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Chapter 1: Legal Origins of the Prohibition on Clerical Disability

To the eternal memory of the fact. The prioress and the convent of the aforementioned monastery [the Augustinian monastery of Saint-Saturnin in Toulouse, France] beg us devoutly to consent to prevent more firmly, through our authority, the abbot of the aforementioned monastery of Saint-Saturnin from receiving as a canon a person who is one-eyed (*monoculus*), lame (*claudus*), one-armed (*mancus*), or in any other way unfit (*inhabilis*) for divine service.¹

The prospect of a wholly undesirable – an impaired – cleric serving in their midst was simply too much for the Augustinian community of Saint-Saturnin (Toulouse) to countenance. They were compelled to appeal to the very top of the Church hierarchy, the pope himself. With this letter to Saint-Saturnin’s abbot, Pope John XXII acceded to the wider community’s wishes and recalled the prohibition of such improper clerical appointments, presumably much to their relief. So doing, John lent papal authority to the characterization of impaired men as unfit for clerical office, further concretizing statutes set out in canon law. Physical, sensory, and/or intellectual ‘defects’ disqualified men from clerical office, not the least because such impairments were often, though not always, considered to reflect the individual’s moral defect.² Alongside stipulating specific impairments, the Chancery’s response is productively expansive, with an expansive prohibition on any condition, physical or mental, which rendered a cleric ‘in any other way unfit’ for the role. In canon law, such conditions were grouped similarly broadly under the categories of ‘defects of body’ (*defectus corporis*) or ‘defects of mind’ (*defectus mentis*). From the fifth to the twentieth century, men with such ‘defects’ were thus blocked from joining the ranks of the clergy, unless they were in receipt of pontifical grace. Likewise, clerics who had acquired an impairment after embarking upon an ecclesiastical career were obliged to obtain papal favour, if they wished to maintain their previous religious and social functions within the Church.³

1 RV 83, f. 163 R (RA 27, f. 152) – John XXII to the abbot of the Augustinian monastery of Saint-Saturnin in Toulouse, 1st March 1327. Text analysed by Mollat (ed.), *Jean XXII*, n° 28 051. The transcript according to the register: ‘*Ad perpetuam rei memoriam. [...] Priorisse et conventus canonicorum devotis supplicationibus annuentes, auctoritate predicta districtius inhiemus ne abbas dicti monasterio sancti Saturnini qui est et pro tempore fuerit aliquam monoculam, claudam, mancam, vel alias ad obsequium divinum inhabilem canonicare sive in canonicam recipi facere*’. All English translations are my own, unless otherwise stated.

2 *Inhabilitas* as a noun, since the thirteenth century, meant incapacity, or, in the modern sense, can mean disability. See Niermeyer (ed.), *Mediae latinitatis lexicon*, article “*inhabilitas*”.

3 This prohibition for recipients to join orders despite a defect in the body and for ordinands to remain there without grace was lifted only belatedly, by the Code of Canon Law of 1983, see conclusion.

Any study of disability necessitates the interrogation of the institutional processes that produce the category of disability itself. More specifically, it is essential to examine the ways in which a given institution determines the eligibility criteria for inclusion in the category of ‘the disabled’, the specific rights that may be granted following such classification, and the manner in which the institution acts in the extension of those rights.⁴ The implementation of laws that recognize the status of disabled persons may be affirmative, for example by offering specific legal protections to the disability community. At the same time, however, such laws exert a stigmatizing effect in general terms: disability is established as a sub-category split off from the normative population.⁵ Today, public policy tends to take a universalist view of disability (i.e., everyone should have access to the same opportunities), rather than a categorical approach to disability (i.e., seeking to determine whether, and to what extent, individuals are disabled) which historically prevailed. The medieval pontificate’s approach to impairment correspond closely to the categorical as the Church/Canon Law sets out a specific category of impairment. However, a third approach, founded upon a more subject-specific conceptualization of disability – with disability produced in, and modulated by, the interaction between an individual and their environment – is possible, and predominates in disability activism and academic scholarship (social model). The medieval pontificate’s approach to disability corresponds most closely to this third approach.⁶ Then, the coexistence of this categorical approach with the social model means that the law can be surprisingly flexible – allowing for impaired people to carve out space, not be disabled by their impairments. In fact, analysis of petitions and pontifical letters shows that the Chancery recognized, and legitimized, the agency of impaired individuals who, within the limits of the law, wished to adapt their functions or duties to their abilities. As in all legal systems, the presence of physical impairment did not necessarily equate to the presence of disability, according to the medieval Church.⁷

It appears, then, that ‘law is the best framework in which to comprehensively examine disability. A well-constituted legislative system, such as the one operative in medieval society, deals with both theory and practice: rules are prescribed, alongside the extent to which those rules will be applied. Whilst legal statutes construct specific subject categories, the individuals in those categories, and the categories themselves, become that much more visible when law is actually put into practice, on a case-by-case basis. Using the framework of canon law, the Chancery examined whether a specific petitioner’s impairment constituted an ‘irredeemable’ irregularity, or not. In the twelfth century, the pontificate and the Chancery adjudicated cases by relying on criteria of ‘purity’ and ‘impurity’ attached to conditions and impairments that had prevailed among the first decretists as Yvo of Chartres. The criteria for determining clerical irregularity as a result of impairment was not fixed, however, and steadily evolved in the works of later decretists and commentators of the Gregory IX’s *Decretals*. Jurists were no longer bound to, or seemingly particularly bothered by, the notion of impurity. Other criteria to determine irregularity were introduced in its stead: the extent to which an impairment might cause *laesio* (damage)

4 Revillard and Baudot, “Introduction”.

5 Legros, *Les processus discriminatoires*, p. 10.

6 See for example Hahn, “Toward a politics of disability”.

7 Garland, *The Eye of the Beholder*, p. 5.

to the Church, a concept borrowed from Roman law; the potential *scandalum* an impairment might generate in parishioners; and, the level of responsibility, or ‘fault’, an individual bore in terms of the onset of their impairment.

Irregularity: *Ex defectu corporis and ex defectu mentis*

This chapter examines the relationship between supplicants and the ecclesiastical authority instantiated by the notion of irregularity, a canonical category produced by ‘defects’ of body or mind – or rather, papal adjudications as to whether a given cleric’s impairment should be classified as such. Disability, as a construct, was not just defined in canon law, but also in its practical application, which established precedents that then fed back into legal statutes. In this way, the pontifical institution both imposed normative standards on the clerical community *and* had a direct hand in the formulation of norms, demonstrating its substantial power. Notwithstanding the significant influence wielded by the Chancery and its administrative regime upon the law and its evolution, it is essential to understand the general legal framework in which the Church operated, the legalistic source material that it sought to modify. Crucially, this source material was, itself, neither static nor monolithic. As a juridical object, ‘irregularity’ gradually gained currency over the course of the twelfth, thirteenth, and fourteenth centuries to the point of becoming a special condition for the granting of apostolic favours.

Idoneity and irregularity

Men who applied for entrance into clerical orders faced an uphill struggle if they were impaired. Impairment and illness directly contravened the canonical prescription for clerical idoneity, i.e. suitability to receive ecclesiastical office. Applicants who could not meet the requisite standards were prohibited from admission to the clergy. Numerous canonical statutes governed idoneity, construed as the satisfactory fulfilment of detailed criteria. Canon 16 of the Fourth Lateran Council (1215), for example, sets out regulations on clerics’ grooming and apparel:

They [the clerics] must have a becoming crown and tonsure and apply themselves diligently to the study of the divine offices and other useful subjects. Their garments must be worn clasped at the top and neither too short nor too long. They are not to use red or green garments or curiously sewed together gloves, or beak-shaped shoes or gilded bridles, saddles, pectoral ornaments (for horses), spurs, or anything else indicative of superfluity. At the divine office in the church, they are not to wear cappas with long sleeves, and priests and dignitaries may not wear them elsewhere except in case of danger when circumstances should require a change of outer garments. Buckles may under no condition be worn, nor sashes having ornaments of gold or silver, nor rings, unless it be in keeping with the dignity of their office. All bishops must use in public and in the church outer garments made of linen, except those who are monks, in which case they must wear the habit of their order; in public they must

not appear with open mantles, but these must be clasped either on the back of the neck or on the bosom.⁸

Two attributes in particular manifested the cleric's renunciation of the world, the tonsure and the habit. Clerics' group identity cohered around a variety of shared characteristics: they were Christians, male, and members of the clergy (regular or secular). Rigid standards for personal grooming and dress further re-enforced this shared identity by ensuring visual uniformity. This served to underscore that clerics were set apart from other dominant groups; they were 'those who pray[ed]', in opposition to 'those who [fought]' (secular elites, knights).⁹ Ecclesiastical supplicants all received the tonsure, whether they were members of the secular or regular orders, as a physical marker of their status, and the acquisition of a new identity.¹⁰ The tonsure served as a multi-faceted symbol. It denoted chastity, and visually testified to an applicant's uptake of the religious life or the end of the candidate's selection period. Clothing similarly distinguished clerics from the laity. In general terms, the clerical uniform comprised long robes that were dark, sober, and plain. Despite its lack of adornment, clerical apparel was not a simple matter: the specifics of the uniform varied according to the function fulfilled by the wearer in the ecclesial body and/or their religious order, marking the position and rank he occupied in the social space.¹¹ Alongside such appearance-based requirements, clerics had to be literate and capable of serving as models for the lay community, as humble and forgiving as they were chaste and measured.¹² Religious men and women alike were recognizable as such thanks to their adoption of ecclesiastical norms, which marked them out as a group apart from lay society, and indeed one considered to be of superior character.¹³

Alexander III (1159-1181) offers an explicit definition of idoneity in an undated letter addressed to the Bishop of Canterbury and his suffragans, compiled in Gregory IX's *Decretals*:

No one shall be appointed to the administration of the church if he has proven to be unworthy in his knowledge of science, his morals, or his age or who has two churches: if so, he shall resign of the first one, unless there is a hidden reason.¹⁴

The Pope sets out the qualities of a good cleric: education (*scientia*), good morals (*moribus*), and the necessary age (*aetate*), which varied according to the clerical role for which one applied.¹⁵ His statements were anything but theoretical. The bishop had intended, it seems, to ordain an 'unworthy' individual; Alexander writes to block this egregious act. For this reason, the first part of the letter refers expressly to

8 Schroeder, *Disciplinary Decrees*, p. 236-296. Fourth Lateran Council, canon 16. This rule applies until the 1917 code.

