

DEACONS YESTERDAY AND TODAY

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[The Canon Law Society of America has approved the issuance of a report titled "The Canonical Implications of Ordaining Women to the Permanent Diaconate." This report has generated considerable publicity and the Foundation has been asked by quite a few of our friends if we intend to comment. We intend to do so but are still in the process of carefully preparing our observations. In the meantime, Duane Galles has written an excellent article about deacons in general and I believe it will serve also to provide the needed background to our forthcoming observations concerning the possibility of ordaining women to the diaconate. Also, the article is timely since the feast of the proto-deacon and proto-martyr St. Stephen is observed on December 26. CMW.]

Three decades ago in 1964, in article 29 of its dogmatic constitution on the Church, <Lumen gentium>, the Second Vatican Council asked Paul VI to restore the permanent diaconate in the Latin church. He did so by the *motu proprio*, <Sacrum diaconatus ordinem>, which was promulgated on June 18, 1967, the feast of Saint Ephraem, deacon. The apostolic letter permitted episcopal conferences to request that the Holy See allow the ordination of celibate and married men permanently to the diaconate within their territory. In April, 1968, the American bishops made that request, which four months later was granted.

In November of that year the first Standing Committee on the Permanent Diaconate of the National Conference of Catholic Bishops was appointed. The Committee was charged with drawing up a program of studies for the diaconate and in May and June of 1971, it saw the first fruits of its labors with the first ordinations of permanent deacons since the conciliar reform had been mooted.

Numerically, deacons have been one of the successes since Vatican II. While the number of women religious in the United States has plummeted forty per cent from 160,931 in 1970 to 94,431 in 1994, and during those same years the number of diocesan priests has declined ten per cent from 37,292 to 33,204, during that same period the number of deacons has soared. Starting at zero in 1970, by 1994 the number of permanent deacons in the United States had jumped to 11,123; moreover, another 1,724 candidates awaited diaconal ordination. Of the permanent deacons, 92 per cent were married, 13 per cent were Hispanic and 3 per cent were black. Some 1,740 were salaried church employees and 66 administered a parish or a mission. Interestingly, in the entire Catholic world there were but 19,395 permanent deacons and so the United States, which accounts for six per cent of the world's Catholics, had sixty per cent of the Catholic world's permanent deacons.[1]

Canon 835 tells us that the sanctifying office of the church is exercised principally by the bishops, who are the high priests and the principal dispensers of the mysteries

of God. But later that same canon advises us that deacons, too, have a share in that office, in accordance with the norms of law. To understand, then, the role of deacons today one needs to survey the revised 1983 Code of Canon Law of the Latin church and her reformed liturgical rites.

The Deacon In History

But first one needs to know something about the deacon in history. We initially encounter the deacon in the famous passage in Acts 6:2, where Peter says it is not proper for the apostles to give up preaching so that they can wait on tables. Accordingly, they ordained seven deacons, including the proto-martyr Stephen, to serve the Christian community. By the end of the ancient world the deacon was the bishop's assistant, serving as his "eyes and ears," taking care of church property as well as administrative matters.

Deacons quickly became VIP's. One measure of the importance of the deacon in the early church is the number of deacons elected pope in the early Middle Ages. Of the thirty-seven men elected pope between 432 and 684 A.D., only three are known to have been ordained to priest before their election to the Chair of Peter.[2]

In the course of time the bishop's principal assistant, the <diaconus episcopi>, came to be called the archdeacon and by the fifth century his role had developed into a powerful ecclesiastical office. He had charge of church administration and of the care of the poor and thus held the purse.

When archdeacons became too dominant sometimes their bishops were minded to "kick them upstairs" by ordaining them priest whereupon they would lose the office of archdeacon. Saint Jerome said, "<archidiaconus injuriam putat si presbyter ordinetur,>" ("the archdeacon thinks himself injured if ordained priest"), for then he would lose his powerful archdiaconal office. Pope Gregory the Great, in fact, once upbraided a bishop for ordaining his archdeacon priest with a view "craftily to degrade the aforesaid archdeacon."

