

TOWARD REFORM OF THE FIRST CRITERION FOR ADMISSION TO THE ORDER OF VIRGINS

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SUMMARY — The 1970 Rite of Consecration to a Life of Virginity establishes three criteria for admission to the order of virgins. As currently phrased, however, the first criterion, and to some degree the second, if applied according to their terms, represent a significant but largely-unrecognized break with the criteria developed by the Church specifically for use in determining a woman's eligibility for virginal consecration. This article identifies weaknesses in the current first and second criteria for consecration, sets forth the traditional criteria for assessing *in facie Ecclesiae* a woman's eligibility for consecration, and suggests reformulations of the criteria to reflect better the character and charisma of this important and reemerging order in the Church.

RÉSUMÉ — Le rituel de la consécration des vierges de 1970 énonce trois critères d'admissibilité à l'ordre des vierges. Tel qu'il est actuellement formulé, le premier critère, et dans une certaine mesure le deuxième, s'ils sont appliqués selon leurs termes, représentent une rupture significative, mais largement non reconnue, avec les critères spécifiquement établis par l'Église pour déterminer si une femme est admissible à la consécration virginale. Cet article identifie les faiblesses des premier et deuxième critères actuels d'admissibilité à la consécration, énonce les critères traditionnels d'évaluation de l'admissibilité d'une femme à la consécration, tels qu'énoncés *in Facie Ecclesiae*, et suggère de reformuler certains des critères pour mieux refléter le caractère et le charisme de cet ordre important et ré-émergent dans l'Église.

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Introduction

Paragraph five of the Introduction to the Rite of Consecration to a Life of Virginity sets out three criteria for the admission of women living in the world to consecration as virgins, namely: (a) that they have never been married or lived in public or flagrant violation of chastity; (b) that by their age, prudence, and universally attested good character they give assurance of perseverance in a life of chastity dedicated to the service of the Church and of their neighbor; (c) that they be admitted to this consecration by the bishop who is the local ordinary.¹

Considering these criteria in reverse order, the third criterion (admission to consecration by a bishop) is not so much a criterion for admission to the order of virgins as it is a delineation of the mechanism by which a woman's virginal consecration is publically received by the Church. Reasonable in itself and consistent with long-standing practice in this area, this criterion provokes no controversy.

The second criterion (assurance of perseverance in a life of chastity) is, I suggest, a positive requirement for virginal consecration that looks toward a woman's future conduct. Most of the formation that candidates for consecration undergo prior to admission is concerned with helping a candidate for consecration prepare for and commit to this life. Reasonable in itself and generally consistent with the Church's tradition in regard to the consecration of virginity, this criterion, but for a small textual amendment to be proposed below, is also sound.

But the first criterion for admission to consecration (ascertainment that a woman has never been married or lived in public or flagrant violation of chastity) is, I suggest, quite flawed. A negative requirement (actually a *dis*-qualification) for consecration concerned with a woman's past conduct, the first criterion for virginal consecration ignores and/or misapplies almost all of the well-settled discipline that the Church had developed precisely for

¹ See SACRA CONGREGATIO PRO CULTO DIVINO, "Praenotanda [ad novum consecrationis virginum ritum promulgandum]" (21 May 1970), in *Notitiae*, 6 (1970), pp. 314-316; Eng. trans. in *Canon Law Digest*, vol. VII, pp. 422-425, at p. 423; INTERNATIONAL COMMISSION ON ENGLISH IN THE LITURGY, *Documents on the Liturgy 1963-1979*, Collegeville, The Liturgical Press, 1982) [hereafter, DOL], n. 395, pp. 1025-1027, at 1025; and *Rites of the Catholic Church*, 2 vols., Glendale, Pueblo, 1976/1980, vol. II, pp. 132-134, at 133. This study focuses on criteria applicable to women living in the world who seek consecration as virgins, but much of the analysis offered here applies to female religious seeking such consecration in accord with paragraph four of the Rite of Consecration. At present men are not admitted to consecration as virgins in the Roman Church.

determining who is eligible for consecration as a virgin. Indeed, if taken at face value—as those unfamiliar with the institution of virginity in the Church are likely to take it—this first criterion threatens, I fear, a serious rupture with the Church’s traditional criterion for eligibility for admission to the order of virgins.