9 Murray, "Masculinizing Religious Life".

10 Bock, "Tonsure monastique".

11 Bourdieu, *La distinction*, p. 61.

12 Destemberg and Kouamé, "Aux origines de l'*homo academicus*".

13 From this perspective, male and female religious inhabited a 'third gender', beyond the binary gender system of lay culture. See Murray, "One Flesh, Two Sexes, Three Genders?".

14 *Decretales Gregorii IX*, book I, title 14: '*De aetate et qualitate et ordine praeficiendorum*' ('on the age, quality and rank of the applicants'), chapter 4.

15 Dohar, "*Sufficienter litteratus*".

some provisions of the Fourth Lateran Council concerning the election of priests by bishops. Canon 30, in fact, introduced criteria governing candidates' suitability, permitting their classification as *idoneus* (suitable) or *indignus* (unworthy). Only those deemed 'suitable' were worthy of receiving a benefit. Canon 27 similarly focused on idoneity, in the context of ecclesiastical offices and major orders.¹⁶ The Council also added another layer of protection, by enacting clauses to allow for the correction of errors of appointment, in case a successful candidate was later discovered to be unsuitable for office.

Canonical prescriptions of bodily and spiritual perfection governed all clergy. Clerics were obliged to follow papal regulations, which included examinations. Such tests allowed for the detection not only of the specific bodily defects or invisible conditions discussed in canon law, but any and all abnormalities, physical and otherwise.¹⁷ In a letter sent to Lucanian and Bruttian bishops, compiled by Gratian, Pope Gelase expounds on characteristics which rendered a candidate unsuitable for holding divine office:

Someone cannot [be elected] if he [has been] infected by crime, [is] illiterate, remarried, barely out of adolescence, vitiated, servile or of servile origin, involved in public or curial affairs, known to have undergone public penance or [is] sometimes unable to hold a proper discussion.¹⁸

Thus, in order to be admitted to offices and receive a benefit, the candidate must satisfy various conditions. He must be: at least eighteen years old, in good health, well-educated, unmarried, free-born, without debt nor involved with another religious order, and, above all, have obtained the clericatus. Any deviation from these standards was considered to be a 'defect' which meant an individual did not fulfil the requirement of idoneity. For example, an applicant's illegitimate origins were considered to be a defect of birth.¹⁹ An applicant who was too young was determined to have an age defect.²⁰ A supplicant living with physical or mental impairment was judged to have a defect of body or mind.²¹

Strictly speaking, clerics judged to be physically 'defective' were not allowed to enter the orders nor to obtain the tonsure. Bodily defect rendered the cleric *irregular*, i.e. subject to 'a canonical and perpetual disqualification from receiving or lawfully exercising holy orders and tonsure'.²² From as early as the eleventh century, a list (or canon) was compiled of ordained clerics, grouped under the heading of *regulares*. The term 'irregular', then, refers to individuals who cannot be entered in this register, or must be removed from it, due to their defect(s) and their inability to fulfil the role at hand.²³ The irregularities

16 Schroeder, *Disciplinary Decrees*, p. 236-296. Fourth Lateran Council, canon 30: 'on the suitability instituted within the Church'; canon 27: 'incompetent persons must not be promoted to the priesthood or given the direction of souls'.

17 For a complete presentation of the formation of Dominican novices, see Mulchahey, *First the Bow is Bent in Study*, chapter 2. According to the author, these provisions are part of the first constitutions of 1225 and 1231.

18 *Decretum Gratiani*, distinctio 55, canon 1: "that the lay person who wishes to accede to monastic discipline and clerical office should have his or her life examined beforehand".

19 Fossier, "A propos du *defectus natalium*".

20 Barrow, *The Clergy in the Medieval World*, p. 38.

21 Ullmann, *A Short History of the Papacy*, p. 154.

22 Naz, *Dictionnaire de droit canonique*, "irrégularités", tome VI, p. 43.

23 Hollweck, *Die Kirchlichen*, quoted in Naz, *Dictionnaire de droit canonique*, "*defectus*", tome III, p. 1068.

ex defectu corporis and *ex defectu mentis* were effective measures to ensure that only those who could adequately exercise most, if not all, ecclesiastic functions were ‘on the list’, ordained members of the orders. Nevertheless, the candidacy of ‘irregular’ clerics was not entirely impossible.

A pontifical letter, granted by the Chancery, could permit the contravention of canonical regulations and thereby support clerics’ entrance, or continued presence, in the orders. This is demonstrated, for example, in a letter dated 4 December 1397 written by Boniface IX regarding the case of Wenceslaus Duberman, canon of the cathedral church of Vyšehrad in the Prague diocese. The Pope explicitly describes Wenceslaus’s illness as an impediment (*impedimentus*) and defect (*defectus*):

It has been brought to our attention by your supplication that, although you are suffering from a serious illness called ‘apoplexy’ and you suffer immoderately from an impediment and a defect in your left arm and leg, you can still walk and ride a horse to move around, less than before however, and you still take part in divine services at opportune times.²⁴

The use of the term ‘defect’ (*defectum*) here suggests a permanent impairment, and indeed, the letter confirms Wenceslaus’s diagnosis of apoplexy, alongside emphasizing its gravity. Although he can still walk, ride horses, and take part in divine services, he can no longer fulfil all his ecclesiastical duties as before. This includes visiting his rather meagre second benefit, at the chapel of St. Clement in the same diocese, which was worth less than 40 silver marcs. Nevertheless, Wenceslaus asks to retain all privileges and income associated with the benefit, a request which was granted to him by pontifical grace, expressly despite his impediment and defect (*‘impedimento et defectu predictis [...] nequaquam obstantibus’*).

Irregularity, as a concept, was nuanced in canon law, differentiated according to the varying consequences of stipulated conditions. The condition of irregularity could, for example, be absolute (i.e., a permanent condition) or time-limited (i.e., corresponding to the duration of the illness). Whilst technically rendering an individual ‘irregular’ in terms of idoneity, cases of temporary ‘defects’ were more properly known as ‘simple impediments’.²⁵ Hence, the description of Wenceslaus Duberman’s condition as an impediment (*impedimentum*) is significant. Wenceslaus suffered from apoplexy. Typically, the result of a violent blow, this condition causes sudden haemorrhages which can cause the patient to suffocate, though it can be cured. As such, Wenceslaus’s defect may not be permanent: after some period of time, he may well be once more able to take care of his second benefit.²⁶ For this reason, Wenceslaus’ condition is labelled an impediment, and not an irregularity per se. An irregularity was

24 RL 52, f. 23 V – Boniface IX to *Wenceslaus Duberman*, chanoine de l’Église cathédrale de Vyšehrad (diocèse de Prague), on 4 December 1397. Text edited by Krofta, *Monumenta vaticana*, p. 669, n° 1238: “*Exhibita nobis nuper pro parte tua petitio continebat, quod tu quadam infirmitate ‘apoplexia’ nuncupata adeo gravatus existis, quod, licet ambulare ac ire et equitare possis, non tamen sicut prius, et divinis officiis interesse temporibus oportunis, quodque in tuis brachio et crure sinistris impedimentum et defectum non modicum paciaris*”.

25 Guaydier, *Les irrégularités*, p. 97.

26 This is the definition proposed by Guillaume Le Talleur, *Dictionarius familiaris*: “*est subita sanguinis effusio qua suffocati intereunt, sic dicta quia ex tali percussione repentinus casus fiat*”.

inherently permanent, and is thus distinct from an impediment, which can disappear.²⁷ In the strictest sense, then, only permanent conditions, alongside incurable or chronic illnesses, could lead to irregularity.

The Apostolic See created the juridical categories of ‘defects’ of body and mind as an administrative boon in order to more easily classify supplicants according to the type of grace they requested, and thereby streamline the petition process. At the same time, such classifications enabled the ecclesiastical institution to define the requisite capacity required of its clerics, and enforce quality-control measures on clergymen in office. They thus operated in practical and ideological terms: facilitating the work of the Chancery, and supporting the theoretical construction of physical and mental suitability for clerics, and deficits thereof. The Chancery considered a cleric’s condition from a variety of angles – including its form, its curability, and its typical duration – with the aim of offering adaptations to suit a cleric’s given circumstances. Such adaptations set precedents which were then incorporated into canon law. From this perspective, the evolution of canon law from the twelfth to the fourteenth century is therefore not just logical, but inevitable.

