

DIOCESAN FACULTIES FOR PRIESTS AND COMMENTARY

Pagella

This pagella presents faculties which the bishop conveys to the priests serving within the diocese. Several observations are to be made from the outset:

1. These faculties are concerned with subjects treated in the 1983 Code of Canon Law. Reference is not made, for instance, to liturgical matters not treated in the code (e.g., the faculty to celebrate a second Mass on Holy Thursday).
2. The faculties given to priests are valid within the confines of the parish to which they are assigned, unless otherwise stated.
3. Faculties granted to pastors are understood as being given also to the “parochial administrator” (c. 540) and to the priest members of a “parish team” (c. 517 §1; cf. c. 543 §1).
4. The following faculties do not mention the rights and privileges which are granted by universal law itself to priests, e.g., the faculty to preach (c. 764-765).

DIOCESAN FACULTIES FOR PRIESTS

Baptism and Confirmation

1. The faculty is granted to pastors and parochial vicars to baptize one who has completed the fourteenth year, without previously referring the matter to the diocesan bishop (cf. c. 863).
2. a. The faculty is granted to parochial vicars to administer the Sacrament of Confirmation to those persons who have attained the use of reason and whom they baptize (cf. c. 883).

b. Pastors and parochial vicars are also given the faculty to confirm those persons who have attained the use of reason and are already baptized in another church or ecclesial communion, when they are received by them into full communion with the Church.

c. Other priests, in order to confirm those whom they baptize or receive into full communion with the Church must obtain permission from the proper pastor or parochial vicar except in danger of death.

Eucharist

3. The faculty is granted to priests, for a good reason, to celebrate the Eucharist twice on weekdays and, if a pastoral necessity requires it, three times on Sundays and holy days of obligation (cf. c. 905).
4. The faculty is given to priests to dispense, in individual cases and for a just reason, from the Eucharistic abstinence (cf. c. 919 §1).

Penance

5. The habitual faculty to hear confessions is granted to priests. If the Diocese of Superior is the diocese of incardination or domicile, priests, in virtue of this faculty, may hear confessions throughout the world, unless in a particular case the local ordinary has refused (cf. c. 967-973).
6. The faculty is granted to confessors to remit in the internal forum the automatic (latae sententiae) penalty established by the law for procuring a successful abortion (cf. c. 1398). This faculty may be exercised only within the confines of the diocese and on behalf of any person regardless of the person's residence or the place where the penalty was incurred.

Marriage

7. The faculty is granted to parochial vicars to assist at marriages within the boundaries of the parish to which they are assigned (cf. c. 1111).
8. Whenever the need for a dispensation is discovered after everything has been prepared for the marriage and when the marriage cannot be delayed without the probable danger of grave harm until the dispensation can be obtained from the competent authority, the faculty is granted to those able to assist at marriages and validations of marriages to dispense from the canonical form for marriage and from all the impediments to marriage which may be dispensed by the local ordinary (cf. c. 1080 §1 & 2; c. 1081).
9.
 - a. The faculty is granted to pastors and parochial vicars and properly delegated priests, to permit the marriage between two baptized persons, one of whom was baptized in the Catholic Church or received into it after baptism and who has not departed from the Church by a formal act, and the other of whom belongs to a church or ecclesial community not in full communion with the Catholic Church. This permission is not to be given unless the conditions mentioned in canon 1125 are fulfilled (cf. c. 1124).
 - b. The faculty is granted to pastors and parochial vicars and properly delegated priests to permit the marriage of a Catholic to a Catholic who notoriously rejects the Catholic faith (cf. c. 1071 §1, 4°). This permission is not to be given unless the conditions mentioned in canon 1125 are fulfilled.
 - c. The faculty is granted to pastors and parochial vicars and properly designated

priests to permit an individual baptized non-Catholic Christian to receive the Eucharist within his/her own marriage ceremony.

This permission is not to be given unless the conditions mentioned in canon 844 §4 are met. In cases involving non-Catholic Orientals, the two conditions of canon 844 §3 are required.

At no time may a priest extend a general invitation to all non-Catholics within the congregation at a marriage liturgy to receive the Eucharist.

Funerals

10. The faculty is granted to pastors and parochial vicars assigned to a parish to allow church funeral rites for an unbaptized child, if the parents had intended to have the child baptized (cf. c. 1183 §2).
11. The faculty is granted to pastors and parochial vicars assigned to a parish to allow church funeral rites, but not including celebration of the Eucharist, for a baptized person belonging to a non-Catholic church or ecclesial community, provided this is not clearly contrary to the wishes of the deceased and provided a minister of the faith of the deceased is not available (cf. c. 1183 §3).

Days of Penance and Obligation

12. The faculty is given to parochial vicars assigned to a parish to dispense, in individual cases and for a just reason, from the obligation of observing a day of precept or a day of penance, or to commute the obligation into other pious works. This faculty may be exercised on behalf of a parishioner and a person visiting within the boundaries of the parish (cf. c. 1245).

