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RIGHTS IN CANON LAW FOR PERSONS WITH MENTAL DISABILITIES

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INTRODUCTION

The Code of Canon Law (the "Code") continues to meet with genuine interest amidst various groupings in the Church. Its translation into the vernacular certainly evokes curiosity about the opportunities for Christian life and service offered in the various books of the Code.

The Catholic Church has a venerable history of care for people who are in any way differently advantaged. Long before the medical and behavioral sciences made inroads into retardation and long before special education became an art, church men and women, many of them founders of religious orders, pioneered skills and strategy with people of disabilities who are often misunderstood and excluded from society.

Ministry to special people parallels, in many respects, the expanded social consciousness of our time. All kinds of so-called minority groups are asserting their rightful place in the fabric of society and religion. In the wake of the civil rights struggle, our society enjoys a heightened sense of social inclusion that involves a new responsiveness to the mentally, physically and emotionally disabled. There are state and federal laws which protect these special groups, guaranteeing them the privileges and rights that belong to all citizens while providing special services to complement their special needs and securing for them easier access to our gathering places where needed. It is more than appropriate that the Church follow suit by attending to the rights of these groups to move and

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function within the Church.

The Gospels describe how people with various emotional, mental and physical maladies approached Jesus for sympathy and healing. These kinds of people approach Christ's Church today for ministry, understanding and fellowship. This Article will describe how the canons on the rights of the baptized in the Code of Canon Law can be used to the advantage of people with special needs or mental disabilities. It will further describe how persons with disabilities are included in Church life and mission, and how a creative use of these canons can secure their dignity as Christians.

BAPTISM AS BASIS FOR ECCLESIAL RIGHTS

The Roman Catholic Church's Code of Discipline has a few canons that specifically refer to people with disabilities. At first glance this might seem to represent only slight interest on the part of the Church. But in reality, outside of particular legislative statements for special circumstances of the disabled, these persons are viewed no differently than any other baptized member with ecclesial rights. The few specialized canons must be read and interpreted in light of all other canons on the rights and privileges of the baptized.

In its concluding document, *Justice in the World*, the 1971 Synod of Bishops in Rome stated: "By reason of their baptism, the physically and mentally handicapped members of the Church possess a basic equality with other members of the Church . . . and the same divine calling."¹ The basis for this equality is that membership in Christ's Church comes through baptism.² Through this initiation rite one is established as a legal person in the Church with rights and duties which are proper to all Christians. Baptism asks for very few qualifications. In the case of infants, the faith and approval of the parents or sponsors are all that is needed.³ In the case of adults, proper preparation is a prerequisite.⁴ One who is incapable of personal responsibility is regarded in Church law as an infant, even in regard to baptism.⁵ Infants have diminished competence and bear little, if any, responsibility to the community. Infants require special care and affection and need curators and tutors in the person of their parents, guardians or others.⁶ Regardless of age, however, once baptism is validly received there must be serious legal justification for withholding any of

¹ Synod of Bishops, Rome, 1971, *Justice in the World* (United States Catholic Conference trans. 1972).

² See 1983 CODE c.96. Selected Canons appear in an appendix, *infra*, pp. 140-44.

³ See 1983 CODE c.868.

⁴ See *id.* at cc.774, § 4; 851 & 865.

⁵ See *id.* at cc.97-99, 852, § 2.

⁶ THE CANON LAW SOC'Y OF AM., *THE CODE OF CANON LAW: A TEXT AND COMMENTARY* 72-73 (1985).

the corresponding ecclesial rights, including pastoral care, the sacraments and legitimate forms of ministry and fellowship.

By the terms mental disability and retardation, we usually mean that a person's impairment prevents him or her from learning, adapting to society and/or functioning as their peers do with motor and intellectual skills.⁷ This disability can be congenital in origin or be afflicted by trauma. For purposes of the law, these persons form a special group and become subjects for advocacy by canon lawyers whose task it is to champion and protect the rights of all persons in the Church.

