Domine, quaesumus, Spiritum Sanctum, quo in opus ministerii fideliter exsequendi munere septiformis tuae gratiae roburentur."

¹²¹ STAFFORD, p. 5, states: "The seven gifts originate in a passage of *Isaiah* 11:2, from the fuller version given by the *Septuagint*. These are the gifts of the Spirit given to the Messiah, which are granted to the newly ordained."

¹²² The decree, *Per Constitutionem Apostolicam*, was not published in the AAS but prefaces the new rites, in *Pontificale Romanum: De Ordinatione Diaconi, Presbyteri et Episcopi*, editio typica, Libreria Editrice Vaticana, 1968.

bishop alone. This is done to highlight the “characteristic, singular bond linking bishop and deacon.”¹²³

The revision of the ordination rites was patterned on the ancient rites for all three orders. A principal theme of the rite for the ordination of deacons remains the service of Christ himself through the deacon’s ministry in the Church.¹²⁴ The instruction of the bishop in the ordination rite begins with this focus on service: “He [the deacon] will draw new strength from the gift of the Holy Spirit. He will help the bishop and his body of priests as a minister of the word, of the altar, and of charity. He will make himself a servant of all.”¹²⁵ The bishop’s instruction then enumerates various tasks and roles of the deacon in the *munus sanctificandi*. The deacon is minister of the altar; he proclaims the Gospel, prepares the sacrifice, and gives the Lord’s body and blood to the communicants. At the bishop’s discretion, he may preside over public prayer, baptize, assist at marriages and give the nuptial blessing. He gives Viaticum to the dying and leads funeral rites. He also performs works of charity in the name of the bishop or pastor.

Like the ancient ordination rites, the bishop’s instruction emphasizes the character and qualities of the man being ordained deacon.

Like the men the apostles chose for works of charity, you should be a man of good reputation, filled with wisdom and the Holy Spirit. Show before God and mankind that you are above every suspicion of blame, a true minister of Christ and of God’s mysteries, a man firmly rooted in faith. Never turn away from the hope which the Gospel offers; now you must not only listen to God’s word but also preach it. Hold the mystery of

¹²³ F. MORAGLIA, “St. Lawrence Proto-Deacon of the Roman Church,” [http:// www. vatican. va/ roman_curia/congregations/ clergy/ documents/rc_con_cclergy_doc_19022000_slaw_en.html](http://www.vatican.va/roman_curia/congregations/clergy/documents/rc_con_cclergy_doc_19022000_slaw_en.html) (2 July 2007).

¹²⁴ BRADSHAW, p. 73. See also the discussion in the previous chapter on Ignatius of Antioch.

¹²⁵ *Rites2*, p. 29.

faith with a clear conscience. Express in action what you proclaim by word of mouth.

The same emphases are seen in the bishop's questioning of the ordinand. After verifying his intention to be ordained, the bishop asks him if he is resolved to discharge the office of deacon with humility and love in order to assist the bishop and the priests and to serve the people of God. He then asks if the ordinand is resolved to hold the mystery of faith with a clear conscience and proclaim this faith in word and action. The final two questions pertain to the deacon's spirituality and conduct. We see this strong emphasis on the personal qualities, character, and spirituality of the deacon in a major part of the prayer of ordination itself.

May he [the one being ordained] excel in every virtue; in love that is sincere, in concern for the sick and the poor, in unassuming authority, in self-discipline, and in holiness of life. May his conduct exemplify your commandments and lead your people to imitate his purity of life. May he remain strong and steadfast in Christ, giving to the world the witness of a pure conscience. May he in this life imitate your Son, who came, not to be served but to serve, and one day reign with him in heaven.¹²⁶

Finally, after presenting the newly ordained deacon with the Book of Gospels, the bishop says: "Receive the Gospel of Christ, whose herald you now are. Believe what you read, teach what you believe, and practice what you teach." This is a pithy and memorable encapsulation of the central meaning of the ordination rite and the theology and tradition on which it is based. The deacon's ministry is rooted in his faith and spirituality, and it is on that basis that he serves the Church and is called to put that faith into practice in his own life.

As noted earlier, the second *editio typica* of the rites of ordination was published in 1990. Regarding the ordination of deacons, the main difference from the first edition is

¹²⁶ Ibid., p. 35.

the expanded *praenotanda*. One of these, no. 174, restates the diaconal functions enunciated in *Lumen gentium* 29. In the rite itself, the major change is an expanded instruction by the bishop. The concluding paragraphs of the instruction have three options: when those to be ordained include both married and unmarried men, when only unmarried men are to be ordained, and when only married men are being ordained. All three are quite similar and stress the spiritual qualities and virtues needed by the deacons, whether married or celibate.

2.7 *Ministeria quaedam and Ad pascendum*

On 15 August 1972, Pope Paul VI issued the Apostolic Letter *motu proprio*, *Ministeria quaedam*, by which he abolished tonsure, the minor orders, and the subdiaconate and replaced them with the lay ministries of lector and acolyte.¹²⁷ The *motu proprio* begins with the pope elaborating on the historical development of the minor orders, stating that they were conferred by a special rite and the invocation of God's blessing on a specific Christian chosen for duties of a liturgical and charitable nature. The pope notes that, eventually, some of these functions that are more closely connected with the liturgical celebration slowly came to be considered as preparatory stages for the reception of sacred orders, so that the offices of porter, reader, exorcist, and acolyte were called minor orders in the Latin Church in relation to the subdiaconate, diaconate, and presbyterate, which were called major orders. The Pontiff goes on to state five major points. First, the practice of these orders needed to be reexamined to fit contemporary needs. Second, what is obsolete in these offices should be removed. Third, what is useful

¹²⁷ AAS, 64 (1972), pp. 529-534; translation in *CLD*, vol. 7, pp. 690-695.

should be retained. Fourth, what is necessary should be defined. Fifth, what is required of candidates to holy orders should be determined. The pope notes that the Fathers of Vatican II did not decree any specific changes for the Latin Church regarding the minor orders, but they did propose certain principles for a solution. Part of that solution was the increased need for places for the laity to participate in their share of the Church's mission by the rights flowing from their baptism.

The principal changes in the *motu proprio* include the following: (1) The subdiaconate no longer exists in the Latin Church. (2) The minor orders of reader and acolyte are henceforth to be the ministries of reader and acolyte, both of which will take over the functions of the subdiaconate. (3) The conferral of any one of these ministries is done not by ordination but by "institution." (4) There is no longer a first tonsure; entry into the clerical state is at ordination to the diaconate. (5) All those destined for ordination as deacons and priests are to receive the ministries of reader and acolyte and exercise them for an appropriate period of time.

Two lengthy articles (V and VI) are devoted to the duties of the lector and the acolyte and related matters. Other norms determine the ordinary who has the right to confer the ministries and the requirements for admission to the ministries. Intervals between ministries must be observed, as determined in the future by the Apostolic See or the conference of bishops. Any dispensation from these ministries for those destined for ordination to the diaconate or presbyterate is reserved to the Holy See.

On the same day that he promulgated *Ministeriam quaedam*, Pope Paul VI issued complementary legislation on the diaconate, the Apostolic Letter *motu proprio*, *Ad*

pascendum.¹²⁸ This document begins with an extended introduction on the history of the diaconate and developments leading to the decline and restoration of the permanent diaconate.¹²⁹

The principal norms in the *motu proprio* are the following. (1) A rite of admission for candidates for ordination is introduced for those aspiring to be secular priests or deacons; professed members of religious institutes are not bound to the rite. (2) The competent superior to accept the candidate and to celebrate the rite of admission is the ordinary (the bishop and, in clerical institutes and societies, the major superior). (3) Candidates for the diaconate, both transitional and permanent, and candidates for the priesthood, if they have not already done so, are to receive the ministries of reader and acolyte. (4) Candidates for the diaconate, unless they are married, must make a public commitment to observe celibacy, even if they are professed religious. In this regard, the pope states emphatically: "In accordance with the traditional discipline of the Church, married deacons who have lost their wife are incapable (*inhabiles sunt*) of entering a new marriage."¹³⁰

¹²⁸ 15 August 1972, in AAS, 64 (1972), pp. 534- 540; English translation in *CLD*, 7, pp. 695-699.

¹²⁹ This extended introduction is an excellent, brief presentation of the history and theology of the diaconate. The *motu proprio* is clearly the beneficiary of the historical and theological research published in the twentieth century. The pope contends that, in the Latin Church, the diaconal order did not die out but remained in the Church in a very diminished capacity. Citing early Fathers, he notes that St. Paul held deacons in high regard and that St. Ignatius of Antioch declared that the office of deacon is none other than "the ministry of Jesus Christ" and that deacons are the "ministers of the mysteries of Jesus Christ." He says that the permanent diaconate is meant to be a sign or sacrament of the Lord Christ himself. Paul VI clearly understood the essence of the diaconate.

¹³⁰ "Diaconi quoque uxorati, amissa uxore, ex tradita Ecclesiae disciplina ad novum matrimonium ineundum inhabiles sunt" (no. 6).

2.8 The Restoration in Canada and the USA

We cannot adequately complete our study of the restoration in canon law of the permanent diaconate without a brief mention of its implementation by the conferences of bishops, for it is only when a conference requests the restoration and the conference decree is approved by the Holy See that the permanent diaconate can exist in a diocese. During the early period following the restoration, various conferences of bishops evaluated the potential for the reintroduction of the diaconate in their respective conferences. Among these were the conferences of Canada and the United States of America.¹³¹

2.8.1 The CCCB

At the outset of their study of the matter, the Canadian bishops' committee on the diaconate was faced with a double task: "first it had to set forth the true nature of the diaconate by separating essential elements from accidental accretions and thus establish a basis for further reflection; secondly, it had to discover how to bring about a confrontation of principles and actual pastoral situations."¹³² The committee's efforts led to the formulation of norms which were presented to the CCCB plenary assembly. On 20 January 1969, the Latin bishops in Canada decreed these norms for the proposed restoration of the permanent diaconate in the Latin Church in Canada, and they were given the *recognitio* of the Holy See.¹³³

¹³¹ These conferences are exemplified here due to the author's own personal interest and background, having previously ministered as a permanent deacon in both the USA and Canada.

¹³² CCCB, *Guidelines*, p. 1.

¹³³ CCCB Official Document, no. 166, prot. no. 2150/68. These norms underwent further revision based on experience and need. See CANADIAN CONFERENCE OF CATHOLIC BISHOPS, *Complementary Norms to the 1983 Code of Apostolic Letter Law*, Ottawa, CCCB, 1996.

2.8.2 The NCCB

At its plenary assembly in April of 1968, the National Conference of Catholic Bishops voted to request the Holy See to authorize the restoration of the permanent diaconate in the dioceses of the United States of America. Paul VI responded affirmatively in August of the same year.¹³⁴ The U.S. bishops cited two overriding reasons for the restoration of the permanent diaconate in their country: first, "to complete the hierarchy of sacred orders," and, second, "to enrich and strengthen the various diaconal ministries at work in the United States with the sacramental grace of the diaconate."¹³⁵

¹³⁴ R. SHAW, *Permanent Deacons*, Washington, D.C., United States Catholic Conference, 1986 (=SHAW), p. 19. In November of 1968 the conference created a standing committee on the diaconate. In 1971 the conference approved and published the committee's *Guidelines: BISHOPS' COMMITTEE ON THE PERMANENT DIACONATE, NATIONAL CONFERENCE OF CATHOLIC BISHOPS, Permanent Deacons in the United States: Guidelines on Their Formation and Ministry*, United States Catholic Conference, Washington, DC, 1971. In 1981 the conference published the results of a study of the permanent diaconate in the United States. BISHOPS' COMMITTEE ON THE PERMANENT DIACONATE, NATIONAL CONFERENCE OF CATHOLIC BISHOPS, *A National Study of the Permanent Diaconate in the United States*, United States Catholic Conference, Washington, DC, 1981. Based on the study, the *Guidelines* were revised: BISHOPS' COMMITTEE ON THE PERMANENT DIACONATE, NATIONAL CONFERENCE OF CATHOLIC BISHOPS, *Permanent Deacons in the United States: Guidelines on Their Formation and Ministry*, 1984 Revision, United States Catholic Conference, Washington, DC, 1984. Several monographs were also issued.

In 1995-1996, three more documents were issued: BISHOPS' COMMITTEE ON THE DIACONATE, NATIONAL CONFERENCE OF CATHOLIC BISHOPS, *Protocol for the Incardination/Excardination of Deacons*, United States Catholic Conference, Washington, DC, 1995; BISHOPS' COMMITTEE ON THE DIACONATE, NATIONAL CONFERENCE OF CATHOLIC BISHOPS, *Policy Statement: Self-Study Instrument and Consultation Team Procedures*, United States Catholic Conference, Washington, DC, 1995; and BISHOPS' COMMITTEE ON THE DIACONATE, NATIONAL CONFERENCE OF CATHOLIC BISHOPS, *A National Study on the Permanent Diaconate in the Catholic Church in the United States, 1994-1995*, United States Catholic Conference, Washington, DC, 1996.

¹³⁵ SHAW, p. 20. On the restoration of the permanent diaconate in France, see M.D. EPAGNEUL, "Du rôle des diacres dans l'Église d'aujourd'hui," in *Nouvelle Revue théologique*, 79 (1957), pp. 153-168; and P. WINNINGER, *Vers un renouveau du diaconat*, Paris, Desclée de

CONCLUSION

Although the permanent diaconate became extinct in the Western Church, the Council of Trent witnesses to the fact that the Church never entirely lost sight of the enduring value of having deacons themselves exercising their order and the functions proper to them, as in the earlier centuries of the Church. The Fathers at Trent desired that the deacon's traditional functions actually be exercised by deacons. While not requiring the ordination of permanent deacons, the Tridentine decree implicitly favored it since only through a permanent ministry could the diaconal functions be always exercised by real deacons. However, this did not occur in the centuries that followed. Still, the precedent set at Trent was an important argument in favor of the restoration of the permanent diaconate at Vatican II.

The twentieth century represented both the low and the high points for the permanent diaconate. The low point was the 1917 Code, which positively forbade accepting any candidates for tonsure or orders who did not intend to advance to the priesthood. The high point was Vatican II and the post-conciliar restoration in law of the permanent diaconate by Pope Paul VI.

The restoration of the permanent diaconate at Vatican II did not happen spontaneously. It was preceded by scientific studies, historical and theological, which lay

Brouwer, 1958, p. 13. The bishops of France were not interested in having deacons whose ministry is limited to liturgical service. They wanted deacons who, by reason of their professional and family life, would be in daily contact with their own people to witness the service which the example of Jesus set as the ideal for all Christians. "The first men to be ordained deacons in France were chosen precisely because they were already intimately involved in some kind of social or pastoral service, to the extent dictated by their particular ministry of charity." See A.J. WYCISLO, "Vatican II and the Diaconate," in *Deacon Digest*, 7/4 (November 1990) (=WYCISLO), p. 15.

the groundwork and fuelled the pro-restoration debates at the council. The restoration was assisted as well as by an activist's movement in Europe in the decades prior to the council. Even with this momentum for restoration going into the Second Vatican Council, the debate on the issue was intense. Only after Cardinal Suenens' remarkably erudite and primarily theological explanation of the deacon's significance to the Church did the tide turn decisively in favor of the proposal, which even included the ordination of married men. It only remained for the pope to implement the conciliar decision, which he did principally with *Sacrum Diaconatus Ordinem* of 1967, and for the conferences of bishops to make it particular law in their regions.

The Fathers of Vatican II did not restore the permanent diaconate for its functions. Arguments had been put forth at the council that the traditional roles that the deacon had in the *tria munera*, even those in the liturgy, could be fulfilled by others such as acolytes and various lay ministers. The diaconate was restored not so much for what it does as for what it is, the visible sacrament of Christ in the world. The council Fathers recognized that a permanent diaconate better fulfills the nature and purpose of the sacrament of holy orders as willed by Christ. It is, in this sense, a matter of the divine law. The diaconate is needed not because only those ordained deacons can perform certain functions, all of which ultimately are matters of ecclesiastical law, even if some have their origins in the New Testament. Rather, the Church needs a permanent diaconate because it is the primary sacramental expression of the *diakonia* that is essential to the mission that Christ entrusted to his Church.

CHAPTER III

THE DIACONATE IN THE UKRAINIAN CATHOLIC CHURCH

Unlike the Latin West, the diaconate in the East remained a stable and permanent part of the Church's hierarchical structure and played an important role both administratively and liturgically. Over time, the number of deacons declined also in the East due to the diminished administrative need for his service and as a result of other historical stresses. Nevertheless, the permanent diaconate continued to play a role in the exercise of the Church's *tria munera* and did not follow the same path to extinction as in the West. Regrettably, many of the Eastern *Catholic* Churches, like their Latin counterpart, also lost the permanent diaconate in practice, even if not in their theology, liturgical books, and law. The aim of this chapter is to examine the dynamics of the restoration, or renewal, of the permanent diaconate in one such Church, the Ukrainian Catholic Church (UCC), especially in Canada. The UCC is a Major Archiepiscopal Church (CCEO cc. 151-154) in ecclesial union with the Holy See and governed by its own worldwide Synod of Bishops. As a Church of the Byzantine rite, it shares in the Byzantine liturgical, theological, spiritual, and canonical tradition.

A historical-canonical analysis of the role of Ukrainian Catholic deacons, in both the common law of the Eastern Catholic Churches and the particular laws of the Ukrainian Catholic Church, is critical to the history of the Ukrainian Catholic people in Canada. The relatively late introduction of the permanent diaconate into the Ukrainian Catholic hierarchy and clergy in Canada, and the conditions in the Church, has greatly

affected the manner in which the Ukrainian Catholic deacons have been able to fulfill their role in the *tria munera*.

The chapter has three major parts. The first considers the Ukrainian Catholic Church (UCC) in Ukraine, including the reality of deacons in that Church. The second section is a historical sketch of the UCC in Canada, including a section on the sources of particular law for that Church. The third section is devoted to the introduction of the permanent diaconate in the UCC in Canada after Vatican II.

3.1 Historical Sketch of the Ukrainian Catholic Church

The complexity of the political history of the area which encompasses modern Ukraine is beyond this thesis. However, a brief history of the Church in the land of Kievan Rus' (modern-day Ukraine) may provide helpful information as background to our study.

3.1.1 The Christianization of Kievan Rus'-Ukraine

During the Apostolic Age, the Apostle Andrew, first-called and elder brother of Peter, is believed to have traveled through the land along and north of the Black Sea. It was among the hills there that, according to tradition, he proclaimed that a great land would rise in the name of Christ.¹ Although there were some Christian Goths living in the area in the fourth century, the land was primarily pagan. In the sixth century, Kiev was

¹ On Andrew's sojourn to the area to preach, see O. ZINKEWYCH and A. SOROKOWSKI (eds.), *A Thousand Years of Christianity in Ukraine*, New York, Smoloskyp Publishers, 1988 (=ZINKEWYCH, *Thousand Years*), p. 16. Tradition also holds that Andrew traveled with his disciples Rufus, Alexander, and Filomen. *The Tale of Bygone Years*, the earliest Ukrainian historical record, has an account of Andrew's prediction in the area where Kiev was later founded. See L. PARIS, *La Chronique de Nestor*, traduite en français d'après l'édition impériale de Pétersbourg, manuscrit de Koenigsberg, Paris, 1834, trans. in W. WALSH, *Readings in Russian History*, Syracuse, NY, Syracuse University Press, 1948.

founded. The area in which modern Ukraine would be settled was on a major trade route and was a great center of commerce. The Christians came to control the trade routes in Ukraine by about 830 with their Scandinavian allies, known as Varangians. Queen Olha became a Christian around 955. Her grandson became the Great Prince Volodymyr who took control of Rus'. Following his marriage to Anna, the sister of the Byzantine emperor, Volodymyr was converted to Christianity, and he made it the official Rus' religion around 988.² Thus, 988 is the date used for the Christianization of the Ukrainian people because, reputedly, in that year Prince (Saint) Volodymyr the Great brought about the baptism of hundreds, if not thousands, of the people and established Byzantine Christianity as the True Faith of the land. The deacons who assisted the priests and bishops followed the Byzantine practices regarding deacons.

Following Volodymyr's death in 1015, civil war broke out, but it was resolved in the succeeding years. Saints Borys and Hlib were canonized around 1020. Kiev's church of St. Sophia was built around 1036.³ The Orthodox Church survived and grew as the official religion of the Rus'. It remained in communion with the Patriarchate of Constantinople through the years of the Schism, although communications with Rome were never completely severed. Then, in 1237, the land of the Rus' suffered the disastrous invasion and the destruction of Kiev by the Mongols.⁴ Despite the foreign

² ZINKEWYCH, *Thousand Years*, p. 14.

³ Ibid., p. 24. Church Slavonic, the language and alphabet developed by Sts. Cyril and Methodius, were adopted as well.

⁴ T. WARE, *The Orthodox Church*, new ed., Suffolk, England, Penguin Books, 1997 (=WARE), p. 81. The Mongols controlled the region from 1237 until 1448. The information in this section is primarily from this work, pp. 81-95.

occupation, the Kievan Church was allowed to continue its existence and even undertook some missionary work.

3.1.2 Islam, Byzantium, and Ukrainian union with Rome

For more than a thousand years, people had taken the Christian Empire of Byzantium for granted as “a permanent element in God’s providential dispensation to the world.”⁵ Then, after centuries of struggle, Byzantium fell to Islam in 1543, led by Sultan Mohammed II. The Turks allowed Christianity to continue but, under Islam, it was a second-class religion and its adherents second-class citizens. An even greater effect of the invasion was that the civil and religious spheres were united more closely than ever before. No firm distinction existed between politics and religion in the theocratic Islamic state. Likewise, the Moslems regarded the Orthodox Church as a civil as well as a religious institution: it became “the *Rum millet*, the ‘Roman nation’.”⁶ According to Timothy Ware, this *millet* system had two “melancholy effects” on the Church of Orthodoxy which are felt to the present day.

It led first to a sad confusion between Orthodoxy and nationalism. With their civil and political life organized completely around the Church, it became all but impossible for the Greeks to distinguish between Church and nation. The Orthodox faith, being universal, is limited to no single people, culture, or language; but to the Greeks of the Turkish Empire ‘Hellenism’ and Orthodoxy became inextricably intertwined, far more so than they had ever been in the Byzantine Empire. The effects of this confusion continue to the present day.⁷

Orthodoxy under Islam exhibited greatness, but it also suffered from mistreatment. The power and influence of the Patriarch declined, and eventually the

⁵ Ibid., p. 87.

⁶ Ibid.

⁷ Ibid.

frontiers of the Patriarchate contracted. The national churches which developed found it difficult to retain their ecclesiastical bond to the Patriarch. It is alleged that, during this period of Islamic rule and stress on Orthodoxy, a "Romeward movement" developed among the eastern Christians of Ukraine.⁸

Actually, despite the differences that led to the separation of East and West in 1054, the Kievan Church had never fully given up on communion with Rome.⁹ Bishops from that Church participated in the Councils of Lyons (1245), Constance (1418), and Florence (1439). In fact, the Metropolitan of Kyiv, Isidore, contributed to the creation of the Union of Florence in 1439.¹⁰ It was the Turkish domination of Byzantium and the establishment of the Moscow Patriarchate that led the Kievan bishops formally to reestablish communion with Rome.

At the Council of Brest-Litovsk in 1596, bishops of dioceses in Ukraine and Belarus of the Church of Kiev decided to unite themselves with the See of Rome.¹¹ These

⁸ Ibid., p. 95. The ties between Rome and the Kievan Church lasted for some time beyond the Schism. The stresses of the invasions of both Kievan Rus' and the Turks in Constantinople launched a period of instability in the Kievan Rus' Church. In both the Council of Lyons (1245) and the Council of Florence (1438-45) there were attempts towards reestablishing ties with Rome. Unfortunately, concrete results from these agreements were never realized. When they restored communion with the Holy See, the bishops of the Metropolia of Kiev made explicit reference to the decisions of the Council of Florence, which numbered bishops from the East. See JOHN PAUL II, Apostolic Letter for the fourth centenary of the Union of Brest, 12 November 1995, in AAS, 88 (1996), pp. 129-140. See also R. DANYLAK, "Union of Brest," in *Catholic Insight* (November 1996), [http:// www. heartofjesus.ca/ UkrainianChurch/ unionofBrest.html](http://www.heartofjesus.ca/UkrainianChurch/unionofBrest.html) (2 July 2007).

⁹ Lecture of O. Turiy, Professor of the Institute of Church History of Lviv, Ukraine, delivered at a conference in Freising, Germany on 15 September 2000, cited on the official website of the Ukrainian Greek Catholic Church, [http:// www. ugcc.org.ua/ eng/ ugcc_history/ history/](http://www.ugcc.org.ua/eng/ugcc_history/history/) (2 July 2007) (=TURIY).

¹⁰ Ibid.

¹¹ CLEMENT VIII, Apostolic Constitution *Magnus Dominus et laudabilis nimis*, in *Bullarium romanum* V/2 (1594-1602), pp. 87-92. The same pope addressed the bishops of the Metropolia,

were the Belarussian and Ukrainian Orthodox dioceses of the Polish-Lithuanian Kingdom.¹² They became known collectively as the Ruthenian Church of the Union of Brest (1596).¹³ Key to this union was the retention of their traditional practices, especially a married clergy and the Byzantine liturgy. With the Holy See's acceptance of these conditions, there was very little to distinguish Eastern Catholics from the Orthodox.¹⁴

In the 1600s, the Tsarist regime of the Muscovite state, later known as Russia, began a process of liquidating the Ruthenian Church. The last Ruthenian diocese in Belarus was suppressed in 1832.¹⁵ Due to the first partition of Poland in 1772, the original Ruthenian Church survived only in Austria, of which Western Ukraine was then a part.¹⁶ The name "Ruthenian" did not survive in Europe, since the Church in Austria

informing them that the union had taken place, in the Apostolic letter *Benedictus sit Pastor*, in *Documenta Pontificum romanorum historiam Ucrainae illustrantia*, t. I, pp. 257-259.

See POSPISHIL, *Eastern Catholic Church Law*, p. 20. This was a group of six out of the eight bishops present, including the Metropolitan of Kiev, Michael Ragoza. See also WARE, p. 95; O. SUBTELNY, *Ukraine: A History*, 3rd ed., Toronto, University of Toronto Press, 2000, p. 100. Only the bishops of Lviv and Peremyshl refused to join the union. See ZINKEWYCH, *Thousand Years*, p. 147.

¹² POSPISHIL, *Eastern Catholic Church Law*, p. 25.

¹³ J.D. FARIS, *Eastern Catholic Churches: Constitution and Governance*, New York, Saint Maron Publications, 1992, p. 60.

¹⁴ WARE, p. 95.

¹⁵ POSPISHIL, *Eastern Catholic Church Law*, p. 20

¹⁶ FARIS, p. 61; POSPISHIL, *Eastern Catholic Church Law*, p. 25. Having been a part of the Austrian Empire had some lasting impact on the Ukrainian Church. A number of Ukrainian immigrants would indicate on their paperwork for immigration in the USA or Canada that, for census purposes, their place of ancestry was Austria. They formed Slavic communities once in their new homeland, but many, by this association with the Austrian Empire which included Western Ukraine for a time, still indicated Austrian as their ancestry. In genealogical searches, the wife of the writer of this thesis has found this "Austrian" notation as well for members of her

was officially referred to as the *Greek-Catholic Church* to distinguish it from the Latin Catholic and Armenian Catholic Churches.¹⁷ The name "Greek Catholic Church" continues to be used widely in popular parlance. Even Ukrainian Catholic clergy today typically refer to their Church with the unofficial title of Ukrainian Greek Catholic Church or Ukrainian Greco-Catholic Church (UGCC). The official title, recognized by the Apostolic See, is the Ukrainian [Catholic] Church. The title "Ruthenian" has also survived in the smaller, metropolitan Church, the Ruthenian Church, with the metropolitan see in Pittsburgh in the USA.¹⁸

The longest-lasting and perhaps most well-known metropolitanate in the Ukrainian Catholic Church was that of (the Servant of God) Andrey Sheptytsky.¹⁹ He served as Metropolitan from 1901 until his death in 1944. He was known for his abiding compassion and fatherly concern for his clergy. Their formation and education consumed a good portion of his efforts during his years in office. Unfortunately, he had to face world wars, Communism, and the Russian opposition to both himself and the Church he

family who immigrated to the United States and settled in Slavic communities in Pennsylvania and elsewhere.

¹⁷ POSPISHIL, *Eastern Catholic Church Law*, p. 25. This was the geographical area within the Hapsburg Empire. The name "Greek Catholic Church" was introduced by the Empress Maria-Teresa in 1774 to distinguish this Church from the Latin Catholic and Armenian Catholic Churches. In official Church documents, the term *Ecclesia Ruthena unita* was used. In 1960 the name "Ukrainian Catholic Church" started to be used in official documents to refer to Ukrainian Catholics in the diaspora and the underground Church in Soviet Ukraine. See TURIY.

¹⁸ The Ruthenian Church is now found only in the United States. See POSPISHIL, *Eastern Catholic Church Law*, p. 25.

¹⁹ Pope Paul VI gave Sheptytsky the title "Servant of God" in 1968 at the completion of the first phase of the beatification process.

headed.²⁰

3.1.3 Liquidation of the UCC in Ukraine

In 1946, when the Soviet Union occupied Western Ukraine, the Communist regime was determined to liquidate the Ukrainian Catholic Church. All Ukrainian Catholic properties were handed over to the Russian Orthodox Church, and the Ukrainian Catholic bishops were either imprisoned or exiled,²¹ where nearly all of them died. However, the faithful of the Ukrainian Catholic Church did not succumb to this tyranny, and the Church did not die out. Despite the martyrdom of thousands, including most of the episcopacy, much of the clergy, and vast numbers of the laity, the Church survived underground until it was able to reemerge. With the loss of its stranglehold on power in the 1980s, the Soviet Union ceased its suppression of Churches. The outlawed Ukrainian Greek Catholic Church emerged from underground in 1989, and the declaration of Ukrainian independence in 1991 insured official religious freedom.²² Today, the Ukrainian Catholic Church is the largest of the Eastern Catholic *sui iuris* Churches, second in size after the Latin Church.

3.1.4 Deacons in the UCC in Ukraine

Like deacons in other Eastern Churches, the deacons of Kievan-Rus', from the time of this Church's foundation in 988, primarily had liturgical and administrative

²⁰ "Soviet attacks on the Church were moderate until his death because of the recognition of his great authority. His public funeral demonstrated the continuing respect for him, but his death greatly weakened the position of the Greek Catholic Church." See W. LENCYK, art. "Sheptytsky, Andrei," in D.H. STRUK (ed.), *Encyclopedia of Ukraine*, vol. 5, Toronto, University of Toronto Press Inc., 1993, p. 640.

²¹ FARIS, p. 61. The Soviet regime destroyed or converted 14,332 church buildings. See ZINKEWYCH, *Thousand Years*, p. 8.