Failing even to use the words “virgin” (*virgo*), “virginity” (*virginitas*), or equivalent terms of art (e.g., *integritas carnis*), this first criterion treats as eligible for admission to the order of virgins some women who, under the traditional criteria for consecration, would not be eligible, yet excludes some women from consecration who, under the traditional criteria, would be considered eligible. This first criterion (and to some degree, the second, too) blurs pastorally important distinctions between virginity and chastity, occasions invasions of conscience among candidates for consecration, and generally leaves candidates, formators, and bishops bereft of concrete guidance in selecting and preparing candidates for consecration as virgins. These difficulties have come about, I suggest, as a result of the decision to adopt, not the criteria developed by the Church over many centuries of use in admitting women to consecrated virginity, but instead, novel language ill-suited to the goal of identifying women who are in law and fact eligible for consecration as virgins in the Church.²

This article illustrates the deficiencies of the current criteria for admission to consecration as a virgin (especially the first criterion), outlines the Church’s traditional understanding of virginity in general and of consecration to virginity in particular, and proposes, in place of the current first criterion for eligibility (which I think should be abandoned outright), language that much better serves the on-going revival of this beautiful charism in the Church.³ We begin with an overview of the history of consecrated virginity in the Church.

² This study does not assume that numerous ineligible women have been admitted to virginal consecration. Although anecdotal evidence suggests that some questionable admission decisions have been made, one may be reasonably confident that the vast majority of consecrated women admitted to consecration were eligible for consecration according to both traditional and modern criteria. Rather, this study is driven, first, by a general concern for the soundness of law in the Church, and second, by indications that some women have been declared *ineligible* for the order of virgins based on admission criteria that are themselves fundamentally flawed, this, to the obvious detriment of these women but also to the diminution of the witness that the order of virgins offers the Church and the world.

³ On Christian virginity as a charism in the Church, see generally Raniero CANTALAMESSA, *Virginity*, C. SERIGNAT (trans.), New York, St. Paul Books, 1995, esp. pp. 55-67.

1 — Summary of the History of Virginity⁴

Sacred scripture and the writings of the Fathers amply attest to the witness of women who chose to lead a life of virginity for the Lord.⁵ Over the centuries, however, Christian virginity as a way of life was gradually absorbed into religious life such that, by the time of the Council of Trent (1545-1562), Christian virginity was no longer specially practiced outside of the convent and, even within religious life, it was largely ignored (or better, taken for granted). In 1868, invoking an elaborate but nearly forgotten rite in the Roman Pontifical,⁶ the great Dom Prosper Guéranger of Solesmes arranged for the consecration of seven Benedictine nuns as virgins.⁷ Still, as late as 1927 the (Sacred) Congregation for Religious forbade extending this sacramental to women living in the world.⁸ Nevertheless, modern interest in consecrated virginity persisted and, prior to the Second Vatican Council,