Defectus corporis in early Christianity

The notion of *defectus corporis* has been a part of canon law since the Christianity’s earliest days. Its longevity as a legal precept does not equate to conceptual stasis, however. Indeed, in the run-up to the fourteenth century, the definition of such bodily defects steadily evolved in three distinct stages. Whilst physical perfection was initially viewed as synonymous with moral purity, the former became progressively distinguished from the latter, until the linkage between bodily and moral integrity disintegrated entirely. The prohibition on clerical disability was, as ever, rooted in protecting the Church from the ‘impurity’ of clergymen with bodily defects, yet the defects themselves were no longer understood in terms of moral corruption. Such developments, as espoused by generations of decretists and decretalists, led to an evolution in thinking on the nature of impairment and clerical irregularity, especially in terms of which impairments rendered a cleric irregular.

In early Christianity, a simple equation ruled: bodily deficiency directly illustrated moral vice.²⁸ For this reason, impaired people were excluded from leading worship, a prohibition in operation in numerous ancient cultures and explicitly stated in the Old Testament.²⁹ In this text, disability is equated to spiritual impurity, with impaired individuals therefore ineligible to perform divine services.³⁰ According to Leviticus 21:16-24, clerics must possess a perfect body in the image of Christ, to avoid desecrating holy places with the ‘corruption’ of an impairment:

27 Naz, *Dictionnaire de droit canonique*, “irrégularités”, tome VI, p. 43.

28 Barnes, “A Legacy of Oppression”.

29 Hentrich, “Being Disabled in the Ancient Near East”.

30 Raphael, *Biblical Corpora*, p. 31-40.

And the Lord spake unto Moses, saying, Speak unto Aaron, saying, Whosoever he be of thy seed in their generations that hath any blemish, let him not approach to offer the bread of his God. For whatsoever man he be that hath a blemish, he shall not approach: a blind man, or a lame, or he that hath a flat nose, or any thing superfluous, Or a man that is brokenfooted, or brokenhanded, Or crookbackt, or a dwarf, or that hath a blemish in his eye, or be scurvy, or scabbed, or hath his stones broken; No man that hath a blemish of the seed of Aaron the priest shall come nigh to offer the offerings of the Lord made by fire: he hath a blemish; he shall not come nigh to offer the bread of his God. He shall eat the bread of his God, both of the most holy, and of the holy. Only he shall not go in unto the vail, nor come nigh unto the altar, because he hath a blemish; that he profane not my sanctuaries: for I the Lord do sanctify them.³¹

Similar restrictions deprived impaired persons of an active role in worship in many other religious systems, as their presence risks desecrating the sanctity and purity of the shrine. Sanctity, since the impaired body is neither perfect nor whole, and it is therefore ineligible for admission to the holy space.³² Purity, since the ‘defective’ impaired body of the priest threatens to defile divine perfection.³³

In his *Pastoral Rule* (composed c. 590), Gregory the Great recapitulates the relevant section of Leviticus to further elaborate on the link between moral vice and physical impairment of the servant:

Let each one therefore measure himself carefully: so that he will not have the audacity to assume the function of governing if the vice still reigns within him, condemning him; if a serious personal fault disfigures him, let him not seek to be an intercessor for the faults of others.³⁴

Corporal and moral vices coincide to such a degree that an impure man cannot intercede for another person before God. Gregory supports his arguments further by drawing on material in the New Testament, in which a parallel between spiritual and bodily corruption is emphasized in the depiction of Jesus, as a healer, absolving men’s sins.³⁵ Indeed, Timothy, 3:2 underscores that priests are subject to the same spiritual requirements that God makes of bishops: ‘The bishop must therefore be blameless, the husband of one wife, sober, moderate, orderly in his conduct, hospitable, fit for teaching’.³⁶ It is not a question here of their physical perfection, but of their moral purity.³⁷

31 *The New King James Version*, 2020, Leviticus 21:16-24.

32 Douglas, *Purity and Danger*, p. 76.

33 See for example Wilgaux, “‘Υγιής και όλόκληρος’”; Downer, “The Coptic and Ethiopic Traditions”. The author notes, for example, four accounts of miracles that attest to the obligation of physical perfection on the part of priests.

34 Grégoire I, *Règle pastorale*, p. 165, chapter 11, my translation.

35 *The New King James Version*, 2020, Matthew, 9:2 “And, behold, they brought to him a man sick of the palsy, lying on a bed: and Jesus seeing their faith said unto the sick of the palsy; Son, be of good cheer; thy sins be forgiven thee”.

36 Grégoire I, *Règle pastorale*, see Pauline epistles, 1; Timothy, 3:2.

37 Stamps and Wesley (eds.), *Five Bible-KJV*, p. 191.

By contrast, the first canonical legislations, promulgated between the fourth and ninth centuries, differentiated between two defects, moral and physical. It is only the former that made an individual fundamentally unworthy of service, although the latter could prevent ordination on the grounds of incapacity. For example, the Apostolic Constitutions, dating from the second half of the fourth century, proposed that only the moral qualities of an applicant were relevant when determining his suitability for entrance into office, explicitly admonishing consideration of his physical state:

In order to establish a priestly tribe made up of each best person with a view to being elected priest, one does not dwell on his vices of the body (*corporum vitia*), but on his piety and his life.³⁸

At this time, the Church was engaged in a violent struggle to spread the Christian religion across the globe. As such, this permissible stance is likely rooted in the need to avoid discouraging Christians from participating in the righteous fight, which exposed them to the very real danger of martyrdom and mutilation.³⁹ Similarly, men who had taken up arms for their faith, more likely to become impaired, were those who had clearly demonstrated the strength of their piety, and were, in theory, some of the best candidates for ordination. Hence, it seems, the appointment of particularly suitable impaired priests was encouraged. Indeed, Canon 76 of the Constitutions authorized one-eyed or mobility-impaired men to receive the sacrament of Holy Orders, if the man in question proved himself to be otherwise worthy:

If someone who is deprived of sight, or wounded in the thigh, is worthy of being a bishop, let him be a bishop. The question is not whether his body is defiled by this injury, but the defilement of his soul.⁴⁰

As justification for this position, the text further noted that it is the impurities of the soul, and not the defilements of the body, that make a man unworthy of orders. Consequently, physical defects do not reflect moral defects; in the eyes of the Church, the former are far less serious than the latter.

The question of impaired clerics and bishops was first explicitly considered in canon law at the end of the fifth century by Pope Gelasius (492-496), with further detail by subsequent pontiffs until the end of Eugene II's tenure (824-827) and later compiled in Gratian's *Decree*. The examples used in canon law refer exclusively to situations of fixed impairment (such as cases of leprosy) and mutilation (such as cases of limb loss). This illustrates the distinction made between fixed conditions, understood to cause irregularity, and variable, or time-limited diseases that cause impediment. Gelasius was the first to legislate the prohibition on ordination for individuals deemed to possess bodily defect(s). Later pontiffs followed his lead closely, fleshing out his earlier regulation in more detail but adding little, if any,

38 Metzger, *Les constitutions apostoliques*, book 6, chapter 23, n° 5, my translation.

39 Guaydier, *Les irrégularités*, p. 31.

40 Metzger, *Les constitutions apostoliques*, book 8, chapter 47, n° 77.

direction of their own to the statutes at hand.⁴¹ For example, the Third Council of Orléans, held in 538, stipulated the sanctions to be levied against individuals who contravened the prohibition on the ordination of men with a bodily defect first formulated by Gelasius.⁴² The Fourth Council of Toledo in 633 expanded the punitive scope. As before, men with bodily defect were blocked from ordination, and subject to disciplinary action if they sought to be ordained. But now, any clerics that helped them, including ordaining them, were to be punished similarly, and themselves removed from office.⁴³ Gradually between the fifth and the twelfth century, physical defects and moral vices became two distinct legal categories, yet their application had the same effect: the prohibition on ordination for impaired men.

The collections of decrees used in the twelfth and thirteenth centuries highlight the distinction between moral and physical vices. The texts chosen by jurists to illustrate certain points of canon law bear witness to the ever widening gap between the two kinds of defect in the construction of clerical irregularity.⁴⁴ Gratian opens Distinction 49 of his *Decree* with a quotation from Gregory the Great (590-604). Individuals possessing a ‘weakness of body’ (*imbecillitatem corpus*), or a ‘repulsive mind’ (*repugnat spiritus*) cannot, Gregory proclaims, be considered worthy of leading worship.⁴⁵ Bodily vices and defects of morality (*infamis*) constitute irregularities of equal importance with similar consequences, he maintains, though they form two distinct legal categories. Indeed, Gregory had earlier written a letter to John, bishop of Squilace in Calabria, in which he clearly drew a parallel between bodily vice (*parte corporis uitiatum*) and the eight deficiencies that give rise to an *defectus mentis* irregularity, including illiteracy.⁴⁶ Yet Gratian, in his analysis of Gregory’s missive, provides an alternative explanation for the prohibition. According to established legal precepts, a bodily defect prevents an ordained man from giving the sacraments because it evidences his vice, whereas illiteracy is simply prohibited on pragmatic grounds:

The illiterate and any other person who lacks a part of the body, let no one think of promoting them as a priest, for whoever cannot read the sacred letters is not fit for the office, and whoever is vitiated cannot offer anything to God as forbidden by the precepts of the law.⁴⁷

41 Guaydier, *Les irrégularités*, p. 25. These precepts are notably found in canonical collections such as the *Decretum Gratiani* and the *Decretales Gregorii IX*.

42 Hardouin, *Conciliorum collectio*, tome II, p. 1424. The council recommends punishing both the person who would have been ordained despite an imperfection of the body (*semus corporeum*), which is then deposited, and the bishop who performed the ordination, which is suspended for six months.

43 *Decretum Gratiani*, distinctio 51, canon 5.