In ensuing centuries the archdeacon acquired the duty of supervising and disciplining the lower clergy. Because of this role the archdeacon acquired the right to examine candidates for ordination, and in the ordinals we find the archdeacon now presenting to the bishop candidates for priestly ordination and attesting their fitness.

Beginning with the eighth century, the right to discipline the clergy brought to the archdeacon ordinary jurisdiction and his own separate church court. And soon we find that at least the larger dioceses were divided up into several archdeaconries, each headed by an archdeacon who presided over a first instance tribunal and carried out visitations to correct abuses and infractions of church canons. The archdeacon also served as the bishop's administrative assistant in instituting clerics to their benefices and watching over the decency of worship and the repair of churches

within his territory. In many places the archdeacon of the see city also acted as vicar capitular, or diocesan administrator of the vacant or impeded see.

From the eighth to the thirteenth century the power of the archdeacon waxed greatly and archdeacons began to exercise quasi-episcopal powers. Like bishops, they even began to appoint vicars and officials to carry out their administrative and judicial functions, respectively. With the development of the benefice system, moreover, archdeacons were no longer removable at the whim of the bishop, since their archdeaconry was now considered a benefice in which they had a life interest that was protected by law, barring judicial privation for good cause. Their wide powers and fixity of tenure made archdeacons serious rivals of bishops whose own authority over them had begun to recede into something like that of a metropolitan over his suffragan bishops. So powerful had the archdeacons become that a reform movement was spawned and bishops began to counter the power of the archdeacons by appointing priests as their vicars general and officials (or judicial vicars). These priests enjoyed powers similar to those of archdeacons but, importantly, their office was not a benefice and they served at the pleasure of the bishop and were directly subject to his control. Once established, these alternatives set the scene for a frontal assault on the power of the archdeacons.

The Council of Trent's reforms drastically restricted the archdeacon's power. Archdeacons were deprived of the power of excommunication and of their jurisdiction in matrimonial and criminal matters. No longer could they make visitations and order the correction of abuses, unless asked to do so by the bishop. By the seventeenth century the once-powerful office had been reduced to that of a master of pontifical ceremonies and the last vestige of the office was the liturgical role in the ordination service of presenting the ordinands to the bishop at priestly ordinations.

Now the office of archdeacon was merely ceremonial and the real power had passed to the vicar general, vicar capitular and the judicial vicar—all priests. The order of deacon itself became a mere apprenticeship to priesthood lasting only a few months, even though until 1917 a deacon still could be canonically appointed pastor of a parish or canon of a cathedral or cardinal of the Holy Roman Church—as in the case of Pius IX's Secretary of State, Giacomo Cardinal Antonelli (1806-1876), who never proceeded beyond the order of deacon.[3]

The Restored Diaconate

In our own century the liturgical movement spawned an interest in the glorious history of the order of deacon during the church's first millennium. Later, to restore to its hierarchy of ordained ministers its <plena esse> (or fullness) the Second Vatican Council asked Paul VI to restore the order of deacon as a permanent order. As restored, however, the permanent deacon became the assistant of the priest, not the bishop. Article 23 of the 1967 <motu proprio> saw the deacon as "subject to the bishop and the priests." The document specifically describes the deacon as assisting

the priest or as deputizing for the priest in certain cases in the latter's absence.

This new role becomes clearer when we survey the canonical framework within which permanent deacons operate today. As we have seen, during the first Christian millennium deacons undertook, as the bishops' assistants, the functions that are today those of the vicar general, the judicial vicar, the vicar capitular, the cathedral chapter and the oeconomie, or finance officer. In current canon law these are almost exclusively priests' functions.