²² See TURIY.

duties. As in the West, the office of archdeacon became part of the curia in the eparchies of Kievan Rus'. The archdeacon served in various capacities, including master of ceremonies as well as eparchial administration, much like a vicar general.²³ From the tenth century onwards, the archdeacon's position as an administrator waned as the state welfare system relieved the Church of its charitable duties.²⁴

The office of deacon appears to have followed much the same pattern in the Kievan Church as in the mother Church of Constantinople.²⁵ The diaconate was a permanent, not a transitional, order. This changed only among the Churches that entered into union with Rome in 1596. Subsequently, the permanent diaconate nearly disappeared in the Ukrainian Catholic Church. Still, the liturgical books continued to presume the presence and assistance at liturgy of the deacon, even when there were few to fulfill this function.²⁶ However, the legal possibility for ordaining permanent deacons was not prohibited by law in the Eastern Catholic Churches as it was in the Latin Church, and some permanent deacons continued to be ordained in Ukraine.²⁷ In fact, Metropolitan

²³ S. SENYK, *A History of the Church in Ukraine*, vol. 1, Rome, Pontificio Istituto Orientale, 1993, p. 167. Senyk states: "Though reference to him and his various functions ... are not found in pre-Mongolian Rus', but come from later centuries, it is clear from his invariable presence at the bishop's side that this office dates from the beginnings of church organization in Kievan Rus'."

²⁴ GILLET, pp. 416-417.

²⁵ SENYK, *A History of the Church in Ukraine*, vol. 1, "The Clergy," at pp. 155-163, "The Krylos and the Archdeacon," at pp. 167-169.

²⁶ KENNEDY, "Diaconate."

²⁷ D. MOTIUK, *Eastern Christian in the New World: An Historical and Canonical Study of the Ukrainian Catholic Church in Canada*, Ottawa, Metropolitan Andrey Sheptytsky Institute of Eastern Christian Studies and Faculty of Canon Law, Saint Paul University, 2005, p. 118 (MOTIUK) states: "Though most of the Eastern Churches lacked permanent deacons, this was simply a fact and not a principle of law, as these Churches had not such general prohibiting legislation." See also Chapter One of this work regarding the issue of the numbers of deacons in

Andrey Sheptytsky himself ordained permanent deacons both for parochial service and for the Studite monastery.²⁸

Presently, in the Ukrainian Catholic Church, the number of deacons has been increasing. Deacons today, as in the past, serve primarily in the liturgical and administrative life of the Church. At the parish level, deacons function much like parish deacons in the Latin Church. However, as in all the Eastern Churches, deacons *assist* the priest at the liturgy; they do not themselves preside at liturgies of baptism, marriage, blessings, etc. as do deacons in the liturgy of the Roman Rite.²⁹ This is due to different ritual practices and even, to some extent, to different theological understandings. Confirmation, or the chrismation with holy myron, is not a liturgical rite separate from baptism, even in the case of infants, so initiation necessarily requires a priest, except when baptism is administered in necessity. As for marriage, the nuptial blessing of the priest is necessary for the validity of the marriage in the eastern tradition, although the

the Eastern Churches, both Catholic and non-Catholic. The lack of permanent deacons in the Ukrainian Catholic Church in Canada for so many years was an anomaly. However, it impacted the threefold mission of the Church in a very significant way. The absence of permanent deacons meant that the priest-only clergy were primarily devoted, due to constraints of time and geographical travel distances, to the administration of sacraments and the celebration of the Divine Liturgy when he stopped at one of the "colonies" or country parishes that populated the farmlands, but which had no resident clergy or regular services.

²⁸ Ibid., p. 119.

²⁹ KENNEDY, "Diaconate," also notes: "The liturgical texts require the presence of a deacon, and thus, this role is not something tacked on for times when there happens to be a deacon present or there is a desire to make the liturgy 'solemn.' This contrasts with the Churches of the West where the diaconal role in the liturgy is not normative. Since Vatican II, the Roman rite deacon might function as the ordinary minister of baptism, be the Church's witness at marriages and bestow the nuptial blessing, preside at funerals, as well as at the Divine Office, and a few other services. (This presidential function of the deacon presupposes the absence of a bishop or priest in most cases.) However, the deacon in the Ukrainian Catholic Church does not take the presidential role even when the bishop or priest is absent. There is neither liturgical nor canonical precedence for such an action on the part of the deacon. Only in a case of grave necessity would a deacon baptize (but never chrismate) and then according to the same rite as a layperson would use. The deacon in the East cannot bless in the name of the Church during its liturgical services."

Catholic Eastern Churches admit an exceptional form of marriage in necessity (*CCEO*, c. 832). Other blessings are also reserved to a bishop or presbyter.³⁰

3.1.5 Formation of clergy

In both the Eastern Catholic and the Eastern non-Catholic Churches, formation of clergy occurred in a manner somewhat different from the Church of the West and its seminary system.³¹ What was this formation process, and how did it affect the formation of deacons and, ultimately, their exercise of the *tria munera*?

As we have seen, the Ruthenian, later named Ukrainian, Church united in communion with Rome at the Union of Brest in 1596. Despite the system of seminaries that had been established after Trent by the Latin bishops throughout Europe for the formation of their clergy, the Ukrainians in Galicia (Western Ukraine, the surviving portion of the Church that was party to the Union of Brest) did not get a seminary until 1783. Korolevsky sums up briefly and succinctly the historical pattern of clergy formation in the Eastern Churches.

Throughout the Eastern churches the diocesan clergy formed a hereditary class. With rare exceptions all the diocesan priests were married and the young priest assisted his father, whom he would eventually succeed, and learned through practice what he needed to know. The priests primarily learned the rules for the liturgy and the celebration of the various services. They learned little or no dogmatic theology and less Scripture, and only the most indispensable canon law, without any order or method. Christian life was intense, at least at the best periods, and tradition sufficed for everything. Once his preparation was finished and he had reached the

³⁰ See *Notitiae*, 11 (1975), pp. 36-39.

³¹ See J.T. ELLIS, "A Short History of Seminary Education: I - The Apostolic Age to Trent; II - Trent to Today," in J.M. LEE and L.J. PUTZ (eds.), *Seminary Education in a Time of Change*, Notre Dame, Fides, 1965, pp. 1-81; reprinted in J.T. ELLIS, *Essays in Seminary Education*, Notre Dame, Fides, 1967, pp. 1-111.

canonical age, the candidate for Orders presented himself to the bishop, who examined him and accepted or refused him.³²

The Eastern Orthodox had the same formation process. The Eastern Catholic Churches were simply continuing what they knew from their earlier Orthodox traditions. The formation of deacons, like that of priests, was fairly unstructured and handled locally. Typically, the deacons were trained in the skills needed, especially for proper liturgical celebration, including voice training, but formal academic studies were not required.

The central seminary in Western Ukraine, founded in 1783 as noted, was where many but not all of the clergy aspiring to be priests were trained. A few went to university. In 1810, the professors from the seminary were appointed to the university in L'viv, and teaching stopped at the seminary. Clergy in formation might attend a college, academy, or lyceum if one were available and if the appropriate subjects were taught, and if they were taught in a language the student could understand. Otherwise, clergy formation reverted to the old system of personal training which varied greatly and often did not result in clergy possessing much knowledge beyond what was needed to celebrate the sacraments.³³

³² C. KOROLEVSKY, *Metropolitan Andrew (1865-1944)*, translated and revised by S. KELEHER, Lviv, Stauropegion, 1993, p. 89 (=KOROLEVSKY). Fr. Peter Arcudius, who had been part of the preliminary negotiations leading to the Union of Brest, had tried unsuccessfully to found a seminary at the beginning of the seventeenth century. It was the assistance of the civil authorities that helped establish the seminary in 1783.

³³ Ibid., pp. 89-93. This problem persisted even into the 1900s. For example, the Synod of Petrograd in 1917, chaired by Sheptytsky, mandated complete reading of the Bible by clergy at prescribed years. This was mandated several more times in the 1900s due to the interruption in seminary training by the wars and occupation. See P. GALADZA, *The Theology and Liturgical Work of Andrei Sheptytsky (1865-1944)*, Orientalia Christiana Analecta 272 (2004), Rome, Pontificio Istituto Orientale, 2004 (=GALADZA). Author's note: The college at Rome remained available through the centuries although the clergy were primarily trained in the Latin tradition.

In the twentieth century, the formation of clergy in Ukraine significantly improved due to the efforts of (the Servant of God) Andrey Sheptytsky, Metropolitan of the Ukrainian Catholic Church from 1901 to 1944. Sheptytsky was a true father of the Ukrainian Church. From the outset of his tenure in office, he was always concerned about the education and formation of his clergy.³⁴ Sheptytsky, well educated himself, knew the value of preparing the clergy.³⁵ At his encouragement, diocesan seminaries were opened in Stanyslaviv in 1906 and Peremyshl' in 1907.³⁶ He also sent candidates to Rome for studies on a regular basis. After about ten years as Metropolitan, he already had a goodly number of priests with a solid formation and education.³⁷ In October 1917, Pope Benedict XV established the Pontifical Oriental Institute at Rome, just days before the Russian Revolution of 1917.³⁸ This provided an opportunity for Eastern Catholics to pursue solid scientific study of Eastern Christianity. Sadly, this great progress made in the early part of the twentieth century was undermined by the Soviet occupation of Ukraine. The

³⁴ KOROLEVSKY, p. 92. See also on this point W. LENCYK, art. "Sheptytsky, Andrei," in Danylo H. Struk (ed.), *Encyclopedia of Ukraine*, vol. 5, Toronto, University of Toronto Press Inc., 1993, pp. 638-641.

³⁵ GALADZA, pp. 69-71. Sheptytsky earned doctoral degrees in both civil law and in theology. He took a good portion of his studies from the Jesuits. His great interest in education led him to be a professor early in his career.

³⁶ KOROLEVSKY, p. 94.

³⁷ Ibid. In 1551 Ignatius of Loyola opened the Roman College (Collegio Romano), the future Gregorian University.

³⁸ In 1922 Pope Pius XI entrusted the Institute to the Jesuits. The Jesuit order has a number of Byzantine Rite members.

attempted liquidation of the Ukrainian Catholic Church by the Soviets, which began in 1946, prevented any formal or above-ground formation.³⁹

3.2 Historical Sketch of the UCC in Canada

The Ukrainian Catholic Church was established relatively late on Canadian soil. The Latin Church, by contrast, was present from the beginning in the persons of the first explorers and settlers. The Latin Catholics lay the foundations for future waves of immigrants from Eastern Europe.

3.2.1 Beginnings of the Catholic Church in Canada

The French, who were Latin Catholics, were the first to come to the land they named New France. According to historical records, a French priest presided at the first celebration of the Eucharist in New France on the shores of the Gaspé peninsula on 7 July 1534.⁴⁰ Québec was founded in 1608 and, in 1642, Ville Marie, modern-day Montréal. As New France grew in the 1600s, the Catholic Church grew as well, as it was inextricably part of its fabric. An important contribution to the Church in Canada at this time came from the members of religious institutes such as the Recollect Franciscans, the Jesuits, the Sulpician Fathers, the Ursulines, the Hospitalars of Saint-Joseph, and the Augustinians. These religious founded schools, established hospitals, and opened seminaries. To their number were added two institutes established in New France: the

³⁹ "In September 1994, the Lviv Theological Academy reopened after Stalin had shuttered its doors 60 years earlier. Founded in 1929 by Metropolitan Andrei, the academy in June 2002 became Ukrainian Catholic University, the first Catholic university on the territory of the former Soviet Union." See M.J. La CIVITA, "The Ukrainian Greek Catholic Church," in *One*, vol. 33, no. 3 (May 2007), p. 19. *One* is the official publication of the Catholic Near East Welfare Association.

⁴⁰ MOTIUK, p. 4. For the Latin Church in Canada, see F. MORRISEY, *The Juridical Status of the Catholic Church in Canada (1534-1840)*, Ottawa, Saint Paul University, 1972.

Sisters of the Congregation of Notre Dame, founded by (Saint) Marguerite Bourgeoys in 1658, and the Grey Nuns, founded by (Saint) Marguerite d'Youville in 1737.⁴¹ In the nineteenth century, the Missionary Oblates of Mary Immaculate, newly founded in France,⁴² established a foundation in Canada that would grow to make them the largest and most influential institute of male religious.

The first ecclesiastical prelate in Canada was François de Laval who, in 1658, was named Apostolic Vicar for Canada and who later became the first diocesan bishop in North America. He was responsible for most of the territory that today covers Canada and the United States. French control ended in 1759 when the British defeated the French in the new world. Nonetheless, membership in the Catholic Church continued to grow. In 1820, the episcopal district of the Red River (present-day Manitoba) was established. However, because of British control, the Holy See did not erect a diocese until 1826 when the Archdiocese of Kingston was created. The 1841 Act of Union, which gave the Catholic Church full legal standing, was followed with the erection of the new dioceses of Toronto in 1841 and Ottawa in 1847. In 1871, the Red River district became the Archdiocese of Saint-Boniface. Other dioceses were erected in St. John's in 1784, Halifax in 1842, Victoria in 1846, and Vancouver in 1873. Today, Catholics in Canada account for more than half of all Christians. There are seventy-one dioceses in Canada, plus the Military Ordinariate.⁴³

⁴¹ This author had a great-great aunt who was a Grey Nun.

⁴² The Oblates were founded by (Saint) Charles-Joseph-Eugène de Mazenod, bishop of Marseille.

⁴³ See *History of the Church in Canada*, Canadian Conference of Catholic Bishops, Ottawa, 2007.

3.2.2 The Beginnings of the UCC in Canada

Besides the Ukrainian Catholic Church, the Eastern Catholic Churches in Canada include the Slovak, Armenian, Greek-Melkite, Maronite, Syrian, and Syro-Malabar. Their history begins much later than that of Latin Catholicism. It was only when late nineteenth and early twentieth-century immigration brought new settlers that the Eastern Catholic Churches began to play any significant role in the development of the Catholic Church in Canada. This was especially true in western Canada. Our focus here is on the largest of these Eastern Catholic Churches in Canada, the Ukrainian Church.

The "official" beginning of Ukrainian-Canadian history is considered to be the arrival in Quebec on 7 September 1891 of Ivan Pylypiw and Vasyl Eleniak, peasants from the village of Nebyliv in Galicia, or Western Ukraine.⁴⁴ The succeeding immigrant Ukrainians generally brought with them very little material possessions, but they did bring their culture, their traditions, their art and, especially, their religion. Unfortunately, for many years the new immigrants had almost none of their own clergy present in the new land.⁴⁵

⁴⁴ *Art and Ethnicity: the Ukrainian Tradition in Canada*, Hull, Quebec Canadian Museum of Civilization, 1991, p. 11. The two traveled on to Winnipeg and settled in the area. See A.M. KOWCZ-BARAN, *Ukrainian Catholic Churches of Winnipeg Archeparchy, History of Ukrainian Catholic Churches in Canada*, vol. 4, Saskatoon, Friesen Printers, Altona, Manitoba, 1991, p. 3 (= KOWCZ-BARAN). This is the accepted date for the commencement of the waves of immigration from Ukraine to Canada. There is historical evidence that occasional Ukrainian immigrants may have come to Canada as early as 1813. For additional treatment, see M. MARUNCHAK, *The Ukrainian Canadians: A History*, Winnipeg, Ukrainian Academy of Arts and Sciences, 1982.

⁴⁵ KOWCZ-BARAN, pp. 7-8, states: "The first years in Canada were difficult for our pioneers in the material sense and no less so in the religious aspects of their lives. For the most part, the Ukrainian immigrants were Ukrainian Catholics from the western regions of Ukraine-Halychyna; only about twenty per cent were Orthodox, mainly from Bukovyna. In Halychyna the people had left well developed and organized Church communities where almost every town and village had its own priest and regular church services. In Canada, the immigrant was faced with entirely opposite circumstances. The faith and steadfast allegiance of these pioneers to their Ukrainian

Since pre-Christian times, the inhabitants of the lands of Kievan-Rus' had developed, and tenaciously held, a deep sense of spirituality in their lives. It greatly affected their relationships vertically with the divine power and horizontally with each other. When Christianity came to the Ukrainian lands, it took root easily because there already had existed "a meticulously developed religious system."⁴⁶ In the new land of Canada, this thirst for maintaining their spirituality continued. Noteworthy in this regard is the pastoral care offered to the Ukrainians by Adélarde Langevin, OMI, Archbishop of St. Boniface (1895-1915).⁴⁷ Under the leadership of this courageous French-Catholic shepherd, a unique relationship developed between francophone Canadians and Ukrainian Canadians that has lasted to the present day, particularly in Winnipeg.⁴⁸

Church is truly noteworthy considering that during the first, most difficult years they were under the authority of the Latin Catholic Church whose clergy at that time had little understanding or knowledge of the Ukrainian rite, while at the same time various different religious sects attempted to assimilate them. It is very moving to read memoirs of pioneers in which they recall their painful longing for their own priests. Since none were available, the people would gather by themselves outdoors and under the expansive prairie sky and would pray before icons they had brought from their homeland and hung on branches or improvised altars of tree stumps. On the sites of these gatherings the pioneers began to build their chapels in the same way they built their simple abodes. They used logs and filled the spaces with dry grass, mud, or moss mixed with clay. These first, frail buildings did not withstand the passage of time and, like the communal prayers before icons hung outdoors, they exist only in memory."

See also "Relations between Oriental Rite and Latin Rite Catholics in Canada," in *Millennium of Christianity in Ukraine: A Symposium*, 1985, Ottawa, Saint Paul University, 1987, pp. 253-267; and G. CARRIÈRE, "Les évêques oblats de l'Ouest canadien et les Ruthènes (1893-1904)," in *Vie Oblate Life*, 33 (1974), pp. 95-188.

⁴⁶ S. JARMUS, *Spirituality of the Ukrainian People: A Brief Orientational Survey*, trans. Orysia FERBEY, Winnipeg, Canada, Kromar Printing Ltd., 1989, p. 14.

⁴⁷ A. KACHUR, "Related Issues Between the Latin and Eastern Churches in Canada," in *37th Annual Canadian Canon Law Society Convention*, Halifax, Nova Scotia, 21-24 October 2002, p. 58 (=KACHUR).

⁴⁸ This author's great-grandparents, Edward and Lucy LaMontagne, moved from France to Winnipeg in the 1890s where they became active in the Latin Church. Their daughter, Bernadette LaMontagne of Winnipeg, married William M. Fiset, and were this author's grandparents. William Fiset worked for the Ash-Temple Dental Supply of Winnipeg. One of their daughters,

The first waves of Ukrainian Catholic immigrants struggled with a complete lack of clergy and places of worship in western Canada where they were settling and working the land. Archbishop Langevin reacted with increasing dismay as many of these newly settled Catholics were lost to the Orthodox and some others were prey to Protestants. In an attempt to stem this exodus, Archbishop Langevin sought to obtain Ukrainian Catholic clergy for the pastoral care of the Ukrainian faithful.⁴⁹ He left Winnipeg and personally traveled to Rome on this mission, but he was not successful in bringing priests from Eastern Europe. The scarcity of good clergy there made it very difficult for him. He even sought financial assistance from Austrian Emperor Franz Joseph to secure clergy.⁵⁰ He managed to get very few priests, and some of these only for a limited time.

Langevin next turned to fellow Latin religious to assist him in providing for the Ukrainian Catholics in Canada. The Belgian Redemptorists sent some help, but it was not enough. By 1903, Langevin had more success and obtained the services of Basilian priests and sisters to minister to the Ukrainian Catholics in his Archdiocese. Other Latin bishops also took an interest in this cause. At the time, the Latin bishops of western Canada were, besides Langevin, Albert Pascal, OMI of Prince Albert, Saskatchewan and

Joan, also of Winnipeg, this author's mother, recalls the social relationship between her father and Archbishop Langevin's successor, Archbishop Arthur Béliveau, and their trips to the Ukrainian Catholic Cathedral where William would purchase Ukrainian baked goods on the holidays and where Joan recalls viewing the Burial Shroud of Our Lord, used in the Cathedral from Good Friday until the eve of the Ascension. To the present day there is much good will and cooperation between the French Archdiocese of Saint Boniface and the Ukrainian Catholic Archeparchy of Winnipeg. The Catholic Schools Commission (Manitoba) Inc. serves both the Catholic Schools of the Latin Catholic Archdiocese of St. Boniface and the Ukrainian Catholic Archeparchy of Winnipeg. At least once a year the hierarchs and clergy of both observe a clergy day together and celebrate together in French, English, and Ukrainian.

⁴⁹ KACHUR, p. 58. On the efforts by Archbishop Langevin to get Ukrainian clergy to Canada, see also KOROLEVSKY, pp. 153 ff.

⁵⁰ KOROLEVSKY, p. 153.

Vital Grandin, OMI of Saint Albert, Alberta. They attempted to obtain clergy for the Ukrainians, particularly through their delegate, Fr. Albert Lacombe, OMI, who worked to this purpose in Rome for nearly two years before he was able to secure some priests.

The numbers of Ukrainians settling in Winnipeg, the seat of the Archdiocese, continued to increase significantly. In 1905, Archbishop Langevin purchased a residence for the Ukrainian priests. He also had a new church and school built for the Ukrainian Catholic community.⁵¹ In a move expressing his deep-seated concern for the Ukrainian Catholics of his Archdiocese, Langevin invited the Metropolitan of Lviv-Halych, Andrey Sheptytsky, to come to Winnipeg.⁵² His previous attempts to come to Canada had been stalled by Propaganda Fide, the Vatican congregation with jurisdiction over mission territories,⁵³ but finally in 1910 the Metropolitan was able to make the trip to Winnipeg.⁵⁴

⁵¹ KACHUR, p. 59.

⁵² Probably the chief concern that Sheptytsky had for his people in Canada was the intense proselytism toward the Ukrainians in Canada. Both the Catholics and the Orthodox were wooed away in numbers to form the Independent Greek Church in 1904, a product of the Presbyterian Church. The latter devised an enticing form of eastern ritual under Presbyterian auspices to gain numbers and more income. It only lasted until 1912 when the Presbyterians withdrew support. MOTIUK, p. 17, states: "This situation and the continuing lack of spiritual guardianship of the faithful in Canada deeply troubled the Metropolitan Andrew Sheptytsky and he tried to arrange for a visit to them. However, his efforts were in vain, for after a long waiting period, he did not receive permission from 'Propaganda Fide' to leave for Canada. As an alternative, he wrote pastoral letters to the faithful in Canada and authorized his personal secretary, Rev. Wasyl Zholdak, to represent him in Canada."

Zholdak arrived in Winnipeg at the end of September, 1901. On 17 June 1902, he returned to Lviv where he presented a detailed report to Metropolitan Sheptytsky of his visits with the Ukrainian people in Canada. In response to this report, Metropolitan Sheptytsky made concerted efforts to arrange for the departure of Basilian priests to the faithful in Canada. They received only occasional ministry in the above-mentioned communities, or none at all.

⁵³ The Latin bishops shared with Sheptytsky the same fear of protestanization of the Ukrainians. Their efforts not only brought several Ukrainian members of the clergy and religious, but also resulted in the 1906 reversal by the Sacred Congregation for the Propagation of the Faith of its own decision; it would now allow some Latin priests to transfer to the Ukrainian Church. See MOTIUK pp. 15-17; see also KOWCZ-BARAN.

Two years later, with the urging of Latin bishops, permission was granted to establish the Ukrainian Catholic hierarchy in Canada with Winnipeg as its seat.⁵⁵ In 1912, Pope Pius X, by his Apostolic Letter *Officium supreme apostolatus*, erected the "Apostolic Exarchate for the Faithful of the Ukrainian Rite in Canada."⁵⁶ Nykyta Budka was appointed bishop of the Exarchy with his episcopal see at Winnipeg.⁵⁷

3.2.3 The Growth of the UCC in Canada

For Ukrainian Catholics in Canada, the exercise of the mission of the Church and its *tria munera* is critically intertwined with their history, which is very much different from that of the faithful of the Latin Church in Canada. With no bishop or clergy of their own, there was little or no hope that the people could do much more than hold their own familial or local prayer services, without even a church or chapel in which to do so. Once a few of their own priests immigrated, the pastoral efforts of these priests were dispersed in "making the rounds" of the several communities for which each had responsibility.

⁵⁴ This opportunity was provided by the International Eucharistic Congress that was held in Montreal in 1910, which the Metropolitan attended. On October 8, the Metropolitan arrived in Winnipeg where he officiated at Solemn Divine Services and was joyfully greeted as the father of the Ukrainian Catholic Church and the sole authoritative representative of her faithful in the settlements. The Metropolitan went on to meet with congregations in Manitoba and other provinces. In addition to his work among the faithful, the Metropolitan also made time to meet with Latin Catholic and government officials to discuss urgent matters pertaining to the Ukrainian Catholic Church in Canada. Upon his return to Lviv, the Metropolitan maintained his contact with the Latin Catholic bishops and sent to them memoranda highlighting the desire and urgent need of the Ukrainian people in Canada to have their own Church leadership and jurisdiction. It was necessary, according to Sheptytsky, for the Ukrainians in Canada to have their own bishop for jurisdiction, as the mere presence of priests would not make the other problems of Church leadership and property ownership go away. See MOTIUK, pp. 18-22.

⁵⁵ See KORELEVSKY, pp. 153 ff.

⁵⁶ 15 July 1912, in AAS, 4 (1912), pp. 555-556.

⁵⁷ In AAS, 4 (1912), p. 531. He was appointed titular bishop of Patara with the title Apostolic Exarch for Ukrainians in Canada. See also MOTIUK, *Eastern Christians in the New World*, p. 24.

This dearth of clergy has plagued the Ukrainian Catholic Church to the present day.⁵⁸ With the establishment of an episcopal see for the Ukrainians in Canada, two constitutive elements of the clergy were present, a bishop and priests. Deacons were yet to play a role. It was not until after Vatican II, with its reaffirmation of the centuries-old office of deacon in the Eastern Churches, that Canada became fertile ground for deacons to assist the ministry of the bishop and his priests.

By the early 1940s, it had become virtually impossible for one bishop to be shepherd to all the Ukrainian Catholics in Canada. Bishop Ladyka petitioned Rome for help and was given an auxiliary bishop.⁵⁹ When the systematic destruction of the Ukrainian Catholic Church by the Soviet regime began in 1946, the Holy See's concern about the survival of the Church in the diaspora was heightened. In 1947 the Holy See sent Cardinal Eugene Tisserant to Canada in his capacity as secretary of the Sacred Congregation for the Eastern Church. In 1948, the Holy See divided the UCC in Canada

⁵⁸ For example, the Ukrainian Catholic Archeparchy of Winnipeg has approximately 133 churches, but only twenty-four active priests to serve them.

⁵⁹ MOTIUK, p. 46. Neil Savaryn, OSBM, was appointed titular bishop of Iotanus and auxiliary to Basil Ladyka on 3 April 1943, in *AAS*, 35 (1943), p. 365.

into three exarchates: Eastern, Central, and Western.⁶⁰ In 1951 a number of smaller exarchates were created with seats in Winnipeg, Edmonton, Saskatoon, and Toronto.⁶¹

At the same time the UCC in Canada was growing, the situation facing the mother Church under Communism failed to improve, and the danger of the complete loss of the Ukrainian Catholic hierarchy in Ukraine had become very real. On 3 November 1956, Pope Pius XII, in a sweeping measure to save the Ukrainian Catholic Church in the diaspora, issued the Apostolic Constitution *Hanc apostolicam*, erecting the Ukrainian Catholic Metropolitan See of Canada, the first metropolitanate ever erected outside Ukraine.⁶² At the time of its erection, the statistics for the province do not indicate the presence of any deacons.⁶³

⁶⁰ PIUS XII Apostolic Constitution, *Omnium cuiusvis ritus*, in AAS, 40 (1948), pp. 287-290. In addition, Pius XII in June of 1948 gave Ladyka the honorary title of Archbishop and titular bishop of Martyropolis. In AAS, 40 (1948), pp. 269, 287-290. Basil Ladyka remained in Winnipeg and became the Apostolic Exarch of the Central Exarchate. Neil Savaryn was given the Western Exarchate (Letter of Archbishop Ildebrando Antoniutti, Apostolic Delegate in Canada, to Bishop Neil Savaryn, 28 February 1948, prot. no. 498/48; Archives of the Eparchy of Edmonton). Isidore Borecky was appointed titular bishop of Amanthus and Exarch of the Eastern Exarchy. In AAS, 40 (1948) p. 278. Pius XII then appointed Andrew Roborecky as titular bishop of Tanais and auxiliary to Ladyka to replace Savaryn. In AAS, 40 (1948), p. 279.

⁶¹ On 13 January 1951 the Holy See appointed Maxim Hermaniuk, CSsR, titular bishop of Sinna and auxiliary to Ladyka. In AAS, 43 (1951), p. 283. On 19 March 1951 Pius XII issued the Apostolic Constitution *De Ruthenorum* dividing the Central Exarchate into the Exarchates of Manitoba and Saskatchewan. In AAS, 43 (1951), pp. 544-547. Ladyka remained in Winnipeg and was appointed Apostolic Exarch of the Manitoba Exarchate. His auxiliary, Roborecky, was appointed Apostolic Exarch of Saskatchewan, leaving Hermaniuk as the auxiliary in Winnipeg. In AAS, 43 (1951), p. 283.

⁶² In AAS, 49 (1957), pp. 262-264. MOTIUK, p. 46, states that the erection of the Metropolitanate in Canada was an effort on the part of the Holy See to ensure the preservation of the spiritual heritage of the Ukrainian Church in Canada. The Holy See used the term Ruthenian in the erection. Hermaniuk requested a change from "Ruthenian" to "Ukrainian." The matter was referred to the Sacred Congregation for the Eastern Churches. A favorable response came from Cardinal Tisserant of the Congregation. See Letter of Cardinal Eugene Tisserant, Secretary of the Sacred Congregation for the Eastern Churches, to Metropolitan-elect Hermaniuk, 22 January 1957, prot. no. 609/51, in Archives of the Archeparchy of Winnipeg.

A significant development in the canonical history of the UCC in Canada was the erection by Metropolitan Hermaniuk on 9 February 1960 of the Ukrainian Catholic Conference, an assembly of the bishops of the Ukrainian Catholic Church in Canada.⁶⁴ Although the Conference does not possess legislative power, its recommendations for the most part have been implemented by the bishop of each eparchy. "This common action demonstrates the collegial character of the Ukrainian Church in Canada."⁶⁵ With respect to the clergy, the Conference has dealt with the issues of vocations, married clergy, erecting an inter-eparchial seminary, and various other matters affecting the Ukrainian clergy in Canada.

In 1989 the Metropolitan Andrew Sheptytsky Institute of Eastern Christian Studies, previously located at the Catholic Theological Union in Chicago, was brought under the patronage of the Ukrainian Catholic bishops of Canada and moved to Saint Paul University in Ottawa where it is an academic unit of the Faculty of Theology.⁶⁶ In

In 1955, due to Ladyka's failing health, the status of Hermaniuk had been changed from auxiliary to coadjutor. See Letter of Archbishop Panico, Apostolic Delegate, to Bishop Hermaniuk, auxiliary bishop to Ladyka, 15 April 1955, prot. no. 757/55, in Archives of the Archeparchy of Winnipeg. Hermaniuk was appointed first Metropolitan of the Apostolic See of Winnipeg. See Letter to Bishop Hermaniuk from Archbishop Panico, Apostolic Delegate, 15 November 1956, prot. no. 2162/56, in Archives of the Archeparchy of Winnipeg.

⁶³ M. HERMANIUK, "Rozviy dukhovnoho zhyttia ukrayinstsiv katolykiv Kanady," in S. IZYK (ed.), *The First Ukrainian Catholic Metropolitan See of Canada*, Winnipeg, Ukrainian Catholic Archeparchy of Winnipeg, 1957, pp. 168-172. We find listed 238 priests, 151 sisters, 522 parishes and missions, as well as over 200,000 faithful, but no deacons.