LEGISLATION FOR PEOPLE WITH DISABILITIES

In every community, including the Church, mobility and progress leave behind persons who, for whatever reason, have impaired or limited skills and abilities. The individualism and private enterprise of our culture do not foster a natural attentiveness to handicapped and other disadvantaged persons. More often than not, disabled persons are left to the care of gifted, generous and specially skilled persons who can provide the dignity due them by human right. Canon 777, section 4, recognizes the need to give disabled persons that dignity and therefore provides that "[i]n accord with the norms established by the diocesan bishop, the pastor is to make particular provision . . . that catechetical formation also be given to those handicapped in body or mind insofar as their condition permits."⁸

The 1983 revision of the Code of Canon Law gives, for the first time, evidence of increased awareness of the spiritual and religious educational needs of disabled persons. Essentially, the mandate of catechesis and religious education makes no distinction between those who can learn and those who have difficulty learning. The Legislator is saying that it is the obligation of the Church "to make provision", in other words, to supply, search out, employ, and train persons to impart the Good News to those who have disabilities.

The Legislator, of course, does not purport to be a clinician, physician or behaviorist. The Legislator simply acknowledges that each of the baptized has a right to learn about the Revelation of God and even those with certain disabilities can enjoy the message tailored to their abilities.

⁷ See B. O'DONNELL, CATECHESIS FOR PERSONS WITH DISABILITIES: A BLUEPRINT FOR ACTION 6 (1982). Mental retardation is significantly subaverage general intellectual functioning originating in the developmental period (0-16 years), and is associated with some impairment of adaptive behavior. *Id.* There are several degrees of mental handicaps, ranging from profoundly and severely retarded to trainable, educable and slow learning. *Id.* The person with retardation may have other disabilities, such as cerebral palsy or speech impairment. *Id.* There is no one description of a person with mental retardation. *Id.*

⁸ 1983 CODE c.777, § 4.

Suffice it to say, no one knows the nature of the inner religious stirrings of a mentally handicapped person. And the Church does not attempt to analyze what that might be. Without discrimination, therefore, Canon 217 states:

The Christian faithful since they are called by baptism to lead a life in conformity with the teaching of the gospel, have the right to a Christian education by which they will be properly instructed so as to develop the maturity of a human person and at the same time come to know and live the mystery of salvation.⁹

Considering the dictate of the aforementioned Canon 777, *i.e.*, "insofar as their condition permits," the concept of advocacy for disabled persons asks for the broad-based concern of the entire Church. This qualifier carries wide discretionary power for lay and clergy alike to determine to what extent disabled persons can exercise ecclesial rights depending on the degree of severity of their disability. This canon invites the assistance of people who carry a keen sense of the rights of the disabled. Overprotectiveness or a misreading of a person's capabilities can produce a situation where, in the act of caring, caregivers actually enslave those persons they intend to assist.

Since about 1973, with the closure of many institutions that traditionally housed people with disabilities, these persons have been exposed to the larger community and stand to be involved in different social contexts. Today, people in special education strive to mainstream the handicapped as far as it is expedient and possible in both educational and social contexts. This effort parallels their right to Christian fellowship, which is a human right. There is nothing that arrests the personal development of a human being, whether or not disabled, more than social isolation.