- ⁴ For a basic bibliography of the history of the institution of Christian virginity, see A. NOCENT, “The consecration of virgins,” in A. MARTIMORT, et al. (eds.), *The Church at Prayer: An Introduction to the Liturgy*, in 4 vols., Collegeville, Liturgical Press, 1987, vol. III, pp. 209-220 [hereafter, NOCENT], at 209-210. For immediate overviews of the history of virginity in the Church, see, e.g., P. CAMELOT, s.v. “Virginity,” in *The New Catholic Encyclopedia*, 2d ed., Gale, 2003, vol. XIV, pp. 544-548; James KRUC, “Canon 604: Historical Overview and Canonical Analysis of Consecrated Virginity,” J.C.L. Thesis, Washington, The Catholic University of America, 2008 [hereafter, KRUC], pp. 5-20; and David KINISH, “The Consecration of Virgins,” in *American Benedictine Review*, 4 (1953) [hereafter, KINISH], p. 115-134, esp. pp. 116-120.
- ⁵ The mere fact that one is a virgin, or even that one has remained a virgin by choice, is not regarded as a Christian virtue unless that virginity is chosen for the Lord. See PIUS XII, encyclical *Sacra virginitas* (25 March 1954), in *Acta Apostolicae Sedis*, 46 (1954), pp. 161-191, at pp. 164-165, Eng. trans. in *The Pope Speaks*, 1 (1954), pp. 101-123, at p. 103.
- ⁶ PONTIFICALE ROMANUM SUMMORUM PONTIFICUM JUSSU EDITUM BENEDICTO XIV PONT. MAX. RECOGNITUM ET CASTIGATUM, Mechliniae, Dessain, 1855, *De benedictione et consecratione virginum*, pp. 197-236. For a commentary on the rite, see Joachim NABUCO, *Pontificalis Romani Expositio Juridico-Practica*, in 3 vols., New York, Benziger, 1945, vol. I, pp. 445-465 [hereafter, NABUCO]. The classic history of the liturgical rites associated with the consecration of virgins is, of course, René METZ, *La Consécration des vierges dans L'Église romaine*, Paris, Presses Universitaires de France, 1954 [hereafter, METZ]. An abbreviated but updated version of this material is available in René METZ, *La Consécration des vierges: hier, aujourd'hui, demain*, Paris, Cerf, 2001.
- ⁷ See NOCENT, p. 210, and METZ, p. 7.
- ⁸ SACRA CONGREGATIO DE RELIGIOSIS, “[Responsum ad] Dubium” de consecratione virginum pro mulieribus in saeculo viventibus (25 March 1927), in *Acta Apostolicae Sedis*, 19 (1927), pp. 138-139, Eng. trans. in *Canon Law Digest*, vol. I, pp. 266. See also KINISH, pp. 124-125. POPE PIUS XII later reserved virginal consecration to nuns (*moniales*) in apostolic constitution *Sponsa Christi* (21 November 1951), in *Acta Apostolicae Sedis*, 43 (1951), pp. 5-24, esp. art. III §3.

more groups of women religious had received permission to be consecrated as virgins while a few women living in the world began to pronounce private vows of virginity.⁹ Eventually the Fathers of the Second Vatican Council (1962-1965) called for the reform of the rite of consecration of virgins,¹⁰ and in 1970 the revised Rite of Consecration to a Life of Virginity was promulgated. The Johanno-Pauline Code recognizes (or re-recognizes, if one prefers) consecrated virgins as an order in the Church,¹¹ and the Catechism of the Catholic Church devotes several paragraphs to explaining and extolling consecrated virginity.¹²

Despite the extensive treatment Christian virginity had received at the hands of the Fathers, the practical disappearance of consecrated virginity as a distinct way of life in the Church for most of the last millennium meant that when liturgical reformers tried to give effect to the conciliar call for reform of the Rite of Consecration they had precious few official sources to guide them.¹³ Thus updating what was, in reality, a sophisticated ecclesiastical tradition on virginity would not be easy for men who brought little understanding of that special institute to their work. That this is not an unfair characterization of the conditions under which reform of the Rite of Consecration was attempted is shown, I suggest, by a remark made by Abp. Annibale Bugnini who, describing the work of his Consilium on consecrated

⁹ KINISH, pp. 115, 128-130, and KRUC, pp. 21-23.

¹⁰ SECOND VATICAN COUNCIL, constitution *Sacrosanctum concilium* (4 December 1963) n. 80. KRUC, at pp. 24-25, suggests that Pope Paul VI, because of his positive impression of women living under private vows of virginity, was instrumental in suggesting that the constitution on the liturgy issue a call to renew the rite of consecration.

¹¹ See *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus*, 75/2 (1983) 1-320, as corrected and amended, Eng. trans., Canon Law Society of America, *Code of Canon Law, Latin-English Edition, New English Translation*, Washington, Canon Law Society of America, 1999, canon 604 §1: "Hisce vitae consecratae formis accedit ordo virginum quae, sanctum propositum emittentes Christum pressius sequendi, ab Episcopo dioecesano iuxta probatum ritum liturgicum Deo consecrantur, Christo Dei Filio mystice desponsantur et Ecclesiae servitio dedicantur." English trans., "Similar to these forms of consecrated life is the order of virgins who, expressing the holy resolution of following Christ more closely, are consecrated to God by the diocesan bishop according to the approved liturgical rite, are mystically betrothed to Christ, the Son of God, and are dedicated to the service of the Church."