But before discussing the functions of the deacon it is important to understand first his <status vitae>. Distinct from lay people in the church by divine institution are the sacred ministers, whom canon law calls clerics (c. 207). One becomes a cleric when one is ordained deacon (c. 266). Only clerics can obtain offices the exercise of which requires the power of orders or the power of ecclesiastical governance (c. 274). Deacons thus are clerics by virtue of their ordination and this makes them capable of exercising sacred office and sacred power. All clerics must be incardinated in a diocese or personal prelature or in some religious institute (c. 266). By ordination to the diaconate one becomes incardinated in the entity for which one is ordained (c. 266), and a cleric becomes entitled to suitable remuneration (c. 281). Married deacons with a secular job, however, are to provide for themselves and their families from that job's income.

The archdeacon, as we have seen, was the precursor of the office of vicar general and the archdeacon had enjoyed most of the vicar general's powers. Today the moderator of the curia must be a priest, under canon 473 #2, as must, under canon 478, the vicar general and that other species of presbyteral local ordinary, the vicar episcopal.

The archdeacon was also a judge ordinary with his own ecclesiastical court and the forerunner, in fact, of the officialis. Today the judicial vicar (or officialis) and vice-officialis (c. 1420) must be priests. Being a cleric, a deacon (who is otherwise qualified) may be appointed a judge of an ecclesiastical tribunal. Since as a cleric he is endowed with sacred power, a deacon (like a priest or bishop) is allowed by canon 1421 to sit alone as a single judge in an ecclesiastical tribunal. By contrast, the same canon requires that, when a layman is appointed a judge, he can sit on a panel or collegiate tribunal only along with two clerics. While today a deacon only assists a priest-officialis, the deacon-canonist could, of course, be a very busy judge in an ecclesiastical tribunal.

Deacons were once the bishop's "eyes and ears" and once as canons were his chief advisors. Today the presbyteral council or senate of priests has many of the functions of the chapter of canons and it advises the diocesan bishop on the government of the diocese. As the name suggests, its members, under canon 495, must be priests. <A fortiori> its inner circle, the college of consultors (who have the remaining functions of the chapter of canons), must—under canon 502—also be priests. This college must give its advice and consent in certain church property

matters and it elects the diocesan administrator or vicar capitular if the see is vacant or impeded. Even the eviscerated office of canon today can be held only by a priest (c. 503).

Before the 1917 <Code> a deacon could be appointed to an office with the care of souls. Today only an ordained priest can be appointed validly to the office of parish priest (c. 521), parochial vicar or assistant (c. 546), vicar forane or rural dean (c. 553), rector of a non-parochial church (c. 556), or chaplain of a community (c. 551). Deacons may, of course, assist the parish priest (c. 519).

Of the manifold functions exercised by the deacon during the first Christian millennium, today's deacon is permitted to hold only the offices of chancellor (c. 482) and oecome (finance officer) (c. 494) and judge of the tribunal. All these duties, it might be noted, can also be held by a layman.[4]

Besides his administrative and judicial roles, the restored deacon is given certain liturgical roles: he may baptize solemnly, witness marriages, administer sacramentals, conduct funerals, read sacred scripture, preach and instruct the faithful. He is portrayed as the leader of the congregation in prayers. His functions include roles at Mass and in conferring sacraments as well as in the liturgy of the hours, services of the word, sacramentals and public devotions.

Perhaps the most important service of the deacon to the sacred liturgy is at the solemn Mass, for in the solemn liturgy the deacon's presence is necessary. The solemn Mass is a sung Mass celebrated with the assistance of other sacred ministers. In 1972 Paul VI suppressed first tonsure and converted the sub-diaconate and minor orders into lay ministries. Thus, today the deacon is the only sacred minister remaining (besides the priest and bishop) and his presence at the solemn liturgy is necessary for it to take place.