People with disabilities should be integrated as far as possible into parish and diocesan memberships in ways that will not diminish their dignity or comfort. They should be allowed to move in the Christian community in relation to their abilities and they should be allowed personal increase based on the power of this social interaction. It seems that a wise educator, minister, or guardian is needed to discern both when it is best to include disabled persons in activities and when it is best to guard their privacy so that neither the disabled nor the Church stands to be deprived of the benefits of either approach. Canon 529, section 1, orders special solicitude on the part of pastors for those with special difficulties:

In order to fulfill his office in earnest the pastor should strive to come to know the faithful who have been entrusted to his care; therefore he is to visit families, sharing the cares, worries, and especially the griefs of the

⁹ *Id.* at c.217.

faithful, strengthening them in the Lord, . . . with a generous love he is to help the sick, . . . he is to make a special effort to seek out the poor, the afflicted, the lonely, those exiled from their own land, and similarly those weighed down with special difficulties¹⁰

The mentally handicapped are often victims of bias, misunderstanding and crime. Like other marginalized groups in society, they meet the hesitancy of even well-meaning Christians while implementing their rights of participation in the Church. We are still far from fostering an ideal climate for the disabled to live humanly and to meet their full potential. We live in a society enamored by wealth, success and convenience. We evidence an increasing intolerance for human limitation, disability, poverty or misfortune.

Attitudinal change is still a challenge for the Church as well as for the larger society. Unfortunately, laws are sometimes needed to impress certain values upon a community and to accelerate attitudinal change. As a Catholic community we have yet to implement fully the rights of all persons enunciated in Book II of the Code of Canon Law.

The Code treats the person with disabilities as no different from any other member of the Church. Canon 208 states that “[i]n virtue of their rebirth in Christ there exists among all the Christian faithful a true equality with regard to dignity and the activity whereby all cooperate in the building up of the Body of Christ in accord with each one’s own condition and function.”¹¹

When it comes to service in the Church which asks for particular preparation or abilities, or considering the sacraments of Matrimony and Orders, we will encounter special and difficult questions regarding the candidature of those with mental disabilities, for reasons which are obvious, namely, the expectations of competence and the large responsibilities involved with these vocations. First, a free cognitive choice is required in Matrimony¹² and Holy Orders¹³ for the very validity of these sacraments.

When referring to the minimum developmental cognitive requirements for reception of certain sacraments, canon law uses the concept, *usum rationis*, i.e., the use of reason, to refer to the mental faculties which are operative for the fulfillment of responsibility and growth through accumulated knowledge. Without the use of reason one is equated in law with an infant in terms of diminished obligation and responsibility, regardless of age¹⁴, and without prejudice to one’s rights in all other areas of the Church.

¹⁰ *Id.* at c.529.

¹¹ *Id.* at c.208.

¹² *See id.* at c.1095.

¹³ *See id.* at c.1041

¹⁴ *See id.* at c.852, § 2.

Sweeping generalizations about the mentally disabled are, of course, best avoided. Understandably, there are people with disabilities who can exercise degrees of discretionary behavior while understanding, to some degree, the impact of that behavior on others. These persons must be considered for their own strengths and abilities. Knowledge and understanding are representative not only of rational abilities but of intuitive abilities as well. Science has yet to penetrate the depths of the human powers of mentally disabled persons. We do not know what they know, how they know it, or how they process various stimuli.

THE SACRAMENTS AND THE MENTALLY HANDICAPPED

The sacraments should not be readily or capriciously withheld from the baptized who are properly prepared and disposed to receive them.¹⁵ The presumption is always in favor of the recipient. Those who are prohibited from receiving the sacraments are clearly described as such in the law, i.e., the excommunicated or interdicted, manifest and notorious sinners, those under an ecclesiastical penalty¹⁶, those laboring under irregularities or disqualifiers for the reception of Holy Orders¹⁷, and those ineligible to posit valid consent in matrimony.¹⁸ Canonical theory prefers that no more be included in prescriptions that restrict rights than that which is specifically enunciated in the legal text.¹⁹ Therefore, whether mentally handicapped persons can receive most of the sacraments is really a moot question. Yes, they can receive the sacraments beyond Baptism, especially, Holy Eucharist, Penance, Confirmation and the Anointing of the Sick and Dying. In addition, when it comes to their request for marriage, one should always proceed with the presumption that they have the ability to marry until the contrary is evident, particularly in the case of the mildly handicapped. The right to the sacraments is so fundamental that a decision to deny a person of that right should only be made through the collective wisdom of wise and sensitive persons who are familiar with the plight of the mentally disabled and who are knowledgeable of Church and Church values.