¹² *Catechism of the Catholic Church*, nn. 923-924, 1618-1620.

¹³ KRUC, at p. 20, rightly calls these official sources "meager". What few official documents treated Christian virginity are, in terms of actually defining "virginity", "virgin", and related concepts, of little help today. For example, the rubrics of the pre-conciliar *Roman Pontifical* only alluded, once at that, to the requirement that a virgin seeking consecration possess "body integrity" (*carnis integritate*). Pius XII's encyclical *Sacra virginitas* does not define virginity or virgin.

virginity in the late 1960s, noted: “The Fathers of the Consilium ... were dealing with material rather unfamiliar to at least the majority of them. Some voiced their bafflement, especially at the title ‘Consecration of virgins’ which they claimed was quite unintelligible to people today.”¹⁴ Setting aside the alarm that disclosures of “bafflement” over such elementary matters might cause for those concerned with the proper adaptation of consecrated virginity to modern circumstances, Bugnini’s remarks help contextualize the criticisms of the first criterion (and to a lesser extent the second) about to be made here.

In support of the criticisms of the Rite of Consecration about to be offered here I will invoke several scholars who wrote about the ecclesiastical tradition on virginity. As indicated above, official treatments of the ecclesiastical institution of virginity are few,¹⁵ but fortunately virginity and several related concepts received precise and insightful treatment by canonists¹⁶ and

¹⁴ Annibale BUGNINI, *The Reform of the Liturgy 1948-1975*, M. O’CONNELL (trans.) of *La riforma liturgica 1948-1975* [1983], Collegeville, The Liturgical Press, 1990, p. 787 [hereafter, BUGNINI]. See also Bugnini’s comments describing interdicasterial confusion concerning various elements of the revised rite at *op. cit.* pp. 788-789.

¹⁵ Besides KRUC at p. 20, see also Rose McDERMOTT, “Canon 604: Admission to the Order of Virgins,” in K. VANN, et al. (eds.), *Roman Replies and CLSA Advisory Opinions 1993*, Washington, Canon Law Society of America, 1993, pp. 46-47, also in P. COGAN (ed.), *CLSA Advisory Opinions 1984-1993*, Washington, Canon Law Society of America, 1995, pp. 163-164. McDermott suggests, in light of the scarcity of official norms in this area, that diocesan authorities “should be familiar with the canons for preparation, admission and on-going formation in consecrated life. In an analogous way, these canons can provide guidelines for a bishop or his delegate to determine the suitability of a candidate for the order of virgins.” This is good advice, of course, but it should be followed *after* one has examined the well-established ecclesiastical tradition regarding virginity and the order of virgins even if, as we shall see, that tradition is largely preserved in scholarly, as opposed to official, literature.

¹⁶ One might wonder why Pio-Benedictine canonists, writing during decades in which the Church did not recognize consecrated virginity as an ecclesial order, were concerned with virginity at all for, outside of the rare “veiling” of religious specifically as virgins, virginity and/or one’s status as virgin was (and for that matter remains) irrelevant in canon law. See, e.g., KINISH, at pp. 121-122: “There is not one word about [consecrated virgins] in the [1917] *Codex Iuris Canonici*”; and Petrus PALAZZINI, s. v. “Virginitas”, in P. PALAZZINI, (ed.), *Dictionarium morale et canonicum*, Rome, Officium Libri Catholici / Catholic Book Agency, 1962-1968, vol. IV, p. 678 [hereafter, PALAZZINI]: “Sed haec v[irginitas] nonnisi in mulierum velatione ab Ecclesia attendebatur”. I suggest that pre-conciliar canonical interest in virginity arose thus: first, virginity could be the object of a private vow under 1917 CIC, c. 1307 and consequently questions concerning who was eligible to pronounce such a vow, exactly what that vow consisted of, the conditions under which it might be violated or could be dispensed, and so on, occasioned some canonical analysis; second, under Pio-Benedictine law (1917 CIC, c. 1058 §1) a private vow of virginity gave rise to a

moralists¹⁷ during the decades in which consecrated virginity was beginning to reappear as a recognized way of life in the Church.¹⁸ These writers, all of them *auctores probati* in the classical meaning of that phrase,¹⁹ may be relied upon to have understood and faithfully expounded the Church's traditions concerning the institute of consecrated virginity.