At Mass his assigned roles include reading the Gospel and the intercessions, preaching, and distributing Holy Communion. Despite the ubiquity of "extraordinary" ministers of Holy Communion in this country, it might be pointed out that canon 910 declares that the "ordinary" minister of Holy Communion is a bishop, priest or deacon. For Mass the deacon vests in amice, alb, cincture, stole, maniple (if desired) and in his distinctive vestment, the dalmatic. Article 71 of the <General Instruction on the Roman Missal> notes that the functions of the deacon can be divided between two or more deacons.

In my own parish there is a solemn Latin Mass each Sunday celebrated by a priest and assisted by two deacons—using the reformed Vatican II missal and rubrics. One deacon serves as "Gospel deacon" and the other as "altar deacon." In this way it is possible to celebrate the <novus ordo> solemn Mass with most of the ceremonies of the Roman rite as Adrian Fortescue described them in his classic work on the liturgy, written decades before the introduction of the reformed rite.[5]

The liturgy of the hours provides a more extensive role for deacons. Canon 276 2 and 3 requires that permanent deacons recite daily that portion of the liturgy of the hours laid down by the episcopal conference, which in the United States is morning prayer and evening prayer. Vatican II intensely desired the renewal and revival of the liturgy of the hours as a popular liturgical celebration on Sundays and holy days and it urged a choral celebration (<Sacrosanctum Concilium>, arts. 99, 100). Indeed, a little-remembered 1866 decree of the second plenary council of Baltimore—still in force—requires vespers to be celebrated each Sunday to the extent possible in all parish churches in the United States.[6] Sunday vespers, in fact, will be the most practicable part of the liturgy of the hours for parish celebration. The deacon, vested in dalmatic and stole according to article 255 of the General Instruction on the Liturgy of the Hours, could preside at the service and preach.

Deacons may baptize solemnly, witness marriages and conduct funerals. The reformed Vatican II rites are more complex than those formerly followed in that they are preceded by a service of the word, which consists of a prayer or exhortation, lessons and psalms. Vatican II was most desirous that the reformed rites open up to the people the treasury of scripture and this has been done.

Canon 849 says that baptism is the gateway to the sacraments and is necessary for salvation. By it one becomes incorporated into the Church. Moreover, one not baptized cannot validly receive any other sacrament (c. 842). Canon 861 declares that a deacon is an ordinary minister of baptism. When baptism is administered by a deacon, he is to notify the pastor so that a proper record of the baptism can be made in the parish sacramental registers (c. 877).[7]

A deacon is also qualified to assist at marriages if he has the faculty to do so from the local ordinary, or a proper delegation from the local ordinary or pastor (c. 1108). Since a deacon is a cleric, he has sacred power by virtue of his ordination. Thus, when officiating at a wedding, a deacon can in certain cases grant dispensations from matrimonial impediments when there is a case of danger of death (c. 1079) and in certain other emergency cases when all the preparations have been made and certain impediments surface at the last moment (c. 1080). While lay people in some rare cases might be given the faculty to assist at marriages (c. 1112), such persons (as non-clerics) would lack the power to dispense. The deacon assisting at the marriage would need to see to it that a record of the marriage were made in the parish sacramental register and, where the couple were not baptized in the same place as the marriage, send notice of the marriage to their places of baptism (c. 1121) to be annotated in the baptismal register there.

While he cannot celebrate a funeral Mass, a deacon may conduct funerals and burial services and preach. He should also record the funeral in the parish register of funerals (c. 1182).

And while deacons cannot confirm or absolve, the reformed rites for those sacraments underscore the deacon's role as leader of the congregation at prayer by

making provision for a deacon to announce the intercessions. Thus, if Penance Rite II with a communal celebration followed by individual confession and absolution is used, the deacon may lead the penitents in prayer.