The Church asks for minimum requirements concerning the disposition and preparation necessary for reception of the sacraments. The "use of reason" has been set forth as a minimum requirement for the reception of the Eucharist; however, it can be interpreted broadly for the mentally disabled. Canon 913, which concerns the reception of the Eucharist, con-

¹⁵ See *id.* at cc.214, 843.

¹⁶ *Id.* at c.915.

¹⁷ *Id.* at c.1041.

¹⁸ *Id.* at c.1095, §§ 1-2.

¹⁹ *Id.* at c.18.

tains no specific reference to adults in RCIA (Rite of Christian Initiation of Adults) programs regarding the need for the use of reason in this sacrament. It is merely presumed that adults carry the personal disposition and will have the preparation for the Eucharist. Again, according to the canonical principle, one's rights should not be restricted any further than they exist in the law. Canon 913 includes specific references to children and their natural cognitive development as a prerequisite for approach to the Holy Eucharist. However, it does not state specifically how much knowledge and discretion is needed to receive the Eucharist or how much faith and devotion is required.

It is sufficient that preparation be according to the child's capacity. The same approach can be used with those with mental disabilities and their preparation according to their capacity. The right to the Eucharist is fundamental to membership in the Catholic Church. A person is not deprived of this sacrament except for clear legal justification that is justified by the Church's lawful discipline. The burden of proof is always on the one who claims a person is ineligible to receive:

Lay persons are bound by the obligation and possess the right to acquire a knowledge of Christian doctrine adapted to their capacity and condition so that they can live in accord with that doctrine, announce it, defend it when necessary, and be enabled to assume their role in exercising the apostolate.²⁰

Mentally handicapped persons may or may not be able to bring together the cognitive and intuitive powers necessary to reflect on the mystery of Christ's presence in the Eucharist, or even be able to discern the difference between ordinary bread and wine and the sacrament of the Lord's body and blood. However, mentally handicapped persons may have some inner sense of the sacredness of the moment. They can harbor a desire for friendship and closeness to the Lord.²¹ These abilities constitute a disposition sufficient for reception of the Eucharist and, in case of doubt, canon law always favors the exercise of an ecclesial right.

Bishops throughout our country have championed the access of mentally disabled persons to the Eucharist. There are no clear pastoral or canonical reasons to deny them sacramental access. With catechesis tailored to them, usually individually,²² mentally disabled persons should receive Confirmation.²³ In fact, after Baptism, every effort should be made to complete the sacraments of initiation, *i.e.*, Confirmation and Eucharist.

Mentally handicapped persons are subject to human limitations and sinfulness. They know loneliness, lack of love, selfishness and even have

²⁰ *Id.* at c.229, § 1.

²¹ THE CANON LAW SOC'Y OF AM., *supra* note 6, at 652.

²² See 1983 CODE c.777, § 4.

²³ See *id.* at cc.889-91.

insights into their participation in negative behavior. Some can understand what it means to say, "I'm sorry," to God and to others. Many are extraordinarily affectionate. Reconciliation and Penance can be a rich experience for some mentally disabled persons.²⁴

Mentally handicapped persons can understand elementary aspects of our chief faith symbols, such as bread and wine, oil, light, and the Cross. They can understand how special these symbols are to our worship gatherings. They can intuit that Jesus is present with us in worship and in every sacrament, especially the Eucharist. They can watch and mimic other faithful in their prayerful approach. Many can understand Jesus as friend and can love him in their own way.

If a disabled person cannot exercise the discretion necessary to request the sacraments, Christ certainly desires that person and wishes to offer his love and grace to that person. For this reason, it is incomprehensible to deprive the mentally disabled of the sacraments of Baptism, Confirmation, and Eucharist, particularly when they are in the slightest way disposed towards them. In addition, a case can be made in canon law that it is even unlawful to so deprive them.