We may now turn to the problematic first criterion for admission to consecrated virginity.

2 — *The Current Criteria for Admission to Consecrated Virginity Ignore Virginity*

An obvious but disconcerting question must be asked in regard to the first criterion for admission to consecration to a life of virginity, namely: does a woman need to *be* a virgin in order to be admitted to consecration *as* a virgin? The answer to this fundamental question depends, I fear, on whether one asks it of the well-established ecclesiastical tradition on virginity or of the current Rite of Consecration.

so-called "impeding impediment" to marriage, occasioning examination of these same questions for their potential impact on the liceity of marriage. Private vows of virginity, while still possible under Johanno-Pauline law (1983 CIC, c. 1191), no longer impede marriage, but the canonical analysis developed during decades when they did impact marriage remains useful in other contexts.

¹⁷ Moralists, like canonists, discussed virginity in so far as it might have been the object of a vow, of course, but more broadly in order to distinguish between virginity and chastity and to offer pastoral advice based on those distinctions. See generally those authors listed in fn. 18.

¹⁸ The consistency with which twentieth century canonists and/or moralists have addressed virginity in the Church allows one to prescind from copious, largely redundant, citations to numerous authors in illustration of various points and permits instead citation to just two or three authors. As trustworthy authorities on the institute of virginity, I suggest: Hieronymus NOLDIN (Austrian Jesuit, 1838-1922), *De sexto praecepto et de usu matrimonii*, 23rd ed., rev. by A. SCHMITT, Oeniponte, 1929 [hereafter, NOLDIN-SCHMITT]; Ludovico WOUTERS (Dutch Redemptorist, 1864-1933), *De virtute castitatis et de vitiis oppositis*, Giraudon, 1928 [hereafter, WOUTERS]; Authurus VERMEERSCH (Belgian Jesuit, 1858-1936), *De castitate et de vitiis contrariis* [1919], 2d ed., Rome, Gregoriana, 1921 [hereafter, VERMEERSCH]; Felix CAPPELLO (Roman Jesuit, 1879-1962), *Tractatus canonico-moralis de sacramentis*, 5 vols., 7th ed., Rome, Marietti, 1962 [hereafter, CAPPELLO]; James O'CONNOR, "Virginity and Chastity," in *American Ecclesiastical Review*, 140 (1959), pp. 17-26 [hereafter, O'CONNOR]; and Josephus FUCHS (German Jesuit, 1912-2005), *De castitate et ordine sexuali*, 3d ed., Rome, Gregoriana, 1963 [hereafter, FUCHS].

¹⁹ See generally 1917 CIC 20, *hodie* 1983 CIC 19.

Nemo dat quod non habet. A woman cannot consecrate her virginity to the Lord if she is not in possession of that virginity, and few pre-conciliar authors felt a need to state such an obvious point. Nevertheless, Noldin-Schmitt did state it, noting that (what we will call later “material virginity”) “is the virginity that is required by the Pontifical for the solemn consecration of virgins in monasteries, and which is reserved only to virgins...”²⁰ Likewise, Vermeersch observed: “Sometime ago there used to be monasteries reserved *for virgins* who had been solemnly consecrated to God”²¹ and referred his readers to the largely-forgotten rite of consecration of virgins found in the Roman Pontifical. And indeed that Pontifical, as we have seen, bade the consecrating bishop to inquire of women seeking admission to the order of virgins whether they were possessed of “body integrity”.²² Without anticipating our discussion of that term of art in the context of virginity, one may see in such a directive a requirement that women wishing to be consecrated *as virgins* must be possessed of some quality that set them apart *as virgins*.²³

In stark contrast with the ecclesiastical tradition on virginity, however, the current Rite of Consecration, in the first criterion for admission to consecration as a virgin quoted above makes no demands regarding virginity. In fact, virginity is not even mentioned therein. The elimination of any reference to virginity in the fundamental criterion for admission to the order of virgins is unprecedented in ecclesiastical tradition, so startling, perhaps, that it has passed unnoticed for some decades.