⁶⁴ MOTIUK, p. 62. Hermaniuk was the first Metropolitan.

⁶⁵ Ibid., p. 63.

⁶⁶ "The Sheptytsky Institute specializes in Eastern Christian Studies, with special but not exclusive emphasis on the tradition of the Church of Kyiv. Its main interests lie in the fields of theology, liturgy, spirituality, history, and ecclesial polity of the Eastern Churches, both Orthodox and Catholic. The Sheptytsky Institute, through the Faculty of Theology, offers undergraduate and graduate university degree programs in Eastern Christian Studies." See Saint Paul University,

2004, a marriage tribunal was established for the Ukrainian Catholic Church in Canada.⁶⁷

Presently, a Ukrainian Catholic Catechism is being prepared.

On 1 December 1989, when the Church in Ukraine was legalized and emerged from behind the wall of Communism, it began the task of rebuilding after many years as an underground Church suffering persecution and martyrdom. A very important part of that rebuilding is the ongoing challenge of reestablishing the connection between the Church in Ukraine and the Church in the Diaspora, the Ukrainian Catholics outside of Ukraine.

Faculty of Theology, *Programs and Courses 2005-2007*, Ottawa, Saint Paul University, 2005, p. 18.

⁶⁷ The Inter-Eparchial Marriage Tribunal was established for all Ukrainians in Canada. It is based in Regina, SK, with branch offices in the various eparchies. The following information was prepared by this author for the quinquennial report of 2006. All information comes from the Archives of the Tribunal.

On 4 March 1971, by provision of the Apostolic Signatura (prot. no. 1292/71/VT), the faithful of the Ukrainian Catholic Church were allowed to avail themselves for marriage annulments to a Latin Tribunal. On 6 December 2003, the Ukrainian bishops of Canada formed an inter-eparchial tribunal of first instance with competence to serve all of Canada and, in turn, a competent appellate tribunal of second instance at the Metropolia in Winnipeg, both with an effective date of 1 January 2004. The bishops, following the prescription that such tribunals have their own statutes (*CCEO* c. 1070), signed both a Decree of Constitution and the Statutes. The tribunal of first instance was erected according to the provisions of *CCEO* c. 1067, §1, with its seat at Regina, Saskatchewan. The appellate tribunal was likewise formed by the same group of bishops (*CCEO* c. 1067, §5) with its seat at Winnipeg, Manitoba. Both are limited in jurisdiction to marriage cases. In accord with the requirement of the canons, approval was granted for the new tribunals by the Signatura on 15 July 2005. The first instance tribunal is known legally as the "Inter-Eparchial Marriage Tribunal of First Instance of the Ukrainian Catholic Church in Canada" and follows the applicable sections of the law found in the *CCEO* pertaining to inter-eparchial tribunals. The moderator is selected by the bishops themselves. In addition to the Regina office, there are now offices of the Inter-Eparchial Tribunal open on the following schedule: Winnipeg and Saskatoon in 2004, Edmonton in 2005, New Westminster in 2006, and Toronto in 2007. The Tribunal of Appeal is legally known as the "Metropolitan Tribunal of Winnipeg" and is to follow the applicable sections of the law found in the *CCEO* pertaining to eparchial tribunals, not inter-eparchial tribunals. The Metropolitan is the Moderator of the Tribunal by law. Canon 1065 provides that the tribunal of third instance is the Apostolic See, unless expressly provided for otherwise in the law.

Today, under the leadership of His Beatitude Cardinal Lubomyr Husar, Archbishop of Kyiv-Halych, there are five eparchies in Canada for Ukrainian Catholics, including the Archeparchy of Winnipeg.⁶⁸ The importance to the Catholic Church of the Ukrainian Catholic Church outside of Ukraine was exhibited to the world when, in 1984, Pope John Paul II made a pastoral visit to meet and celebrate the Divine Liturgy with the Ukrainian Catholic hierarchy and the Ukrainian Catholic people in Winnipeg.⁶⁹

3.2.4 Particular Law of the UCC in Canada

According to David Motiuk, "The greater part of the particular law of the Ukrainian Church in Canada, whether duly mandated or customary, predates the Second Vatican Council."⁷⁰ In the early 1900s, the Holy See promulgated two legislative texts applicable to Ukrainian Catholics in Canada. In 1907, Pope Pius X issued his Apostolic

⁶⁸ "In August of 2005, the major archbishop of the Ukrainian Greek Catholic Church, Cardinal Lubomyr Husar, returned the metropolitan archiepiscopal see to Kiev, reinforcing Ukraine's independence from Poland and Russia. Pope John Paul II blessed the move and restored the title of 'Major Archbishop of Kiev and Halych'." See M.J. LA CIVITA, "The Ukrainian Greek Catholic Church," in *One*, vol. 33, no. 3 (May 2007), p. 19.

⁶⁹ The Archeparchy of Winnipeg was privileged to share in the responsibility of planning and organizing His Holiness Pope John Paul II's visit to Canada. The formal greeting of this eminent guest on behalf of the Ukrainian Catholic Metropolitanate of Canada and the welcoming address was given in the Cathedral of Saints Volodymyr and Olha by His Grace Metropolitan Maxim Hermaniuk amid an overflow gathering of the faithful and distinguished representatives of Canada and the Ukrainian and Latin Churches. His Holiness was greeted at the entrance of the Cathedral by children on behalf of laity in Canada. The president of the Ukrainian Catholic Council of Canada, Theodore Baran, welcomed him with the traditional bread and salt. Choral music during the greetings and the liturgical service was provided by the Winnipeg choir under the direction of George Hnatiuk. The congregation was deeply moved by the Pontiff's address and was given the opportunity to meet with him personally and receive the apostolic blessing from him in the Ukrainian language. This unforgettable and historically significant visit of His Holiness to Winnipeg as the capital of the Archeparchy and the seat of the Ukrainian Catholic Metropolitanate of Canada took place on Sunday, 16 September 1984. See KOWCZ-BARAN, p. 23.

⁷⁰ MOTIUK, p. 109.

Letter *Ea semper* concerning the Ukrainian faithful and clergy.⁷¹ In 1913, the decree *Fidelibus ruthenis* was published to regulate relationships between faithful, clergy, and the Ukrainian and Latin bishops.⁷²

As for the legislative activity of the hierarchs of the UCC in Canada, it began in earnest already with the first Ukrainian Catholic bishop in Canada, Nykyta Budka (1912-1928). Having been born in poverty himself, Budka had a deep and abiding love for the poor. In him, Metropolitan Sheptytsky found a ready servant for the peasant immigrants in Canada. Budka was the first ecclesiastical legislator below the level of the Holy See to make particular law for the Ukrainian Church in Canada. He issued numerous decrees, directives, and pastoral letters whose purpose was to assist Ukrainian immigrants and provide structure and unity for the Ukrainian Church in Canada.⁷³ Even civil matters did not escape his attention. By Act of Parliament on 6 June 1913, the "Ruthenian Greek Catholic Episcopal Corporation of Canada" became the civil arm of the Ukrainian Church in Canada, giving it official status in civil-law matters, especially concerning temporal goods.⁷⁴

⁷¹ 14 June 1907, in AAS, 44 (1908), pp. 4-12. For a discussion of this document, see KOROLEVSKY, pp. 140-151.

⁷² SACRED CONGREGATION OF THE PROPAGATION OF THE FAITH FOR THE AFFAIRS OF THE EASTERN RITE, Decree *Fidelibus ruthenis*, 18 August 1913, in AAS, 5 (1913), pp. 393-399. See MOTIUK, pp 25-36, for a side-by-side comparison of *Ea semper* and *Fidelibus ruthenis*.

⁷³ MOTIUK, p. 58. Bishop Nykyta Budka was beatified by Pope John Paul II on 27 June 2001.

⁷⁴ KING GEORGE V, Chapter 191, Act to Incorporate the Ruthenian Greek Catholic Episcopal Corporation of Canada. Also, in 1913, Budka was successful at the provincial level in civilly incorporating parishes and missions. See KING GEORGE V, Chapter 83, 1913, Alberta; Chapter 73, 1913, Saskatchewan; Chapter 127, 1913, Manitoba; and Bill 13, 1913, Ontario. In the following year he promulgated *Norms of the Ruthenian-Catholic Church in Canada*, in Archives of the Archeparchy of Winnipeg, *Ruthenian Canadian*; his *Eparkhiyal'nyj Vistnyk* (Eparchial Newsletter; Year 1, no. 1 (October 1924) to Year 4, no. 7 (June 1927); and *Ukrayins'ki Visti/Ukrainian News*.

From 27-29 November 1914, Bishop Budka convened all the Ukrainian clergy of Canada in Yorkton, Saskatchewan. The result of the gathering was the promulgation of the *Norms of the Ruthenian-Catholic Church in Canada* on 23 January 1915. Motiuk writes, "These *Norms* continue to form an integral part of the particular law of the Ukrainian Church in Canada as they were never abrogated in their entirety, and, where not contrary to common or particular law, they still have the force of law."⁷⁵ These *Norms* were directed principally to priests and concerned matters affecting them. Nowhere in the entire document is any reference made to permanent deacons. They simply were not yet part of the UCC in Canada.

Budka's successor was Bishop Basil Ladyka (1929-1948). Like his predecessor, Ladyka was not reticent to legislate when he thought it necessary or desirable.⁷⁶ Again, his laws make no mention of permanent deacons. Although the Ukrainian hierarchy had the right to ordain permanent deacons and make particular law governing the permanent diaconate, it evidently did not occur to them to do so.

There were several other attempts by the Ukrainian Catholic bishops of Canada to draw up legislation for their Church, but these attempts were either not granted the *recognitio* of the Holy See or they were withdrawn because of the convocation of Vatican II.⁷⁷ One such attempt, the *Norms of the First Provincial Synod*, is significant for the

⁷⁵ *Pravyla Rus'ko-Katolyts'koyi Tserkvy v Kanadi, Yorkton, Saskatchewan, November 29, 1914*, Winnipeg, Canadian Ukrainian Association, 1915. See MOTIUK, Appendix III, for the text of the document in its original Ukrainian language and an English translation side-by-side.

⁷⁶ See *Kanadiys'ky Yeparkhiyal'ny Vistnyk* (Canadian Eparchial Newsletter; 1930-1948) for most of his decrees, directives, and pastoral letters.

⁷⁷ Among these were the *Norms of the Provincial Synod of the Winnipeg Metropolia*, never promulgated in anticipation of Vatican II. They are contained in the Archives of the Archeparchy

topic of this thesis. It is the first document to use the more general term “clerics” rather than just “priests,” and it explicitly addresses itself to deacons.⁷⁸ Although the references to deacons are few, the acknowledgment itself indicates that the Ukrainian Church in Canada had reached a point where the clerics present in major orders included the bishop, presbyter, and deacon, not just the former two. This was the first time a text of what was intended to be the particular law of the UCC in Canada recognized that there are the three pillars of major orders.

A very significant body of particular law for the UCC, consisting of 146 canons, was enacted *ad experimentum* in 2000 and is in force for the UCC in Ukraine and the diaspora.⁷⁹ The English-language title of the document is “Canons of the Particular Law of the Ukrainian Greek Catholic Church” (=UCC Canons). The canons provide the particular laws called for by the *CCEO* at the synodal level.

of Winnipeg. For an in-depth history and review of the documents, synods, and other episcopal meetings, see MOTIUK, Chapter Two, “Documents of the Ukrainian Church.”

⁷⁸ Продоуховенство (Clerics), in *ibid.*, Part I, Persons, Chapter I, Clerics, A. Clerics in General, 1. Rights of Clerics. In article 3, section 4, reference is made to the Діакон (deacons).

⁷⁹ Published in the original Ukrainian text in *Blahovisnyk Tserkvy Blazhennishoho Lyubomyra Kardynala Husara*, 1, Lviv, 2001, pp. 104-130. Author’s note. The word “Greek” does not appear in the official listing found in the *Annuario Pontificio*. The *Annuario* simply uses Ukrainian Church. An English translation of the canons by A. Kachur (2006) is published on the official website of the Archeparchy of Winnipeg at http://www.archeparchy.ca/documents/Particular_Law_Canons.pdf. See also D. MOTIUK, *The Particular Law of the Ukrainian Catholic Church in Canada*, Excerpta ex Dissertatione ad Doctoratum, Pontificum Institutum Orientale, Facultas Iuris Canonici Orientalis, Edmonton, 2001; and *idem*, *Eastern Christians in the New World*.

3.2.5 Formation of Priests

It was not until 1981 that the first seminary to train Ukrainian Catholic clergy in Canada was established, Holy Spirit Ukrainian Catholic Seminary in Ottawa.⁸⁰ Before then, Ukrainians in both Canada and the United States were sent to Latin seminaries.

Motiuk states the problem as follows:

As a married clergy was scandalous to the Latin hierarchy, only celibate candidates were to be admitted to the seminary, only celibates were to be ordained to the priesthood, and only celibates, or at least widowers without children from Europe, were to be allowed to exercise ministry in Canada and the United States.⁸¹

Training of Ukrainian clergy in and for Canada has been problematic from the beginning. Since candidates for the priesthood in the UCC in Canada received their spiritual, academic, and pastoral formation in Latin seminaries, "the result has often been a clergy lacking in a rudimentary understanding of the liturgical, theological, spiritual, and canonical patrimony of the Ukrainian Church, as well as its cultural and historical context

⁸⁰ Although the Roman Pontiffs since Pius X have called for the establishment of a Ukrainian Catholic seminary in Canada, even a minor seminary, one was never established until Holy Spirit Ukrainian Catholic Seminary was established on 22 July 1981. Archbishop Langevin actually did establish a minor seminary for the Ukrainians, St. Josaphat in Sifton, Manitoba in 1912. Unfortunately, it closed for a number of reasons in 1917. There were also attempts to establish and foster a seminary by the various Ukrainian religious institutes in Canada. For more details see MOTIUK, p. 112. Since 1932 the Pontifical Ukrainian College of St. Josaphat in Rome has served as a major seminary for the training of Ukrainian clergy, yet much of the instruction is given by Latin Catholics.

Holy Spirit Seminary is an Inter-Eparchial Seminary erected by the Ukrainian Bishops of Canada, pursuant to *CCEO* cc. 332-334. In contrast, the Latin Code (c. 237, §2) forbids the establishment of an inter-diocesan seminary without the approval of the Holy See. The Congregation for Catholic Education is the competent dicastery for granting approval. See T. BERTONE, "La Congregazione per l'educazione cattolica (dei seminari e degli istituti di studio)," in *La Curia romana*, Studi giuridici, no. 21, Vatican City, Libreria editrice vaticana, 1990, p. 385. See also, F.G. Morrissey, "La formation des grands séminaristes et le respect de la personne," in *Studia Canonica*, 22 (1988), pp. 5-25.

⁸¹ MOTIUK, p. 29.

in Canada.”⁸² This statement by David Motiuk, now one of the hierarchs of the UCC in Canada, well sums up the historical reality. As a general rule for anyone, in order to understand where and who they are now, they must know from where they have come. Only then can they move to the future with the hope of not repeating the mistakes of the past.

3.2.6 Absence of Permanent Diaconate in the UCC in Canada

The Ukrainian Catholic immigrants to Canada in the late nineteenth century and early years of the twentieth century found themselves under the jurisdiction of the Latin Church,⁸³ and the dearth of Ukrainian clergy for the immigrants persisted in Canada for some time. Only priests, not deacons, were sought to tend to the immigrant flocks of Ukrainians in Canada. Nearly every one of them came from Europe.⁸⁴ The Holy See, however, expressed firmly that candidates for the priesthood in North America should come from North America.⁸⁵ The people needed sacraments and the celebration of the Divine Liturgy. A need for deacons did not merit any mention in published works relating to the immigrants in Canada during this period. Nor was any mention or provision made for the training of Ukrainian deacons in the United States or Canada

⁸² Ibid., p. 111.

⁸³ MOTIUK, *Eastern Christians in the New World*, pp. 4-13. He discusses briefly the background as to how Latin ordinaries obtained jurisdiction over Eastern Catholics. See also, M. DIEDERICH, *The Jurisdiction of the Latin Ordinaries over their Oriental Subjects*, Canon Law Studies, no. 229, Washington, DC, Catholic University of America, 1946. The present author worked on the same tribunal as the late Fr. Diederichs and can attest that he had a strong academic interest in interecclesial relations between Latin and Eastern Catholics.

⁸⁴ For the life of one French-Canadian priest who was transferred permanently to the service of the Ukrainian Church, see Z. KEYWAN, *A Turbulent Life: Biography of Josaphat Jean, OSBM* (1885-1972), Verdun, Quebec, Clio Editions, 1990.

⁸⁵ This point is discussed in MOTIUK, pp. 28-29 and KOROLEVSKY, chapter 5.

found in the two key documents of the period governing the Ukrainians, *Ea semper* and *Fidelibus ruthenis*, cited above. This remained the same in 1930 with *Graeci-rutheni ritus* in its details on the preparation of clergy;⁸⁶ no mention is made of training deacons, even though the law of the 1917 Code, which prohibited a permanent diaconate, did not affect the Eastern Churches (1917 *CIC* c. 1). All the candidates for ordination to the clergy in Canada and the United States at the time, both Latin and Eastern, were being prepared for priesthood.

Participation in the *tria munera* was severely impacted in the Ukrainian Catholic Church in Canada as a result of the lack of deacons. That impact is still felt today. First, the *munus docendi* was the most severely impacted because the people were wanting for catechesis, even the basics of Church teaching. In most country parishes, which constituted the majority of parishes, the priest came only once a month for Divine Liturgy, and there was no time for catechesis by the priest. The availability or presence of a deacon could have ameliorated this situation. Second, the *munus sanctificandi* was severely impacted both because the people were deprived of the fullness of the liturgy, which in the East demands the presence of both the priest and the deacon, and because there was no permanent holy order to institutionalize the performance of charitable works, traditionally done by the deacon. Third, the *munus regendi* was severely impacted because the deacon was not present to fulfill his ancient role of minding the administration of the parish or to assist in the pastoral care of the community. Instead, an unfortunate development occurred, known as “trusteeism.” Without a resident pastor, the people at each parish were the only ones available to manage and administer the church

⁸⁶ SACRED CONGREGATION FOR THE EASTERN CHURCH, Decree *Graeci-rutheni ritus*, 24 May 1930, in AAS, 22 (1930), pp. 346-354, English translation in *CLD*, vol. 1, pp. 29-39.

property. Gradually, this evolved into a sense of ownership in which the people fully controlled all the finances and other temporal goods of the parish, often shutting out the parish priest from any effective leadership in the administration of the parish.

The lack of a permanent diaconate thus contributed to several major problems that were widespread in the Ukrainian Catholic Church in Canada: (1) an accretion of Latin practices introduced by Latin-trained clergy; (2) an uncatechized laity who still today often are more familiar and feel more comfortable with the piety and practices of the Latin Church than with the authentic traditions of the Ukrainian Church; (3) the faithful's lack of a sense of connection to the Church in Ukraine; and (4) trusteeism with its sense of personal ownership and management to the exclusion of the priest and bishop. The effects of the damage done by the lack of permanent deacons, trained in the tradition and patrimony of the Ukrainian Catholic Church, are still felt today and may remain for years to come.

The situation in the Catholic Church in Canada at the close of the Vatican Council was that neither the Latin Church nor the Ukrainian Church had any permanent deacons. The Ukrainian Church mirrored the Latin Church because of the many years of Latin-trained Ukrainian clergy. Since Ukrainian candidates for the priesthood in Canada were prepared in Latin seminaries, the discipline of the Latin Church, which admitted only a transitional diaconate, was effectively imposed on the Ukrainian Church. The role of the permanent, usually married, Ukrainian deacon was missing in Canada and in other countries of the diaspora. This situation began to change only after Vatican II.

3.3 The Introduction of the Permanent Diaconate

The restoration of the permanent diaconate, as legislated by Pope Paul VI, affected only the Latin Church. Nevertheless, the Fathers of the Council had also exhorted the Eastern Churches, in which the permanent diaconate had fallen into disuse, to reaffirm and to make use of permanent deacons. The Decree on the Catholic Eastern Churches, *Orientalium Ecclesiarum*, in no. 17, states: "The holy Council wishes the institution of the permanent diaconate to be restored where it has fallen into disuse, in order that the ancient discipline of the sacrament of orders may flourish once more in the Eastern Churches."⁸⁷

The Ukrainian Catholic bishops in Canada, already prior to Vatican II, had addressed the matter of permanent deacons in the Provincial Synod of the Winnipeg Metropolia.⁸⁸ Within three months of the restoration of the permanent diaconate for the Latin Church by Pope Paul VI in *Sacrum Diaconatus Ordinem*, the permanent diaconate was restored in the UCC in Canada.⁸⁹ Perhaps it would be better to say it was "introduced" rather than "restored," since it had never existed previously in Canada. At their annual meeting on 6 September 1967, the Ukrainian Catholic bishops of Canada decreed the introduction of the permanent diaconate in the Ukrainian Catholic Church in

⁸⁷ Ut antique sacramenti Ordinis disciplina in ecclesiis Orientalibus iterum vigeat, exoptat haec Sancta Synodus, ut institutum diaconatus permanentis, ubi in desuetudinem venerit, instauretur. 21 November 1964, in AAS, 57 (1965), pp. 76-85, English translation in FLANNERY1, p. 447.

⁸⁸ Cited above in note 77.

⁸⁹ Archives of the Archeparchy of Winnipeg.

Canada.⁹⁰ The decree was signed by Maxim Hermaniuk, CSsR, Archbishop of Winnipeg for Ukrainians; Neil Savaryn, OSBM, Bishop of Edmonton; Isidore Borecky, Bishop of Toronto; and Andrey Roborecky, Bishop of Saskatoon. This milestone decree was amended with additional norms on 24 April 1968.⁹¹

Unlike the Latin conferences of bishops, the bishops of the Eastern Churches did not need the authorization of the Holy See for the permanent diaconate since it was still a part of their law and patrimony. Further, the Decree on the Catholic Eastern Churches of Vatican II implied that each Church *sui iuris* was itself to restore the permanent diaconate. Therefore, the Ukrainian restoration was of the bishops' own initiative, requiring no Vatican *recognitio*. Again, "restoration" must be understood not of the restoration of an institute that had been legally prohibited, as in the Latin Church, but the restoration of a normative institute that had fallen into desuetude and that had never even been introduced up to then in the UCC in Canada.

Like *Sacrum Diaconatus Ordinem* for the Latin Church, the 6 September 1967 decree of the Canadian UCC bishops is the single, most important piece of legislation regarding the permanent diaconate for the Ukrainian Catholic Church in Canada. Therefore, it deserves discussion and commentary comparable to that given in Chapter Two to *SDO*.⁹²

⁹⁰ As seen in the previous chapter, it was not until 20 January 1969 that the Latin bishops in Canada prepared norms for the proposed restoration of the permanent diaconate in the Latin Church in Canada.

⁹¹ Archives of the Archeparchy of Winnipeg.

⁹² For the exact text of the decree, see Appendix I.

3.3.1 Motivation for the decree

The decree begins by setting forth the reasons that gave rise to it.

Considering on the one hand, the great spiritual and organizational needs of the Ukrainian Catholic Church in Canada, and on the other hand, the great shortage of priests who could carry out their priestly duties, we, the undersigned Bishops, in accordance with the tradition of our own and other Eastern Churches, also in compliance with the Decrees of the II Vatican Council (Constitution on the Church no. 29 and the Decree about the missionary activity of the Church no. 16) and following the instructions of Pope Paul VI's *Motu Proprio* "De Diaconatu Permanenti," dated June 18, 1967, hereby establish in the Ukrainian Catholic Church in Canada the Permanent Diaconate

The introduction to the decree succinctly sums up the motives for it. The primary motivation is the needs of the faithful, both "the great spiritual and organizational needs" of the UCC in Canada and the pastoral needs created by the shortage of priests. The bishops do not explicitly mention *Orientalium Ecclesiarum* 17, which called for the restoration of the permanent diaconate in the Eastern Churches "in order that the ancient discipline of the sacrament of orders may flourish once more." However, this decree of Vatican II is implied in the second motivation given for the decree when it speaks of the permanent diaconate being in accord with the Ukrainian tradition and that of other Eastern Churches. This tradition, as we have seen, is one that maintained the diaconate as a permanent order with its own distinct roles in the *tria munera* of the Church.

The bishops recall explicitly two texts of Vatican II, *Lumen gentium* 29 and *Presbyterorum ordinis* 16, and they refer to Paul VI's implementing legislation for the Latin Church, *Sacrum Diaconatus Ordinem*. *Lumen gentium* 29 and *SDO* were discussed in the previous chapter. *Presbyterorum ordinis* 29 treats priestly celibacy, but it defers to the tradition of a married clergy in the Eastern Churches:

It is true that [celibacy] is not demanded of the priesthood by its nature. This is clear from the practice of the primitive Church and the tradition of the Eastern Churches where in addition to those—including all bishops—who choose from the gift of grace to preserve celibacy, there are also many excellent married priests. While recommending ecclesiastical celibacy this sacred Council does not by any means aim at changing that contrary discipline which is lawfully practiced in the Eastern Churches. Rather the Council affectionately exhorts all those who have received the priesthood in the married state to persevere in their holy vocation and continue to devote their lives fully and generously to the flock entrusted to them.⁹³

The citation of this text by the Canadian Ukrainian Catholic bishops is a cryptic way of acknowledging the acceptability by Vatican II of a married clergy in the Eastern Catholic Churches. In the context of this decree on the diaconate, it implies that married men may be ordained deacons, but the reference to the Vatican II decree on priests could well imply also that the Eastern tradition of *married priests* also ought to be accepted and respected.

3.3.2 Ordination requirements

Following the introduction, the decree stipulates the qualifications necessary for a candidate to be accepted to the order of deacon. Those who may be ordained permanent deacons are those who (1) are single or married men between the ages of twenty-five and fifty years; (2) have completed at least a high school education; (3) have established a means of support for themselves and eventually even for their families; and who (4) wish to serve Christ's Church and their own Ukrainian people.

⁹³ Non exigitur quidem a sacerdotio suapte natura, uti apparet ex praxi Ecclesiae primaevae et ex traditione Ecclesiarum Orientalium, ubi praeter illos qui cum omnibus Episcopis ex dono gratiae coelibatum eligunt servandum, sunt etiam optime meriti Presbyteri coniugati: dum vero ecclesiasticum coelibatum commendat, Sacrosancta haec Synodus nullo modo absimilem illam disciplinam immutare intendit, quae in Orientalibus Ecclesiis legitime viget, omnesque illos peramanter hortatur, qui in matrimonio presbyteratum receperunt, ut, in sancta vocatione perseverantes, plene et generose vitam suam gregi sibi commissio impendere pergant. Decree on the Training of Priests *Optatum totius*, 28 October 1965, in AAS, 58 (1966), pp. 713-727, English translation in FLANNERY1, p. 892.

A single man who is ordained is bound to observe celibacy and may not marry afterward. Likewise, a married deacon who loses his wife, whether due to death or to the dissolution or declaration of invalidity of the marriage, may not marry again. A *candidate* for the permanent diaconate who loses his wife is free to marry, but the new marriage must take place before ordination.

Unlike *SDO*, which distinguishes between the younger and the more mature candidates for the permanent diaconate, this legislation for the UCC in Canada has a single standard for all candidates, younger or older, married or celibate. They may be no older than fifty at the time of ordination. The eparchial bishop may dispense from this law and ordain a man older than fifty whenever he judges that it contributes to the spiritual good of the faithful (*CCEO* c. 1538, §1). The common law of the Eastern Catholic Churches prescribes the minimal age of twenty-three for ordination to the diaconate, and no distinction is made between temporary and permanent deacons, celibate or married (*CCEO* c. 759, §1). According to canon 100 of the UCC Canons, which is based on c. 759, §2, the "Dispensation of more than one year from the age required according to the norm of common law is reserved to the patriarch/major archbishop, if it is a case of a candidate who has a domicile or quasi-domicile within the territorial boundaries of the patriarchal/major archiepiscopal church, in other circumstances - to the Apostolic Roman See." Thus, in Canada, the dispensation beyond a year is reserved to the Holy See. If the age of the candidate is between twenty-two and twenty-three, the bishop may dispense.

To be accepted into the diaconal program, one must have at least a high school diploma. This is the minimal standard, but there is nothing to prevent an eparchial bishop

from setting a higher standard and requiring a university baccalaureate degree. Today, unlike in 1967, it is commonplace for Canadians of Ukrainian descent to attend university. It is not asking too much of a candidate for holy orders that he come from the better educated faithful, especially given the requirements of preparation for holy orders and the ministry itself, especially preaching and teaching.⁹⁴

To be ordained deacon, the candidate must have established a means of support for himself and eventually for his family. The word “eventually” implies a younger married candidate whose wife is still of childbearing age. It also applies to an unmarried candidate who intends to marry prior to ordination. This requirement is more restrictive than that of *SDO* 21, which says that “deacons who are practicing a secular profession take care of their own needs and those of their family from this income *insofar as possible*.”

In the previous chapter, we saw that the legislation of Paul VI in *Ecclesiae Sanctae* I, no. 8 required “patriarchal synods and conferences of bishops” to establish norms for the proper support of clergy who are active in the ministry or retired from the ministry. This legislation goes on to say that their remuneration should allow such clergy to have a decent living, with enough so that they are also able to help the poor. The mention of “patriarchal synods” leaves no doubt that these requirements also apply to the Eastern Catholic Churches. The current law regulating this matter is *CCEO* c. 390.

§1. Clerics have the right to a suitable sustenance and to receive a just remuneration for carrying out the office or function committed to them; in the case of married clerics, the sustenance of their families, unless this has been otherwise sufficiently provided, is to be taken into account.

⁹⁴ Policies on the permanent diaconate in the Ukrainian eparchies are currently under review. This would be a good opportunity formally to revoke this provision and require a baccalaureate degree.

§2. They also have the right that there be provided for themselves as well as for their families, if they are married, suitable pension funds, social security as well as health benefits....⁹⁵

This second paragraph of c. 390 is repeated in the UCC Canons (c. 63).

Unlike the Latin Code (c. 281), which distinguishes between married permanent deacons and the celibate clergy, the Eastern law gives a right to remuneration, pension, social security, and health benefits to all clerics, married and celibate, deacons and priests. This does not revoke the particular law of the UCC in Canada which requires that candidates for the permanent diaconate must be able to be financially self-sufficient. No one may claim a right to be accepted for candidacy or ordained a deacon. The eparchy may refuse a candidate who is jobless and has no means of support. However, after ordination, if a permanent deacon, married or celibate, would lose his job or no longer have adequate means to support himself and/or his family, the eparchy would have an obligation to support him in some way, for example, by offering him full-time employment.

3.3.3 Formation

The 1967 decree of the Canadian bishops of the UCC next stipulates that deacon candidates must follow a course of spiritual formation and theological studies, which is to last "about three years" in a special seminary. The *CCEO* requires a course of studies of "at least three years" (c. 354) and thus derogates from the particular law in Canada.