44 The list of irregularities was not updated until 1917 by the Apostolic See; only the canonists would update it several times during our period of study.

45 *Liber pastoralis*, chapter 10. See *Decretum Gratiani*, distinctio 49, prelude.

46 *Decretum Gratiani*, distinctio 34, canon 10. Other conditions causing irregularity *ex defectu* are failure to follow the vow of chastity (*bigamus*), penance, criminal guilt (*curiae obnoxius*, lack of gentleness) or servile condition (*conditioni obnoxius*, lack of liberty).

47 *Decretum Gratiani*, distinctio 36, canon 1. In it, Gratian takes up a letter written by Pope Gelasius in which the vice of body, defined by the lack of a part of the body, forbids access to the clerature in the same way as illiteracy. This passage is also present in Ivo of Chartres’ *Panormia*, book 3, chapter 47.

From the twelfth to the fourteenth centuries, the detrimental moral dimension of physical deficiency was de-emphasized, and steadily faded. Incapacity, whether physical or intellectual, was no longer synonymous with moral turpitude, and thus impairment became subject to pontifical pardon. The petitions and letters in the corpus reflect the conception of bodily defects as developed in thirteenth-century compilations of canon law, insofar as impairment is never linked to a *moral* defect. Jurists no longer depended upon vice as a framework in which to orient the ecclesiastical response to impairment. Instead, they turned to other concepts to adjudicate cases, namely: *laesio* and *utilitas* from Roman law; *scandalum*; and individual fault. Notwithstanding shifts in the precise delineation of the legal precepts of *defectus corporis* and *mentis*, such categories remained invaluable, especially in the thirteenth century. At this time, they allowed the Chancery to classify supplicants and thereby to automate, to some degree, the processing of petitions.

Canonical Standards of Normality: Capacity and Image

During the supplication process, the Pontifical Chancery evaluated petitioners' impairment according to two standards of normality: capacity and image. On the one hand, members of the Curia considered the petitioner as an individual, and more precisely his capacity to undertake essential ministerial acts, such as leading Mass, and to fulfil religious obligations, such as Lenten fasting, giving penance, and so on. On the other hand, they evaluated the broader impact of an individual's impairment in terms of its potentially detrimental social impact, or *scandalum*: the effect that it might have on the Christians around him, potentially leading to the cleric's marginalization, alongside a loss of faith in his congregation.⁴⁸ Taken together, these two criteria reflect the cleric's *integritas*, as defined by Thomas Aquinas. Entrance into the orders, according to Aquinas, requires that an ordinand possess *claritas*, i.e. a good reputation, and that the performance of his duties be unimpeded by physical impairment:

To the fourth question, it should be said that, as is clear from what has been said, someone becomes unsuitable for the reception of holy orders either because of an impediment to the act or because of an impediment to the person's prominence (*claritas*). And therefore those suffering a defect (*defectus*) in their members are impeded from the reception of holy orders, if there were such a defect that it left a noticeable mark (*macula*) by which the prominence of the person would be obscured, like having one's nose cut off, or if it could endanger the exercise of holy orders; otherwise, they would not be impeded. But this integrity (*integritas*) is required from the necessity of precept, not as necessary to the sacrament.⁴⁹

The problem is not impairment per se, it is both the visible impairment which may negatively affect the man's *claritas*, and which interferes with the cleric's fulfillment of duties. This allows ordination for a

48 See also Stöhr, "Körperlich versehrte Geistliche".

49 Thomas Aquinas, *Commentary on the Sentences*, book IV, distinctio 25, question 2, article 2.

whole range of impaired men insofar as it this is more of a canonical law matter than a sacramental issue. Then, it also allows an opening up a space for more ‘disabled’ men, as the sense we understand it today, to be involved in the Church. Anyhow, the Church, as an institution, is responsible for ensuring that the men applying to become members of its highest ranks, and especially those serving on its front lines with the care of souls, are up to the task. They must possess integrity, and the demonstrate the capacity to fulfil their core functions.

Capacity: ability and functionality

It is hard to overstate the importance of capacity – understood as a cleric’s ability to perform the functions of their office – in discussions to determine supplicants’ bodily and mental defects in the corpus.⁵⁰ Drawing from Galenic medicine, the documents testify to a functional approach to impairment. In the Galenic model, illness equates to a state in which ‘one can no longer freely go about one’s business, through a total or partial impediment’.⁵¹ Such an emphasis on the practical consequences of physical incapacity is equally evident in the writings of Thomas Aquinas, who offer a definition of the medieval ‘invalidity’ when discussing the issue of ‘bodily impairment’:

I answer that, the cause of sin is on the part of the soul, in which, chiefly, sin resides. Now weakness may be applied to the soul by way of likeness to weakness of the body (*infirmittatis corporis*). Accordingly, man’s body is said to be weak (*infirmus*), when it is disabled (*debilitare*) or hindered (*impedere*) in the execution of its proper action, through some disorder of the body’s parts, so that the humors (*humores*) and members of the human body cease to be subject (*non subdere*) to its governing and motive power (*virtus*). Hence a member is said to be weak (*infirmus*), when it cannot do the work of a healthy (*sanus*) member, the eye, for instance, when it cannot see clearly, as the Philosopher [Aristotle] states (*De Hist. Animal.* x, 1).⁵²

The theologian proposes a functionalist definition of physical weakness and invalidity that is connotative of the social model’s concept of bodily impairment. In this context, disability is clearly linked to an individual’s ability, or lack thereof, to perform various social and professional functions. It is thus construed as a deviation from the norm, with the latter defined both by assumptions as to the capacity of healthy, able-bodied members of society and by the expectations of the pontifical institution. By characterizing impairment as an obstacle to the accomplishment of certain activities, Aquinas addresses the first social consequence of medieval impairment, according to canon law and the papal letters: the (in)ability to undertake work. Is this the first way in which an impairment may become a disability.

50 Disability historians commonly admit that this medical approach appeared with the emergence of industrialisation and capitalism at the end of the 19th century. See Finkelstein, *Attitudes and Disabled People*.

51 Gourevitch, “La conception galénique”, quoting the chapter 4 of the *Ars medica* by Galen.

52 Thomas Aquinas, *Summa Theologiae I-II*, q. 77, article 3, “Whether a sin committed through passion should be called a sin of weakness?”

The *Decretals of Gregory IX*, compiled by Raymond de Peñafort in 1234, questioned the ordination of applicants with bodily impairments, leveraging bulls written by a series of pontiffs spanning the reigns of Alexander III (1159-1181) and Honorius III (1216-1227). Title 20, ‘*De corpore vitiatis ordinandis vel non*’ (‘whether persons with bodily imperfection should be ordained or not’), emphasizes that issues relating to capacity and reputation are of grave importance, and serve to disqualify men from the clerical profession for a number of reasons.⁵³ In this context, jurists distinguish two types of irregularity produced by *defectus corporis*: total and partial. Total irregularity makes it impossible to exercise the ecclesiastical function.⁵⁴ This would be the case, for example, for a bishop who permanently lost the ability to say Mass due to a glossal injury. On the other hand, partial irregularity – more precisely termed, an impediment – necessitates only the reduction in a clergyman’s activities commensurate to his capacity, as he is still able to fulfil certain functions of the office. A lack of capacity explains, then, the prohibition on the ordination of the ‘dumb, deaf and blind’ that has existed in canon law from its earliest formulation. Men with these kinds of sensory impairments are in a state of total irregularity: they are unable to read aloud, and therefore cannot exercise the office properly.⁵⁵ By contrast, a bishop who became blind after ordination would not necessarily be removed from his post. Whilst he could no longer read the sacred texts to say Mass, he may very well retain the ability to confess the laity, for example.⁵⁶ In other words, his blindness could be considered to be only a *partial* irregularity. Irregularity related to *defectus mentis* was less nuanced, in theory at least. It was impossible to gauge with confidence whether a mentally impaired applicant’s stated desire to be baptized, to marry, or to enter holy orders truly reflected their wishes, or if they were of sound mind. As such, *defectus mentis* represented total irregularity. However, if the individual experienced intervals of lucidity, i.e., moments when their impairment had no discernible consequences, the *defectus mentis* could be considered as only partial irregularity, i.e., an impediment. The granularity of such legal distinctions meant that the ecclesiastical authority was obliged to judge cases ‘according to the nature and gravity’ of the applicant’s condition, especially the extent to which an illness impacted the ‘[optimal] exercise of priestly functions’.⁵⁷ The pontifical institution thus required in-depth knowledge of the specificities of physical and mental conditions, alongside the theological dangers they might pose. The Chancery’s expertise in this arena is demonstrated throughout the corpus.

Whilst theologians described the consequences of impairment in detail, they did not dwell on its causes.⁵⁸ The only thing that mattered was the issue of capacity, since it was on this question that the Chancery had to rule during the petition process. In the *Summa Aurea*, for example, the canonist Henry

53 *Decretales Gregorii IX*, book I, title 20: “*De corpore vitiatis ordinandis vel non*”.

54 In the context of the sale of slaves during antiquity, the author Aulu-Gelle (123-180) distinguishes *morbus* (disease) from *viciū* (body defect), taking into account the ability to work and not the temporary or permanent nature of the symptoms. See Laes, Goodey and Rose, “Approaching Disabilities”.

55 See for example Sozomen, *Histoire ecclésiastique*, book 6, chapter 30. The author developed the famous example of Ammonius who mutilated his ear to prevent him from becoming a bishop in the fifth century, and then threatened to cut out his tongue to prevent him from speaking if his voters tried to force again.