The worship of the Blessed Sacrament outside Mass has lamentably declined since Vatican II, though nothing could be farther from the church's wishes. The ritual continues to provide a "Rite of Eucharistic Exposition and Benediction" of the Blessed Sacrament and a deacon may be the minister of exposition and reposition and may bless the people with the Host in a monstrance, wearing a cassock, surplice, stole and cope during the service as well as a humeral veil at the blessing (c. 943). Benediction may occur in any church in which the Blessed Sacrament is lawfully reserved. The rubrics provide for the singing of Saint Thomas Aquinas' venerable eucharistic hymn, the "Tantum ergo," and in the United States it is customary to precede this with the hymn "O Salutaris." The rubrics encourage other psalms, hymns and prayers before the benediction with the monstrance and on Sundays vespers might laudably be sung before the Blessed Sacrament exposed.

Deacons may also preside at a service of the word. This is not merely the "bible service" in vogue in the 1960's but includes a much wider number of services. On "priestless" Sundays it might be the liturgy of the word taken from the Mass of the day followed by a sermon and Holy Communion from the reserved Sacrament.

Deacons also have a role in sacramentals and popular devotions. Despite the fact that Vatican II "highly recommended" popular devotions (SC 13), these often have been neglected since the Council and this is unfortunate. Such devotions provide a useful bridge between the "domestic church" (the family) and the church's public liturgy. Once again they should be encouraged, for canon 839 provides summary recognition of the prayers and pious and sacred practices of Christian people. These include litanies, the rosary and the Way of the Cross. Since deacons are presumed to be nearer the popular pulse, this type of exercise suggests an obvious opportunity for diaconal service. The deacon might preach as well.

In many places we have mentioned the deacon's faculty to preach. Just as the sanctifying office is committed principally to the bishops, so too is the preaching office principally committed to bishops, who are "moderators of the entire ministry of the word" (c. 756). And if lay people can be called upon to "cooperate" with bishops and priests in the exercise of the ministry of the word (c. 759), deacons by virtue of their ordination actually have a share in that ministry (c. 757). Sacred ministers (and this includes deacons) are to consider the office of preaching of great importance, since this is among their principal duties (c. 762). Deacons, like priests, have the faculty to preach by virtue of their ordination and may exercise it everywhere, unless their ordinary has restricted it (c. 764). The homily or sermon at Mass is in fact reserved to a priest or deacon (c. 767) and whenever administering some sacrament or sacramental a deacon might well consider the utility of a sermon.

These, then, are the functions of the permanent deacon as restored by Vatican II and

set forth in the law. Even if they are fewer than those exercised by the deacons of the first Christian millennium, they are clearly manifold and important functions and ones opening up to the deacon many opportunities for service. They also require considerable training and preparation.

Canonists have a maxim, "<leges instituntur cum promulgantur; firmantur cum moribus,>" ("laws go into effect when they are promulgated, they become effective when they are put into practice"). Put more simply by Mr. Justice Holmes, "the life of the law is experience." We know now what the law is. We wait to see what will become of it.

Endnotes

1. <1995 Catholic Almanac>, pp. 229, 368; E. Echlin, <The Deacon in the Church> (New York, 1971) pp. 123-124.
2. Peter Llewellyn, "The Popes and the Constitution in the Eight Century," <English Historical Review>, 101 (1986) 42.
- 3 "Archdeacon," <Catholic Encyclopedia>, I, 693; "Archidiaconus," <Dictionnaire de Droit Canonique> I, 948.
4. The office of chancellor in the universal law of the church is one of archivist and notary (c. 482). In the Catholic Church in the United States the office has long been more important and has in fact been that of vicar delegate. In practice it was often the most important office in the episcopal curia. To exercise such wide delegated powers of jurisdiction one would need to be a cleric and, hence, to be chancellor of an American diocese. In this wise, one would need to be a deacon or priest.
5. Adrian Fortescue, <The Ceremonies of the Roman Rite Described> (London, 1930), pp. 111-127.
6. John Barrett, <A Comparative Study of the Councils of Baltimore and the Code of Canon Law> (Washington, 1932) p. 155.
7. For more detailed information on these sacramental registers, see my "The Church's Sacramental Registers," <Homiletic and Pastoral Review> (December, 1982) 68-71.

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