CONCLUSION

Disabled persons exhibit a variety of human limitations, which may include emotional or mental disabilities, severe retardation, autism, cerebral palsy, or learning or developmental disabilities. Despite these handicaps, individuals can become involved in Church fellowship in varying degrees. Some, such as the severely retarded or autistic, are less able to do so. But whatever the nature of the disability, each and every one is a member of Christ's Church and each deserves respect for their dignity and rights of participation insofar as they are humanly able and willing to function with these rights. Fundamentally, they have a right to the knowledge of God's love for them and to be nurtured by God's touch in the sacraments and in pastoral care.

Despite the benefits of classifying the disabled and placing them in special education programs, such approaches tend to treat the disabled as lesser human beings and remove them from contact with normal functioning human beings. By the same token, integration of disabled persons with other functioning persons should guard against an unrealistic assessment of their abilities. We strive for an appropriate and correct balance. Obviously, the less handicapped a person is the more that person can be integrated into Church community and worship.

Finally, the disabled have the right to canonical advocacy or representation, especially if they are unable to speak effectively on behalf of

²⁴ See *id.* at c.987.

their own desires and rights within Church life and mission. When their rights and privileges are allegedly abridged they have rights to grievance.²⁵ Since all societies need norms of behavior and cues for interaction, canon law is an instrument of order in the society of the Church.

We are not always in agreement on the values of life and religion or how to attain our highest goals as a people of faith. The Church, being an instrument of Salvation, uses law to facilitate our understanding of the dignity of each man and woman in Christ as well as to insure a mutual respect as we journey towards the Kingdom. In this sense, the Church is Life as well as Order. While stating clearly the rights and obligations of baptized citizens, canon law seeks to guarantee the freedom of the sons and daughters of God.

Sometimes, the mentally disabled are hidden from us by their own choice, or the choice of their parents or guardians, because of shyness, feelings that they burden the community, or fears that they are expecting inordinate treatment and attention. Disabled persons are sometimes hidden because of the ignorance and prejudice in society and in the Church.

Like so many mysteries in life, we do not know why there are people with disabilities. But we cannot afford to see these persons as anything less than gifts to the Church. They can highlight the virtues of God that are planted in us and in them, such as compassion, empathy, love and service. Without the disabled among us, we might have little insight into gifts that lie in us and thus have an unrealistic perception of the capabilities of others as well as of ourselves. Disabled persons image the poor and needy Christ. Their limitations challenge us to see God's love and power in them and in ourselves.

The American bishops, at their annual fall meeting on November 15, 1988, issued a resolution upon the tenth anniversary of their "*Pastoral Statement on The Handicapped*," which was issued November 16, 1978.²⁶ Once again, the bishops challenged parishes and dioceses "to go beyond physical access to buildings and the provision of religious and social services' in their approach to people with disabilities."²⁷ They said: "If any disabled person is prevented from active participation, the Church community is incomplete."²⁸ Their resolution then called upon leaders in the Church throughout the nation "to encourage conversion of mind and heart so that all persons with disabilities may be invited to worship and to every level of service as full members of the body of Christ."²⁹

²⁵ *Id.* at c.221.

²⁶ United States Bishops, *Pastoral Statement on the Handicapped*, 8 ORIGINS 372 (1978).

²⁷ *Id.* at 375-76.

²⁸ *Id.* at 375.

²⁹ *Id.* at 391.

APPENDIX*

SELECT PROVISIONS FROM THE CODE OF CANON LAW

Canon 18

Laws which establish a penalty or restrict the free exercise of rights or which contain an exception to the law are subject to a strict interpretation.