Instead of inquiring in regard to the virginity of women seeking to be consecrated as virgins, the revised rite proposes (apparently taxatively) two ancillary matters to be inquired about in regard of candidates for consecration, namely, whether they have ever “been married or lived in public or flagrant violation of chastity” (*ut numquam nuptias celebraverint neque publice seu manifeste in statu castitati contrario vixerunt*). If, however, these two inquiries were intended to ascertain the *virginity* of candidates for consecration to virginity, they fail to accomplish that end.

²⁰ “Haec est illa virginitas, quae a Pontificali requiritur pro sollemni consecratione virginum in monasteriis, quae solis virginibus reservantur...” NOLDIN-SCHMITT, p. 3.

²¹ “Existebant olim monasteria *virginibus* reservata quae Deo solemniter consecrabantur.” VERMEERSCH, p. 136 (my emphasis).

²² See fn. 13 and fn. 69.

²³ “What is the Church consecrating? What is she celebrating? In the rite of consecration, the Church is establishing as sacred *not only a person but a virgin-person* married to Christ ...” Mary KLIMISCH, *The One Bride: The Church and Consecrated VIRGINITY*, New York, Sheed & Ward, 1965, p. 181 (emphasis added).

First, mere marriage does not cause one to lose one's virginity (specifically, as we shall see, what ecclesiastical tradition terms "material virginity").²⁴ Even after cohabitation by spouses, consummation (which would be destructive of virginity of course) is only *presumed* to have taken place (1917 CIC 1015 §2, *hodie* 1983 CIC 1061 §2), and such presumption yields to contrary evidence. Moreover, by making "marriage" a juridically relevant factor in assessing one's eligibility for consecration as a virgin, a host of canonically complicated questions about what kind of "marriage" counts toward one's having been "married" suddenly arise.²⁵ Whatever considerations led the Consilium to avoid plain words like "virgin", "virginity", or equivalent terms of art when describing the conditions impacting a woman's eligibility for consecration as a virgin,²⁶ what the revised rite does by making marriage a prime factor in assessing eligibility for consecration is to substitute an inquiry about a *condition* under which many women lose their virginity for an inquiry about the possession of virginity itself.²⁷

Turning to the other inquiry posed within the first criterion for consecration, namely, that concerned with a woman having lived a life in public or flagrant violation of chastity, we can see that its deficiencies are deeper yet.

Immediately one notices that this language in the first criterion for eligibility for admission to the order of virgins (which language appears in the

²⁴ See, e.g., SABETTI, at p. 871, wherein: "[V]irginitas *proprie* respicit carnis integritatem, quae etiam post Matrimonium est possibilis" (original emphasis); see also NOLDIN-SCHMITT, p. 4, VERMEERSCH, pp. 146-147, and CAPPELLO, p. 304 who notes "Virginitati enim non matrimonium, sed eius usus opponitur."

²⁵ See Catherine DARCY, "Canon 604: Previously married person becoming a consecrated virgin", K. VANN, et al. (eds.), *Roman Replies and CLSA Advisory Opinions 1993*, Washington, Canon Law Society of America, 1993, pp. 48-50, also in P. COGAN, (ed.), *CLSA Advisory Opinions 1984-1993*, Washington, Canon Law Society of America, 1995, pp. 165-166. During the revision of the rite, the Congregation for the Doctrine of the Faith sought clarity with regard to this marriage issue, but their concerns failed to win modifications of the text. See BUGNINI, p. 789, fn. 4.

²⁶ Once one notices the avoidance of clear references to (material) virginity in modern ecclesiastical literature, one consistently perceives that avoidance throughout said literature, even in passages that seem, at first glance, to be supportive of virginity. To take but one example, Bugnini, underscoring the esteem with which the Church holds virginity, describes virginity as "an act of complete and perpetual spousal self-giving to God." BUGNINI, p. 788. Notice, however, that such a phrase could just as well describe a spousal self-donation by a virgin as it could a non-virgin. Lost in such language is any recognition of the uniqueness of the *virgin's* spousal act of self-giving, which uniqueness is, of course, foundational to the gift of virginity.