56 Naz, *Dictionnaire de droit canonique*, “irrégularités”, tome VI, p. 48.

57 Tinel, “Étude de quelques maladies”.

58 Parlopiano, “*Propter deformitatem*”.

of Segusio (1200-1271) delineates several criteria for irregularity *ex defectu corporis* that rendered an individual unfit for divine service, without any mention of the moral valency of such conditions:

Disability (*debilitas*) occurs when one has a limb that cannot function as expected (*inefficax*). Deformity (*deformatas*) occurs when one has a spot in the eye, when one is hunchbacked or bent, if one has six fingers in one hand or other unnatural features. Impotence (*impotentia*) appears when one is mutilated.⁵⁹

Such functionalist characterization of impairment, which we equally find in the petitions and letters, clearly breaks with earlier conceptualizations of bodily imperfection as moral impurity, and vice versa. For example, Canon 47 of the Apostolic Constitutions, written in the fourth century, insists that incapacity, and not moral corruption, is the reason for barring individuals with certain impairments from the episcopate: ‘The deaf-mute (*surdus*) or the blind (*caecus*) will not become a bishop; not because he is defiled (*pollutus*), but so that the affairs of the Church do not suffer (*impediantur*)’.⁶⁰

Chief amongst the pontifical institution’s responsibilities was the management of ecclesiastical goods and affairs. Its willingness to grant pardons according to a supplicant’s capacity, or lack thereof, was directly related to its strategic managerial mission.⁶¹ Incapacity had to be adjudicated on a case by case basis: measurements of normative capacity were tied to the requirements and expectations of a given role. In this way, an individual’s capacity was defined by the community’s sense of the missions with which the cleric was tasked, and by the individual’s subjective ability to succeed on those terms.⁶² A letter from Gregory XI to the bishop of Palencia on 3 January 1376, regarding Abbot Lupus of the Benedictine monastery of San Salvatore de Oña (diocese of Burgos), is particularly illustrative on this topic:

The request sent to us by the dear brothers Petrus Fernandus de Castellanos, prior of the cloister and the convent of the Benedictine monastery of Onia, immediately submitted to the Holy See, in the diocese of Burgos, contains that in order to provide for the dear son Lupus, abbot of the said monastery, who about three years ago contracted a serious illness leading to continuous mental insanity, so much so that it has become useless to administer anything, that the property of the said monastery is a little more in ruins every day, and wishing that

59 Henry of Segusio, *Summa Aurea*, 1, 20.

60 Hardouin, *Conciliorum collectio*, tome I, p. 27.

61 The idea of functionality of the disabled persons are found in other religious traditions, notably in the Koran, where the disabled person is exempted from going into battle for example. Stiker, *A History of Disability*, quoting the Koran, suras 24 and 48.

62 Edwards Rose, “Constructions of Physical Disability”.

the said monastery be managed in a healthy way, they elected dear brother Garsius Fernandi, sacristan of the said monastery, as coadjutor [...].⁶³

Some three years after its initial onset, Lupus' mental dysregulation remains grave. It seems this is not a condition from which he will ever recover, nor is it compatible with the smooth running of the monastery for which the abbot is responsible. It is for this reason that Prior Petrus Fernandus de Castellanos and the entire monastic community at Onia write to the Pope. After setting out their complaint about the inefficiency of their 'useless' abbot, they inform the Chancery that they have voted for the installation of a coadjutor. Gregory concurs with the community's decision, eventually ruling that Lupus' incapacity contributed to the progressive ruin of the monastery, as he could no longer perform any administrative tasks attached to his office. The Pope thus endorsed the appointment of a coadjutor to assist Lupus, which dealt with the problem at hand without the need to remove Lupus from his prestigious office.⁶⁴ In the interchange, no mention is made of the moral dimension of the abbot's condition, nor is it explained in terms of moral corruption. All parties involved in the case concentrate instead on the consequences of Lupus's impairment in terms of his capacity. This reflects the focus in canon law on the cleric's impairment in terms of their functional ability in a given set of circumstances. In discussions of defects of body and mind, canonical texts offer fuzzy, imprecise explanations for the cause of impairment, whilst attending meticulously to the minutiae of its associated effects.⁶⁵

Canonical texts and petitions dating to the thirteenth century demonstrate a rather tolerant attitude in terms of accommodating impairment, as evidenced by material relating to prebends and dignities in Gregory IX's *Decretals*. Drawing from a letter from Alexander III to the clerk and the chapter of Lille, canon law stated that a priest must celebrate Mass every day, unless he was prevented from doing so by bodily infirmity.⁶⁶ As will be discussed in depth in Chapter 4, neither physical nor mental impairment prohibited an officiant from retaining his benefit, from a canonical perspective. Nevertheless, an impaired cleric might well be stripped of some of his functions and benefits, owing to the effect of the condition on their capacity. Such subtleties come into focus, for example, in the case of supernumerary fingers. The canonist Goffredo da Trani maintains that the presence of additional digits does not de facto constitute an impediment. Henry of Segusio is in agreement, adding the provision that the defect must

63 RA 198, f. 24 R – Gregory XI to the Bishop of Palencia, 3rd January 1376. Text analysed by Hayez, Mathieu and Yvan (eds.), *Grégoire XI*, n° 41 460, of which I give the transcription according to the register: “*Sane petitio pro parte dilectorum filiorum Petri Fernandi de Castellanos, prioris claustralis, et conventus monasterio de Onia, ad eandem Romanam ecclesiam nullo medio pertinentis, O.S.B., Burgensis diocesis, nobis nuper exhibita continebat quod dudum ipsi providere, accedentes quod dilectus filius Luppus abbas eiusdem monasterii qui gravem infirmitatem continuam insanae mentis a tribus annis citra contraxerat, adeo inutilis factus erat administrator in omnibus quod bona dicti monasterio cotidie perdebantur, ac cupientes eidem monasterio salubriter promoveri dilectum filium Garsiam Fernandi, sacristam dicti monasterii eundem, in coadiutorem elegerunt [...]*”.

64 See Chapter 4 on the appointment of coadjutors.

65 Metzler, “Then and Now”.

66 *Decretales Gregorii IX*, book III, title 5 – *De praebendis et dignitatibus*, chapter 11.

not lead to *scandalum* and thereby negatively impact the cleric's ability to fulfil the duties of his role.⁶⁷ Once more, the question of functionality becomes central.

Image: scandalum and suitability

Discussion of capacity centres the impaired cleric as an individual. This is of critical importance, yet provides only half the story. The development of a comprehensive understanding of medieval disability demands the consideration of another, parallel perspective: the opinion of those around the impaired individual, understood in the present context as the Christian worshippers that comprise the impaired cleric's community and congregation. Disability enacts not just physical change, but also a shift in an individual's social identity. Whether or not an impairment practically prevents a cleric from performing their duties adequately, their condition affects their reputation. Not all impairments are equally visible, and thus the social impact of an impairment depends on how visible, how 'intelligible', a cleric's condition is to those around them.⁶⁸ Called a stigma when visible, this marks a disfavour or disgrace and reveals a person's virtual social identity.⁶⁹

Canon 27 of the Fourth Lateran Council insists on the obligation to recruit only ministers genuinely worthy of divine office:

Since the direction of souls is the art of arts, we strictly command that bishops, either themselves or through other qualified men, diligently prepare and instruct those to be elevated to the priesthood in the divine offices and in the proper administration of the sacraments of the Church. If in the future they presume to ordain ignorant and unformed men (a defect that can easily be discovered), we decree that both those ordaining and those ordained be subject to severe punishment. In the ordination of priests especially, it is better to have a few good ministers than many who are no good, for if the blind lead the blind both will fall into the pit (Matt. 15:14).⁷⁰

Priests are not just representatives of the Church, but of Christianity itself – and tasked with the most important work of all, the care of souls. It follows, then, that the papacy evinced a particular interest in the exemplarity, or representative-ness, of all aspects of the clerical subject, including his body, mind, and social identity. By dint of its authority over Christian bodies, the Church defined the level, and kind, of stigma generated by impairments, and whether stigmatized applicants could enter the clericate.⁷¹ Those ecclesiastical precepts could partly be integrated in the medieval society's norms, according that

67 On this debate, see Parlopiano, "*Propter deformitatem*", p. 94.

68 Shaking hands or stuttering, for example, could be visible signs of mental disorders.

69 Link and Phelan, "Conceptualizing Stigma".

70 Schroeder, *Disciplinary Decrees*, p. 236-296. Fourth Lateran Council, canon 16.

71 Ostinelli, "I chierici e il '*defectus corporis*'".

it marginalized individuals according to the relative visibility of their impairment.⁷² In this way, both cultural norms were reproduced and concretized with the rejection or integration of impaired people.

For the medieval Church, *scandalum* (that we can more or less translate as ‘scandal’), including negative responses to a cleric’s impairment, should be avoided at all costs. The question of the attribution of the sacraments – and therefore of access to major orders – loomed especially large, concentrating institutional fears more generally on the issue of clerical disability.⁷³ The ecclesiastical authority was apprehensive, lest a cleric administering the sacraments were perceived to be ‘impure’ due to the presence of an impairment. This would inevitably taint the purity of the sacraments, tarnish the holiness of the place of worship, and besmirch the image of the Church itself amongst the faithful. The more visible the impairment, and the more it was a matter of public knowledge, the greater the risk it posed. Broadly speaking, jurists characterized *scandalum* as the incitement of another to mortally sin, achieved through an act or sign, including the presence of a visible impairment.⁷⁴ An individual committing a scandalous act damages the *caritas*, i.e., the cohesion, of the Christian community.⁷⁵ Canon law, and especially the *Decretals of Gregory IX*, defined scandal in detail within the ecclesiastical framework, explaining that impairment – as stigma – constituted an impediment to the ministry.