The precise requirements for academic and spiritual formation of permanent deacons were approved in the following year by the Ukrainian Catholic hierarchy and

⁹⁵ Can. 390 - § 1. Clerici ius habent ad congruam sustentationem et ideo pro implendo eis commissio officio vel munere iustam remunerationem percipiendi, quae, si agitur de clericis coniugatis, consulere debet etiam eorum familiae sustentandae, nisi aliter iam sufficienter provisum est.

§ 2. Item ius habent, ut sui suaeque familiae, si coniugati sunt, congruenti praecaventione et securitati sociali necnon assistentiae sanitariae provideatur; ...

promulgated by decree of Metropolitan Hermaniuk.⁹⁶ (The decree is reproduced in Appendix II.) The academic requirements are the following: (1) one hundred hours (six credits) each of dogmatic theology, moral theology, sacred Scripture, canon law, and Church history; (2) sixty hours (four credits) of liturgy; (3) forty-five hours each (three credits) of Ukrainian and Church Slavonic, Church music and chant, ascetic theology, and homiletics. Upon completion of the lectures in each subject, the candidate must pass an examination on that subject. The course credits total fifty-two, which would take slightly over three years to complete if the candidate were attending lectures half-time (taking fifteen credits per year).

Following the listing of academic requirements, the decree stipulates that the spiritual formation of candidates for the diaconate is to be supervised by the spiritual director for the diaconal formation program. The spiritual formation includes daily attendance at the Divine Liturgy (when possible), frequent holy Communion, spiritual lectures, meditation, and spiritual reading. On Sundays and holy days, the candidates should participate actively in the various liturgical functions in the parish churches. The "liturgical functions" vary according to whether the candidate has received a minor order or not.

While the Latin Church abolished the minor orders in 1972 and replaced them with the ministries of reader and acolyte, canon 327 of the Eastern Code, in keeping with ancient and continuing tradition, retains the minor orders and states that they are governed by the particular laws of each Church *sui iuris*. The Congregation for the Eastern Churches has elaborated on this.

⁹⁶ Decree, 24 April 1968, in Archives of the Archeparchy of Winnipeg.

It does not seem appropriate that the different Churches *sui iuris* change their customs regarding minor orders, once shared by all the Churches: this has, in fact, its own special meaning. Far from abandoning them, the reforms of the particular laws of the different Churches should rather restore them to greater significance and vitality. This is also recommended for reasons of an ecumenical nature: if the Eastern Catholic Churches have a special duty of fostering unity among all the Eastern Churches, among other ways, through fidelity to ancient traditions (cf. *CCEO* c. 903), it would not seem helpful to introduce a differentiation of usage with respect to the Orthodox Churches, all participating in the same common origin. Every change that has been improperly introduced in more or less recent times should be reexamined based on these principles.⁹⁷

Canon 98 of the particular law of the Ukrainian Catholic Church, promulgated in 2002, has retained the minor orders of cantor and subdeacon. Canon 46 states: "It is the duty of the eparchial bishop to produce suitable norms according to the liturgical practices for the function of those in minor orders."

CCEO c. 758, §1, 6° says that the interstices, or intervals, between orders are prescribed in particular law. The intervals in the Ukrainian Church are governed by canon 98 of the UCC Canons: "The orders of cantor and subdeacon are administered the same day; between subdiaconate and diaconate should pass at least one day, between the diaconate and the priesthood, one year, unless the eparchial bishop, under other circumstances, determines otherwise."

3.3.4 Incardination and Ordination

Regarding the incardination, or adscription, of candidates for the permanent diaconate, the 1967 decree of the Ukrainian Catholic bishops of Canada states: "The candidates will be accepted to the Order of Deacon by their respective Bishop and they

⁹⁷ CONGREGATION FOR THE EASTERN CHURCHES, *The Instruction for Applying the Liturgical Prescriptions of the Code of Canons of the Eastern Churches*, 6 January 1996, Vatican City, Libreria Editrice Vaticana, 1996 (=CEC, *Instruction*). This is the Vatican English version; no Latin text was published.

will be incardinated into his diocese and ordained for his diocese.” At the time, the common law of the Eastern Churches prescribed that adscription occurs through a sacred rite, that is, through reception of any of the minor orders.⁹⁸ In the current law, *CCEO* c. 358 first gives the general rule that one is ascribed (incardinated) by diaconal ordination to the eparchy for whose service he is ordained, but the canon then allows particular law to make another provision.⁹⁹ For the Ukrainian Church, incardination occurs at the diaconate.¹⁰⁰

The rite of ordination to the diaconate used in the Ukrainian Catholic Church, like that of the Latin Church, stresses the spiritual qualities and the evangelical and human virtues that the deacon should possess. General references are made to the deacon’s ministry and service but, as in the ancient rites of ordination, specific diaconal functions are not mentioned. While imposing his hands on the head of the deacon candidate, the bishop prays:

O Lord, our God, who through foreknowledge sends the fullness of the Holy Spirit by Your inscrutable power upon those to be ordained to be Your servers and to administer Your spotless Sacraments; You, the same Sovereign Master, preserve also this man, whom You have been pleased to ordain through me, by the laying on of hands, to the service of the

⁹⁸ PIUS XII, Apostolic Letter *motu proprio Cleri sanctitati*, 2 June 1957, in *Ius Orientale*, Typis Polyglottis Vaticanis, 1957, p. 22, c. 45: Per sacrum ritum, quo quis clericus fit, clericus adscribitur eparchiae pro cuius servitio promotus fuit.

⁹⁹ Canon 358. Per ordinationem diaconalem aliquis ut clericus ascribitur eparchiae, pro cuius servitio ordinatur, nisi ad normam iuris particularis propriae Ecclesiae sui iuris eidem eparchiae iam ascriptus est.

¹⁰⁰ See UCC Canons, c. 52. Not all Eastern Churches observe the norm of incardination at diaconal ordination. For example, according to Article 39 of *The Maronite Particular Law* of 1996, incardination as a cleric in the eparchy is brought about by ordination to any of the minor orders. See *The Particular Law of the Maronite Church*, promulgated on 4 June 1996 by Mar Nasrallah Boutros Cardinal Sfeir, the Maronite Patriarch of Antioch and all the East, and made effective on the same date, in *La Revue patriarcale*, Porte-Parole du Patriarcat Maronite, Revue Maronite d’Information et de Documentation, no. 15, numéro spécial, Bkerké, Lebanon, 1996.

Deaconate. May he, through a life of sobriety, hold the mystery of faith with a pure conscience. Grant to him the grace which you gave to Stephen, Your first Martyr, whom You had called to be the first in the work of Your ministry. Make him worthy to administer after Your pleasure the [diaconal] Degree which it has seemed pleasing for You to confer upon him....¹⁰¹

Near the end of the ordination rite, the bishop prays for the new deacon. "O Master of all, fill also this Your servant, whom You have graciously permitted to enter into the ministry of a deacon, with faith, love and power and holiness, through the inspiration of your Holy and life-giving Spirit.... thus he, being cleansed of all sin, may stand blameless before You on the dreadful day of your judgement, and may receive the unfailing reward of your promise."¹⁰²

3.3.5 Participation of the deacon in the *tria munera*

The 1967 decree restoring the permanent diaconate in the UCC in Canada ends with this general norm on the canonical status and functions of the deacon: "Canonical

¹⁰¹ "Ordinations to Candle-bearer, Lector, Cantor, Subdiaconate, and Diaconate" (pamphlet), English translation from the Ukrainian in use in the UCC Eparchy of Edmonton. Translation of Чин Поставлення Диякона. Архиратикон або Святительський Служебник, Видав Синод Української Католицької Церкви, 1988; Чин Postavlennja Dyjakona, Arkhyjeratykon abo svjatytel's'kyj Sluzhebnik; Vydav Synod Ukrajin's'koji Katolyts'koji Tserkvy, 1988. The actual prayer of ordination is "Divine grace, which always heals the infirm, and supplies what is wanting elevates the devout subdeacon, N, to the diaconate. Therefore, let us pray for him that the grace of the most Holy Spirit may come upon him, and let us all say: (All) Lord have mercy (3)."

¹⁰² Archbishop Gonzáles Nieves stresses a certain similarity between the episcopal and diaconal ordination rites. "It is important to stress the similarity between the two ordination rites, which have the handing over of the Gospel in common. In both rites, the Holy Spirit is called upon the ordinands to kindle the preaching of the Gospel in them. This is not a mere coincidence. In the episcopal, priestly, and diaconal ordinations of the Byzantine rite, the same formula is used for the three consecration services; the words "bishop," "priest," or "deacon" are interchanged depending on the service. [This is] the mystery of the sacramental apostolic ministry, whose starting point is the continuation of Christ's mission." See R.O. GONZÁLES NIEVES, O.F.M., Archbishop of San Juan, Puerto Rico, "The Permanent Diaconate: Its Identity, Functions, and Prospects," 19 February 2000 address on the diaconate for the Jubilee Year 2000, http://www.vatican.va/roman_curia/congregations/cclergy/documents/jub_deacons_20000219_nieves_en.html (2 July 2007).

status and forms of Church activities carried out by the deacon will be guided by the traditions of the Ukrainian Catholic Church and prescripts of canon law.” The reference to “canonical status” not only means the deacon’s status as a cleric in major orders but also the fact that, in accord with the Eastern tradition, he may either be married or celibate. The reference to the “forms of service” undertaken by the deacon pertains directly to the principal theme of this thesis: the participation of the deacon in the *tria munera* of the Church. This participation is to be “guided by the traditions of the Ukrainian Catholic Church and prescripts of canon law.” This matter will be explored in detail in the following chapter in a comparative analysis of the universal law of the Latin Church and the common law of the Catholic Eastern Churches.

Today, the majority of permanent deacons in the Eastern Catholic Churches, like their counterparts in the Latin Church, serve in North America.¹⁰³ However, the number of Eastern Catholic deacons does fluctuate when some of them are ordained to the priesthood.¹⁰⁴ Because some of these deacons have been formed in Latin Church

¹⁰³ A comparison of the numbers of deacons of the Eastern Catholic Churches present in North America can be found in statistics drawn from the 2007 edition of the *Anuario Pontificio*. The Maronite Catholic Church has thirty-eight deacons listed worldwide: fourteen of these deacons are in the Eparchy of Saint Maron, Brooklyn, USA, thirteen in the Eparchy of Our Lady of Lebanon of Los Angeles, and three in the Eparchy of Saint Maron de Montréal. The Chaldean Catholic Church has eighty-five deacons worldwide: sixty-five of these deacons are in the Eparchy of Saint Thomas the Apostle of Detroit. The Melkite Catholic Church has fifty-seven deacons worldwide: forty-four in the Eparchy of Newton, Massachusetts. The Ukrainian Catholic Church has one hundred deacons worldwide: forty-one in the combined eparchies of the Winnipeg Metropolis, eleven in the Eparchy of Saint Josaphat in Parma, Ohio, eleven in the Eparchy of Saint Nicholas of Chicago, and eight in the Eparchy of Stamford, Connecticut. The Ruthenian Byzantine Catholic Church (Metropolitanate of the U.S.) has fifty of the fifty-one deacons worldwide. The Romanian Catholic Church has four deacons worldwide, three in the Eparchy of Saint George in Canton, Ohio. UFFICIO CENTRALE DI STATISTICA DELLA CHIESA CATTOLICA, *L'Anuario Pontificio 2007*, sotto Papa Benedetto XVI, Rome, Libreria Editrice Vaticana, 2007.

¹⁰⁴ Author’s note: In my own class in seminary, of those ordained to the priesthood, one had been a deacon for fourteen years, another, sixteen years, and myself, ten years.

diaconate formation programs, there is a need to continue to develop specialized Eastern Catholic programs to avoid further Latin accretions into the Eastern Churches.

3.4 Latinization of Diaconal Functions

The 1967 decree of the Canadian bishops of the UCC introducing the permanent diaconate to Canada closed by saying that the deacon's forms of service are to be guided by the traditions of the UCC and by canon law. More recently, however, some bishops, due to the lack of priests, have attempted to expand the diaconal functions contrary to his traditional role as assistant to the bishop or presbyter at liturgy.

In 1987, four years after the promulgation of the new Code of Canon Law for the Latin Church and three years preceding the promulgation of the Code of Canons of the Eastern Churches, the Ukrainian bishops of Canada, still faced with a shortfall of priests, seriously considered the expansion of the functions of the deacons.¹⁰⁵ They drafted various proposals. One of these was to grant certain faculties to deacons by law from the moment of their ordination, among which were the following.¹⁰⁶

¹⁰⁵ 9 February 1987, in Archives of the Archeparchy of Winnipeg.

¹⁰⁶ Archives of the Archeparchy of Winnipeg. The text of the draft is in part as follows:

I. By the reception of the sacrament of orders, deacons have the following faculties:

1. To perform, either with the bishop or a priest, all liturgical functions prescribed for deacons by the liturgical books of the Ukrainian Rite including the distribution of Divine Eucharist during the Divine Liturgy.
2. To preach the word of God in church and outside of the church.
3. To be the promoter of the lay apostolate among the People of God.
4. To respond, as directed by the pastor, to the needs of the parishioners, in particular, the sick, the poor, and the lonely.

1. to be ordinary ministers of the Eucharist, in addition to the priest;¹⁰⁷
2. to preach the word of God in or outside of a church;¹⁰⁸
3. to promote the lay apostolate and to visit the sick, the poor and the lonely.

These first three faculties are completely consistent with traditional diaconal roles in the sanctifying and teaching functions and in the charitable aspect of the *munus regendi*. These charitable activities had been identified with the service of deacons since apostolic times.¹⁰⁹ However, the situation in Canada was particularly difficult and strained due to the persistent shortage of priests ever since the immigration began in the late 1800s. The bishops thought that they might deal with this issue by granting deacons additional, extraordinary faculties, as follows.

II. Where there is no priest and when the general good of the faithful so requires, bishops can grant deacons the following additional faculties:

1. To celebrate without a priest all liturgical services of the Ukrainian Rite in accordance with the prescriptions of the liturgical books of this rite, even those parts which properly belong to a priest, for example, blessings upon the faithful by making the sign of the cross upon them, doxologies, other blessings, and dismissals.
2. To administer the sacrament of baptism, however, without the sacrament of chrismation with holy myron.
3. To distribute Divine Eucharist to the faithful outside of the Divine Liturgy, in accordance with the prescriptions of the Trebnyk.
4. To prepare the dying for death by distributing Divine Eucharist, in accordance with the prescriptions of the Trebnyk, however, with the exception of hearing confessions and administering the sacrament of the anointing of the sick and a plenary indulgence.

¹⁰⁷ Later, c. 709, §1 of the *CCEO* would provide for this possibility, depending on the particular law of the deacon's Church *sui iuris*.

¹⁰⁸ At this point in time it was necessary to grant a deacon a special faculty to preach. Later, c. 610, §3 of the *CCEO* would grant this faculty at ordination "unless particular law establishes otherwise." The particular law of the UGCC at no. 75 reads: "Deacons too have the same faculty to preach where they are legitimately assigned." No. 76 states: "The homily is reserved to a priest or also to a deacon with the approval of the bishop." See *CCEO* c. 614, §4.

¹⁰⁹ See Chapter One, particularly the references to Acts and Timothy.

5. To celebrate the liturgical service of Supplication and to bless the faithful with the Most Holy Mysteries.
6. To perform the following rites of consecrations and blessings: blessing of water, homes, graves, flowers and plants, fruits, icons, banners, flags, and so on.

It was intended that these would be habitual faculties that the bishop could delegate to a deacon upon his request and with the prior knowledge of the pastor. The most unusual of these faculties is the first, to allow the deacon to celebrate all the liturgical services when a priest is not present. It is contrary to the liturgical tradition of the Eastern Churches for deacons to take the presidential role at the liturgy; their role is to assist the bishop or presbyter who presides. In addition to this expansion of the traditional diaconal role in the East, the faculty to give blessings was also an anomalous proposal.¹¹⁰ The proposal seems heavily influenced by the Latin model of the deacon, but it violates the principles of the protection and preservation of the traditions, heritage, and patrimony of the Eastern Churches, the Ukrainian Church in particular. It is also contrary to the 1967 decree of the Canadian bishops of the UCC who, in introducing the permanent diaconate to the UCC in Canada, determined that the forms of Church activities carried out by the deacon would

¹¹⁰ Motiuk in several places shows that some of the bishops in these years cited the Latin Church documents for proposing such an expansion of faculties for the Ukrainian deacons. In particular, he cites the 1979 "sole opinion" of Bishop Jerome Chimy, Eparch of New Westminster (British Columbia), that indeed "permanent deacons of Eastern Churches could avail themselves of the faculties granted Latin deacons" in 1967. Bishop Chimy even cited the faculty to bless marriages given the Latin deacons. See MOTIUK, pp. 121-122, footnote 37. The problem with this is that the Fathers of the Council very clearly and specifically delineated the line between Latin deacons and those in the Eastern Churches which possessed their own history different from that of the Latin Church. The documents of Vatican II specifically direct the Eastern Churches to preserve their own history, traditions, and patrimony—not to mix them with those of the Latin Church. The restoration documents themselves as well as the post-restoration documents open with the notice that these apply only to the Latin Church. In the tradition of the Eastern Churches, blessings are reserved exclusively to the bishop and priest. This contrasts sharply with the concessions made in the Latin Church to deacons. See PONTIFICAL COMMISSION FOR THE INTERPRETATION OF THE DECREES OF VATICAN II, reply, 13 November 1974, in AAS, 66 (1974), p. 667 and *Notitiae*, 11 (1975), pp. 36-39. This reply says that deacons may celebrate blessings and sacramentals only when expressly permitted by law.

be guided by the traditions of the Ukrainian Catholic Church and the prescripts of canon law. In the end, the bishops did not accept the proposal due to the extent of its innovations as well as to the impending promulgation of the Eastern Code. They decided instead to allow each bishop to regulate this matter for his own eparchy.

In 1993 the bishops considered the draft of another document which would have expanded the functions of deacons in the Ukrainian Catholic Church in Canada. The document would have served as an explanation to the Ukrainian faithful of a new liturgical celebration without a priest, akin to that which was becoming increasingly common in the Latin Church, even on Sundays, especially in rural areas.¹¹¹ It was intended that this new Liturgy of the Pre-Sanctified Gifts would enable the faithful to fulfill their Sunday obligation when a priest was unavailable to celebrate the Divine Liturgy (cf. *CCEO* c. 881). The proposal was to allow the deacons to celebrate the Divine Liturgy of either Saint John Chrysostom or Saint Basil the Great, minus the anaphora.¹¹² They would use pre-sanctified gifts, meaning the Divine Eucharist that had previously been consecrated. The proposed text is as follows:

1. What is a "Deacon's Divine Liturgy?" The Deacon's Divine Liturgy is a new form of the Liturgy of the Pre-Sanctified Gifts, which according to the decree of the Lviv Synod, Pastors should celebrate every Wednesday and Friday of Great Lent, and on Monday, Tuesday and Wednesday of Holy Week (Lviv Synod, chapter IV, part 1, 3).

2. However, in accordance with the "Rites of celebrating Vechirnia (Vespers), Utrenia (Matins) and the Divine Liturgy" published by the

¹¹¹ Congregation for Divine Worship, *Directorium de celebrationibus dominicalibus absente prebytero*, 2 June 1988, in *Notitiae*, 24 (1988), pp. 366-378, English translation Directory for Sunday Celebrations in the Absence of a Priest, in *CLD*, vol. 12, pp. 729-741.

¹¹² In Chapter One, we saw the abuse in the early Church in some places where, due to the shortage of priests, deacons were actually offering the Eucharistic Sacrifice. In 314 A.D. the Council of Arles forbade this practice.

Sacred Congregation for Oriental Churches in Rome in 1983, such a Liturgy of the Pre-Sanctified Gifts, as well as Vespers, may be celebrated only by a priest, either alone or with deacons, but never a deacon alone.

3. This form of the Liturgy of the Pre-Sanctified Gifts was included with the Vespers service, where a part of Divine Liturgy with the exposition of the Pre-Sanctified Gifts and distribution of Communion to those who desired to receive it was attached to the Vespers service.

4. The form of "Deacon's Divine Liturgy" is a new form of the Liturgy of the Pre-Sanctified Gifts in our rite. It is new in that a Deacon may celebrate it alone, without a priest, not as a Vespers service, but with the Deacon's part of the Divine Liturgy of St. John Chrysostom or St. Basil the Great, with the exposition of the Pre-Sanctified Gifts and distribution of Communion to those who desire to receive it.

5. This new form of Liturgy of Pre-Sanctified Gifts, which appeared in our Rite after the Second Vatican Council, is a practical response by our Church, on the one hand to the great shortage of priests among our faithful, and on the other hand a response to the desire of our faithful to take an active part in such a Liturgy which they know well as to its order and musical melodies. They know the liturgy well and love to sing it, whereas the Vespers service is more complicated and less known by them.

6. Prodded by such spiritual needs of its faithful, our Church decided to accept this form of Divine Liturgy of Pre-Sanctified Gifts, with certain conditions: It may be celebrated only when and where there is no priest; no stipend or intention is accepted; such a Liturgy may not be said for the intention of the living or deceased, as if it were the Bloodless Sacrifice of the Divine Liturgy which it is not.

7. However, such a Liturgy of Pre-Sanctified Gifts is very beneficial to the faithful, for it gives the faithful an opportunity to gather for community liturgical prayer; hear the word of God proclaimed, and to receive Holy Communion.

8. In accordance with the spirit of the Second Vatican Council, faithful who do not have the opportunity to participate in the celebration of the Divine Liturgy by a priest on Sundays and holy days, but attend a Deacon's Liturgy, fulfill their obligation in this matter (cf. Decree on Eastern Churches, no. 15).¹¹³

¹¹³ 18 January 1993, in Archives of the Archeparchy of Winnipeg.

This proposal recognizes that it is not the norm for deacons, particularly in the Eastern tradition, to preside at the liturgy. However, the concern for the pastoral care of the faithful and the salvation of souls, in view of the shortage of priests, would have been sufficient to outweigh this long and consistent tradition. The intention behind this innovation was not the aggrandizement of the deacon but was to help meet the desperate sacramental needs of the people. However, the proposed new rite would have violated the heritage, patrimony, and traditions of the Eastern Churches, attributing to deacons a role in the *munus sanctificandi* that had always been reserved to priests.¹¹⁴

This second proposal also was not implemented by the Ukrainian Catholic bishops in Canada. Besides being contrary to tradition, the bishops did not want to act out of concert with Kiev, now that the Church in Ukraine had emerged from underground and was beginning to reassert itself. However, in practice, individual bishops in Canada have granted their deacons the above-mentioned faculties.¹¹⁵ In some places, including the Archeparchy of Winnipeg, deacons in the country parishes preside at a service like

¹¹⁴ KENNEDY, "Diaconate," writes:

In the Byzantine Liturgy which is rich in symbolism, the deacon is the living image or icon of Christ the servant or diakonos. The deacon is also seen as an angelic servitor assisting at the heavenly liturgy which is manifested here on earth. Even when a priest is not present the deacon does not presume to take a presidential role. It is clearly the function of the bishop or priest to preside in the liturgy while the deacon ministers or assists both to the presiding minister and to the assembly as a whole.

Why then ordain deacons? It is well known that all the baptized share in the responsibility of the Church's ministry of diakonia. But just as the priest is an icon of Christ who presides, orders are conferred upon a man for the diaconate so that there might be a sacramental manifestation of the Church's mission of diakonia and of Christ the servant.

¹¹⁵ MOTIUK, p. 123.

the proposed "Deacon's Divine Liturgy."¹¹⁶ The Archeparchy has printed a small service pamphlet entitled, "Service of the Reserved Sacrament as Served by a Deacon in the Archeparchy of Winnipeg."¹¹⁷

This kind of "Communion service" only leads to further confusion among the already somewhat Latinized Ukrainian faithful on the distinction between the order of deacon and that of presbyter.¹¹⁸ When the boundaries between priest and deacon are blurred in their perception, they do not understand even basic things, like who is the proper minister to celebrate a blessing or other sacramental.¹¹⁹ Blurring of the lines also diminishes the effectiveness of the teaching office of the Church, because people may be led to doctrinally erroneous conclusions regarding the functions of the priest that are of divine law. The second proposal would have contributed to this all the more in saying

¹¹⁶ The Archeparchy of Winnipeg has a far greater number of parishes than priests. For many years now the use of deacons in the place of priests in country parishes has been a common practice.

¹¹⁷ Unpublished pamphlet for limited use only, by permission of the Archbishop of the Archeparchy of Winnipeg.

¹¹⁸ It has already been noted in this thesis that most of the priests who served the Ukrainian Church in Canada during the 1900s were Latin trained whether in North America or Europe. Hence, it is commonplace to find in Ukrainian Catholic Churches in Canada the presence of statues, stations of the cross, Latin Catholic altars and other church interior furnishings, all the while lacking the presence of icons, an iconostasis, and other trappings of a traditional Ukrainian Catholic Church in Ukraine.

¹¹⁹ This blurring of the roles of deacon and priest is also not unknown in the Latin Church. Historically, the most egregious example was seen in the solemn Mass when the liturgical roles of the deacon and subdeacon were usually filled by priests dressed in the deacon's dalmatic and the subdeacon's tunic. The practice of priests serving as deacons and subdeacons continued in the Latin Church until 1970 when the new Order of Mass took effect. For the current law on this, see *Institutio generalis Missalis Romani*, no. 91, in *Missale Romanum, editio typica tertia*, 20 April 2000, Typis Vaticanis, 2002.

that the Deacon's Divine Liturgy fulfills the Sunday obligation to participate in the Divine Liturgy.¹²⁰

Fortunately, the proposals of 1987 and 1993 were not enacted into law, even if some of their provisions are observed in practice in some places. Although they emanated from a true concern for the *salus animarum*, they ultimately would not have been for the true pastoral good of the *Eastern* Catholic Ukrainian faithful, because they are contrary to the Eastern tradition.¹²¹ They represent but one more example of the latinization that has plagued the UCC in Canada since the beginning. Through generations of this latinization, Latin practices and piety become ingrained and result in very real departures from the traditions of the East. The faithful cling to accretions learned from the Latin Church, thus making the teaching of the true traditions very difficult as they are often met by stiff resistance.¹²²

¹²⁰ CCEO c. 881, §1 allows the faithful also to fulfill their Sunday and feast day obligation in the celebration of the divine praises if the prescripts or legitimate custom of their own Church *sui iuris* permits it. It does not permit particular law to enable the Sunday and feast day obligation to be satisfied by a "Deacon's Divine Liturgy."

¹²¹ KENNEDY, "Diaconate," states: "In the Eastern Church there is a clear distinction between ordination to the diaconate and ordination to the priesthood. The ordination of a deacon takes place after the anaphora, i.e. after the consecration of the holy gifts, which signifies that the deacon has no part in the consecration. Ordination to the priesthood, however, takes place before the anaphora so that the new priest may join the bishop and other priests in the consecration."

¹²² See KACHUR, pp. 53-65. In addition to Kachur's observations, the author of this thesis notes that the Ukrainian Church is not the only Eastern Church that suffers from such Latin accretions. Melkite churches in the United States, seen in photographs taken in the early and mid-1900s, reveal a completely Latinized interior, complete with statues, idealized western religious art, communion rails, and Melkite priests in Latin vestments. Enduring latinizations have even crept into the particular law of some of the Eastern Churches. A recent example of retaining latinizations, from the Maronite Church, are articles 68 and 69, 1 of section 1 of the Particular Law of 1996. Article 68 says that children are admitted to the Eucharist at the age of reason, around seven years, but the authentic Maronite tradition is the same as the Byzantine, which knows only full sacramental initiation, even of infants; and Article 69, 1 specifies that Maronites use unleavened bread for the Eucharist, even though the older tradition was to use leavened bread like the Byzantines.

CONCLUSION

In the Ukrainian Catholic Church in Ukraine, as in other Eastern Churches that united with Rome, the permanent diaconate suffered a severe decline but never completely died out. Unlike in the Latin Church, whose universal law excluded any candidate for the diaconate who did not have the intention and the qualities to be ordained a priest, the law and liturgy of the East never lost sight of the ancient tradition of the permanent office of deacon, even if few existed anymore. As late as the first half of the twentieth century, several permanent deacons were ordained in the Eastern Catholic Church in Ukraine.

The first Catholic immigrants from Ukraine arrived in Canada in the late nineteenth and early twentieth centuries. From the beginning, Latin bishops, concerned that the Ukrainian faithful entrusted to their care were increasingly defecting to the Orthodox and Protestant communities, sought energetically to find native Ukrainian Catholic priests. As Latin bishops, the thought would not have occurred to them to inquire about Ukrainian deacons. With the exception of the proposed *Norms* of the Winnipeg Synod that were never promulgated due to the impending Second Vatican Council, the diaconate was not even mentioned in any text of particular law affecting the

In the early years, many of the first Ukrainian Churches in Canada were built and shared by both Catholic and Orthodox. The author of this thesis is currently a parish priest for one such country parish, Exhaltation of the Holy Cross Parish, Elma, Manitoba, erected in 1908. Parishioners recall how the parish was originally shared by both Ukrainian Catholic and Ukrainian Orthodox for their respective services. So effective was the latinization of the Ukrainian Catholics that in just a few generations the Orthodox connection has been lost.

Ukrainian Catholic Church in Canada until its restoration in 1967. That being said, the Ukrainian Catholic hierarchy moved very quickly on the post-conciliar restoration.

Within three months from the publication of *Sacrum Diaconatus Ordinem*, the Ukrainian bishops in Canada promulgated their own decree introducing the permanent diaconate to the UCC in Canada and establishing common norms to regulate it. Since this assembly of bishops does not have legislative power, the juridical authority of the decree depended on its promulgation in each eparchy and still does today. Consequently, each eparch may authentically interpret this legislation and may modify it or replace it with new particular law.

The motivation for the decree was threefold: to meet “the great spiritual and organizational needs” of the UCC in Canada due to the shortage of priests, to be faithful to the Eastern tradition, and to comply with the desires of Vatican II. This legislation is still in effect today except in those eparchies that have introduced changes. One change that would be highly desirable would be to raise the minimal education level of candidates from that of a high school graduate to that of a university graduate. In today’s society, a cleric cannot be expected to succeed in a curriculum of theological and pastoral formation, much less to function effectively in the *munus docendi*, with only a high school diploma as his educational foundation.

On a number of other points, the 1967 legislation of the Ukrainian bishops in Canada also needs to be reevaluated and updated in light of the experience of the past forty years and current needs. It would be profitable for the bishops to collaborate on this, making use of the expertise of canon lawyers who have knowledge of and experience in the UCC in Canada. Good resources exist today for updating this legislation, not

excluding valuable resources from the Latin Church such as the two 1998 documents, the *Basic Norms for the Formation of Permanent Deacons* of the Congregation for Catholic Education and the *Directory for the Ministry and Life of Permanent Deacons* of the Congregation for the Clergy.

Another issue that needs continuing attention and vigilance in the UCC in Canada is the problem of Latin accretions which are contrary to or disharmonious with the patrimony of the East, its canon law, theology, liturgy, piety and spirituality. Until fairly recently, the Canadian-Ukrainian candidates for the priesthood were trained primarily in seminaries of the Latin Church, observing the discipline of 1917 Code of Canon Law which, among other things, prohibited any intentional ordination of a permanent deacon. Not surprisingly, Ukrainian priests adopted practices that they experienced in seminary and that were occurring in Latin parishes, and the effects of such latinization continue to exist today. The challenge remains considerable to educate Ukrainian Catholics and gain their appreciation of what is truly their own authentic patrimony.