Canon 96

By baptism one is incorporated into the Church of Christ and is constituted a person in it with duties and rights which are proper to Christians, in keeping with their condition, to the extent that they are in ecclesiastical communion and unless a legitimately issued sanction stands in the way.

Canon 97

§ 1. A person who has completed the eighteenth year of age is an adult, below this age, a person is a minor.

§ 2. Before the completion of the seventh year a minor is called to be an infant and is held to be incompetent (*non sui compos*); with the completion of the seventh year one is presumed to have the use of reason.

Canon 98

§ 1. An adult person enjoys the full use of his or her rights.

§ 2. A minor person remains subject to the authority of parents or guardians in the exercise of his or her rights, with the exception of those areas in which minors by divine law or canon law are exempt from their power; with reference to the designation of guardians and their authority, the prescriptions of the civil law are to be followed unless canon law determines otherwise or unless the diocesan bishop in certain cases for a just cause has decided to provide otherwise through the designation of some other guardian.

Canon 99

Whoever habitually lacks the use of reason is held to be incompetent (*non sui compos*) and is equated with infants.

Canon 105

§ 1. A minor necessarily keeps the domicile or quasi-domicile of the one to whose power he or she is subject. After passing beyond infancy one can also acquire a quasi-domicile of one's own; and one who has been legally emancipated according to the norm of civil law can also acquire a domicile of his or her own.

* The English translation of select canons is taken from THE CANON LAWY SOC'Y OF AM., THE CODE OF CANON LAW: LATIN-ENGLISH EDITION (1983).

§ 2. Whoever has been legally placed under the guardianship or care of another, for some reason other than minority, has the domicile or quasi-domicile of the guardian or curator.

Canon 213

The Christian faithful have the right to receive assistance from the sacred pastors out of the spiritual goods of the Church, especially the word of God and the sacraments.

Canon 221

§ 1. The Christian faithful can legitimately vindicate and defend the rights which they enjoy in the Church before a competent ecclesiastical court in accord with the norm of law.

§ 2. The Christian faithful also have the right, if they are summoned to judgment by competent authority, that they be judged in accord with the prescriptions of the law to be applied with equity.

§ 3. The Christian faithful have the right not to be punished with canonical penalties except in accord with the norm of law.

Canon 230

§ 2. Lay persons can fulfill the function of lector during liturgical actions by temporary deputation; likewise all lay persons can fulfill the functions of commentator or cantor or other functions, in accord with the norm of the law.

Canon 777

In accord with the norms established by the diocesan bishop, the pastor is to make particular provision:

...

4° that catechetical formation also be given to those handicapped in body or mind insofar as their condition permits.

Canon 843

§ 1. The sacred ministers cannot refuse the sacraments to those who ask for them at appropriate times, are properly disposed and are not prohibited by law from receiving them.

§ 2. Pastors of souls and the rest of the Christian faithful, according to their ecclesial function, have the duty to see that those who seek the sacraments are prepared to receive them by the necessary evangelization and catechetical formation, taking into account the norms published by the competent authority.

Canon 844

§ 1. Catholic ministers may licitly administer the sacraments to Catholic members of the Christian faithful only and, likewise, the latter may licitly receive the sacraments only from Catholic ministers with due

regard for §§ 2, 3, and 4 of this canon, and can. 861, § 2.

Canon 851

It is necessary that the celebration of baptism be properly prepared.
Thus:

1° an adult who intends to receive baptism is to be admitted to the catechumenate and, to the extent possible, be led through the several stages to sacramental initiation, in accord with the order of initiation adapted by the conference of bishops and the special norms published by it;

2° the parents of an infant who is to be baptized and likewise those who are to undertake the office of sponsor are to be properly instructed in the meaning of this sacrament and the obligations which are attached to it; personally or through others the pastor is to see to it that the parents are properly formed by pastoral directions and by common prayer, gathering several families together and where possible visiting them.

Canon 852

§ 2. One who is not of sound mind (*non sui compos*) is equated with an infant so far as baptism is concerned.