A letter composed by Pope Eugene, compiled in the *Decretals*, features an illustrative example of the practical application of legal statutes:

We will not allow the celebration of Mass to a priest whose two fingers in the centre of his hand are known to have been cut off by a brigand, for fear of his illness and the scandal caused by his deformation which we are convinced will result. We do not in any way prohibit him from performing any other priestly offices he may perform.⁷⁶

The anonymous priest is no longer eligible to celebrate Mass, due to his digital amputations. Yet he is explicitly permitted to continue carrying out all other priestly functions. Indeed, as Eugene’s ruling demonstrates, the issue of *scandalum* could be managed to a certain degree. If in receipt of papal grace, clerics in a state of *partial* irregularity could continue to meaningfully fulfil clerical role, in which the visibility of their impairment would not cause public outcry. However, to justify the ban from the celebration of the Mass, Eugene admits to being concerned about the priest’s physical capacity to officiate, alongside the scandal that his highly visible manual deformation would likely generate. In canon law, total or partial irregularity caused by a defect of body or mind renders a cleric unsuitable for sacramental service.⁷⁷ If ordained without *integritas*, an irregular cleric finds himself in a scandalous position, owing to the detrimental impact of such improper events on the laity.

72 Abberley, “Disabled People”.

73 Dubourg, “Un/Acceptable Disability?”.

74 Helmholz, “*Scandalum* in the Medieval Canon Law”.

75 Fossier, “*Propter vitandum scandalum*”.

76 *Decretales Gregorii IX*, book III, title 6, chapter 2.

77 See for example the manuscript of Galvanus de Bononia, *De presbytero irregularitati*, compiled between 1361 and 1385.

The nature and extent of the supplicant's impairment conditioned the dispensation of pontifical grace.⁷⁸ This is amply demonstrated in a letter sent by Alexander IV on 18 January 1260 to Hugo de San Caro, the Dominican priest cardinal of Santa Sabina in Rome (1244-1263). Though Hugo lives with a sensory impairment affecting the vision in his left eye, the Pope authorizes him to remain in the orders. Crucially, Alexander does not think that Hugo's relatively minor impairment, or the illness that caused it, will cause any scandal:

Hugo de San Caro, priest cardinal of Santa Sabina at the moment, whereas, although you suffer from a defect of light in your left eye as a result of an illness, neither so important nor so serious as to be likely to cause a scandal, you may be promoted to the service of the aforementioned orders and to the priestly order as well as to the administration of the priory of your order on condition that you maintain good health.⁷⁹

The Pope considers Hugo sufficiently able-bodied not only to retain his priesthood, but to receive a promotion and take over the administration of a Dominican priory. The latter is a particularly good fit for Hugo, given the position does not require him to make an appearance before the lay faithful, nor act in a representative, or exemplary, capacity for worshippers. Hugo de San Caro is by no means an isolated case. Similar examples can be found in Gregory IX's *Decretals*. Alexander III, for instance, permits an impaired priest to celebrate Mass, on the proviso that his disfigurement was not too 'excessive' (*excessus*), as that would create a scandal among his parishioners.⁸⁰ As in these examples, papal letters paid close attention to the potential impact of an impairment as a cause for scandalum. With the power to grant grace, the ecclesiastical institution possessed an invaluable tool to assert its will. Papal letters were a means of pursuing its aims, chief amongst them the preservation of the social status quo, in which the Church operated as the predominant authority. The irregularity of ecclesiastical officials or regular clerics suffering, literally or figuratively, from the stain (*macula*) of impairment, compromised this mission.⁸¹ It was essential, then, for the Church to develop a means to neutralize, or proactively manage, any potential 'scandal' associated with clerical impairment – hence, the strategic utility of the petition process and grants of grace. This required the formulation of metrics by which the relative acceptability of a given impairment could be judged. Indeed, theologians insisted on the need to determine an 'acceptable' degree of deformity, beyond which a cleric would be prohibited to celebrate Mass. Perhaps the most extensive treatment of the issue is found in a chapter on the age and necessary qualities of

78 Shinnars and Dohar, *Pastors and the Care of Souls*, p. 52.

79 RV 25, f. 237 V – Alexander IV to Hugo, Priest Cardinal of Santa Sabina, 18 January 1260. Text edited by Loye, Cenival, Coulon and La Roncière (eds.), *Les registres d'Alexandre IV*, n° 3 045: “H.[Hugo de San Caro] tituli Sancte Sabine presbiter cardinalis, in cuius eras presentia constitutus, attendens quod licet defectum luminis ex quadam supervenienti infirmitate in sinistro oculo patiaris, non tamen est talis vel tantus quod propter hoc possit scandalum generari, tecum in susceptis ministrare ordinibus ac ad sacerdotii ordinem promoveri necnon ad administrationes prioratuum tui ordinis dumtaxat assumi valeas”.

80 *Decretales Gregorii IX*, book 1, title 20, chapter 1.

81 Fossier, “Propter vitandum scandalum”, p. 328.

applicants for ordination in *Pupilla oculi*, a treatise on the sacraments written in 1384 by Jean de Bourg, Chancellor of Cambridge.⁸²

From a modern sociological standpoint, an individual's identity depends on the presence, and opinions, of an Other. The latter functions as a 'social mirror', into which an individual gazes in order to perceive their reputation, who they are perceived to be. This feeds directly into who an individual's perception of themselves, and thus becomes part of their internal sense of self. A similar process is at play in the Middle Ages, as evoked in the complex notion of *fama* (reputation).⁸³ If impaired clerics' physical or mental defects were visible, they might suffer from *mala fama* (bad reputation). Then, *mala fama* can be understood as the negative external perception of an individual, whilst *scandalum* is the effect of that perception, in terms of negative *reactions* to the person. In such instances, impaired priests 'become a scandal for those to whom they were supposed to show themselves exemplary'.⁸⁴ This is demonstrated, for example, in another case found in the *Decretals of Gregory IX* regarding a leprous priest. The afflicted cleric can no longer administer the divine office, the Pope rules, because of his *mala fama*, the scandal his condition would certainly generate, rooted in the widespread belief that leprosy was an abomination.⁸⁵ As illustrated in this case, the Church authority explicitly took into account the broader Christian community's views on clerical eligibility when adjudicating on supplications. From the beginning of the thirteenth century onwards, conceptualizations of impairment relied less and less on the notion of purity, with ever more weight placed on *scandalum* and *fama* in canon law and in letters issued by the Apostolic See.⁸⁶ These paired concepts became central in the investigative procedures used by the Chancery to determine the relative acceptability of a given cleric's impairment, triggering individual investigations in the cases of scandalous clergymen and providing metrics by which cases could be judged.

The Chancery's attribution of *defectus corporis* and *mentis* depended on two factors: the physical and/or mental capacity of the impaired supplicant, and the image that they presented to other Christians. Ecclesiastical authorities defined normative standards of impairment and reputation, grounded in its construction of a baseline of capacity deemed to be necessary for the fulfillment of clerical duties. In canon law and papal letters, then, the essential nature of clerical work, especially the care of souls, is revealed. The pontifical institution determined who belonged in the clergy and who, emphatically, did not, alongside staking out its domain and its authority over the laity thanks to the juridical categories of *defectus corporis* and *mentis*. The capacity to grant grace supported the pontificate in these aims, providing a flexible framework in which the Church could most effectively react to the specific circumstances of individual supplicants. When granting pardons, the Chancery recognized, and thus affirmed, petitioners' capacity, i.e., what abilities they retained, rather than exclusively focusing on incapacity, or assigning impairment a moral value. The Curia's emphasis on the concrete consequences of impairment can be understood as pragmatic. Above all, the letters issued by the Apostolic See were

82 This example is taken from Metzler, "Then and Now", p. 456. (citer mec ?)

83 Leveleux-Teixeira, "*Fama et mémoire*".

84 Fossier, "*Propter vitandum scandalum*", p. 325, my translation.

85 Dubourg, "Being a Leprous Cleric", and *Decretales Gregorii IX*, book III, title 6, chapters 3-4.

86 Eichbauer, "Legal Authorities and their Legislative Priorities".

practical in nature, written to resolve specific problems. With the granting of grace, the Chancery's goal was not to intervene in the treatment of an impairment, but rather to find a workable solution to the troubles the condition caused, whether theological, ecclesiastical, or logistical in nature.

Personal Responsibility and Mitigating Circumstances

One final factor was critical in the pontifical institution's response to petitions: the extent to which a supplicant could be considered to be responsible for the onset, and ongoing circumstances, of their impairment. The irregularity caused by an impairment was classified as *ex defectu*, originating in a 'defect' and thus handled, in theory, on the assumption that the supplicant was not morally at fault. By contrast, the condition of irregularity *ex delicto* was a direct result of an individual's sin (as murder for example).⁸⁷ Even if a supplicant's physical or mental condition was classed as *ex defectu*, however, the question of their 'guilt' in producing their impairment remained central. The supplicant's liability was judged on their intent, rather than the nature of their 'crime', the moral fault which led to their condition. This approach was inspired by Roman law and the logic of punishment it enshrined, as exemplified in the *Digest*.⁸⁸ At the same time, the Chancery's conceptual framework reflected the institution's broader preoccupations. From the twelfth century onwards, the question of the morality of intention (an individual's choices) had become a crucial issue.⁸⁹ Religious men who engage in self-mutilation of any kind are, thus, typically excluded from clerical office and subjected to vehement condemnation.⁹⁰ Indeed, in a letter to Felix, Bishop of Nucere Umbria, Innocent I (401-417) stated unequivocally that an individual who injures themselves but is otherwise healthy should not be admitted to the clerical office.⁹¹ If the individual in question were already a cleric, Innocent maintained, they should be summarily expelled from the Church. Petitioners were thus obliged to demonstrate the presence of 'mitigating factors' – genuine or, at the very least, plausible – in the circumstances of their own impairment in order to qualify for pontifical grace. Individuals either claimed no fault whatsoever for their condition, or admitted to partial liability. Latter cases could be excused, it was argued, if the cleric were ignorant of relevant laws. The explanations provided emphasize that, in their opinion at least, petitioners' impairment was not related to any moral corruption. Indeed, clerics skilfully mobilized rhetorical devices to attest that, though they are physically and/or mentally impaired, their morals were fully intact.