CHAPTER FOUR
THE CURRENT LAW
IN THE LATIN AND UKRAINIAN CATHOLIC CHURCHES
REGARDING DEACONS AND THE *tria munera*

We have seen how the deacon's role in the *tria munera* developed historically in Chapter One. In Chapter Two, we examined key texts on the restoration of the permanent diaconate at Vatican II and in post-conciliar documents of the Latin Church, noting that the norms on the permanent diaconate established after the council form the basis for much of the current law on deacons. The third chapter treated the role of deacons in the Ukrainian Catholic Church in Ukraine and in Canada. The historical-canonical analysis of these three chapters provides the foundation for the content of this chapter, which compares and contrasts pertinent norms of the *ius vigens* of both the Latin Church and the Eastern Catholic Churches on the deacon's share in the exercise of the *tria munera*.

The first section examines the similarities and differences in the initial canon on the sacrament of holy orders in the Latin and Eastern Codes which establishes the sacramental basis for the particular exercise of the *tria munera* by ordained ministers. The second, third, and fourth sections detail the principal universal laws of the Latin Church and the common law of the Eastern Churches governing the various ways that deacons exercise the *munus docendi* (section 2), the *munus sanctificandi* (section 3), and the *munus regendi* (section 4). Reference will also be made to the canons of the Ukrainian Catholic Church that correspond to the pertinent canons of the *CCEO*, when they exist. Finally, the chapter closes with a comparative treatment of diaconal

spirituality in the Latin and Eastern Codes, since diaconal spirituality and ministry are closely connected, as evidenced in juridical and magisterial texts.¹

4.1 Foundational Canon

An initial doctrinal canon on holy orders in both the Latin and the Eastern Codes is foundational to our study of the deacon's share in the exercise of the *tria munera* of the Church. While each canon is substantially the same, there are some noteworthy and interesting differences in detail. Canon 1008, which is the first canon of Book IV, Title VI of the 1983 Code of Canon Law, states:

By divine institution, the sacrament of orders establishes some among the Christian faithful as sacred ministers through an indelible character which marks them. They are consecrated and designated, each according to his grade, to nourish the people of God, fulfilling in the person of Christ the Head the functions of teaching, sanctifying, and governing.²

Title XVI, Chapter VI of the 1990 Code of Canons of the Eastern Churches, on "Sacred Ordination," commences as follows with canon 743:

Through sacramental ordination performed by the bishop, sacred ministers are constituted by the working of the power of the Holy Spirit; they are endowed with and share in varying degrees in the task (*munus*) and power (*potestas*) entrusted by Christ the Lord to his apostles to announce the gospel, to shepherd and to sanctify the people of God.³

¹ A review of both the Latin Code and the *CCEO* also reveals another interesting aspect of the different treatment of deacons in Catholic West and East. In the 1983 Code, there are more specific references to deacons than in the Eastern Code where one finds the more inclusive reference to "clerics" more generally used.

² Sacramento ordinis ex divina institutione inter christifideles quidam, caractere indelebili quo signantur, constituuntur sacri ministri, qui nempe consecrantur et deputantur ut, pro suo quisque gradu, in persona Christi Capitis munera docendi, sanctificandi et regendi adimplentes, Dei populum pascant.

³ Per sacramentalem ordinationem ab Episcopo peractam Spiritus Sancti operante virtute ministri sacri constituuntur, qui munere et potestate a Christo Domino Apostolis suis concredit

In both Codes, the mission is the same, and the same *tria munera* are found.⁴ As with many things, however, the approach of the Eastern Code is somewhat different from that of the *CIC*. The Latin Code specifies the *tria munera* as “teaching, sanctifying, and governing.” The *CCEO* describes the same three functions of the Church in different words. The teaching function is “to announce the gospel,” the center and focus of all evangelical teaching being its source, Jesus Christ; the governing function is “to shepherd the people of God,” to lead with the kindness of Christ the Good Shepherd; and the sanctifying function is “to sanctify the people,” to bring them to holiness. The Latin Code’s “fulfilling the functions of teaching, governing, and sanctifying” is seen explicitly in the Eastern Code as always being done with reference to the community, the people of God. The *munera* serve the community of the Church and its mission to the world.

The Latin canon speaks of the ordained ministers fulfilling the *tria munera* “in the person of Christ the Head” (*in persona Christi Capitis*). The Eastern canon does not use this expression. Interestingly, ordained ministers without distinction are said, in the Latin

adaugentur et in variis gradibus fruuntur Evangelium annuntiandi, populum Dei pascendi et sanctificandi.

⁴ R. GEISINGER states: “Just as the rights, obligations, and functions within the Church will differ according to one’s canonical status, so deacons, priests, and bishops are differentiated by their sacramental ordination, most notably by the manner in which they fulfill for the faithful ‘in the person of Christ the Head the functions of teaching, sanctifying, and governing’.” In *CLSA Comm2*, p. 1194.

The *Catechism of the Catholic Church*, no. 1536, states: “Holy Orders is the sacrament through which the mission entrusted by Christ to his apostles continues to be exercised in the Church until the end of time: thus it is the sacrament of apostolic ministry. It includes three degrees: episcopate, presbyterate and diaconate.” As part of the apostolic ministry through which the mission of the Church is exercised, the diaconate is associated intimately with the *tria munera*, and any laws regulating the functions of the diaconal ministry are merely tools for the accomplishment of the mission. See *Catechism of the Catholic Church*, Città del Vaticano, Libreria editrice Vaticana, 1992, Publications Service, Canadian Conference of Catholic Bishops (for the English translation), 1994, p. 327. On the grades of holy orders, see *CIC* c. 1009, §1 *CCEO* c. 325.

Code, to act in the person of Christ the Head. Traditionally, deacons have not led the Christian community either in governance or at liturgy *in persona Christi Capitis*; the sign of Christ's headship was always that of the priest. Does the supreme legislator's omission of this phrase in the Eastern Code suggest his recognition that this is not a suitable concept for the diaconal order?⁵ We shall return to this question momentarily.

A key difference between the two canons is that the Latin canon includes the theological notion of the sacramental character. This is also seen in canon 845, §3 of that Code, which speaks of the non-repeatability of baptism, confirmation, and holy orders because these sacraments impart a character.⁶

Insofar as it is a grade of Holy Orders, the diaconate imprints a character and communicates a specific sacramental grace. The diaconal character is the configurative and distinguishing sign indelibly impressed in the soul, which configures the one ordained to Christ, who made himself the deacon or servant of all. It brings with it a specific sacramental grace wrought by the sacrament.⁷

Effectively, the sacramental character, whether for baptism, confirmation, or holy orders, means that the sacrament has a permanent effect; it cannot be repeated, nor can it be lost or abandoned. The clerical state may be lost, but the ontological effect of the sacrament of holy orders is never lost.⁸ The Eastern Code does not mention the character, as it is not

⁵ The answer to this interesting question pertains to the realm of theology; it is beyond the scope of this thesis.

⁶ *Sacramenta baptismi, confirmationis et ordinis, quippe quae characterem imprimant, iterari nequeunt.*

⁷ CCE, *Basic Norms*, no. 7.

⁸ The INTERNATIONAL THEOLOGICAL COMMISSION, in *Le diaconat*, p. 108, states: « La doctrine du 'caractère' diaconal est cohérente avec la sacramentalité du diaconat et constitue une application explicite à ce dernier de ce que Trente (1563) affirme pour le sacrement de l'ordre dans son ensemble. Elle s'appuie sur des témoignages de la tradition théologique. Elle corrobore la fidélité de Dieu à ses dons, implique la non réitérabilité du sacrement et la stabilité durable

part of the eastern tradition. Canon 672, §1 simply says: “The sacraments of baptism, chrismation with holy myron and sacred ordination cannot be repeated.”⁹

Another noteworthy difference is the reference in canon 743 of the Eastern Code to ordained ministers sharing in varying degrees in the *munus* and *potestas* entrusted by Christ to the apostles. The Latin Code makes no mention of *potestas* in the parallel canon 1008. Is the meaning of *postestas* in canon 743 the same as the notion of *sacra potestas* used at Vatican II? The *fontes*, given in the footnote for canon 743 of the Eastern Code, include *Lumen gentium* 10 and *Presbyterorum ordinis* 2 and 5. *Lumen gentium* 10 speaks of the “sacred power” of the ministerial priesthood. However, *Lumen gentium* 29 makes it explicit that deacons are ordained for the ministry but not for the ministerial priesthood (*non ad sacerdotium sed ad ministerium*).¹⁰ *Presbyterorum ordinis*, the decree on the ministry and life of *presbyters*, also speaks of sacred power, but clearly deacons are not intended in this context. The references in these conciliar texts are to the sacred power of priests; they do not apply to deacons. It must be said, in addition, that canon 743 does not use the modifier “sacred” before “power” as do the conciliar references given in the *fontes* to the canon. Canon 743 says this power is that which has been “entrusted by Christ the Lord to his apostles to announce the gospel, to shepherd, and to sanctify the people of God.” Thus, *munus* and *potestas* in the canon essentially refer to the same reality: the sacrament of order confers a new capacity and responsibility to participate in

dans le service ecclésial. Enfin, elle confère au diaconat une densité théologique qui ne peut être dissoute dans ce qui est purement fonctionnel. »

⁹ Sacramenta baptismi, chrismationis sancti myri et sacrae ordinationis iterari non possunt.

¹⁰ There is no record in either *Communicationes* or *Nuntia* that this point was discussed any further by the drafters of the Code since they did not use the modifier “sacred” since that does not apply to deacons. “Potestas” as used in canon 743 is a broader notion likely more akin to authority, certainly a capacity and a responsibility.

the *tria munera* in accord with the minister's grade of order. Thus, it cannot be inferred from *CCEO* canon 743 that deacons possess sacred power merely by the use of the word *potestas*. Deacons are ordained for the ministry of the Church, not for the ministerial priesthood that requires the power of order to celebrate the Eucharist and certain other sacraments.

It is noteworthy that the first edition of the *Catechism of the Catholic Church*, published in French, could have been misinterpreted on this point. It spoke of "ministers of grace" who "receive the mission and faculty (sacred power) to act in the person of Christ the Head."¹¹ In the Latin version that was later published, the *editio typica*, no. 875 was revised to read that this sacred power is granted only to presbyters and bishops at ordination. What the deacon receives at ordination is strength (*vis*) for service of the people of God.¹² The correction is in keeping with the doctrine of Vatican II, which did not attribute any sacred powers to the deacon.¹³ In any case, the expression "sacred power" was not as important a category for the Fathers of Vatican II as was the *tria munera*. Rather than indulging in a debate over the precise nature of sacred power, they "preferred to employ the tripartite distinction of the sanctifying, teaching, and governing

¹¹ *Catéchisme de l'Église Catholique*, Ottawa, Conférence des Évêques catholiques du Canada, 1993, no. 875: « De Lui, ils reçoivent la mission et la faculté (le pouvoir sacré) d'agir *in persona Christi Capitis*. »

¹² *Catechismus Catholicae Ecclesiae*, Vatican City, Libreria Editrice Vaticana, 1997, no. 875: "Ab Eo Episcopi et presbyteri missionem et facultatem ('sacram potestatem') agenda *in persona Christi Capitis* accipiunt, diaconi vero vim populo Dei serviendi in *diakonia* liturgiae, verbi et caritatis, in communione cum Episcopo eiusque presbyterio." Elsewhere in the Catechism, in no. 1538, this correction was overlooked, despite the cross-reference to no. 875.

¹³ For a thorough review of the debate on this question, see J.P. BEAL, "The Exercise of the Power of Governance by Lay People: State of the Question," in *The Jurist*, 55 (1995) (=BEAL), p. 1-99. Regarding deacons, Beal, p. 1, states that the Fathers of the Council "allocated a variety of roles to deacons in the liturgy and in the works of charity and administration, but none in church governance."

functions of Christ and the Church.”¹⁴ Also, it must be noted that, in the corrected text of the Catechism, only bishops and priests act *in persona Christi Capitis*. This lends credence to the possibility we raised above that the omission of this concept in *CCEO* c. 743 was deliberate; a general canon on the sacrament of order must apply to all three grades of order, not just to two of them.

Both canon 1008 of the *CIC* and canon 743 of the *CCEO*, despite their interesting differences, have much in common. In both, the ordained cleric, be he the deacon, the presbyter, or the bishop, has a distinct participation in the exercise of the *tria munera* of the Church by virtue of the sacrament of holy orders and in accord with his grade of order. The participation of the ordained in the *tria munera* is, therefore, not the same participation as that of all the faithful in virtue of their baptism (*CIC* c. 204, §1; *CCEO*, c. 7), nor is the deacon’s participation the same as that of bishop or presbyter. The modes of his participation are determined in canon law.

4.2 *Munus docendi*

The title of Book III of the Latin Code is *De munere Ecclesiae docendi*, “on the teaching function of the Church.” The Eastern Code is not divided into seven books but is organized in thirty titles. Matters pertaining to the teaching function are regulated in Title XV. The *munus docendi* is the primary and most fundamental of the three functions of the Church.¹⁵ It comprises the very mission of the Church, given by her divine founder, to

¹⁴ BEAL, pp. 16-17. Beal points out that unresolved theological issues left by the council, as well as legal issues, will be “the task of its commentators and eventually those responsible for the revision of the Code of Canon Law.”

¹⁵ See G. NEDUNGATT, “The Teaching Function of the Church in Oriental Canon Law,” in *Studia Canonica*, 23 (1989), p. 45.

go forth and spread the Gospel (Mt 28:19), to evangelize. It is also the *munus* demanded of the deacon at his ordination in the Latin Church when he is presented with the Book of Gospels.¹⁶ According to the *praenotanda* for the Rite of Ordination of Deacons, “The presentation of the Book of Gospels symbolizes the duty of the deacon to proclaim the gospel in liturgical celebrations and to preach the faith of the Church in word and deed.”¹⁷ Article 9 of the *Basic Norms* of the Congregation for Catholic Education emphasizes this: “In reference to the *munus docendi* the deacon is called to proclaim the Scriptures and instruct and exhort the people. This finds expression in the presentation of the Book of the Gospels, foreseen in the rite of ordination itself.”¹⁸

4.2.1 Preaching

A traditional and consistent role of the deacon from ancient times has been preaching. In *CIC* c. 764, the universal law of the Latin Church grants the faculty to presbyters and deacons to preach everywhere, to be exercised with at least the presumed consent of the rector of the church.¹⁹ The faculty is granted by law at the moment of diaconal ordination. However, particular law may require express permission before the

¹⁶ “When he is ordained, a deacon is commanded by his Bishop, the successor of the apostles, to preach the Gospel. This brings about a deep change deep in his being. The deacon’s physical breath is now inspired by the Holy Spirit so that what he will preach and teach will not sound like a mere human voice. From that moment on, the deacon’s preaching and teaching must be the voice of Christ, true God and true man.” See R. GONZÁLES NIEVES, “The Permanent Diaconate: Its Identity, Functions, and Prospects,” 19 February 2000, www.Vatican.va, at p. 7. “And how are men to preach unless they be sent?” (Rom 10:15).

¹⁷ *De ordinatione Episcopi, presbyterorum et diaconorum*, no. 188.

¹⁸ See also *DMLPD* 22.

¹⁹ Salvo praescripto can. 765, facultate ubique praedicandi, de consensu saltem praesumpto rectoris ecclesiae exercendae, gaudent presbyteri et diaconi, nisi ab Ordinario competenti eadem facultas restricta fuerit aut sublata, aut lege particulari licentia expressa requiratur.

cleric may preach, and the competent ordinary may restrict or remove the faculty. Before the 1983 Code, the license to preach had to be granted by the local ordinary wherever the minister went to preach.²⁰

Canon 610, §§ 2-3 of the Eastern Code on the faculty to preach is worded differently. Paragraph 2 of the canon states: "Presbyters have the faculty to preach where they are legitimately sent or invited." Paragraph 3 adds: "Deacons also have the same faculty unless particular law establishes otherwise."²¹ The particular law of the Ukrainian Catholic Church provides: "Deacons too have the same faculty to preach where they are legitimately assigned."²² There is a subtle difference between the two. In the Ukrainian law, presbyters have the faculty to preach where they are legitimately sent or invited. The faculty is more limited with respect to deacons. Their faculty is only good in the place of assignment. They would need a delegated faculty from the hierarch to preach elsewhere.

The Latin Code allows particular law to require an authorization (*licentia*) for both presbyters and deacons to use their faculty to preach. This is not the case in the Eastern Code. Once a presbyter is ordained, he has the faculty to preach everywhere he is sent or invited. Particular law may not restrict this faculty. With the deacon, however, the rule is the same as in the Latin Code: particular law may restrict the deacon's faculty to

²⁰ 1917 *Code of Canon Law*, c. 1337.

²¹ Canon 610, §1. Episcopis ius est verbum Dei ubique terrarum praedicare, nisi Episcopus eparchialis in casu speciali expresse renuit.

§ 2. Presbyteri facultate praediti sunt praedicandi ibi, quo legitime mittuntur vel invitantur.

§ 3. Eadem facultate praedicandi praediti sunt etiam diaconi, nisi ius particulare aliud statuit.

§ 4. In extraordinariis adiunctis maxime ad supplendam penuriam clericorum ceteris quoque christifidelibus dari potest ab Episcopo eparchiali mandatum praedicandi etiam in ecclesia firmo can. 614, § 4.

²² UCC Canons, c. 75.

preach, for example, by requiring a special post-ordination examination to ensure a deacon is competent to preach.

CCEO c. 611 clarifies who may invite presbyters and deacons to preach: "By virtue of office, all to whom the care of souls has been committed have the faculty to preach; they can also invite to preach to those committed to their care any presbyter or, with due regard for c. 610, §3, any deacon, unless these are legitimately impeded."²³ The concern of the canon is with preaching to an established community of the faithful, such as a parish, not preaching done by invitation of the faithful who comprise a special group. These latter, too, may invite a cleric to preach and he may do so, unless legitimately prohibited. One way this may occur is by a decree of the hierarch that prohibits a cleric from preaching. Canon 613 says that recourse against such a decree is *in devolutive* only, and the recourse "must be resolved without delay," doubtless due to the primacy of preaching in the ordained ministry. The Latin Code makes no mention of a decree of the ordinary, but it does speak of the competent ordinary having restricted or removed (*sublata*) the faculty (c. 764). Either a restriction or a removal would be done by singular administrative decree or precept, which is subject to hierarchical recourse. Because sacred ministers are charged with the spread of the word of God, and proclaiming the Gospel is "among their principal duties," any restriction on the use of the cleric's faculty

²³ Canon 611. Vi officii facultate praedicandi praediti sunt omnes, quibus cura animarum commissa est, qui etiam invitare possunt ad praedicandum suae curae commissis quolibet presbyterum vel firmo can. 610, § 3 diaconum, nisi legitime prohibiti sunt.

Canon 610, §3 states: Eadem facultate praedicandi praediti sunt etiam diaconi, nisi ius particulare aliud statuit.

requires a grave reason (e.g., incompetence, complaints of the faithful, etc.), a serious investigation, and allowance for the cleric to defend himself.²⁴

4.2.2 Christian witness

The *munus docendi* is also exercised by the example of the Christian life. This, of course, is not a peculiarly clerical or diaconal function; it applies to all the faithful. Still, the clergy have a special obligation to model a good Christian life. The Latin Code states: "Clerics are to foster simplicity of life and are to refrain from all things that have a semblance of vanity."²⁵ The *CCEO* is more explicit in saying that simplicity of life is part of the example of their witness: "Clerics, imbued with the spirit of poverty of Christ, are to strive to lead a simple life and thus to be witnesses to the heavenly goods before the world...."²⁶ The *Basic Norms* for the Latin Church has a particular reference to permanent deacons who have a secular profession; they must also bear witness to Christ in their profession or occupation.²⁷

Married deacons not only witness to the Christian life in general but also to the marital sacrament of the baptized husband and wife. Canon 375 of the Eastern Code says, "Married clerics are to offer an outstanding example to other Christian faithful in

²⁴ See *CIC* cc. 50-51; *CCEO* cc. 1517 and 1519.

²⁵ Canon 282, §1. Clerici vitae simplicitatem colant et ab omnibus quae vanitatem sapiunt se abstineant.

²⁶ Canon 385, §1. Spiritu paupertatis Christi imbuti clerici studeant simplicitate vitae supernorum bonorum coram mundo testes esse et bona temporalia discretione spirituali recto usui destinent; bona autem, quae occasione exercitii officii, ministerii vel muneris ecclesiastici sibi comparant, provisa ex eis sua congrua sustentatione et obligationum proprii status impletionem, operibus apostolatus vel caritatis impertiant atque communicent.

²⁷ "Mission includes witness to Christ in a secular profession or occupation" (no. 27).

conducting family life and in educating children.”²⁸ Similarly, the *Directory for the Ministry and Life of Permanent Deacons*, no. 33 states: “Married deacons can be of much assistance in promoting the Gospel value of conjugal love, the virtues which protect it, and the practice of parenthood which can truly be regarded as responsible from a human and Christian point of view.” In no. 61 the Directory says that the married deacon “is for the rest of the faithful an example of the love of Christ.... Married deacons should feel especially obliged to give clear witness to the sanctity of marriage and the family.”

In the Eastern Catholic Churches, the option of marriage for clergy is part of their patrimony, and the law requires that it be held in honor (*CCEO* c. 373). Married priests and deacons are common in the East.²⁹ The restoration of the diaconate in the Latin Church also brought with it a married clergy in the Latin Church.³⁰ Even some married

²⁸ There is no corresponding canon in the Latin Code. On married clergy in the *CCEO*, see also cc.192 §5, 278 §3, 285 §2, 352 §1, 373-375, 390, 758 §3, 769 §1, 2°, 1410.

²⁹ G. NEDUNGATT, *A Guide to the Eastern Code: A Commentary on the Code of Canons of the Eastern Churches*, Kanonika 10, Pontificio Istituto Orientale, Rome, 2002, pp. 287-303. Nedungatt states, “Today, married clergy is admitted in all the Eastern Catholic Churches except the Syro-Malabar Church and the Syro-Malankara Church.” He continues, “In Churches of the Byzantine rite the majority of the eparchial clergy are married; in a few all are married so that candidates to episcopacy are to be sought from the religious clergy” (p. 299, fn. 119). See also, idem, “Celibate and Married Clergy in *CCEO* Canon 373,” in *Studia Canonica*, 36 (2002), pp. 129-167; J. ALLEN, *Vested in Grace: Priesthood and Marriage in the Christian East*, Brookline, Holy Cross Orthodox Press, 2001; and M. DORTÉL-CLAUDET, “Le prêtre et le mariage: Évolution de la législation canonique des origines au XII^e siècle, *L'Année canonique*, 16 (1973), pp. 319-344. See also the interesting historical notes of support by the Latin bishops of Canada in favor of their Eastern Catholic counterparts ordaining married men to major orders, not only of diaconate but to the presbyterate as well, in D. MOTIUK, “The *CCEO* Some Ten Years Later,” pp. 212-217.

³⁰ See also PAUL VI, encyclical *Sacerdotalis caelibatus*, 24 June 1967, in AAS, 59 (1967), pp. 657-697, in particular nn. 38-40 on the Eastern Churches.

men, formerly clergymen in non-Catholic ecclesial communities, have been ordained presbyters in recent decades.³¹

4.2.3 Catechesis

Another important role in the *munus docendi* is that of religious instruction, or catechesis. Not all deacons can be expected to be gifted teachers, but in virtue of their formation and their order they should be able to impart the basics of Christian doctrine. The Latin Code treats catechetical instruction in canons 773-780. These laws are developed extensively in the General Directory for Catechesis of the Congregation for the Clergy.³² This lengthy directory has sections on the catechetical roles of bishops, presbyters, parents, and lay catechists, but *nothing* on deacons!

Unlike the Latin law, which makes no mention of deacons in the ministry of catechetical instruction, deacons are not neglected in the Eastern Code. Canon 624, §2 says that presbyters and deacons attached to a parish are obliged to render assistance to the pastor who, as required in §1, is to “make the utmost effort to give catechesis to all persons entrusted to his pastoral care, whatever their age or condition.”³³ The Latin Code

³¹ Regarding admission of married Anglican priests to the Latin Church, see CONGREGATION FOR THE DOCTRINE OF THE FAITH, statement, 31 March 1981, 6 April 1981, in *Canon Law Digest*, 9 (1981), pp. 734-735. In an interesting article, E. PETERS argues that in the Western Church, the married deacons should be practicing continence and that the contrary is a new practice that is anomalous, untraditional, and should be remedied. See “Canonical Considerations on Diaconal Continence,” in *Studia Canonica*, 39 (2005), pp. 147-180. However, this is clearly not required by current canonical discipline which is even attentive to the children of deacons, nor does it say these children must be born before ordination. See, e.g., CCE, *Basic Norms*, no. 78.

³² *Directorium generale pro catechesi*, 15 August 1997, Libreria editrice Vaticana, 1997, nn. 265-267; Vatican English translation *General Directory for Catechesis*, Washington, United States Catholic Conference, 1998.

³³ §1. Parochus summam operam dare debet attentis normis ab auctoritate competenti statutis ad catechesim tradendam omnibus suae curae pastoralis commissis, cuiuscumque sunt aetatis vel condicionis.

does, however, have an explicit reference to deacons in the introductory canons on the ministry of the divine word, where deacons are required “to serve the people of God in the ministry of the word in communion with the bishop and his *presbyterium*.”³⁴ Catechetical instruction is included in the ministry of the word.

The importance of the *munus docendi* and the role of the deacon cannot be understated. This is an area of particular concern in the Eastern Churches, as witnessed by certain problems in the North American context alluded to several times in this thesis, especially the problem of the dilution of Eastern traditions by the accumulation of Latin influences in the Eastern Churches. Here, more than anywhere in the *munus docendi*, the deacon has a twofold task. The first is to become thoroughly educated in his own traditions, rituals, and other practices which are genuinely part of the patrimony of the Eastern Churches. The second is to pass on that knowledge through catechesis that is both sensitive and firm, acting as a shepherd who must occasionally use his crook to bring back wandering members of the flock.

4.3 *Munus sanctificandi*

The sanctifying function of the Church is the subject of Book IV of the Latin Code of Canon Law, entitled *De Ecclesiae munere sanctificandi*. In the Eastern Code, the canons regulating the *munus sanctificandi* are treated in the lengthy title XVI on divine

§2. Parochis adiutricem operam praestare tenentur presbyteri et diaconi paroeciae addicti; sodales autem institutorum religiosorum ad normam cann. 479 et 542.

³⁴ Canon 757. Presbyterorum, qui quidem Episcoporum cooperatores sunt, proprium est Evangelium Dei annuntiare; praesertim hoc officio tenentur, quoad populum sibi commissum, parochi alique quibus cura animarum concreditur; diaconorum etiam est in ministerio verbi populo Dei, in communione cum Episcopo eiusque presbyterio, inservire.

worship and especially the sacraments (cc. 667-895). The major subjects treated in both Codes are the regulation of the liturgy, the discipline of the sacraments, and norms governing other acts of divine worship. Other matters treated are sacred times and places, the veneration of the saints, vows and oaths and, in the Latin Code, the liturgy of the hours. Additionally, canon 839, §1 of the Latin Code serves as a useful reminder that, although not treated in the Code, the *munus sanctificandi* also consists of other means, including personal prayer, works of penance, and works of charity.

The primary juridical sources on the *munus sanctificandi* in the Latin Church are the *Code of Canon Law* (1983) and the liturgical books as well as documents of executive power from the Holy See, in particular those of the Congregation for Divine Worship and the Discipline of the Sacraments.³⁵ In the Eastern Churches, the primary sources are the *Code of Canons of the Eastern Churches* (1990), the respective liturgical books, and *The Instruction for Applying the Liturgical Prescriptions of the Code of Canons of the Eastern Churches* issued by the Congregation for Eastern Churches in 1996.³⁶ Published just a few years after the promulgation of the *Code of Canons of the Eastern Churches*, this document is the most powerful statement by a Roman dicastery since the Second Vatican Council that the patrimony of the East, and the proper interpretation of the sanctifying mission of the Church through the Tradition of the East, must be maintained and preserved even when the practices of the East differ in significant respects from the

³⁵ For a listing of current liturgical books of the Roman Rite and current juridical texts of the Holy See on the Roman Rite liturgy, see J.M. HUELS, *Liturgy and Law: Liturgical Law in the System of Roman Catholic Canon Law*, Montreal, Wilson & Lafleur, 2006, pp. 219-226.

³⁶ CONGREGATION FOR THE EASTERN CHURCHES, *The Instruction for Applying the Liturgical Prescriptions of the Code of Canons of the Eastern Churches*, 6 January 1996, Vatican City, Libreria Editrice Vaticana, 1996 (=CEC, *Instruction*). See no. 71 on the liturgical formation of sacred ministers.

practices of the Church of the West.³⁷ The Congregation for the Eastern Churches is emphatic on this issue.

Desiring that these treasures flourish and contribute ever more efficiently to the evangelization of the world, *Orientalium Ecclesiarum* affirms, as do successive documents, that the members of Eastern Churches have the right and duty to preserve them, to know them, and to live them. Such affirmation contains a clear condemnation of any attempt to distance the Eastern faithful from their Churches, whether in an explicit and irreversible manner, with its juridical consequences, inducing them to pass from one Church *sui iuris* to another, or whether in a less explicit manner, favoring the acquisition of forms of thought, spirituality, and devotions that are not coherent with their own ecclesial heritage, and thus contrary to the indications so often emphasized by Roman Pontiffs and expressed, with particular force, already in the Apostolic Letter *Orientalium Dignitas* of Leo XIII.³⁸

³⁷ "Indeed, in comparison to any other culture, the Christian East has a unique and privileged role as the original setting where the Church was born." See JOHN PAUL II, Apostolic Letter *Oriente lumen*, 2 May 1995, in AAS, 87 (1995), p. 749. In no. 9, the CEC *Instruction* states: "For historical and cultural reasons, they have maintained a more direct continuity with the spiritual atmosphere of Christian origins, a prerogative that is ever more frequently considered even by the Occident not as a sign of stagnancy and backwardness but of precious fidelity to the sources of salvation."

³⁸ CEC *Instruction*, no. 10. Flummerfelt writes:

This *Instruction* was written with the understanding and intent that the twenty-two Eastern Catholic Churches *sui iuris* depart from the trend of latinization that troubled the Eastern rites for much of their modern history of full communion with the Roman See. Documents from the Second Vatican Council indicate that Eastern Catholic Churches must return to their authentic and ancient discipline contrary to this erroneous practice. Latinization occurs when Eastern Catholic Churches adopt Latin Catholic characteristics in the realms of liturgy, theology, spirituality, and law whereby Eastern Christian teaching and discipline are ignored or forgotten and substituted by Latin Catholic approaches. This inappropriate process has led to the loss of much Eastern Catholic identity and caused many problems in the ecumenical movement between Eastern Orthodox Christians and Catholics. Moreover, latinization can be either imposed by Latin Catholics or assumed by Eastern Catholics with the erroneous desire to be distinguished from their Eastern Orthodox counterparts.

See "Preliminary Matters," in F. MARINI (ed.), *Comparative Sacramental Discipline in the CCEO and CIC: A Handbook for the Pastoral Care of Members of Other Catholic Churches sui iuris*, Canon Law Society of America, Washington, DC, The Catholic University of America, 2003, p. 4.