²⁷ I suspect this "marriage" language was lifted from another context in which it was narrowly relevant to the consecration of virgins and was inappropriately inserted into the revised rite to the detriment of the institution of Christian virginity. See fn. 67.

second criterion as well), addresses by its express terms “chastity” not “virginity”. In so doing, a categorical error enters: chastity and virginity are not interchangeable words for the same reality.²⁸ Chastity and virginity differ from one another in certain respects and disregard of the distinctions between them leads to accepting criteria for consecration to virginity that, among other things, wrongly approach grave violations of chastity as if they were necessarily, in fact and in law, violations of virginity. They are not.

Briefly, chastity is a moral virtue related to the natural virtue of temperance and can be distinguished in various ways according to specific objects.²⁹ Among those various forms of chastity, virginity chosen for the Lord stands as its highest expression.³⁰

Now, insofar as virginity is a higher calling than is chastity,³¹ it might seem as if the requisites of chastity should certainly be satisfied prior to and throughout one’s striving to honor those of virginity, and thus one could justify the revised rite’s substitution of broader concerns for chastity in place of the narrower concerns of virginity in particular. But this conclusion is not correct; at the very least, it is incomplete, and the current rite’s treating chastity as if it were another word for virginity when assessing a woman’s eligibility for admission to the order of virgins is methodologically unsound and pastorally unjust. Simply put, while it is generally correct to hold the *future* conduct of a consecrated virgin to a higher level than that expected of other chaste women (as is set out in criterion two), it is wrong to hold a woman’s *past* acts against chastity as necessarily having been *dis*-qualifying acts against virginity (as is set out in criterion one). To understand better why this is so, some background on how the ecclesiastical tradition reckons Christian virginity is helpful.

²⁸ O’CONNOR, p. 17.

²⁹ NOLDIN-SCHMITT, pp. 2-4; WOUTERS, pp. 7-8, 11-12; FUCHS, p. 27, and Benedictus MERKELBACH (Belgian Dominican, 1871-1942), *Quaestiones de castitate et luxuria*, 4th ed., Paris, La Pensée Catholique, 1936, p. 21 [hereafter, MERKELBACH]. These authors speak of, for example, the chastity of youth, matrimonial chastity, widower chastity, and Christian virginity.

³⁰ NOLDIN-SCHMITT, pp. 2-3; VERMEERSCH, pp. 137-147. It is commonly held that, when Christian virginity is observed throughout one’s life by one who at last dies in friendship with the Lord, it wins for the virgin a special crown in Heaven known as an “aureole”. See, e.g., VERMEERSCH, pp. 148-152; MERKELBACH, p. 22; WOUTERS, pp. 14-15, and Eduardus GENICOT (Belgian Jesuit, 1839-1914) & Ioseph SALSMANS (Belgian Jesuit, 1873-1944), *Institutiones theologiae moralis*, in 2 vols., 17th ed. (Uitgeverij, 1951) [hereafter, GENICOT & SALSMAN], vol. I, p. 200, n. 252. The aureole of virginity is not accorded those who, however chastely, even continently, they might have lived after losing virginity, are not virgins.

³¹ FUCHS, pp. 29-34.

3 — *Scholion on General Ecclesiastical Criteria for Virginity*³²

The most important distinction made by all pre-conciliar canonists and moralists in regard to Christian virginity—albeit a distinction that would escape the notice of those familiar only with the revised rite of consecration—is that virginity consists of two aspects, namely, a “material” or corporal aspect and a “formal” or intentional aspect.³³ Both aspects of virginity are required for one to be considered a “virgin” and thus to practice the virtue of virginity (whether as the object of a vow or as a consecrated state of life) but, as we shall see, these two aspects of virginity differ from one another in several important respects. We begin by addressing material virginity.

3.1 — Material virginity

Every human being begins life as a material virgin and for some time remains free of those acts by which material virginity is lost. Material virginity, sometimes called physical virginity, corporeal integrity, and so on, can only be lost as a result of certain physical actions performed with or on one’s body. If those actions transpired (regardless of the circumstances, including moral circumstances), the loss of material virginity is immediate and permanent, and if they do not transpire (regardless of any other implications of the acts, including moral implications), loss of material virginity does not occur. Depending on the conditions under which those acts were performed with or on one’s body, the resultant loss of material virginity might, or might not, as we shall see, preclude one from being recognized as a virgin for ecclesiastical purposes. The chief *sign* of material virginity in women is an intact hymen but all authors cautioned that the presence or absence of the sign of material virginity in women is not equivalent to the