COMMENTARY ON DIOCESAN FACULTIES FOR PRIESTS

Baptism and Confirmation

1. Canon 863 requires that the Baptism of persons fourteen years of age and older be referred to the diocesan Bishop, so he himself may confer Baptism if he so decides. This faculty allows pastors and parochial vicars to baptize such a person without previous recourse to the diocesan Bishop.
2. Canon 883 2° gives by law the faculty to confirm to the priest who by virtue of office or episcopal mandate baptizes an adult or admits a baptized adult into full communion with the Church. Canon 530 1° says pastors have by office the right to baptize. Canon 866 says that when an adult is baptized, unless a grave reason prevents it, the person should be immediately confirmed. Thus, pastors have the right to confirm those adults whom they baptize. The above faculty gives pastors, in addition, the mandate to confirm those baptized persons with the use of reason whom they receive into full communion with the Church. It also gives parochial vicars the mandate to confirm those with the use of reason whom they baptize or receive into full communion with the Church. Furthermore, in section c, the same faculty is given to any other priest provided he has acquired permission to confirm from the person's proper parish priest. This allows the convert to deal with the instructing priest but it also preserves the integrity of the parish and the parish priest's authority in view of the parish community.

Eucharist

3. Canon 905 §1 states that a priest may not celebrate the Eucharist more than once a day, except on those occasions when the law permits him to celebrate or concelebrate a number of times on the same day. Canon 905 §2 adds, moreover, that if there is a shortage of priests the local ordinary may permit a priest for a just cause to celebrate two times on weekdays and, if pastoral need requires it, three times on Sundays and holydays of obligation. The above faculty grants this permission.
4. Canon 1248 §1 says the faithful fulfill their obligation of assisting at Mass on a day of precept by attending Mass either on the day itself or on the evening of the preceding day. Since the obligation is fulfilled on the evening preceding the day of precept, and since canon 905 §2 is a disciplinary law of the Church, it would appear in view of canon 87 § 1 that the diocesan Bishop may permit priests to celebrate Mass three times on the day preceding a day of precept, provided the third Mass that day was for the day of precept and provided the provisions of canon 87 §1 were fulfilled.
5. Canon 919 §1 requires that anyone receiving the Eucharist abstain for at least one hour before Holy Communion from all food and drink, except water and medicine. This faculty allows priests to dispense from this Eucharistic abstinence in individual cases for a just reason.

Penance

6. Canon 968 §1 says that by virtue of his office and within the confines of his territory, the local ordinary, the pastor and those who take the place of the pastor have the faculty to hear confessions by the law itself. Canon 969 §1 says all other priests must receive the faculty to hear confessions from the local ordinary. Religious priests are to use this faculty only with the permission, at least presumed, of their superior.

The faculty to hear confessions may be granted by the local ordinary either temporarily or habitually. In the latter case, the grant must be made in writing (c. 973), as is done by means of the diocesan pagella.

Canon 967 §2 states that those who have the habitual faculty to hear confessions from the local ordinary either of the place of incardination or of the place of domicile may exercise this faculty anywhere in the world, unless in a particular case the local ordinary has refused, without prejudice to the provisions of canon 974 §§2-3.

Faculty number 5 gives to priests within the diocese the habitual faculty to hear confessions within the diocese. In other words, any priests to whom the above faculty is granted have the faculty to hear confessions within the confines of the diocese. If the diocese is that of the priests' incardination or domicile, they then may hear confession throughout the world, in accord with canon 967 §2.

7. Canon 1355 §2 states: "If it has not been reserved to the Apostolic See a latae sententiae penalty established by the law but not yet declared can be remitted by the ordinary on behalf of his own subjects, of those who are actually within his territory, and of those who committed the crime in his territory. Any bishop has this power within the act of sacramental confession." By reason of canon 1357 §1 confessors can remit in the internal sacramental forum a nondeclared excommunication or interdict, provided it is difficult for the person to remain in a state of grave sin for the time necessary for the proper superior to provide. Canon 1357 §2, however, requires that the confessor impose upon the person the obligation to have recourse within a month to the competent superior, under the pain of incurring the censure once again; such recourse can be made, of course, through the confessor.

Faculty number 6 gives to confessors the ability to remit the latae sententiae penalties established by the law for procuring a successful abortion. The faculty may be exercised anywhere within the confines of the diocese and may benefit anyone regardless of the person's residence or the place where the penalty was incurred. By reason of this faculty, no recourse to a competent superior is required, before or after the remission of the penalty; hence, the contrast with the norm of canon 1357 §§1-2.