The problematic history of the latinization of liturgical and devotional practices in the Eastern Catholic Churches has also affected the ways Eastern deacons are functioning in the sanctifying office today, as seen in the previous chapter. It is a complex issue, because this break with tradition is a response to immediate and pressing pastoral needs due to the shortage of priests. Deacons are assigned certain functions and liturgical roles traditionally exercised only by priests. This situation is especially problematic in places where the faithful do not have a Church *sui iuris* to approach for the liturgy according to their own rite. Ignorance of the Eastern tradition, or confusion about it, not infrequently occurs on the part of Latin pastors who have the pastoral care of Eastern faithful.³⁹ Both canon 383, §2 of the *CIC* and canon 193, §1 of the *CCEO* require the respective diocesan bishop or eparchial bishop to provide for pastoral care of the faithful of another Church *sui iuris* living in his territory who lack one of their own parishes. Knowing the different practices of the Catholic Churches has inestimable value for the proper pastoral care of the faithful of a different tradition. The discipline of the sacraments and sacramentals is an especially important matter.⁴⁰

4.3.1 The Liturgy and Sacraments in General

All the Catholic Churches share the apostolic inheritance of the same sacraments instituted by Christ, but between the eastern and western traditions there are some

³⁹ Regarding the situation in the USA, Flummerfelt states: "Unlike the great number of Latin Catholic parishes and Latin Catholics (approximately 63 million) that exist throughout the United States, only a sparse scattering of Eastern Catholics and Eastern Catholic parishes exist throughout the nation. The few Eastern Catholic parishes reflect the relatively few Eastern Catholics living in the U.S.A. (approximately 500,000)." In MARINI (ed.), *Comparative Sacramental Discipline*, pp. 5-6. For a discussion of East and West suppletory law and inter-ecclesial pastoral care, see *ibid.*, pp. 4-8. Cf. also *CIC* cc. 17, 19; *CCEO* cc. 1499, 1501.

⁴⁰ See CEC, *Instruction*, no. 41.

different theological understandings about aspects of certain sacraments, different norms governing their administration, and different traditions with respect to their celebration, all of which are the result of historical developments of the different particular Churches. Despite these differences, there is a unity of faith in the substance of the sacraments in both Catholic and Eastern Churches. There is also a value for maintaining a uniformity of discipline regarding the celebration of the rites in keeping with each Church's own laws and traditions. Both the *CCEO* (c. 674, §1) and the *CIC* (c. 846, §1) require that, in celebrating the sacraments, all that is contained in the liturgical books is to be accurately observed. Both also demand that the minister is to celebrate the sacraments only according to the liturgical prescripts of his own church *sui iuris*, unless the law or a special faculty from the Holy See provides otherwise (*CIC* c. 846, §2 and *CCEO* c. 674, §1). In celebrating acts of public divine worship, no person other than the competent authority "can add to, remove, or modify" what is contained in the liturgical books (*CCEO*, c. 668, §2; *CIC* c. 846, §1). Clerics, in particular, are bound to observe the prescriptions of the Church in the administration of the sacraments.⁴¹

The celebration of sacraments is of paramount importance in the life of the Church. It is the primary expression of the *munus sanctificandi*. The participation of the permanent deacon in ministerial roles in the sacramental life of the Church is an integral part of his exercise of the *tria munera*. Related to sacraments, instituted by Christ, are the sacramentals, liturgical rites instituted by the Church. There are some noteworthy

⁴¹ *CIC* c. 840 says that "... the sacraments...effect the sanctification of humanity...." *CCEO* c. 667 says: "Through the sacraments...Our Lord Jesus Christ sanctifies people by the power of the Holy Spirit...." In both these canons the sacred ministers are admonished in the strongest terms "to observe diligently the prescripts of the Church in the conscientious celebration and reception of the sacraments." *CCEO* c. 667 adds that "sacred ministers are to observe diligently the prescripts of the Church in the conscientious celebration and reception of the sacraments."

differences in the discipline of the sacraments and sacramentals between the Eastern and Latin law. Even the nomenclature differs on certain points. We shall be highlighting these differences as we compare the two bodies of law with particular reference to the deacon's role in the liturgy.

Our focus is mainly on those rites at which a deacon may *preside*: rites of baptism, Eucharist outside Mass, marriage rites, funerals, and other sacramentals. The deacon also has his own liturgical roles in assisting the presiding priest, particularly at the Divine Liturgy, the Eucharist. Additionally, deacons have distinct roles in other rites. For example, in the Roman Rite of ordination of a deacon, deacons assist in the vesting of the newly ordained deacons and, together with the ordaining bishop, give them the sign of peace.⁴² In the Byzantine Rite, the Archdeacon assists the bishop at ordinations and has parts that he must speak or announce. It will not be possible here to consider all such details, so we shall limit our remarks on the *assisting* role of the deacon to the Divine Liturgy, the Eucharist, which is the central rite of the Church, both East and West (in section 4.3.3 below). We begin with baptism.

4.3.2 Baptism

The focus of this section is on the deacon as minister of the sacrament of baptism, but an important theological and ritual principle should be kept in mind: "The sacraments of baptism, confirmation, and the most holy Eucharist are interrelated in such a way that they are required for full Christian initiation" (*CIC*, c. 842, §2).⁴³ Likewise, *CCEO* c. 697 states: "Sacramental initiation in the mystery of salvation is perfected in the reception of

⁴² *Pontificale Romanum: De Ordinatione diaconum*, nn. 180, 211.

⁴³ *Sacramenta baptismi, confirmationis et sanctissimae Eucharistiae ita inter se coalescunt, ut ad plenam initiationem christianam requirantur.*

the Divine Eucharist, and thus the Divine Eucharist is administered after baptism and chrismation with holy myron as soon as possible according to the norms of the particular law of the each Church *sui iuris*.”⁴⁴ On this matter, canon 86 of the UCC Canons states: “Sacramental initiation in the mystery of salvation is perfected in the reception of the Most Holy Eucharist which is administered as soon as possible after baptism and chrismation.” The deacon cannot preside at the rites of full initiation in either the Latin or the Eastern Churches since he lacks the power to administer confirmation/holy myron and celebrate the Eucharist; however, he may assist the presiding priest in the liturgical rites of initiation in his traditional diaconal role.

Canon 849, the first canon in the Latin Code on baptism, says that it is the “gateway to the sacraments” (*ianua sacramentorum*) and is “necessary for salvation by actual reception or at least by desire.”⁴⁵ The first canon of the Eastern Code (c. 675, §1) omits these phrases.⁴⁶ Baptism is, of course, considered necessary for salvation in the eastern tradition, but it is unnecessary to have this doctrinal statement mentioned in a juridical text. A second paragraph of *CCEO* c. 675 gives the juridical equivalent of the theological expression “gateway to the sacraments” in saying: “Only by the actual

⁴⁴ *Initiatio sacramentalis in mysterium salutis susceptione Divinae Eucharistiae perficitur, ideoque Divina Eucharistia post baptismum et chrismationem sancti myri christifideli ministretur quam primum secundum normam iuris particularis propriae Ecclesiae sui iuris.*

⁴⁵ *Baptismus, ianua sacramentorum, in re vel saltem in voto ad salutem necessarius, quo homines a peccatis liberantur, in Dei filios regenerantur atque indelebili caractere Christo configurati Ecclesiae incorporantur, valide confertur tantummodo per lavacrum aquae verae cum debita verborum forma.*

⁴⁶ *In baptismo homo per lavacrum aquae naturalis cum invocatione nominis Dei Patris et Filii et Spiritus Sancti a peccato liberatur, ad vitam novam regeneratur, Christum induit et Ecclesiae, quae eius Corpus est, incorporatur.*

reception of baptism is a person made capable for the other sacraments.”⁴⁷ This norm was stated earlier in the Latin Code in the introductory canons on the sacraments (c. 842, §1). The Latin canon says that baptism is *validly* conferred only with water and the Trinitarian formula. The Eastern canon does not use the word “validly,” nor is this necessary in the Latin Code, because the essential matter and form of baptism is a matter of the divine law as instituted by Christ. It is not subject to the rule that *ecclesiastical* laws must expressly state that they are invalidating or incapacitating (*CIC* c. 10, *CCEO* c. 1495). In substance, the two canons are the same because they are both rooted in the divine law.

It is critical that the deacon or other minister of baptism celebrate the sacrament correctly, not only because of the spiritual effects of baptism but also because the sacrament has important juridical effects.⁴⁸ Fundamentally, baptism makes one a person in the Church, capable of rights and obligations in canon law (cf. *CIC* c. 96). There is no canon in the Eastern Code exactly comparable to *CIC* c. 96. In the Eastern Code, however, the theological definition of Christ’s faithful in canon 7 (those who are incorporated into Christ through baptism and constituted the people of God) has self-evident juridical implications: they are members of the Church with the juridical consequences that follow from that fact.

⁴⁷ Tantummodo baptismo in re suscepto homo fit capax ceterorum sacramentorum.

⁴⁸ On this point, see W. WOESTMAN, *Sacraments, Initiation, Penance, Anointing of the Sick: Commentary on Canons 840-1007*, 3rd ed. rev. and updated, Faculty of Canon Law, Saint Paul University, Ottawa, 1996, p. 37. See also *CIC* c. 850 on the celebration of baptism. “Baptism is administered according to the order prescribed in the approved liturgical books, except in case of urgent necessity when only those things required for the validity of the sacrament must be observed.” Cf. *CIC* c. 846, *CCEO* c. 674; CEC, *Instruction*, no. 47. See C. PUJOL, “Baptismus in Ecclesiis orientalibus,” in *Periodica*, 72 (1983), pp. 205-237. For the details of the specific rules and regulations of enrollment, particularly involving inter-ecclesial marriages for Ukrainians in Canada, see MOTIUK, pp. 149-151.

In the Latin Church, the ordinary minister of baptism is a bishop, a presbyter, or a deacon (c. 861, §1). As noted above, deacons may not preside at the Rite of Christian Initiation of Adults. Only in necessity may a deacon baptize an adult. An adult, for purposes of sacramental initiation, is considered to be anyone seven or older with the use of reason (c. 852, §1). Unlike in the Latin Church, deacons in the Eastern Churches normally may baptize neither adults nor infants. In the Eastern Churches, chrismation with holy myron follows baptism whether of adults or infants (*CCEO* c. 697). Even apart from the tradition that deacons do not preside at the liturgy, the deacon could not be an ordinary minister of baptism since he cannot chrismate.⁴⁹ The Congregation for the Eastern Churches reiterates the Code in saying that the “ordinary administration of baptism in all Eastern traditions ... is reserved to those who are clothed in priestly grace, that is, to bishops and presbyters, excluding deacons....”⁵⁰

Due to the intimate connection, theologically and ritually, between baptism and confirmation, Latin deacons *should not* baptize adults, even though the baptism would be valid. (Cf. c. 852, §1.) One opinion maintains that, in the Latin Church, a deacon may baptize an adult provided that, in the same ceremony, a priest confirms.⁵¹ We find this opinion untenable. It is the role of the priest to preside at the celebration of all three

⁴⁹ *CCEO*, c. 695, §1. In the East, the person to be initiated, regardless of age, is to be baptized, chrismated and receive Eucharist at the same time and during the same service. This is the trinitarian understanding of initiation in the East. Also, all the Eastern traditions reserve the administration of baptism “to those who are clothed in priestly grace,” not deacons upon whom hands have been laid “not unto the priesthood, but unto the ministry” (*LG*, no. 29). See also NEDUNGATT, pp. 800-801.

⁵⁰ CEC, *Instruction*, no. 46.

⁵¹ See M. METZGER, “À propos du diaconat et du catéchuménat,” in *Revue de droit canonique*, 48 (1998), pp. 175-192.

sacraments of initiation, which take place in the celebration of the Eucharist. The deacon's role is to assist the presiding priest at all three sacraments that comprise the same unitary rite. Moreover, the presbyter who by office celebrates adult initiation has the faculty to confirm only when he administers baptism, as stated in canon 883, 2°, so the confirmation of the adult would be invalid if administered by a presbyter following baptism by a deacon.⁵²

Another significant difference pertains to the minister of baptism in necessity. The Latin Code provides that, in case of necessity, anyone with the right intention may baptize (c. 861, §2). This would even include an unbaptized person who intends to do what the Church does in baptism. The Eastern Code is more restrictive, allowing only another member of the Christian faithful, Catholic or non-Catholic, to baptize.⁵³ The Eastern Code, moreover, gives preference to a deacon as minister of baptism in a case of necessity.⁵⁴

The deacon is obliged by the same rule as the priest with regard to the jurisdiction in which Christian initiation may licitly be celebrated. It is not licit to celebrate baptism

⁵² There is one exception: when the adults to be baptized are more numerous. J.M. HUELS states: "A liturgical law of the Rite of Christian Initiation of Adults states that, at the celebration of the initiation of adults, 'When the elect are more numerous (*numerosiores*) and several priests or deacons are present, those to be baptized can be divided among the individual ministers' (Ordo initiationis christianae adultorum, no. 222). All the newly baptized are then to be confirmed. Thus, when the persons to be baptized are more numerous, it is lawful for a deacon to assist the priest with the baptisms, and the pastor or other presiding priest who has the faculty to confirm not only may, but must, confirm the newly baptized (cf. c. 885, §2)." In F. Stephen PEDONE and Paul D. COUNCE, *Roman Replies and CLSA Advisory Opinions 2006*, Alexandria, VA, CLSA, 2006, p. 64.

⁵³ *CCEO*, c. 677, §2. See also *CEC Instruction*, no. 46.

⁵⁴ *Ibid.* Baptisms by deacons can be problematic in the Eastern traditions. Deacons cannot bless the water unless a special faculty is given them. Therefore, they need to use water previously blessed by a priest. In necessity, however, the use of unblessed water would be licit if blessed water is unavailable. See *CCEO* c. 676.

in the territory of another without his permission (*CIC* c. 862, *CCEO* c. 678, §1). Although baptism is fundamentally the sacrament of initiation into the entire body of Christ, concretely it is also entry into a specific Christian community, the parish, where the baptized has canonical rights and fulfills certain obligations. As such, it is neither permissible nor logical to confer the sacrament outside of the territory of the sacred minister. Exceptions to this rule are stated in the law itself, namely, with permission of the pastor or due to necessity. *CIC* c. 857, §2 says that, “as a rule,” baptism is to take place in the parish church;⁵⁵ *CCEO* c. 687, §1 says that, except in necessity, baptism is celebrated in the parish church “with due regard for legitimate customs.”⁵⁶

4.3.3 The Eucharist, the Divine Liturgy

The Latin and Eastern law use differing terminology for the third sacrament of initiation. In the Latin law, it is primarily called the Eucharist, and this same word is used for the celebration of Mass and for Holy Communion. The equivalent in the Eastern law for the Mass is the Divine Liturgy, and the equivalent for Holy Communion is the Divine Eucharist (cf. *CCEO* c. 710). According to the Congregation for the Eastern Churches:

The center of Christian worship is the celebration of the Divine Liturgy. This name, Divine Liturgy, used in the Code of Canons of the Eastern Churches, is not used exclusively. Used more specifically in the Churches of Greek origin, it is also found in other traditions, but together with other titles such as Sacrifice, Sanctification, Mysteries, Offering and Oblation, Eucharist or Thanksgiving, Breaking of the bread, and others.⁵⁷

⁵⁵ Pro regula habeatur ut adultus baptizetur in propria ecclesia paroeciali, infans vero in ecclesia paroeciali parentum propria, nisi iusta causa aliud suadeat.

⁵⁶ Baptismus extra casum necessitatis in ecclesia paroeciali celebrandus est salvis legitimis consuetudinibus.

⁵⁷ CEC, *Instruction*, no. 53.

Only priests, either bishops or presbyters, “may validly confect the Eucharist,” as the Latin Code puts it (c. 900, §1),⁵⁸ or “have the power to celebrate the Divine Liturgy,” in the words of the Eastern Code (c. 699, §1).⁵⁹ While the wording differs, the meaning is the same. The divine law power of order to celebrate the Eucharist is conveyed by ordination to the presbyterate. Only a priest can preside at the Eucharist, and one and the same priest presides at the entire Eucharist. Other ministers have their own roles in the celebration. After the presiding priest, the role of the deacon ranks second in importance. As the *CCEO* states, “Along with bishops and presbyters, deacons have a very close share in the celebration of the Divine Liturgy and have a ministry proper to them according to the prescripts of the liturgical books.”⁶⁰

As in the Eastern Code, in the Byzantine-Kyivan tradition the Eucharistic celebration is also called the Divine Liturgy.⁶¹ The role of the deacon actually begins

⁵⁸ Minister, qui in persona Christi sacramentum Eucharistiae conficere valet, est solus sacerdos valide ordinatus.

⁵⁹ Potestatem celebrandi Divinam Liturgiam habent soli Episcopi et presbyteri.

⁶⁰ Canon 699, §2. Diaconi cum Episcopis et presbyteris proprio ministerio secundum praescripta librorum liturgicorum in celebratione Divinae Liturgiae artiore partem habent.

⁶¹ There are three Eucharistic services, each of which is named after the saint to whom the Anaphora (Eucharistic Prayer) is attributed. The Divine Liturgy of Saint John Chrysostom is the most common and is used on most Sundays, feast days, and weekdays. The Divine Liturgy of Saint Basil the Great is used only ten times per year: the feast of Saint Basil the Great (January 1), Christmas Eve (December 24), Theophany Eve (January 5), the First, Second, Third, Fourth, and Fifth Sundays of the Great Fast (Lent), but not Palm Sunday, Holy Thursday and Holy Saturday (the eve of Pascha). The third, the Divine Liturgy of St. James the Apostle, is rarely, if ever, used. In the Divine Liturgy of Saint John Chrysostom, and during those times when the Divine Liturgy of Saint Basil is used, the liturgical rubrics for the deacon remain the same, the difference between the two services being the length of the priest's parts during the Anaphora. Some differences in the rubrics for deacons occur when more than one deacon assists, particularly in Pontifical Services (also referred to as Hierarchical Divine Liturgy).

See P. GALADZA, (ed.), *The Divine Liturgy: An Anthology for Worship*, Ottawa, The Metropolitan Andrey Sheptytsky Institute of Eastern Christian Studies, 2004, p. 269.

prior to the celebration of the Divine Liturgy with the prayers of the priest and deacon before the iconostas (the wall of icons separating the people from the altar), the vesting prayers, and the Proskomede (Offertory), in which the gifts of bread and wine are prepared for the Eucharist and prayers of intention and commemoration are offered.⁶² Once he is vested, the deacon holds his orarion (stole) in his right hand and uses it to direct, invoke a blessing from the priest, lead the people, intone or respond. The rubrics for these and for his principal functions at the Divine Liturgy are found in the *Ordo Celebrationis*.⁶³ (1) He is the regular minister of the censings. (2) He is the usual minister of the synapte or litany. (3) He chants the Gospel. (4) He may preach the homily as permitted by law. (5) Throughout the services the deacon acts as master of ceremonies and calls the assembly to order. (6) He exhorts the bishop or priest to begin the service. (7) He carries a portion of the Holy Gifts at the Great Entrance. (8) He has the

⁶² “Originally, it was performed by Deacons in a separate building from the Church proper (the Diakonikon). It was there that the faithful would bring their gifts of bread and wine etc. Some of the gifts would be prepared for use at Divine Liturgy and others would be distributed to the poor and needy by the deacons. To this day, in Romanian Churches, the faithful come to the north deacon door with a candle and loaf of bread and offer these to the Church. And a deacon or priest who is appointed this duty and attends at the north Deacon door to receiving (sic) these offerings of the faithful.” From an explanation of the liturgies, “Proskomedia,” St. Elias Church of Toronto, <http://www.saintelias.com/ca/liturgy/proskomidia.php>.

⁶³ SACRED CONGREGATION FOR THE EASTERN CHURCHES, *Ordo celebrationis Vesperarum, Matutini et Divinae Liturgiae iuxta recensionem ruthenorum*, Rome, 1944, English translation and commentary, *The Order for the Celebrations of Vespers, Orthros and the Divine Liturgy According to the Ruthenian Recension*, Fairfax, VA, Eastern Christian Publications, Inc., 1996 [= *Ordo Celebrationis*], pp. 30-34. This text is the official rubrical text for the Byzantine Rite, prepared by the Sacred Congregation for the Eastern Churches at the request of the hierarchs of the various Eastern Churches. Among the texts relied upon for this English translation was THE SYNOD OF THE HIERARCHY OF THE UKRAINIAN CATHOLIC CHURCH, *The Sacred and Divine Liturgy of Our Holy Father John Chrysostom*, Toronto, Basilian Press, 1988; this English translation, with approval for publication, was granted by Decree of the Congregation for the Oriental Churches, 10 August 1984 with the condition that it be published side by side with the Ukrainian translation (prot. no. 353/84). See also CCEO c. 699 and CEC *Instruction*, no. 55.

responsibility of asking the priest to bless the bread and wine making them the Body and Blood of Christ through the power of the Holy Spirit. (9) He elevates the Holy Gifts at the consecration. (10) He conducts the ceremony of the Zeon (pours warm water blessed by the priest into the consecrated chalice at Communion). (11) He invites the assembly to Communion. (12) He may assist the priest in distributing Communion. (13) He is to consume all of the remaining Holy Gifts at the ending of the Divine Liturgy. (14) He is to pray the prayers of the Small Dismissal with the priest after all is concluded.

In the Roman Rite, there are two forms of Mass with a congregation, the *Missa cum diacono* and the *Missa sine diacono*. Sixteen norms detail the active role of the deacon at Mass.⁶⁴ The deacon's principal functions are given in no. 171 of the General Instruction of the Roman Missal. (1) He assists the priest and remains at his side. (2) He ministers at the altar, tending to the chalice and the Sacramentary. (3) He proclaims the Gospel. (4) He may preach the homily with the consent of the priest celebrant. (5) He guides the faithful by means of suitable introductions and explanations. (6) He announces the intentions of the prayer of the faithful. (7) He ministers the Precious Blood or assists the priest in administering the consecrated hosts. (8) He purifies and arranges the sacred vessels. (9) He fulfills the duties of the acolyte or other ministers if none of them is present.⁶⁵

⁶⁴ *IGMR*, 171-186.

⁶⁵ Quando celebrationi eucharisticae interest, diaconus, sacris vestibus indutus, suo ministerio fungatur. Ipse enim: sacerdoti assistit et ad eius latus procedit; ad altare, sive ad calicem sive ad librum ministrat; Evangelium proclamat et potest, de mandato sacerdotis celebrantis, homiliam habere (*cf. n. 66*); populum fidelem per opportunas monitiones dirigit et intentiones orationis universalis enuntiat; sacerdotem celebrantem adiuvat in distribuenda Communione, et vasa sacra purificat et componit; officia aliorum ministrorum, pro necessitate, ipse adimplet si nullus eorum adsit.

4.3.4 The ministers of the Divine Eucharist, or Holy Communion

In the Latin law, the ordinary ministers of Holy Communion are the bishop, presbyter, and deacon (c. 910, §1); the extraordinary minister is an acolyte or a lay person who has the faculty from the diocesan bishop.⁶⁶ The normative rites to be used are those found in the Roman Ritual under the title, Rite of Holy Communion and Worship of the Eucharist outside Mass, which contains rites for giving Holy Communion outside Mass and for giving Viaticum to the dying. Acolytes and extraordinary ministers of Communion may celebrate these rites only “when the priest or deacon is absent or impeded by sickness, old age or pastoral ministry.”⁶⁷ All clerics are ordinary ministers of these rites and require no delegated faculty to celebrate them. When a deacon or priest brings Holy Communion to the sick or Viaticum to the dying, he uses the rites in *Pastoral Care of the Sick: Rites of Anointing and Viaticum*.⁶⁸

The Eastern Code does not use the terms “ordinary” and “extraordinary” ministers. The first paragraph of canon 709 states: “The priest distributes the Divine Eucharist or, if the particular law of his Church *sui iuris* provides for it, also the deacon.” The second paragraph continues: “The synod of bishops of the patriarchal Church or the

⁶⁶ Canon 910, §2. CONGREGATION FOR THE CLERGY et al., instruction *Ecclesiae de mysterio*, 15 August 1997, in AAS, 89 (1997), art. 8, §1, p. 871. The faculty may be granted by a singular administrative act or it may be conveyed liturgically by a rite of commissioning at which the bishop or his priest-delegate presides: *Ritus ad deputandum ministrum extraordinarium sacrae communionis distribuendae. Ritus ad deputandum ministrum sacrae communionis ad actum distribuendae*, 29 January 1973, *editio typica* 1973, no. 1.

⁶⁷ *De sacra Communione et de cultu mysterii eucharistici extra Missam*, 21 June 1973, *editio typica*, 1973, no. 17; Holy Communion and Worship of the Eucharist Outside Mass, *Rites*, vol. 1, pp. 631-698.

⁶⁸ *Ordo unctionis infirmorum eorumque pastoralis curae*, *editio typica*, 7 December 1972, Typis Polyglottis Vaticanis, 1972, adapted English version *Pastoral Care of the Sick: Rites of Anointing and Viaticum*, Washington, ICEL, 1982, *Rites*, vol. 1, pp. 759-908.

council of hierarchs is free to establish suitable norms according to which other Christian faithful, too, may distribute the Divine Eucharist.⁶⁹ The particular law of the Ukrainian Catholic Church states: "The Divine Eucharist is distributed by the priest, and if necessary, also the deacon."⁷⁰ Without using the Latin term "extraordinary minister," the meaning of the Ukrainian law is the same, because an extraordinary minister of Communion in the Latin Church only functions when it is necessary and when ordained ministers are lacking (cf. c. 230, §3). Thus, in the Ukrainian Catholic canon law, the deacon functions as an extraordinary minister of Communion when sufficient priests are unavailable for the needs of the faithful.

The Church desires that the faithful may have ready access to the Divine Eucharist,⁷¹ so the law provides for its reception outside of the Eucharistic celebration for a just cause.⁷² When there is a just cause, such as a sick person unable to come to church

⁶⁹ Canon 709, §1. *Divinam Eucharistiam distribuit sacerdos vel iure particulari propriae Ecclesiae sui iuris ita ferente etiam diaconus.*

§2. *Integrum est Synodo Episcoporum Ecclesiae patriarchalis vel Consilio Hierarcharum opportunas normas statuere, secundum quas etiam alii christifideles Divinam Eucharistiam distribuere possunt.*

⁷⁰ UCC Canons, c. 91.

⁷¹ Frequent, even daily Communion, has been fostered since the papacy of Pius X. See SACRED CONGREGATION OF THE COUNCIL, Decree *Sacra Tridentina Synodus*, 22 December 1895, in *Acta Sanctae Sedis*, 38 (1905), pp. 400-406. This pope was the first to permit Catholics to receive Holy Communion in any Catholic rite, Roman or Eastern. See Apostolic Constitution *Tradita ab antiquis*, 7 December 1906, in *ASS*, 39 (1906), pp. 794-795.

⁷² *CIC* c. 918, Viaticum c. 921, *CCEO* c. 713, §1, Viaticum c. 708. *CIC* c. 911 entrusts the administration of Viaticum to the parish priest (who has preference over other priests because of this obligation of his office) as well as to associate pastors and chaplains. Holy Viaticum should be administered without delay to the faithful who are in danger of death from any cause. While normally one would expect that a priest would be present to administer the sacraments of reconciliation and anointing, a deacon in the Latin Church is also an ordinary minister of Viaticum and administers it according to the rite in Pastoral Care of the Sick.

Article 79 of the *Proposed Norms of the Provincial Synod of the Winnipeg Metropolis* (1962) stated: "If, for a just cause, the Holy Communion is to be distributed outside the Divine Liturgy,

or the unavailability of a priest, the deacon may preside at a non-Eucharistic celebration with the distribution of the Holy Eucharist. In many Latin dioceses, including those of Canada, a deacon as ordinary minister or a lay person as extraordinary minister may preside at a "Sunday Celebration in the Absence of a Priest."⁷³

Due to the dearth of presbyteral clergy in North America, several of the Eastern Churches, at the local level, permit the deacon to preside over a type of Communion service.⁷⁴ As discussed in the previous chapter, this emanates from a concern by the hierarchs that the faithful would otherwise be deprived of approaching the divine Mystery of the Holy Eucharist. For example, in the Ukrainian Catholic Eparchy of Toronto and Eastern Canada, at the orders of then Bishop Cornelius, a Typika service was arranged

priests are to follow the rite prescribed in the appendix of the *Trebnyk*, pp. 51-53." This was the method prescribed for priests in effect before the reestablishment of the diaconate in the Ukrainian Church in Canada.

⁷³ CANADIAN CONFERENCE OF CATHOLIC BISHOPS, *Sunday Celebration of the Word and Hours*, Ottawa, CCCB, 1995. See CONGREGATION FOR DIVINE WORSHIP, *Directorium de celebrationibus dominicalibus absente presbytero Christi Ecclesia*, 2 June 1988, in *Notitiae*, 24 (1988), pp. 366-378; translation in *Sunday Celebrations in the Absence of a Priest*, Liturgy Documentary Series 10, Washington, United States Catholic Conference, 1996.

⁷⁴ See G.M. KUZMA, *The Pastoral Handbook of the Byzantine Catholic Eparchy of Van Nuys*, promulgated 1 October 2000 as the *Particular Law of the Eparchy of Van Nuys*, no. 309: "The deacon may in the absence of the priest celebrate Typika, Pre-Sanctified Liturgy..." Typika is a Communion service using the deacon's parts in the Divine Liturgy, usually that of St. John Chrysostom. The most unusual circumstances for a deacon celebrating these other liturgies is underscored by no. 311 of the same particular law, which states: "The deacon is not the ordinary minister of the Divine Eucharist" In all circumstances where a priest is present, the deacon "assists the priest according to his proper liturgical role."

It was this extreme situation of simply lacking enough priests to send to the people that led Metropolitan Maxim Hermaniuk to give broad faculties to the deacons in Manitoba to administer the Divine Eucharist apart from the Divine Liturgy.

In Europe, in the Orthodox Churches, roles are delineated clearly. The deacon is never to do those things beyond his competence, such as leading the people as a presider at the liturgy, nor even vesting without the blessing of the priest upon his vestments, despite any permission the priest might give him to the contrary. See S.V. BULGAKOV, *Handbook for Church Servers*, 2nd ed., translation by E. TARRIS, Kharkov, 2001.

and approved for use by deacons in cases of necessity. Given the approval of Bishop Cornelius, the document reads by way of introduction:

A deacon may not take this service unless he has received a blessing from the bishop to do such. This blessing is only given by the bishop and not the pastor and only for such circumstances that would unduly deprive the faithful of the Holy Mysteries of Christ, i.e., when it is morally or physically impossible for a priest to celebrate the Divine Liturgy on a Sunday. This service is not to take place on Saturday evenings when the liturgical norms require Vespers.⁷⁵

The Latin Code provides that a priest or a deacon is the ordinary minister of the exposition of the Blessed Sacrament.⁷⁶ Eucharistic benediction is a western practice arising in the fourteenth century.⁷⁷ It was not a custom of the East and finds no place in the Eastern Code.