Canon 865

§ 1. To be baptized, it is required that an adult have manifested the will to receive baptism, be sufficiently instructed in the truths of faith and in Christian obligations and be tested in the Christian life by means of the catechumenate; the adult is also to be exhorted to have sorrow for personal sins.

§ 2. An adult in danger of death may be baptized if, having some knowledge of the principal truths of faith, the person has in any way manifested an intention of receiving baptism and promises to observe the commandments of the Christian religion.

Canon 868

§ 1. For the licit baptism of an infant it is necessary that:

1° the parents or at least one of them or the person who lawfully takes their place gives consent;

2° there be a founded hope that the infant will be brought up in the Catholic religion; if such a hope is altogether lacking, the baptism is to be put off according to the prescriptions of particular law and the parents are to be informed of the reason.

§ 2. The infant of Catholic parents, in fact of non-Catholic parents also, who is in danger of death is licitly baptized even against the will of the parents.

Canon 889

§ 1. All baptized persons who have not been confirmed and only they are capable of receiving confirmation.

§ 2. Outside the danger of death, to be licitly confirmed it is required, if the person has the use of reason, that one be suitably instructed, properly disposed and able to renew one's baptismal promises.

Canon 890

The faithful are obliged to receive this sacrament at the appropriate time; their parents and shepherds of souls, especially pastors, are to see to it that the faithful are properly instructed to receive it and approach the sacrament at the appropriate time.

Canon 891

The sacrament of confirmation is to be conferred on the faithful at about the age of discretion unless the conference of bishops determines another age or there is danger of death or in the judgment of the minister a grave cause urges otherwise.

Canon 913

§ 1. For the administration of the Most Holy Eucharist to children, it is required that they have sufficient knowledge and careful preparation so as to understand the mystery of Christ according to their capacity, and can receive the Body of the Lord with faith and devotion.

§ 2. The Most Holy Eucharist may be given to children who are in danger of death, however, if they are able to distinguish the Body of Christ from ordinary food and to receive Communion reverently.

Canon 915

Those who are excommunicated or interdicted after the imposition or declaration of the penalty and others who obstinately persist in manifest grave sin are not to be admitted to Holy Communion.

Canon 987

In order to receive the salvific remedy of the sacrament of penance, the Christian faithful ought to be so disposed that, having repudiated the sins committed and having a purpose of amendment, they are converted to God.

Canon 1041

The following are irregular as regards the reception of orders:

1° a person who labors under some form of insanity or other psychic defect due to which, after consultation with experts, he is judged incapable of rightly carrying out the ministry;

2° a person who has committed the delict of apostasy, heresy or schism;

3° a person who has attempted marriage even a civil one only, either while he was impeded from entering marriage due to an existing matrimonial bond, sacred orders or a public perpetual vow of chastity, or with a woman bound by a valid marriage or by the same type of vow;

- 4° a person who has committed voluntary homicide or who has procured an effective abortion and all persons who positively cooperated in either;
- 5° a person who has seriously and maliciously mutilated himself or another person or a person who has attempted suicide;
- 6° a person who has performed an act of orders which has been reserved to those who are in the order of episcopacy or presbyterate while the person either lacked that order or had been forbidden its exercise by some declared or inflicted canonical penalty.

Canon 1095

They are incapable of contracting marriage:

- 1° who lack the sufficient use of reason;
- 2° who suffer from grave lack of discretion of judgment concerning essential matrimonial rights and duties which are to be mutually given and accepted;
- 3° who are not capable of assuming the essential obligations of matrimony due to causes of a psychic nature.

Canon 1177

§ 1. As a rule the funeral rites for any of the faithful departed must be celebrated in his or her own parish church.

§ 2. However, any member of the Christian faithful or those commissioned to arrange for his or her funeral may choose another church for the funeral rites with the consent of its rector and after informing the departed person's pastor.