'Faultless' impairment

Historically, protocols for dealing with bodily defects amongst the clergy were harsh and inflexible. Canon law, however, offered the means to soften such regulations, on the proviso that a cleric bore no

87 Naz, *Dictionnaire de droit canonique*, tome VI, p. 48.

88 Le Goff, "Métier et profession".

89 Wilks, "Moral Intention".

90 Caspar, *Le peuple des silencieux*, p. 59.

91 *Decretum Gratiani*, distinction 55, canon 6-7. Also quoted in *Decree of Ivo of Chartres*, book 6, chapter 58.

‘fault’ for his impairment. Such legislation profoundly shaped the Chancery’s approach, as is clearly shown in the papal letters. Alongside conforming to stipulations found in canonical compilations, the correspondence underlines that supplicants’ potential liability is nullified if any of three conditions are met: if the impairment were congenital, or if it were acquired as a result of self-defence or necessary medical intervention. Petitioners were therefore classified as entirely ‘innocent’ if their physical incapacity was caused by a third party. Whether an impairment was inflicted by a master (*dominus*), a doctor, or a pagan, the impaired individual was himself blameless without possible doubt, and no further explanation was required. The first canon of the First Council of Nicaea (325), preserved in Gratian’s *Decree*, was a touchstone for popes on this subject:

If anyone due to sickness has undergone a surgical operation, or if he has been castrated by barbarians, he is allowed to remain among the clergy. But if anyone enrolled among the clergy has castrated himself when in perfect health, it is good for him to leave the ministry. From now on, no such person should be promoted to the clergy. But since this applies only to those who wilfully castrate themselves, if anyone has been made a eunuch by barbarians, or by his master, and is otherwise fit for office, church law admits him to the clergy.⁹²

Even if caused by a third party, impairment could even be presented as ‘no fault’. The madness of an assailant, for example, is an argument often used in petitions to attract pontifical grace.⁹³

A letter written by Innocent III to the Bishop of Odense, Sweden, concerning the impairment of O., a priest of the same diocese, highlights the way in which mental impairment could exculpate the avowedly guilty party:

Having reached our presence, the priest O. warned us with a humble notification that, while some men were quarrelling in front of his house and he had left that house accidentally, without having committed any fault, one of them, throwing himself on him, excited by the devil (*diabolo instigante*), tore a finger from his left hand. The priest O. then humbly begged us to judge him worthy to continue his divine office. We therefore command your brotherhood [the bishop of Odense] by apostolic writings to allow this priest, if it is proved, to serve freely in his order, the obstacle having been removed of any objection and appeal.⁹⁴

92 Schaff (ed.), *Nicene/Post-Nicene Fathers*, volume 14, p. 8-42. See also *Decretum Gratiani*, Distinction 55 – canon 7-9. This provision can be found in the *Decree* of Ivo of Chartres, Book 6, Chapter 34. This passage is attributed to the collection of Greek decrees kept by Martin, Bishop of Braga.

93 Craig, “The History of Madness”, p. 732.

94 Migne (ed.), *Patrologia*, vol. 215, lettre 173, col. 1263 – Innocent III to the Bishop of Odense, 19 September 1207: “*Veniens ad praesentiam nostram O. presbyter humili nobis insinuatione monstravit quod cum ante domum suam quidam homines invicem rixarentur, et ipse casu domum exivisset eandem, unus de rixantibus, nulla ejusdem presbyteri praecedente culpa, irruens in eundem, diabolo instigante, sinistrae manus digitum amputavit eidem. Unde nobis humiliter supplicavit ut exsequendi suum officium ei licentiam concedere dignaremur. Quocirca fraternitati tuae per*

In this instance, O. is faultless, as is his attacker. The injury was accidental: O. was in the wrong place at the wrong time, and his assailant was out of his senses. Innocent III deploys the classic legal formula of a criminal act *diabolo instigante* (instigated by the devil) to signify that the situation could lead to a great scandal, according to the medieval ‘moral code’.⁹⁵ The Latin expression makes it possible to describe the intensity of the violence inflicted upon the priest, not just physical but moral. Moreover, it proves O.’s innocence in this brawl: the layman who attacked him was explicitly incited by the devil. More generally, this legal formula served to minimize the role, or responsibility, of an aggressor in the perpetration of a crime. If the guilty party later returned to health, here by ‘regaining his senses’, he would face a lesser punishment.⁹⁶ At times, then, this legal precept functioned to mitigate the consequences of certain criminal actions. In Innocent’s letter, it functions to demonstrate O.’s innocence, whilst simultaneously mitigating the fault ascribed to his assailant. It seems unlikely, though, that O. really did leave his home entirely by chance, ignorant of the noisy row taking place outside his front door. Even if O.’s curiosity had compelled him to leave his residence, that would not necessarily make him wholly ‘guilty’ of his impairment. Yet it was customary for supplicants to proactively neutralize any presumption of their fault. Indeed, such narrative strategizing was essential: only if O. is considered faultless will he obtain a dispensation to continue to serve.

In canonical statutes, exemptions were made for clerics who had undergone medically necessary amputations. For example, Canon 22 of the Council of Lleida of 524 states that ‘if a cleric, having fallen ill, is rendered lame by an operation which would have healed him, he may nevertheless be promoted to Holy Orders’.⁹⁷ Innocent III offers a similar ruling, in a letter addressed to the Bishop of Paris dated 12 February 1198, in the case of Michael, a leprous priest. The supplicant had been castrated, a condition which would normally disqualify him from office. However, he is allowed to keep his position as the castration was a medical intervention, with the express purpose of managing his leprosy.⁹⁸ Cases of childhood amputation were handled similarly. Childhood was the age of life characterized above all by innocence; a child could not knowingly commit a fault, nor were they responsible for acts done to them. This is illustrated, for instance, in a letter written by Clement III and copied in Gregory IX’s *Decretals*, regarding Bartholomew, a eunuch applicant for clerical office. Bartholomew was castrated as a baby, and thus bears no fault for his condition. Clement emphasizes the integral purity of the new-born by allowing Bartholomew to enter the Church and become a priest.⁹⁹ If the supplicant could not demonstrate their innocence outright, however, they had one final avenue to pursue: an exculpatory plea of ignorance.

apostolica scripta mandamus quatenus, si est ita, presbyterum ipsum in ordine suo, sublato cujuslibet contradictionis et appellationis obstaculo, libere ministrare permittas”.

95 Turlan, “*Instigante diabolo*”.

96 *Decretum Gratiani*, second part, cause 15, question I, canon 12.

97 See *Decretum Gratiani*, distinctio 55, canon 10 and the *Decree* of Ivo of Chartres, book 6, chapter 34.

98 Migne (ed.), *Patrologia*, vol. 214, col. 15 D – Innocent III to the Bishop of Paris, 12 February 1198, also quoted in *Decretales Gregorii IX*, book I, title 20.

99 *Decretales Gregorii IX*, book I, title 20, chapter 3, see also *Decretum Gratiani*, distinctio 55, canon 8.

Partial liability: ignorance of the law

The notion of personal liability for impairment allowed the Apostolic See to categorize supplicants as either ‘guilty’ or ‘innocent’, an efficient means by which to determine who qualified for papal grace. In canon law, this debate takes shape around the notion of *culpa precedens* (previous fault), which prompted canonists to question an individual’s guilt.¹⁰⁰ However, this binary framework was not sufficient to handle cases in which supplicants were neither wholly guilty nor innocent, but rather *partially* liable: if they were, technically, responsible for their condition but there were substantive mitigating factors at play, such as in cases of self-injury. On this issue, canon law, theological texts and pontifical letters were concerned above all with the intentions of the individual at the heart of the case, what motivated their self-mutilation.

In the Middle Ages, people with mental illness were not held responsible for their actions in civil, criminal, or canon law. Gratian’s *Decree* explains, for example, that the deaf (*surdus*) and the mad (*prorsus*) cannot bring a case before a judge, as they do not have the faculty to hear or to understand what is happening to them.¹⁰¹ Insanity could thus be invoked as an exculpatory factor in cases of self-injury. Legally speaking, an individual with madness cannot commit a criminal act. Similarly, Thomas Aquinas maintains that a madman cannot be blamed for his sins, if he lacks awareness that he is transgressing religious prohibitions:

If the ignorance be such as to exclude the use of reason entirely, it excuses from sin altogether, as is the case with madmen (*furiosus*) and imbeciles (*amentis*): but such is not always the ignorance that causes the sin; and so, it does not always excuse from sin altogether.¹⁰²

Ignorance of a given law or regulation could, in certain circumstances, excuse its contravention.¹⁰³ The Church faced a particularly tricky set of cases: clergymen that had castrated themselves. On the one hand, this course of action was an explicit violation of ecclesiastical law. Yet clerics took the decision to castrate themselves, in some sense, to obey more closely theological stricture, and specifically to resist more easily temptations of the flesh.¹⁰⁴ In this, they followed the famous example of Origen (185-253), an early Christian theologian who proclaimed that he would castrate himself to guard against the sin of fornication.¹⁰⁵ Sinful sexual desire was such a problem for these clerics that the struggle for chastity became the primary means to demonstrate their piety and willingness to serve God. Their self-mutilation, then, is explained as a means to control their lust, and thereby to show their exemplary devotion to the Lord.¹⁰⁶ Indeed, clerics castrated by their own hand in the corpus explicitly distinguish themselves as

100 On the concept of “culpa precedens”, see Parlopiano, “*Propter deformitatem*”, p. 90.

101 *Decretum Gratiani*, second part, cause 3, question 7, chapter 1.