4.3.5 Eucharistic fast

Canon 919, §1 of the *CIC* requires that anyone receiving the Eucharist must abstain for at least one hour before Holy Communion from all food and drink except water and medicine. The second paragraph of that canon allows a priest to receive Communion without fasting at the second or third Mass he celebrates the same day (cf. c. 905, §2).⁷⁸ The canon makes no mention of a deacon or other Eucharistic minister who must preside at a Communion service more than once a day. It is particularly important

⁷⁵ See "The Typika with Communion from the Presanctified Gifts Distributed by a Deacon," compiled by Protodeacon David KENNEDY, Eparchy of Toronto.

⁷⁶ *CIC*, c. 943. See also *Order for the Solemn Exposition of the Holy Eucharist*, People's Edition, Collegeville, MN, The Order of St. Benedict, Inc., 1993.

⁷⁷ N. MITCHELL, *Cult and Controversy: The Worship of the Eucharist outside Mass*, New York, Pueblo, 1982, p. 183.

⁷⁸ §1. Sanctissimam Eucharistiam recepturus per spatium saltem unius horae ante sacram communionem abstineat a quocumque cibo et potu, excepta tantummodo aqua atque medicina.

§2. Sacerdos, qui eadem die bis aut ter sanctissimam Eucharistiam celebrat, aliquid sumere potest ante secundam aut tertiam celebrationem, etiamsi non intercesserit spatium unius horae.

that deacons have this faculty in the event that they are regularly celebrating Communion services in the absence of a priest. *CCEO* c. 713, §2 leaves it to the norms of the Church *sui iuris* to determine matters pertaining to preparation for the Eucharist through fast, prayers, or other works.⁷⁹ Canon 93 of the UCC Canons states: “Concerning the preparation for participation in the Divine Eucharist through fast, prayers and other works, the faithful are to observe the norms of the liturgical books and to fast at least one hour prior to Holy Communion. Water and medicine taken prior to Holy Communion does not break the fast.” The law applies to all the faithful, priests and deacons included. It is not uncommon in many places today for a deacon to be required more than once a day to preside at a liturgical rite for administering the Eucharist outside Mass. In such cases, it would be beneficial if deacons could be granted a habitual faculty to dispense themselves from the fast, at least after the first such celebration. The grant of this faculty would be the delegation of the dispensing power of the diocesan/eparchial bishop.⁸⁰

4.3.6 Marriage

In the Latin Church, a deacon may be granted the faculty, whether by general or special delegation, to assist at marriage (c. 1111). Of the four rites of marriage in the Roman Ritual, the deacon may preside at two of them: the Rite of Marriage outside Mass and the Rite of Marriage between a Catholic and a Catechumen.⁸¹ Deacons are ordained

⁷⁹ Circa praeparationem participationis Divinae Eucharistiae per ieinnium, preces aliaque opera christifideles fideliter normas Ecclesiae sui iuris, cui ascripti sunt, servant non solum intra fines territorii eiusdem Ecclesiae, sed, quatenus fieri potest, ubique terrarum.

⁸⁰ *CIC* cc. 87, §1 and 137, §1; *CCEO* cc. 1538, §1 and 988, §1.

⁸¹ *Ordo celebrandi Matrimonium, editio typica altera*, 19 March 1990, Typis Polyglottis Vaticanis, 1991, chapters two and three. The other two rites are the Rite of Marriage within Mass, at which a priest presides, and the Rite of Marriage before a Lay Minister. See *ibid.*, chapters one and four.

unto the ministry, not unto the priesthood, and in the tradition of the Eastern Churches that means they do not preside at liturgical celebrations, including the rite of marriage. In Eastern canon law, a deacon cannot be delegated to assist validly at a marriage involving an Eastern Catholic. Canon 828, §1 of the Eastern Code implicitly incapacitates the deacon: "Only (*tantum*) those marriages are valid that are celebrated with a sacred rite, in the presence of the local hierarch, local pastor, or a priest who has been given the faculty of blessing the marriage by either of them...."⁸² The sacred rite at which a priest presides is required for the validity of the marriage.⁸³ A deacon could, in theory, preside at a rite of marriage in an Eastern Catholic Church with a dispensation from canonical form, but this dispensation is not easily obtained: "Dispensation from the form for the celebration of marriage required by law is reserved to the Apostolic See or the patriarch, who will not grant it except for a most grave cause" (*gravissima de causa*).⁸⁴ Moreover, the Byzantine Rite has no liturgy of marriage other than that at which a priest presides and gives the nuptial blessing. In the eastern tradition, the blessing by the priest is considered essential. Even when the marriage of a Catholic is celebrated with a dispensation from form to permit marriage in the non-Catholic Eastern Church of the other party, the marriage must

⁸² Ea tantum matrimonia valida sunt, quae celebrantur ritu sacro coram Hierarcha loci vel parocho loci vel sacerdote, cui ab alterutro collata est facultas matrimonium benedicendi, et duobus saltem testibus secundum tamen praescripta canonum, qui sequuntur, et salvis exceptionibus, de quibus in cann. 832 et 834, § 2.

This would be a defect of form for an Eastern Catholic (*CCEO*, c. 828, §1). An Eastern deacon may assist in Latin weddings (*CIC*, c. 1108, §1).

⁸³ *CEC, Instruction*, no. 82.

⁸⁴ *CCEO*, c. 835. Dispensatio a forma celebrationis matrimonii iure praescripta reservatur Sedi Apostolicae vel Patriarchae, qui eam ne concedat nisi gravissima de causa.

be celebrated in the sacred rite of the Eastern Church for the *validity* of the marriage (*CIC* c. 1127, §1; *CCEO* c. 834, §2). According to the Congregation for the Eastern Churches:

In the eastern tradition, the priest, in addition to assisting, must bless the marriage. To bless means to act as the true minister of the sacrament, in virtue of his priestly power to sanctify, so that the spouses may be united by God in the image of the flawless nuptial union of Christ with the Church and be consecrated to each other by sacramental grace.⁸⁵

This is a most remarkable theological difference. The tradition of the West since the scholastic period has been that the baptized parties themselves are said to be the ministers of the sacrament of marriage.⁸⁶ In the East, the priest is the minister of the sacrament.

The Eastern Catholic canon law already departs from this tradition in permitting the extraordinary form of marriage in danger of death or when it is prudently foreseen that an approved priest will not be available for a month.⁸⁷ Even then, in c. 832, §3, the law exhorts the couple married according to the extraordinary form to receive the nuptial blessing from the priest as soon as possible (*quam primum*).⁸⁸ If a deacon were to assist at marriage in an Eastern jurisdiction with a dispensation from form, there would be no official liturgical celebration of that Church, since the deacon cannot give the priest's

⁸⁵ CEC, *Instruction*, no. 82.

⁸⁶ CCC 1623.

⁸⁷ *CCEO* c. 832, §1. This was also in the former common law, *Crebrae allatae*, c. 89.

⁸⁸ Canon 832, §1. Si haberi vel adiri non potest sine gravi incommodo sacerdos ad normam iuris competens, celebrare intendentes verum matrimonium illud valide ac licite coram solis testibus celebrare possunt:

1. in periculo mortis;
2. extra periculum mortis, dummodo prudenter praevideatur earum rerum condicionem esse per mensem duraturam.

§2. In utroque casu, si praesto est alius sacerdos, ille, si fieri potest, vocetur, ut matrimonium benedicat salva matrimonii validitate coram solis testibus; eisdem in casibus etiam sacerdos acatholicus vocari potest.

§3. Si matrimonium celebratum est coram solis testibus, coniuges a sacerdote quam primum benedictionem matrimonii suscipere ne neglegant.

blessing. Consequently, such a marriage celebration would be comparable to the extraordinary form; the priest's blessing should be obtained afterwards. Given this reality, it is very difficult to imagine "a most grave cause" that would justify such a major departure from the eastern tradition as would be entailed in dispensing from the canonical form to allow a deacon to assist at marriage.

Out of respect for the eastern tradition and law, a deacon should not assist at a marriage celebrated in the Latin Church between a Latin and an Eastern Catholic. This would offend the sensibilities of many Eastern Christians who are convinced that, at least for their own faithful, the blessing of the priest is essential to the sacrament and necessary for the validity of the marriage. The same is true in places where a lay minister is authorized to assist at marriage (*CIC* c. 1112). Only a priest should assist at the marriages of an Eastern Christian, even when the marriage is celebrated in a Latin jurisdiction.

4.3.7 Sacramentals

Both the Latin Code (c. 1166) and the Eastern Code (c. 867, §1) provide a definition of sacramentals that comes from the Constitution on the Sacred Liturgy of Vatican II. Sacramentals "are sacred signs by which, somewhat in imitation of the sacraments, effects, especially spiritual effects, are signified and are obtained by the intercession of the Church. Through them, people are disposed to receive the principal effect of the sacraments, and various occasions in life are sanctified."⁸⁹ In the Latin Church, "the Apostolic See alone can establish new sacramentals, authentically interpret

⁸⁹ *Sacramentalia praeterea sancta Mater Ecclesia instituit. Quae sacra sunt signa quibus, in aliquam Sacramentorum imitationem, effectus praesertim spirituales significantur et ex Ecclesiae impetratione obtinentur. Per ea homines ad praecipuum Sacramentorum effectum suscipiendum disponuntur et varia vitae adiuncta sanctificantur (SC 60).*

those already received, or abolish or change any of them” (c. 1167, §1).⁹⁰ In the Eastern Code, the second paragraph of *CCEO* c. 867 states: “Regarding sacramentals, the norms of the particular law of the respective Church *sui iuris* are to be observed.”⁹¹

Since sacramentals are liturgical rites, the competent authority to establish sacramentals in the Eastern Catholic Churches is regulated by *CCEO* c. 657, §1 which lays down the following rules.

1. In patriarchal Churches, the approval of liturgical texts, after prior review by the Holy See, is reserved to the patriarch with the consent of the synod of bishops of the patriarchal Church.

2. In metropolitan Churches *sui iuris*, such approval is reserved to the metropolitan with the consent of the council of hierarchs.

3. In other Churches, this right rests exclusively with the Holy See and, within limits set by it, to bishops and their legitimately constituted assemblies.⁹²

⁹⁰ Nova sacramentalia constituere aut recepta authentice interpretari, ex eis aliqua abolere aut mutare, sola potest Sedes Apostolica.

⁹¹ Circa sacramentalia servantur normae iuris particularis propriae Ecclesiae sui iuris. Canon 112 of the UCC Canons offers nothing further than the common law. It simply says, “Concerning sacramentals, the liturgical norms are to be observed.”

⁹² Canon 657, §1. Textuum liturgicorum approbatio praevia Sedis Apostolicae recognitione reservatur in Ecclesiis patriarchalibus Patriarchae de consensu Synodi Episcoporum Ecclesiae patriarchalis; in ecclesiis metropolitanis sui iuris Metropolitanae de consensu Consilii Hierarcharum; in ceteris Ecclesiis hoc ius est solius Sedis Apostolicae atque intra limites ab eadem statutos Episcoporum eorumque coetuum legitime constitutorum.

§2. Eisdem auctoritatibus quoque competit ius approbandi versiones eorundem librorum ad usum liturgicum destinatas facta relatione, si de Ecclesiis patriarchalibus vel metropolitanis sui iuris agitur, ad Sedem Apostolicam.

§3. Ad iterum edendos libros liturgicos vel eorum in aliam linguam versiones ad usum liturgicum destinatas vel eorum partes requiritur et sufficit, ut constet de concordantia cum editione approbata ex attestazione Hierarchae loci, de quo in can. 662, §1.

§4. In mutationibus textuum liturgicorum attendatur can. 40, §1.

An interpretation of the Pontifical Commission for the Interpretation of the Decrees of Vatican II ruled that deacons may impart only those blessings and other sacramentals that are expressly allowed them by law.⁹³ This applies equally to the Eastern Catholic Churches. Concretely, this means that no diocesan/eparchial bishop, much less a pastor or another priest, can validly delegate a deacon to celebrate a sacramental unless the law allows this.

In the Latin Church, the deacon is permitted by law to celebrate a large variety of sacramentals and, in some instances, by delegation, which usually must come from the bishop or pastor.⁹⁴ We have already addressed several sacramentals at which deacons may preside: the rites for administering Holy Communion or Viaticum outside Mass, Eucharistic benediction, and the two rites of marriage at which a deacon may preside.⁹⁵ In addition, deacons may preside at numerous blessings, various rites for the pastoral care of the sick and dying, several rites in the catechumenal process of the Rite of Christian Initiation of Adults, and the Rite of Bringing a Baptized Child to the Church from the

⁹³ 13 November 1974, in AAS, 66 (1974) p. 667; CLD vol. 8, p. 849.

⁹⁴ See CIC c. 1168 on sacramentals in general and c. 1169, §3 on blessings in particular. There are no such corresponding canons in the CCEO. See also *Rituale Romanum: De benedictionibus, editio typica*, 31 May 1984, Typis Polyglottis Vaticanis, 1984, adapted English version *Book of Blessings, approved for use in the Dioceses of the United States of America by the National Conference of Catholic Bishops and Confirmed by the Holy See*, Collegeville, Liturgical Press, 1989 (=Book of Blessings).

⁹⁵ These rites for administering Holy Communion or Viaticum outside Mass, Eucharistic benediction, funeral rites, and the two rites of marriage at which a deacon may preside fit the juridical definition of sacramentals as liturgical rites other than the sacraments or the liturgy of the hours. Although the Eucharist is a sacrament, the rite for administering it outside Mass is a sacramental instituted by the Church. Likewise, marriage is a sacrament, but the four liturgical rites of marriage in the Latin Church are sacramentals.

ritual for infant baptism.⁹⁶ There is nothing parallel to all this in the Byzantine Rite tradition in which the deacon assists the priest at liturgy but does not preside. A remnant of this tradition also exists in the Latin Church today, however. The general rule is that a deacon may not celebrate a sacramental or sacrament during the Eucharist (e.g., baptism, blessing, marriage rite). The priest who presides at Mass also presides at any other rites occurring during that celebration. The same principle holds for other rites at which a priest is presiding.⁹⁷

Funerals are a form of sacramental. A deacon in the Latin Church may preside in virtue of the law itself at all the funeral rites, except for the funeral Mass.⁹⁸ In the Ukrainian Church, deacons may preside at these services in pastoral need. In the Ukrainian Church the celebration of funeral rites apart from the Divine Liturgy would require delegation by the bishop.⁹⁹

⁹⁶ A detailed treatment of this is found in J.M. HUELS, "The Ministers of Sacramentals," in *The Jurist*, 65 (2005), pp. 339-359.

⁹⁷ Cf. *Book of Blessings*, 18 c.

⁹⁸ "Exsequiæ, sola Missa excepta, peragi possunt a diacono. Necessitate pastorali id exigente, Conferentia Episcopalis, de licentia Apostolicæ Sedis, etiam laicum deputare potest." *Ordo exequiarum*, 15 August 1969, *editio typical* 1969, no. 19; Order of Christian Funerals, *Rites*, vol. 1, pp. 909-1118.

⁹⁹ In the Ukrainian Church, the assistance of deacons is needed in some places for funerals, memorial services for the deceased (panakhyda), blessings of homes and so forth. See POSPISHIL, *Eastern Catholic Church Law*, pp. 625-627.

4.4. *Munus regendi*

“Finally, the *munus regendi* is exercised in dedication to works of charity and assistance and in the direction of communities or sectors of church life....”¹⁰⁰ The ruling function is that of Christ the King, or Christ the Good Shepherd, the pastor of his flock. It applies to every dimension of the Church’s activity distinct from the teaching and sanctifying functions: Church governance, offices, pastoral care, administration, apostolate, tribunal ministry, etc. Given the vastness of the law’s coverage of all these areas, we shall limit our discussion to those specific aspects of the *munus regendi* identified in the *Directory for the Ministry and Life of Permanent Deacons*. This will be supplemented with references to the corresponding canons in the two Codes and to other sources of the current law.

The *Directory for the Ministry and Life of Permanent Deacons* (nn. 40-42) treats the exercise of the *munus regendi* by the deacon in the framework of his appointment to parochial and diocesan offices and his membership in parochial and diocesan councils and other related bodies. *DMLPD* no. 40 treats the conferral of an ecclesiastical office on a deacon by the bishop. It says only the bishop may confer such an office. In doing so, the bishop should give careful attention to the pastoral needs of the faithful as well as to the personal, familial, and professional situation of the deacon. Already at the time of ordination, the bishop should assign a pastoral responsibility to the deacon “for the good of the deacon and to prevent improvisation.”

In every case it is important, however, that deacons fully exercise their ministry, in preaching, in the liturgy, and in charity to the extent that

¹⁰⁰ CCE, *Basic Norms*, p. 27, no. 9. See also *DLMPD*, no. 22. The *munus regendi* is not contained in one book in either the Latin or the Eastern Codes of Canon Law. The ruling functions are scattered throughout the codes.

circumstances permit. They should not be relegated to marginal duties, be made merely to act as substitutes, nor discharge duties normally entrusted to non-ordained members of the faithful. Only in this way will the true identity of permanent deacons as ministers of Christ become apparent and the impression avoided that deacons are simply lay people particularly involved in the life of the Church.¹⁰¹

In the Latin law, “Only clerics can obtain offices for whose exercise the power of orders or the power of ecclesiastical governance is required.”¹⁰² This canon appears in the sections on the rights and obligations of clergy. The cleric’s right to office in the Eastern Code is more broadly expressed than the provision of the Latin Code, which deals only with the right to offices involving the powers of order and governance. Canon 371, §1 states: “Clerics have the right to obtain from their eparchial bishop, after the requirements of law have been satisfied, a certain office, ministry, or function to be exercised in the service of the Church.”¹⁰³ The canon is not limited to offices involving the exercise of the power of order or the power of governance. All clergy, deacons included, have a right to some office, ministry, or function so that they may exercise their order in the service of the Church. Lay persons have no such right.

DMLPD, no. 41 treats parochial offices that a deacon may hold. The first is that of the deacon who collaborates with the pastor of a parish. Canon 519 of the Latin Code names both presbyters and deacons as cooperating with the pastor in carrying out the

¹⁰¹ *DLMPD* 40.

¹⁰² Canon 274 §1. Soli clerici obtinere possunt officia ad quorum exercitium requiritur potestas ordinis aut potestas regiminis ecclesiastici.

¹⁰³ Ius habent clerici obtinendi a proprio Episcopo eparchiali praemissis iure requisitis aliquod officium, ministerium vel munus in servitium Ecclesiae exercendum.

functions of teaching, sanctifying and governing.¹⁰⁴ There is no such parallel canon in the Eastern Code. However, the Eastern Code does acknowledge that deacons assist the pastor in the parish; this is done in the context of their assistance to him in parish catechesis (c. 624, §2).

DMLPD 41 next mentions the office of the deacon that involves the exercise of pastoral care in a parish without a resident pastor (*CIC* c. 517, §2). For this office, it says that deacons “always have precedence over the non-ordained faithful.” It goes on to say that the moderator of the parish must be a priest who is the proper shepherd and that the deacon assists him in the *cura animarum*. This office does not exist in the Eastern Code which envisions all parishes having a pastor, even if a single priest must be entrusted with several parishes (c. 287, §1). In actual practice, deacons in the Eastern Churches in some places are entrusted with the pastoral care of parishes that lack a resident priest. This is not unknown, for example, in Ukrainian parishes in rural areas of Canada.

Related to this office of canon 517, §2, the same norm of *DMLPD* says deacons may be called “to guide dispersed Christian communities in the name of the bishop or the parish priest.”

This is a missionary function to be carried out in those territories, environments, social strata and groups where priests are lacking or cannot be easily found. In particular, in those areas where no priest is available to celebrate the Eucharist, the deacon brings together and guides the community in a celebration of the word with the distribution of Holy Communion which has been duly reserved.... Where deacons are available, participation in the pastoral care of the faithful may not be entrusted to a lay person or to a community of lay persons. Similarly,

¹⁰⁴ Parochus est pastor proprius paroeciae sibi commissae, cura pastoralis communitatis sibi concredita fungens sub auctoritate Episcopi dioecisani, cuius in partem ministerii Christi vocatus est, ut pro eadem communitate munera exsequatur docendi, sanctificandi et regendi, cooperantibus etiam aliis presbyteris vel diaconis atque operam conferentibus christifidelibus laicis, ad normam iuris.

where deacons are available, it is they who preside at such Sunday celebrations.

Finally, the Directory says that deacons in these parochial offices have the right to be on the parish pastoral council. Participation in the pastoral council is another way of exercising the *munus regendi*.

DMLPD, no. 42 treats some of the diocesan offices that a deacon may hold. Specifically named are the offices of chancellor, judge, assessor, auditor, promoter of justice, defender of the bond, and notary. These offices also exist in the Eastern Catholic Churches. In the Eastern law, the office of chancellor is open only to a presbyter or deacon (c. 252, §1), unlike in the Latin law which does not exclude a lay person from being appointed by the bishop to this office (c. 482). No other offices are mentioned (e.g., diocesan finance officer), but it is evident that any diocesan office in the two Codes that a lay person may hold may also be held by a deacon.

The Directory then says that deacons may be members of diocesan consultative bodies. These would be the diocesan pastoral council, the diocesan financial council, diocesan synods, and various diocesan commissions (e.g., ecumenism, liturgy, religious education). The Eastern Code, too, provides for an eparchial pastoral council (c. 272), eparchial financial council (c. 263, §1), and an eparchial assembly (sobor), which is the Eastern equivalent to the Latin diocesan synod. In the Eastern Code, a representation of deacons at the synod is required. *CCEO* c. 238, §1, n. 8 says that some deacons are to be elected, in accord with the norms of particular law; the eparch must convoke them to the eparchial assembly and they must attend it.¹⁰⁵ Canon 27, 3° of the UCC Canons says

¹⁰⁵ §1. Ad conventum eparchialem convocandi sunt eumque adire debent ... 8° aliquot diaconi ad normam iuris particularis electi; ...

“some deacons, elected by the presbyteral council in the number established by the eparchial bishop, are to be summoned to the eparchial assembly and must be present for it.” The Latin Code, in canon 463, §1, requires that laity and priests, among others, must be called to the diocesan synod, but there is no mention of deacons. The bishop would, nevertheless, be free to convoke a representation of the deacons to the synod in virtue of the second paragraph of that canon, which says that he may call others to be members of the synod, be they clerics, members of institutes of consecrated life, or laity.¹⁰⁶

The Directory concludes its treatment of this topic with an admonition that the deacon’s participation in the *munus regendi* must be informed by charity and service.

In the exercise of the above offices, the deacon should recall that every action in the Church should be informed by service and charity to all. In judicial, organizational, and administrative matters, deacons should always strive to avoid unnecessary forms of bureaucracy, lest they deprive their ministry of pastoral meaning and value. Those deacons who are called to exercise such offices should be placed so as to discharge duties which are proper to the diaconate, in order to preserve the integrity of the diaconal ministry.

4.5 Diaconal Spirituality

The law of the Church in both East and West, in continuity with ancient tradition, does not consider the deacon’s ministerial functions in isolation from his spirituality. Indeed, the development of his spiritual life is related to his ministry. “The outlines of the specific spirituality of the deacon flow clearly from his theological identity; this spirituality is one of service.”¹⁰⁷

¹⁰⁶ §2. Ad synodum dioecesanam ab Episcopo dioecesano vocari uti synodi sodales possunt alii quoque, sive clerici, sive institutorum vitae consecratae sodales, sive christifideles laici.

¹⁰⁷ CCE, *Basic Norms*, no. 11.

All the faithful are called to holiness of life; this is a fundamental Christian obligation (*CIC* c. 210; *CCEO* c. 13). For the deacon, this fundamental duty is also rooted in the sacrament of holy orders. “The deacon is called to live a holy life because he has been sanctified by the Holy Spirit in the sacraments of baptism and holy orders and has been constituted by that same Spirit a minister of Christ’s Church to serve and sanctify mankind” (*DMLPD*, no. 45). Pope John Paul II taught that, for deacons, the call to holiness means “following Jesus by an attitude of humble service which finds expression not only in works of charity but also in imbuing and forming thoughts and actions.” When “their ministry is consistent with this spirit, [deacons] clearly highlight that quality which best shows the face of Christ: service which makes one not only ‘a servant of God’ but also servants of God in our own brothers and sisters.”¹⁰⁸ Given this close connection between diaconal ministry and diaconal spirituality, we close this chapter with a comparative study of the canons in the Latin and Eastern Codes related to clerical spirituality in general and diaconal spirituality in particular. These are found in the two Codes in their treatment of the obligations and rights of clerics.

4.5.1 Holiness of life

The Latin Code says that clergy have a special obligation to pursue holiness of life: “In leading their lives, clerics are bound in a special way to pursue holiness since, having been consecrated to God by a new title in the reception of orders, they are dispensers of the mysteries of God in the service of His people.” The Eastern Code does not have the same statement, but it has a number of canons on the spirituality of the deacon.

¹⁰⁸ Catechesis at the general audience of 20 October 1993, in *Insegnamenti*, 16 (1993), p. 1054.

The first clerical obligation given in the Eastern Code has no parallel in the Latin Code but is a statement from *Presbyterorum ordinis* 4. Canon 367 states: "Clerics have as their first obligation to announce the Kingdom of God to all and to make manifest the love of God toward all humanity in the ministry of the word and sacraments and even in their whole lives, so that all, loving one another and loving God above all things, may be built up and increase in the Body of Christ which is the Church."¹⁰⁹ Canon 368 of the *CCEO* also comes from *Presbyterorum ordinis* (no. 12). In the *CCEO*, it applies to all clergy, not just to priests: "Clerics are bound in a special manner to the perfection which Christ proposes to his disciples, since they are consecrated to God in a new way by sacred ordination, so that they may become more suitable instruments of Christ, the Eternal Priest, in the service of the people of God, and at the same time be exemplary models to the flock."¹¹⁰

4.5.2 Spiritual practices

In the Gospels, Christ urges his disciples to pray (Mk 14:37; Mt 26:40, Lk 22:46). Saint Paul echoes this in exhorting Christ's followers to "pray constantly" (1 Th 5:17), to "be constant in prayer" (Rom 12:12). While all Christians are called to pray, the call of the bishops, priests, and deacons is to be leaders of prayer, by act and by example. Clerics are urged in the Latin Code to engage regularly in mental prayer (c. 276, 5 °). They are also exhorted "to nourish their spiritual life from the twofold table of sacred scripture and

¹⁰⁹ Clerici primam habent obligationem Regnum Dei omnibus annuntiandi et amorem Dei erga homines in ministerio verbi et sacramentorum, immo et tota vita repraesentandi ita, ut omnes invicem et super omnia Deum diligentes in Corpus Christi, quod est Ecclesia, aedificentur atque crescant.

¹¹⁰ Ad perfectionem, quam Christus suis discipulis proponit, speciali ratione tenentur clerici, cum Deo sacra ordinatione novo modo sint consecrati, ut Christi aeterni Sacerdotis in servitium populi Dei aptiora instrumenta efficiantur et simul sint gregi forma exemplaris.

the Eucharist; therefore, priests are earnestly invited to offer the eucharistic sacrifice daily and deacons to participate in its offering daily (c. 276, §2, 2 °). The clergy are also urged “to approach the sacrament of penance frequently, to honor the Virgin Mother of God with particular veneration, and to use other common and particular means of sanctification (c. 276, §2, 5 °).¹¹¹

The Eastern Code is quite similar regarding these obligations:

The daily reading and meditation of the Word of God is incumbent upon clerics so that as faithful and truly attentive hearers of Christ, they may become true ministers of preaching; they are to be unremitting in prayer, in liturgical celebrations and especially in devotions toward the mystery of the Eucharist. They are to daily examine their consciences and frequently receive the sacrament of penance. They are to honor St. Mary, the ever Virgin Mother of God, and implore from her the grace of conforming themselves to her Son; they are to carry out the other pious exercises of their own Church *sui iuris*.¹¹²

¹¹¹ Canon 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:

1° imprimis ministerii pastoralis officia fideliter et indefesse adimpleant;

2° duplici mensa sacrae Scripturae et Eucharistiae vitam suam spiritualem nutrant; enixe igitur sacerdotes invitantur ut cotidie Sacrificium eucharisticum offerant, diaconi vero ut eiusdem oblationem cotidie participant;

3° obligatione tenentur sacerdotes necnon diaconi ad presbyteratum aspirantes cotidie liturgiam horarum persolvendi secundum proprius et probatos liturgicos libros; diaconi autem permanentes eandem persolvant pro parte ab Episcoporum conferentia definita;

4° pariter tenentur ad vacandum recessibus spiritualibus, iuxta iuris particularis praescripta;

5° sollicitantur ut orationi mentali regulariter incumbant, frequenter ad paenitentiae sacramentum accedant, Deiparam Virginem peculiari veneratione colant, aliisque mediis sanctificationis utantur communibus et particularibus.

¹¹² Canon 369, §1. Clerici in lectionem et meditationem verbi Dei cottidie incumbant ita, ut Christi auditors fideles atque attenti facti evadant veraces ministri praedicationis; in oratione, in celebrationibus liturgicis et praesertim in devotione erga mysterium Eucharistiae assidui sint; conscientiam suam cottidie discutiant et sacramentum paenitentiae frequenter suscipiant; Sanctam Mariam semper Virginem, Dei Matrem colant et ab ea gratiam se conformandi eius Filio implorent aliaque propriae Ecclesiae sui iuris exercitia pietatis peragant.

Canon 378 of the *CCEO* gives a rule on the obligation to celebrate the Divine Liturgy: “According to the norm of the particular law, clerics are to celebrate the Divine Liturgy frequently, especially on Sundays and holy days of obligation; indeed daily celebration is eagerly encouraged.”¹¹³ The particular law of the Ukrainian Catholic Church follows suit: “Clerics are to celebrate the Divine Liturgy on Sundays and on prescribed Holy Days; indeed daily celebration is eagerly encouraged.”¹¹⁴ It is noteworthy that this obligation applies to all clerics; even deacons are to *celebrate* the Divine Liturgy. In the Latin law, only priests are said to celebrate the Eucharist which, in the Code, means either presiding at or concelebrating Mass (c. 904).

Another spiritual practice that clergy are obliged to observe is making spiritual retreats. The Latin Code provides that clerics are bound to make time for spiritual retreats in accord with particular law.¹¹⁵ The particular law in question, for the secular clergy, is the law or custom of the diocese and, for clergy who are members of institutes of consecrated life or societies of apostolic life, it is the proper law. The Eastern Code mentions spiritual direction together with spiritual retreats: [Clerics] “are to attach great importance to spiritual direction and to take time for spiritual retreats at the times established according to the prescriptions of the particular law” (c. 369, §2).¹¹⁶ The particular law of the Ukrainian Catholic Church states: “Clerics are to attach great

¹¹³ *Divinam Liturgiam clerici frequenter ad normam iuris particularis celebrent praesertim diebus dominicis et festis de praecepto; immo enixe commendatur celebratio cottidiana.*

¹¹⁴ UCC Canons, c. 57.

¹¹⁵ Canon 276, §2, n. 2 : ... pariter tenentur ad vacandum neccessibus spiritualibus, iuxta iuris particularis praescripta.