Marriage

8. Canon 1111 §1 says that the local ordinary and the pastor, as long as they validly hold office, can delegate priests the faculty, even in a general fashion, to assist at marriages

within the confines of their territory. Canon 1111 §2 requires that general delegation be in writing. This faculty gives such written general delegation to parochial vicars; the faculty is valid within the confines of the parish to which they are assigned. In light of canon 137 §3 the delegated parochial vicar can sub delegate this faculty in individual instances.

9. Canon 1080 §1 says that whenever an impediment is discovered after everything is prepared for the wedding and the marriage cannot be delayed without the probable danger of grave harm until a dispensation is obtained from the competent authority, the local ordinary may dispense from all impediments of ecclesiastical origin except the impediment arising from sacred orders and the impediment coming from a public perpetual vow of chastity in a religious institute of pontifical right. Moreover, in occult cases, these same ecclesiastical impediments may be dispensed with the same exceptions by a minister as defined in canon 1079 §§ 2-3.

The local ordinary is considered unable to be approached if he can be reached only by telegram or telephone (cf. c. 1079 §4).

This faculty gives to those able to assist at marriages the ability to dispense from the canonical form of marriage and from all ecclesiastical impediments which may be dispensed by the local ordinary. It is an extension of the instances mentioned in canon 1080 §§1-2 as it permits a dispensation from canonical form and a dispensation from non-occult ecclesiastical law impediments from which the local ordinary can dispense.

Priests who use this faculty must according to canon 1081 notify the Chancery as soon as possible, presenting the prenuptial file, and make sure that the marriage and dispensation are recorded in the marriage register.

10. a. Canon 1124 says that without the express permission of the competent authority, marriage is prohibited between two baptized persons, one of whom was baptized in the Catholic Church or received into it after Baptism and who has not departed from the Church by a formal act, and the other of whom belongs to a church or ecclesial community not in full communion with the Catholic Church. This faculty gives to pastors and parochial vicars and properly delegated priests the ability to permit such a “mixed marriage.” Before the permission is given, however, the conditions mentioned in canon 1125 concerning the affirmation and promises by the Catholic and the education of both parties concerning marriage must be fulfilled.

Documented proof of Baptism (certificate or baptismal affidavit) of both parties is required and the date of Baptism must be included in the prenuptial questionnaire. The promises of the Catholic are required as noted in canon 1125.

- b. Canon 1071 §1,4° requires that the permission of the diocesan Bishop be obtained for the marriage of a person who has notoriously rejected the Catholic faith. This faculty allows the parish priest or delegated priest to

permit such a marriage when the practicing Catholic party has made the promises. (cf. Commentary accompanying 1984 revised marriage forms).

- c. Canon 844, especially sections 3,4, and 5, deals with the reception of Eucharist by non-Catholics. This faculty is restricted to the occasion of marriage where it can be presumed that the priest will have an opportunity to discuss at some length the genuineness of the request of the other Christian. Regarding the phrase “provided they manifest Catholic faith in these sacraments” in section 4, you are asked to confer the instruction “On Admitting Other Christians to Eucharist Communion in the Catholic Church”, Secretariat for Promoting Christian Unity, June 1, 1972, part II, nos. 2-3. That citation illustrates the ecclesial understanding of the Eucharist. Again, confer also the Commentary on the 1984 revised marriage forms.

Whenever a pastor or parochial vicar uses one of these three faculties granting a permission, he is required to note the particular permission on the Dispensation/Permission Form (Form A) along with the other data requested on the form and is to forward only that form to the Chancery. The pastor or parochial vicar may freely consult the Chancery if any questions or problems arise in an individual case.

Funerals

11. Canon 1183 §2 states that the local ordinary may allow church funeral rites to be celebrated for children whose parents had intended to have them baptized but who died before Baptism. This faculty gives the ability to permit such funerals to the pastor and the parochial vicar assigned to a parish.
12. Canon 1183 §3 says that, in accordance with the prudent judgment of the local ordinary and provided the deceased’s own minister is unavailable, a baptized person belonging to a non-Catholic church or ecclesial community may be given church funeral rites, unless it is clear that such is against his or her wishes. This faculty gives to pastors and parochial vicars assigned to a parish the ability to allow such funerals. They must first make a prudent judgment concerning the matter.

Days of Penance

13. Canon 1245 gives the pastor the ability, for a just cause and according to the prescriptions of the diocesan Bishop, to dispense from the obligation of observing a day of precept or a day of penance, or to commute the obligation into some other work. This power can be exercised on behalf of the pastor’s parishioners and those visiting within the confines of the parish (cf. c. 91). This faculty gives to parochial vicars assigned to a parish the same ability to dispense or commute. This power can be exercised on behalf of parishioners and persons visiting within the confines of the parish to which the parochial vicars are assigned. Neither the pastor nor parochial vicar may grant a general

dispensation to an entire parish.

Please feel free to call the Chancery any time if you have any questions regarding the application of the Diocesan Faculties for Priests.

Approved: 7/1/1986
Revised: 8/16/1996