102 Thomas Aquinas, *Summa Theologiae I-II*, q. 76, article 3. On the vocabulary, see Gourevitch, “Les mots pour dire la folie”.

103 Thomas Aquinas, *Summa Theologiae I-II*, q. 88, article 6 or, on the same subject, II-II, q. 154, article 5.

104 Dubourg, “Émasculations cléricales”.

105 Collins, “Appropriation and Development of Castration”.

106 Karras, *Sexuality in Medieval Europe*, p. 39.

more devout than their peers: rather than following their own desires, they serve God alone. This supports claims that they were ignorant that their actions would endanger their position in the orders. Owing to such ignorance, the supplicants are functionally blameless in their impairment. Such claims were not entirely spurious. After all, the Bible legitimizes self-castration in order to serve God more perfectly in Matt. 19:12:

For there are some eunuchs, which were so born from their mother's womb: and there are some eunuchs, which were made eunuchs of men: and there be eunuchs, which have made themselves eunuchs for the kingdom of heaven's sake. He that is able to receive it, let him receive it.¹⁰⁷

Correspondence in the case of the cleric Jacobus Bertrandi emblemizes the way in which cases of auto-castration were tackled. Jacobus had castrated himself in a fit of youthful zeal. Nevertheless, in a letter dated 7 March 1318, John XXII grants him the right of full participation in the Church:

The petition you have sent us contains that, while you were in your sixteenth year, seeking to extinguish the stimulating sting of the flesh and wishing to serve God better, you committed the abominable crime of amputating your testicles with your own hand, and therefore you humbly beg us to judge you worthy in this matter with mercy. Therefore, we dispense you with our apostolic authority, inclined with compassionate affection to your supplications, so that, notwithstanding the above, you may be promoted in all orders and enter all religious orders.¹⁰⁸

Here, Jacobus is cast as misguided, but not malign. He commits the sacrilege of self-castration, thereby risking his life, in an effort to prove his virtue and obedience to God by converting his desires into devotion. It is noteworthy that the mutilation occurred during his adolescence, a period in which it was widely acknowledged that temptations of the flesh multiplied.¹⁰⁹ Aged sixteen, Jacobus was two short years away from becoming eligible for the role of sub-deacon, a rank with the requirement of both sufficient age and chastity. Locked in a ceaseless battle to control his sinful desires, his impulses finally took precedence over his reason.¹¹⁰ Jacobus' intention was pure, even if his actions were ill-advised, to say the least. This provides sufficient grounds to exculpate him in the eyes of the Chancery, a decision supported by canonical precedent. In canon law, the precise issue of self-castration is discussed in a letter

107 *The New King James Version*, 2020, Matthew 19:12.

108 RV 67, f. 224 V – John XXII to Jacobus Bertrandi, a schoolboy from Burgos, on 7 March 1318 (text analysed by Mollat (ed.), *Jean XXII*, n° 6 477, which we give the transcript according to the register: “[...] *Directa nobis ex parte petitio continebat quod cum olim in sextodecimo etatis tue anno constitutus existeres affectans extinguere carnis stimulos incentivos ut Deo acceptus servire valeres, ausu nephario tibi vasa seminaria propriis manibus amputasti propter quod nobis fecisti humiliter supplicari, ut providere tibi super hoc de oportuno remedio misericorditer dignaremur. Nos igitur pro tibi super hoc compatiens affectu tuis supplicationis inclinati, tecum ut premissis nequaquam obstantibus possis ad omnes ordines te facere promoveri et alique intrare religionem de ordinibus approbatis auctoritate apostolica dispensamus*”.

109 McGuire, “Jean Gerson and Traumas”.

110 Thibodeaux, “From Boys to Priest”.

by Clement III (1130-1191), incorporated in the *Decretals of Gregory IX*. Clement reiterates the testimony of Archpriest Robert of Ravenna, who had appealed to the pontiff on behalf of one of his priests. Staunch in the belief that it would please God, the anonymous cleric had had his genitalia (*virilia*) amputated. Given the mitigating circumstances, Clement permits the cleric to continue to celebrate Mass.¹¹¹ Yet the Apostolic Constitutions prohibit the ordination of any individual with a bodily defect for which they are directly liable.¹¹² Letters of papal grace, such as those issued by Clement III to the anonymous cleric and by John XXII to Jacobus Bertrandi, countermand such ordinances and allowed for the inclusion of impaired clerics in the Church, even those with personal responsibility for their condition.

In its adjudication of petitioners' personal liability, the pontifical administration exhibited a very narrow scope of interest. If a petitioner satisfied basic conditions, or if they could provide a plausible narrative that established their lack of blame, then their impairment could be classed as 'faultless'. In more complex cases, intention was everything. The Chancery's role, in cases of self-injury or partial liability, was to determine whether an individual had expressly intended to transgress the relevant laws. In the period spanning the twelfth to the fourteenth century, the moral integrity of clerics with mental illness or those responsible for their own injuries was not a relevant topic – as long as such petitioners' claims of impairment-related 'innocence' were upheld. In the petitions and letters, we find traces of the personal experiences of disabled clerics. But such testimonies are modulated due to the nature of the purpose they served. Supplicants supplied biographical narratives with the aim of fulfilling criteria established by the Church to regulate the recognition of disability. In this way, the petitions shed light on the way in which the Apostolic See constructed disability, and the way in which clerics practically responded to the institution's demands.

Conclusion

Comparative analysis of relevant texts – papal petitions and letters, canon law, and theological works – demonstrates that the pontifical institution had more leeway than one might first expect when responding to supplicants. The Chancery had grounds to expel an impaired cleric from the Church, or alternatively to implement or relax canonical regulation and permit their continued presence in the clerical community. Whilst defects of body and mind were serious issues, in legal terms, they did not present insurmountable obstacles for clerics. Petitioners had several avenues at their disposal to mitigate defects' gravity, or neutralize their negative ramifications outright. Firstly, applicants had to establish their moral purity, and precisely delineate the effects of their condition, in terms of any associated incapacity. Secondly, petitioners had to demonstrate that their presence would not generate *scandalum* in the community, even if they were unable to perform their duties as usual. Finally, they had to convince the Apostolic See that they bore no liability for their impairment, or if they did, then there were mitigating circumstances that

111 *Decretales Gregorii IX*, book I, title 20, chapter 4.

112 Metzger, *Les constitutions apostoliques*, VIII, 47. 22–24 and *Decretum Gratiani*, distinctio 55, chapter 4.

exculpated them. This was achieved by tailoring their petitions to the expectations of the Chancery, by providing ‘acceptable’ explanations. If these three criteria were met, petitioners were eligible to receive a pontifical grace, an outcome explored in depth in Chapters 3 and 4. If, however, petitioners failed any of these criteria, their fate was rather grim. This left the Apostolic See little, if any, room to manoeuvre in terms of flexing canonical prohibitions: clerics who failed in their petitions could be dismissed from their office, as in the cases discussed in Chapter 5.

The framework of canon law that emerged in the period between the fourth and sixth centuries to distinguish moral and bodily defect, both leading to prohibition. The development of contemporary pontifical theocracy closely followed the legal trajectory. From the eleventh century onwards, however, doctrine gradually evolved: ‘bodily defect’ become less serious than moral ‘defect’ and does not have the same consequences. The Gregorian reforms further advanced legal thinking, instantiating the notion of the pontificate as an agent of divine law endowed with superior spiritual and temporal.¹¹³ This meant that the pope could now grant grace, a policy that came into full swing in the thirteenth century, though it had been developed before the second half of the twelfth century. Individuals in receipt of papal grace were permitted to adapt their personal situation to their abilities. Crucially, such grants did not create new legislation, nor did they always dispense with a given law. Rather, they applied or interpreted existing law in specific ways, thereby establishing precedent that led to further developments in doctrine. Above all, papal letters were practical documents, operating as a formal guide for the daily activity of the clergy to whom they were addressed.¹¹⁴

The presence of a physical or mental defect constituted an irregularity, a deviation from the standard of moral, physical, and intellectual perfection that all clerics were expected to uphold. The category of defect was integrally diverse, reflecting the wide array of impairments with which clerics lived. A similar flexibility is evident in the notion of incapacity, another crucial concept in the construction of irregularity. There was no singular standard for capacity, against which all clerics were judged. Instead, petitioners’ relative (in)capacity was determined in the context of their specific circumstances, and their lived experience of impairment. Chapter 2 analyses the ways in which such determinations were made.

113 Robinson, “The Institutions of the Church”, p. 373.

114 Gaudemet, *Les sources du droit canonique*, p. 63. These pontifical letters can also be taken as decrees, to be integrated into the scholastic canons according to their degree of applicability.