¹¹⁶ Directionem spiritualem magni faciant et statutis temporibus secundum iuris particularis praescripta recessibus spiritualibus vacent.

importance to the spiritual director and his guidance, according to the norms established by the eparchial bishop, and to take part in an annual retreat of at least five days.”¹¹⁷ The Latin Code does not mention spiritual direction in the context of clerical obligations, but it is recommended in *DMLPD*.¹¹⁸

4.5.3 Liturgy of the hours, divine praises

Most of the spiritual obligations mentioned heretofore are stated in the language of an exhortation, which is a mild form of command. Regarding the obligation of clergy to celebrate the liturgy of the hours, or the “divine praises” as it is known in the Eastern tradition, the language is that of a strictly binding legal obligation. The Latin law says that priests, and deacons aspiring to the presbyterate, are bound by the obligation (*obligatione tenentur*) to celebrate the liturgy of the hours daily according to the proper and approved liturgical books; permanent deacons are to do the same to the extent determined by the conference of bishops.¹¹⁹ The Canadian Conference of Catholic Bishops decreed that permanent deacons are obliged to pray daily morning and evening prayer.¹²⁰ The National Conference of Catholic Bishops of the USA decreed: “Deacons should be expected to know the nature and structure of the Liturgy of the Hours and be

¹¹⁷ UCC Canons, c. 54.

¹¹⁸ No. 58 states: “Regular spiritual direction is truly of the greatest assistance to deacons. Experience clearly shows how much can be gained in sincere and humble dialogue with a wise spiritual director, not only in the resolution of doubts and problems which inevitably arise throughout life, but also in employing the necessary discernment to arrive at better self-knowledge and to grow in faithful fellowship of Christ.”

¹¹⁹ Canon 276, §2, n. 3: ... obligatione tenentur sacerdotes necnon diaconi ad presbyteratum aspirantes cotidie liturgiam horarum persolvendi secundum proprius et probatos liturgicos libros; diaconi autem permanentes eadem persolvant pro parte ab Episcoporum conferentia definita.

¹²⁰ Decree no. 17, 8 October 1986, *Complementary Norms to the 1983 Code of Canon Law*, Ottawa, CCCB, p. 21. CCEO, cc. 369, 377.

able to lead it publicly. Although they are not bound by the universal church law to say the whole prayer every day, permanent deacons should not hold themselves lightly excused from the obligation they have to recite morning and evening prayer.”¹²¹

The Eastern Code also uses a strong form of command, though different from that of the Latin Code: “All clerics must celebrate (*celebrare debent*) the divine praises according to the particular law of their own Church *sui iuris*.”¹²² Canon 56 of the UCC Canons 377 says: “All clerics must celebrate the divine praises daily, either publicly or privately, unless they are unable to do so for a just cause.” No distinction is made between permanent deacons and the rest of the clergy. Moreover, clergy are allowed to excuse themselves from the obligation for a just cause.

The General Instruction on the Liturgy of the Hours, which is the principal source of law of the Latin Church on the liturgy of the hours, presents a hierarchy of hours in discussing the clerical obligation to celebrate “the full sequence of hours each day, observing as far as possible the true time of day.”¹²³ The most important hours are morning and evening prayer, “which should not be omitted except for a serious reason.” It follows that a lesser reason, namely, a just cause, would justify omission of the other hours. No dispensation is required. The cleric, exercising responsible freedom, may

¹²¹ BISHOPS’ COMMITTEE ON THE PERMANENT DIACONATE, NATIONAL CONFERENCE OF CATHOLIC BISHOPS, *Permanent Deacons in the United States, Guidelines on their Formation and Ministry*, 1984 Revision, Washington DC, USCC, 1985, p. 37, no. 97.

¹²² Canon 377. Omnes clerici laudes divinas celebrare debent secundum ius particulare propriae Ecclesiae sui iuris.

¹²³ *Liturgia horarum iuxta ritum romanum, editio typica altera*, 7 April 1985, Typis Polyglottis Vaticanis, 1985, *Institutio generalis de liturgia horarum*, no. 29; English translation in *Documents on the Liturgy 1963-1979: Conciliar, Papal, and Curial Texts*, Collegeville, Liturgical Press, 1982, no. 3459.

excuse himself for a serious reason from morning or evening prayer and from the other hours for a just cause.

On the obligation of clerics in the Eastern Churches to celebrate the divine praises, the Congregation for Eastern Churches urges that this be done communally.

The ideal form of celebration, better manifesting the value of prayer by the Church and for the Church, is certainly communal, which is to be realized and encouraged as a priority. When objective reasons impede a communal form of celebration, clerics are to at least pray individually with sacred texts of the divine praises, constantly interceding in the name of all for the people entrusted to them, for the needs of the Church and the whole world, as befits a good pastor.¹²⁴

The liturgical law of the Latin Church speaks in the same vein. It says that the liturgy of the hours, like other liturgical services, is not a private matter but belongs to the whole body of the Church. Whenever possible, the liturgy of the hours should be celebrated communally in church, and this applies especially to parishes. The law goes on to say that those in holy orders have an obligation to invite the people and prepare them to celebrate the principal hours in common, especially on Sundays and holydays.¹²⁵

4.5.4 Celibacy and marriage

The *Directory for the Ministry of Life and Permanent Deacons* distinguishes the way that spirituality of deacons who are celibate and those who are married is lived out. Celibacy is described as a gift from God which “directs the whole person of the deacon toward Christ who devoted himself in chastity to the service of the Father so as to bring man to the fullness of the kingdom.” The Directory continues: “In celibate life, indeed,

¹²⁴ CEC, *Instruction*, no. 99. The *Instruction* sets forth the rules to be followed by Eastern clerics with regard to recitation of the office. It celebrates the divine creation by stressing that prayer involves the total person, “soul, spirit, heart, mind, and body.”

¹²⁵ *Institutio generalis de liturgia horarum*, nn. 20-23.

love becomes a sign of total and undivided consecration to Christ and of greater freedom to serve God and man" (no. 60). The Code of Canon Law speaks in much the same terms in describing the obligation of clerics to observe celibacy and perfect and perpetual continence for the sake of the kingdom of heaven. It says that celibacy is "a special gift of God by which sacred ministers can adhere more easily to Christ with an undivided heart and are able to dedicate themselves more freely to the service of God and humanity."¹²⁶ Literally, this canon applies to all clerics and makes no exception for married permanent deacons. This seems to be simply an unintended oversight by the legislator.¹²⁷

The Eastern Code is more balanced than the Latin Code in praising both a celibate and married clergy. Canon 373 states: "Clerical celibacy chosen for the sake of the kingdom of heaven and suited to the priesthood is to be greatly esteemed everywhere, as supported by the tradition of the whole Church; likewise, the hallowed practice of married clerics in the primitive Church and in the tradition of the Eastern Churches throughout the ages is to be held in honor."¹²⁸ This parallel treatment of celibate and

¹²⁶ Canon 277 §1. Clerici obligatione tenentur servandi perfectam perpetuamque propter Regnum coelorum continentiam, ideoque ad coelibatum adstringuntur, quod est peculiare Dei donum, quo quidem sacri ministri indiviso corde Christo facilius adhaerere possunt atque Dei hominumque servitio liberiori sese dedicare valent.

¹²⁷ There is an article interesting from a theoretical point of view by E. PETERS, "Canonical Considerations on Diaconal Continence," in *Studia Canonica*, 39 (2005), pp. 147-180. Peters argues that, in the Western Church, married deacons should be practicing continence and, if not, then the practice of their not being celibate is anomalous and should be addressed. I believe rather that the law on this point simply fails to distinguish between celibate and married deacons. It is a lacuna. There is absolutely no indication from the Holy See that the canon requiring perfect and perpetual continence of clerics must also be applied to married deacons. Certainly, the deacons' wives are never asked to consent to that before ordination. More positively, the *DMLPD* states at no. 33. "Married deacons can be of much assistance in promoting the Gospel value of *conjugal love* [emphasis added], the virtues which protect it and the practice of parenthood which can truly be regarded as responsible, from a human and Christian point of view."

¹²⁸ Caelibatus clericorum propter regnum coelorum delectus et sacerdotio tam congruus ubique permagni faciendus est, prout fert universae Ecclesiae traditio; item status clericorum

married clergy also is seen in the following canon: “Clerics, celibate or married, are to excel in the virtue of chastity; it is for the particular law to establish suitable means for pursuing this end.”¹²⁹ On this matter, the UCC particular law states: “Clerics, celibate or married, are to excel in the virtue of chastity, proper to their state. It is the duty of the eparchial bishop to establish suitable means for pursuing this end” (c. 55). The UCC law might well serve as a model for other Churches in its speaking of clerics observing the virtue of chastity that is “proper to their state.” The chastity observed by a married deacon is not identical to that of celibates.

In discussing the *munus docendi* above, we saw that the law in both the Latin and Eastern Catholic Churches values married deacons (and also presbyters in the Eastern Churches) for the witness they can provide of Christian marriage and family life. We have now seen that the Eastern Code and the UCC particular law link the marriage of clergy with their spirituality in saying that married clerics as well as celibates should excel in the virtue of chastity (proper to their state). In the Latin Church, the *DMLPD* also links a deacon’s marriage to his spirituality. “The sacrament of matrimony sanctifies conjugal love and constitutes it a sign of the love with which Christ gives himself to the Church (cf. Eph 5:25). It is a gift from God and should be a source of nourishment for the spiritual life of those deacons who are married” (no. 61). This is a much more positive treatment of married deacons than is seen in the Code.

In the Eastern Churches, the married clergy, whether priest or deacon, may not remarry after ordination (c. 804). The same is true in the Latin Church with respect to

matrimonio iunctorum praxi Ecclesiae primaevae et Ecclesiarum orientalium per saecula sancitus in honore habendus est.

¹²⁹ Canon 374. Clerici caelibes et coniugati castitatis decore elucere debent; iuris particularis est statuere opportuna media ad hunc finem assequendum adhibenda.

married deacons (c. 1087).¹³⁰ However, after having received a number of petitions concerning widowed permanent deacons in the Latin Church, the Congregation for Divine Worship and Discipline of the Sacraments considered mitigating circumstances in certain situations that might permit a new marriage and decided that a dispensation from the impediment of sacred orders could be granted by the Holy See under any one of three conditions: (1) the great and proven usefulness of the ministry of the deacon to the diocese to which he belongs; (2) that he has children of such a tender age as to be in need of motherly care; (3) that he has parents or parents-in-law who are elderly and in need of care.¹³¹ Thus the Latin Church introduced a completely “new practice” foreign to both the tradition of the West and the tradition of the East. More recently, in the pontificate of Benedict XVI, this exception was greatly restricted. Now, three conditions must be met simultaneously: the great pastoral usefulness of the deacon’s ministry, the attestation of the bishop, and the care of minor children.¹³²

¹³⁰ We saw in Chapter Two the strong affirmation of this tradition by Paul VI in *Sacerdotalis caelibatus*, no. 40. The rule against marriage after orders, well established in the Eastern Churches, may be traced to Scripture: 1 Tim 3:2 (bishops); 1 Tim 3:12 (deacons); Titus 1:6 (presbyters). See *CCEO* cc. 1453, §2 and 804.

¹³¹ CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS, “Circular Letter to Diocesan Ordinaries and to Superiors General of Institutes of Consecrated Life and Societies of Apostolic Life,” 6 June 1997, in *Origins* 27 (1997), pp. 169-172. The English text is that published by the Congregation. The matter of remarriage by permanent deacons in the Latin Church was studied at length by the Congregation.

¹³² CONGREGATION FOR DIVINE WORSHIP AND THE DISCIPLINE OF THE SACRAMENTS, letter, 13 July 2005, prot. no. 1080/05, in W.H. WOESTMAN, *The Sacrament of Orders and the Clerical State: A Commentary on the Code of Canon Law*, 3rd ed. rev. and updated, Ottawa, Saint Paul University Faculty of Canon Law, 2006, p. 456.

CONCLUSION

This chapter has directly addressed the central concern of this work, namely, the deacon's participation in the *tria munera* of the Church as it is regulated in sources of the current Church law, especially the universal law of the Latin Church, the common law of the Catholic Eastern Churches, and the particular law of the Ukrainian Catholic Church. We have seen that all three bodies of law regulate various forms of participation by deacons in the three *munera*, most extensively in the *munus sanctificandi*. In comparing the three bodies of law on this matter, a number of key differences were noted. Given their centrality to the entire thesis, they are summarized in the general conclusions that follow.

GENERAL CONCLUSIONS

We undertook this thesis with two large questions in mind. The first is: what is the role of the deacon in the *tria munera* of the Church, the threefold functions of teaching, sanctifying, and ruling, and how is this participation regulated in the current law of the Latin and Ukrainian Catholic Churches? Wherever the permanent diaconate has existed, we have seen a consistent pattern throughout history up to the present day. From its scriptural origins to its twentieth-century renewal, certain functions in the *munera docendi, sanctificandi, and regendi* have been recognized by the local Churches as fittingly or preferably exercised by deacons. Despite having certain characteristic roles and tasks, *diakonia* cannot be reduced to any or all them. The deacon is called to serve Christ and his Church, and the pastors of the Church can call upon the deacons to exercise his ministry of service in many ways.

The witness of the New Testament shows that the order of the diaconate had its origins in apostolic times. The development and importance of the diaconate in the ancient Church is documented in the writings of the fathers, Church orders and ordination rites, and the canon law of local and ecumenical councils. Deacons were assistants to the bishop and engaged in various works of charity, administration, and liturgical assistance. Later, they assisted presbyters in parishes in much the same capacities.

In the West, the diaconate began to decline already in the early Middle Ages. This was due to several factors. For one thing, Western Churches tended to limit the number of deacons to seven, seeing this as a scriptural requirement (Acts 6:3). As the episcopal sees grew, these seven deacons had relatively less influence and significance in the life of

the local Church as a whole. The decline of the diaconate paralleled the growth of the presbyterate. With the need for increasing numbers of presbyters to oversee parishes and celebrate the liturgy, the deacons often were ordained presbyters. This led to the notion of the clerical state being akin to the Roman state bureaucracy's *cursus honorum*, and the minor orders and the diaconate became understood as steps towards advancement to the priesthood and sometimes to the episcopacy. The Council of Trent actually called for a restoration of the minor orders, the subdiaconate, and the diaconate, but this desired reform was not successful. By the time the permanent diaconate became prohibited in the 1917 Code of Canon Law, it had already been all but dead in the Church of the West for many centuries. In the Christian East, the number of deacons also declined in the Middle Ages, but the office of permanent deacon was never lost, much less excluded by law as in the West.

After much discussion and debate, the Second Vatican Council called for the restoration of the permanent diaconate in the Latin Church and its renewal in the Catholic Eastern Churches. The restoration in the Latin Church was implemented by Pope Paul VI primarily in his 1967 Apostolic Letter *motu proprio*, *Sacrum Diaconatus Ordinem*. This document forms the basis for the current Latin law on the permanent diaconate, that of the 1983 Code of Canon Law and the administrative norms in two major documents of the Roman Curia, the *Directory for the Ministry and Life of Permanent Deacons* of the Congregation for the Clergy and the *Basic Norms for the Formation of Permanent Deacons* of the Congregation for Catholic Education.

In the Eastern Catholic Churches, the permanent diaconate was never abolished but was greatly diminished. In the Ukrainian Catholic Church, only a few permanent

deacons were ordained in Ukraine in the first half of the twentieth century and none in Canada or elsewhere in the diaspora. In all the particular laws affecting the UCC in Canada, there was not a single mention of deacons until after Vatican II. This has changed with the renewal of the permanent diaconate after Vatican II. The Canadian bishops of the UCC were the first Catholic hierarchy in Canada to introduce the permanent diaconate. Their 1967 legislation, promulgated in the eparchies in existence then, is still in effect there today except where it has been changed by law or contrary custom. In a number of respects this legislation is in need of revision. It would be highly desirable for the UCC bishops today to study the whole matter of the permanent diaconate in light of the experience of the past forty years, and then to promulgate revised legislation suitable to current needs.

From our analysis and comparison of the current law governing deacons' participation in the *tria munera*, we discovered a number of noteworthy differences between the universal laws of the Latin Church and the laws of the Ukrainian Church, both the Ukrainian particular laws as well as the common laws from the Code of Canons of the Eastern Churches. The following are the principal differences.

1. The first and foundational doctrinal canons on the sacrament of holy orders in both the Latin Code (c. 1008) and the Eastern Code (c. 743) use different terminology but are substantially the same in their theological content: both say the sacrament confers on those ordained (bishops, presbyters, and deacons) a participation in the *tria munera* of the Church. A key difference is that the Latin Code employs the western theological notion of the sacramental character. The Eastern law does not have this concept, but nonetheless accepts its doctrinal meaning and juridical implications, namely, that the sacrament has a

permanent effect and may not be repeated. Another significant difference is that the Latin Code says that all the ordained act *in persona Christi Capitis*, not just presbyters and bishops. This appears to have been corrected by the Eastern Code and the Catechism of the Catholic Church.

2. A traditional role of the deacon in the *munus docendi* is that of preaching. Both Latin and Eastern Codes give the faculty to deacons to preach from the moment of ordination, but there is a significant difference in the extent of the faculty's use in the Latin and Eastern law. In the Latin law, the faculty is good everywhere (in accord with the norm of c. 764). In the Eastern Code, presbyters have the faculty only where they are legitimately sent or invited; deacons have the same faculty unless particular law establishes otherwise. The particular law of the Ukrainian Catholic Church says that deacons have the faculty only where they are assigned. Thus, deacons in the Ukrainian Church need a delegated faculty from the eparchy to preach outside their place of assignment. Latin deacons would need only the consent, at least presumed, of the rector of the church, unless particular law determines something else.

3. Another way that deacons participate in the *munus docendi* is by the example of their life, holiness, and service. Married clergy in the Eastern Code and married deacons in the Latin law are singled out for the example they can give to the faithful of a model Christian marriage and family. The consistent tradition in both East and West is that celibacy is required after ordination. Recently, in the Latin Church only, permanent deacons are allowed to remarry following the loss of their wife when three conditions are met simultaneously: the great pastoral usefulness of the deacon's ministry, the attestation

of the bishop, and the care of minor children. This is a significant and major departure from tradition which would not likely be acceptable in Eastern Christianity.

4. A third major area for the participation of deacons in the *munus docendi* is that of catechesis. The Eastern Code obliges deacons assigned to a parish to assist the pastor in the catechesis of the faithful. There is no such specific obligation in the Latin law. In fact, the *General Directory for Catechesis* of the Congregation for the Clergy does not even mention deacons! In the Latin law, however, deacons are said to have the responsibility to assist in the ministry of the word in general, of which catechesis is an important part.

5. While deacons' actual functioning in the *munus sanctificandi* may be a small part of their actual ministry (especially if they work full-time for the Church), the laws regulating the deacon's participation in this *munus* are far more numerous than those on the other two *munera*. In both the western and eastern traditions, the principal role of the deacon in this *munus* is to assist the bishop or presiding presbyter at the liturgy. This tradition has been maintained fairly strictly in the East but not in the Latin West.

6. In the Latin Church, a deacon is an ordinary minister of (infant) baptism; a priest presides at adult initiation. In Eastern Churches, both infants and adults are fully initiated in the same celebration at which only the priest presides. The deacon baptizes only in necessity.

7. In the Roman Rite, the word "Eucharist" is used both for the Mass and for Holy Communion. The equivalent for Mass in the Eastern law is the Divine Liturgy and that for Holy Communion is the Divine Eucharist. (a) In both the Roman Rite and Byzantine Rite liturgies, the deacon is the most important minister after the presiding priest and has

numerous functions detailed in the liturgical laws. (b) In the Latin law, the deacon is an ordinary minister of Holy Communion. The Eastern Code leaves it to particular law to determine whether a deacon may distribute the Divine Eucharist. In the Ukrainian Catholic Church, a deacon may distribute the Divine Eucharist when it necessary. Without using the words ordinary or extraordinary, the deacon functions as an extraordinary minister of the Divine Eucharist in the Ukrainian law. In some places, including Canada, eparchs allow deacons to preside at the equivalent of "Communion services" where priests are unavailable for the Divine Liturgy. (c) In the Latin law, the deacon is an ordinary minister of Eucharistic exposition and benediction. This devotional practice is not an authentic part of the eastern tradition.

8. In the Latin Church, deacons may be given general or special delegation to assist at marriages and may preside at two of the four rites of marriage, the Rite of Marriage outside Mass and the Rite of Marriage between a Catholic and a Catechumen. In the Eastern tradition, marriage must be celebrated in a sacred rite at which only a priest may preside; the minister of the sacrament in the eastern tradition is the priest. The Eastern Code makes allowance for the extraordinary form of marriage or the possibility of a dispensation from form. Even then, the couple should afterward seek the nuptial blessing of a priest.

9. In the Roman Rite, deacons may preside at funerals outside Mass, numerous blessings, and other sacramentals as permitted expressly by law. The general rule in the Eastern Churches is that deacons do not celebrate sacramentals because their role is to assist the priest, not to preside. Nevertheless, due to pressing pastoral needs resulting

from a shortage of priests, deacons are in some areas increasingly being called upon to preside at funerals, the blessings of homes, and other sacramentals.

10. The *munus regendi* covers all dimensions of the Church's activity and ministry not subsumed in the other two *munera*, such as governance, offices, pastoral care, administration, apostolate, and tribunals. Regarding the deacon's participation in this ruling function, the principal concern of the law in both the Latin and Eastern Catholic Churches pertains to offices, advisory councils, or other established organs of the diocese or parish. In the Latin law, deacons have a priority over lay ministers in participating in the pastoral care of parishes without a pastor (c. 517, §2). No such office exists in the Eastern Code. When there are not enough priests to be pastors for all the parishes, the Eastern law anticipates that priests would be appointed pastor of several parishes (which may also be done in the Latin Church). In actual practice in some places, Eastern Catholic deacons function in the same way as their Latin counterparts in the pastoral care of parishes without a pastor in residence.

11. On the participation of deacons in diocesan and parish councils and related bodies, a significant difference between the Latin and Eastern law is seen with respect to the membership of the diocesan synod (Latin) and its Eastern equivalent, the eparchial assembly. The Eastern Code requires that a representation of deacons be summoned to the eparchial assembly. The Ukrainian Catholic particular law establishes further that some deacons, elected by the presbyteral council in the number established by the eparchial bishop, are to be summoned to the eparchial assembly and must be present for it. In the Latin Church, even in dioceses with many deacons, there is no requirement that there be any deacon-members of the diocesan synod (although a representation of the

priests and laity is required). Nevertheless, the bishop would be free to convoke one or more deacons to the synod and they would have the obligation to attend.

The secondary question that we hoped to answer in this thesis is whether a functional definition of the deacon suffices for understanding his ecclesial significance. Does a thorough grasp of all the expressions of diaconal service in the *tria munera*, both historically and in current law and practice, give us the full picture of the essence of this first rank of holy orders?

In the first chapter we saw that, from the early days of the apostolic Church, the deacon's calling begins with the local Church identifying a man having the requisite qualities followed by his ordination for the ministry by the imposition of hands of the bishop. The deacon, whose office is primarily one of service to the local Church and, in particular, of assistance to the priests and bishops, has an integral role in the threefold mission of the Church. The mission of the Church given by Christ, which is fundamental to its purpose in this world, is expressed in the three functions, the *tria munera* of the Church. The office of deacon exists to further that mission. However, the precise functions, the ways in which the deacon executes his part of the *tria munera*, even if there is considerable historical continuity in certain broad areas, nevertheless have varied in their precise expressions from time to time, place to place, and sometimes even from bishop to bishop. Thus, no specific diaconal functions are essential to the order as such, other than *diakonia* itself. More important in the choice of a man for ordination as deacon than his ability to perform certain functions are his personal character and qualities; the functions can always be learned in formation. This priority is seen in nearly all the ancient texts on deacons as well as in *Lumen gentium* 29, in the apostolic letters

implementing it, in the revised rite of ordination of deacons promulgated in 1968, in the Byzantine rite of ordination, and in canon law, including the *ius vigens* of the Latin and Ukrainian Catholic Churches. The law is at least equally concerned with fostering the deacon's personal and familial spirituality as it is with regulating the functions he performs.

The focus on the deacon's human qualities, theological virtues, and call to holiness is especially pronounced in the texts of ordination rites from the ancient Church to the present day. The same is seen in most of the patristic writings and canonical texts. Although the identification of certain traditional diaconal functions is by no means neglected in the same texts, these functions do not ultimately determine what is essential to the diaconal order. Any purely functional approach to the diaconate is fundamentally flawed because it is incomplete. The model of the deacon defined by specific functions also imposes unnecessary and unhelpful limitations on the deacon's identity and service. At Vatican II, a key argument against the restoration of the permanent diaconate was that most of his functions can be done by a lay person. The same argument is expressed in dioceses today where practical concerns often outweigh and override both sound tradition and good theology.

The sacrament of holy orders, which is received at ordination to the diaconate, was instituted by Christ and so is part of the divine will for the Church. The Catholic Church at Vatican II, and less so also at Trent, acknowledged that this divine will is not easily recognized in a transitional diaconate leading to the priesthood; only a permanent order can do this.

Ultimately, the deacon's authentic and deepest meaning for the Church cannot be explained or exhausted by canonical sources, for it is a theological reality rooted in the sacramentality of the diaconal order. The deacon is the living sacramental sign of the Servant-Christ. His service is Christ's service. His essence is to be the "Icon of Christ." As Roch Pagé puts it, "C'est du côté de l'être qu'il faut chercher la spécificité du diaconat permanent, et non pas du côté du *faire*. C'est ce qu'ils sont qui fait l'originalité de ce qu'ils font."¹ The uniqueness of the deacon lies not in what he does but in who he is as a result of the grace of the sacrament of order, and who he is gives special ecclesial meaning to what he does. In the deacon's service to the Church, there is signified and realized the sacramental presence of Christ the Servant. The participation of the deacon in the *tria munera* is therefore always a sign to all the faithful of Christ's own servanthood and of their own call to discipleship, to be, and to do, the same as Christ.

¹ R. Pagé, *Diaconat permanent et diversité des ministères. Perspectives du droit canonique*, Montréal, 1988, p. 61.

APPENDIX I**DECREE ESTABLISHING THE PERMANENT DIACONATE
IN THE UKRAINIAN CATHOLIC CHURCH IN CANADA**

Considering on the one hand, the great spiritual and organizational needs of the Ukrainian Catholic Church in Canada, and on the other hand, the great shortage of priests who could carry out their priestly duties, we, the undersigned Bishops, in accordance with the tradition of our own and other Eastern Churches, also in compliance with the Decrees of the II Vatican Council (Constitution on the Church no. 29 and the Decree about the missionary activity of the Church no. 16) and following the instructions of Pope Paul VI's Motu Proprio "De Diaconatu Permanenti," dated June 18, 1967, hereby establish in the Ukrainian Catholic Church in Canada the Permanent Diaconate and the following candidates will be accepted to the Order of Deacon:

1. Single or married men between the ages of 25 and 50 years.
2. Those who have completed at least a high school education.
3. Those who have established a means of support for themselves and eventually even for their families.
4. Candidates who wish to serve Christ's Church and their own Ukrainian people.

The candidates who apply for this position and are accepted to the diaconate, will be ordained deacons only after they have followed a course of spiritual formation and theological studies, which will last about three years in a special seminary.

The candidates will be accepted to the Order of Deacon by their respective Bishop and they will be incardinated into his diocese and ordained for his diocese.

Canonical status and forms of Church activities carried out by the deacon will be guided by the traditions of the Ukrainian Catholic Church and prescripts of canon law.

Given in Ottawa, September 6th, 1967, at the Conference of the Ukrainian Catholic hierarchy of Canada.

- + Maxim Hermaniuk, CSsR, Archbishop of Winnipeg for Ukrainians
- + Neil Savaryn, OSBM, Bishop of Edmonton
- + Isidore Borecky, Bishop of Toronto
- + Andrey Roborecky, Bishop of Saskatoon

APPENDIX II

THE FORMATION PROGRAM FOR PERMANENT DEACONS IN THE UKRAINIAN CATHOLIC CHURCH IN CANADA

The following program for the Deacon's training was officially accepted by the Ukrainian Catholic Hierarchy of Canada on 24 October 1968.

1. The subjects taken will be evaluated on a credit basis.

Dogmatic Theology	6 credits	100 hours
Moral Theology	6 credits	100 hours
Sacred Scripture	6 credits	100 hours
Canon Law	6 credits	100 hours
Church History	6 credits	100 hours
Church Liturgy	4 credits	60 hours
Ukrainian and Church Slavonic	3 credits	45 hours
Church Music and Chant	3 credits	45 hours
Ascetic Theology	3 credits	45 hours
Homiletics	3 credits	45 hours

2. Upon completion of all the lectures in any subject the candidate must pass an examination in that subject.
3. Spiritual formation of the candidate for the Diaconate will be under the Spiritual Director of the Deacon's Course.
4. In the program of spiritual formation there is included daily attendance at the Divine Liturgy (when possible), frequent Holy Communion, spiritual lectures, meditations and spiritual reading. On Sundays and holy days the candidates should take active participation in the various liturgical functions in the parish churches.

Ottawa, April 24th, 1968.

+ Maxim Hermaniuk, Archbishop Metropolitan of Winnipeg

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BIOGRAPHICAL SKETCH

Douglas LeClair was born in Montréal, Quebec, on 13 November 1955; he was raised in Montréal and later in Los Angeles, California. He attended Loyola Marymount University in Los Angeles where he completed a baccalaureate degree *cum laude* with majors in both English literature and in history. He then attended Southwestern University School of Law, earning a *juris doctor* in American civil law. Several years after graduation he moved to Phoenix, Arizona where he practiced civil law and for six years was a member of the teaching faculty of an American Bar Association accredited school, teaching law and accounting.

In 1985 he married Debra, who was born and raised in Chicago and whose ancestry includes Ukrainian roots. Their marital union produced three male offspring, Guy, Luc, and Lawrence in 1991, 1993, and 1995 respectively.

Douglas was ordained deacon in 1995 for the Roman Catholic Diocese of Phoenix. From 1996 to 1998 he earned a licentiate in canon law at Saint Paul University in Ottawa and returned to the Diocese of Phoenix where he worked from 1998 until 2005 in various civil law and canonical capacities, including as advisor to the office of the bishop and to the office of the permanent diaconate, as judge, defender of the bond, and promoter of justice. During most of those years, Deacon LeClair functioned as deacon in the local Ruthenian Eparchy, having been loaned out by the Latin bishop to the Ruthenian bishop to assist the latter as well as serve in a Ruthenian parish. He also served as judge on the Appellate Tribunal for the Ecclesiastical Province of Santa Fe, as advocate on the Tribunal of the Ruthenian Byzantine Catholic Eparchy of Van Nuys, as

advocate on the Diocese of Las Vegas Tribunal, and later as defender of the bond on the Canadian Appeals Tribunal. In addition, Deacon LeClair served as an instructor in the diocesan permanent diaconate formation program as well as chairing the Diaconate Appeals Board and the Diaconate Personnel Board, and committees investigating alleged deacon misconduct. He also was a presenter at three annual conventions of the National Association of Diaconate Directors. In 2001, his book *The Deacon as Icon of Christ* was published and sold internationally.

In 2005, Deacon LeClair was incardinated in the Ukrainian Catholic Archeparchy of Winnipeg where he served as deacon. Upon completing priestly formation at Holy Spirit Ukrainian Catholic Seminary in Ottawa, he was ordained priest. For the Archeparchy, Fr. LeClair is a member of the Presbyteral Council, the College of Consultors, parish priest for seven parishes, judge in the Winnipeg office for the First Instance Inter-Eparchial Marriage Tribunal, and canonical advisor to the Metropolitan-Archbishop and the Chancery.