³² Even in its simplified form, the material presented in this scholion on the general ecclesiastical criteria for Christian virginity need not be grasped in order to recognize that the current criteria for determining a woman’s eligibility for consecration as a virgin are flawed and should be reformed. The technical aspects of virginity as outlined in this scholion are assumed by the Church, *but not required*, when dealing with questions specific to the consecration of virgins. Some readers might therefore wish to proceed directly to the discussion of “Virginity *in facie Ecclesiae*”, below, which sets out the admissions criteria that have long been, and should be now, applied in regard to the consecration of virgins.

³³ O’CONNOR, p. 17; CAPPELLO, p. 303, n. 299; FUCHS, p. 28. I am going to suggest a clearer vocabulary for use in this area, but in this scholion, I will follow traditional vocabulary closely.

presence or absence of material virginity itself.³⁴ It is possible for the sign of material virginity to be absent (say, by natural defect), or even lost (say, by exercise or surgery), without virginity itself having been surrendered.

The question can now be framed: What sexual acts performed with or on one's body resulted in the loss of material virginity?

All pre-conciliar authors agreed that even a single act of penal-vaginal intercourse, regardless of the circumstances of that sexual intercourse, deprived both parties of material virginity.³⁵ Regardless of whether it was morally licit and/or resulted in orgasm (at least for the woman),³⁶ sexual intercourse always results in the loss of material virginity. That being understood, however, penal-vaginal intercourse is the *only* physical action that, in the unanimous opinion of experts discussing the institution of virginity, always causes a woman (or a man, for that matter) to lose material virginity. Every other physical action held by some (or many) authors to effect the loss of material virginity was either disputed by at least some authors in regard to that effect or found itself being treated in regard to some considerations besides that of consecration to virginity.³⁷

³⁴ VERMEERSCH, p. 133; NOLDIN-SCHMITT, p. 3; CAPPELLO, p. 304. Some authors held, especially if the hymen were absent or ruptured independently of genital activity, that the initial 'expansion' of the vagina in coitus counted as a loss of material virginity. See, e.g., NOLDIN-SCHMITT, p. 3, and VERMEERSCH, p. 133. The practicality of this alternative measure of virginity is not clear but I mention it for completeness.

³⁵ As VERMEERSCH, at p. 133, states: "In omnium existimatione, *copula* est ipsissima virginis defloratio qua corporis integritas amittitur" (original emphasis). If pressed to describe more exactly what, in factually close cases, would constitute penal-vaginal intercourse, most pre-conciliar authors would likely have followed Ford and Kelly who noted that "[t]heologians speak of the 'marriage act', 'true marriage act', 'natural copula', 'perfect copula', 'natural intercourse', 'coitus' and 'act *per se* apt for generation'. As a general rule these expressions all mean the same thing ... that the man at least partially penetrate the vagina and seminate partially in the vagina." John FORD (American Jesuit, 1902-1989) & Gerald KELLY (American Jesuit, 1902-1964), *Contemporary Moral Theology*, 2 vols., Newman, 1958/1963, [hereafter FORD & KELLY] vol. II, pp. 210-211. I recognize that even this description might not suffice to cover cases of, say, *condomized* penal-vaginal intercourse. While I am inclined to hold such acts as deflorational, it is not a point that need be resolved in order to carry the main assertions presented herein.

³⁶ Physiological differences between male and female orgasm were reflected, in part, in different canonico-moral evaluations of the event. See also fn. 36. Our only concern here is how that analysis might have impacted the admission of women to consecration as virgins.

³⁷ A common context in which material virginity was discussed was that of the *vow or virtue* of virginity. But caution against the uncritical importation of concepts associated with the *virtue or vow* of virginity into assessment of the *juridic* concept of virginity in the context of admission to consecration to a life of virginity is important for several reasons. First, it is generally held that the *vow* of virginity is not to be confused with the *consecration to a*

Now, besides holding that natural sexual intercourse destroyed material virginity, most pre-conciliar authors further held that any “completed” venereal act (to be explained below) also deprived one of material virginity.³⁸ This holding is perhaps, especially in an age of greatly lowered standards of sexual propriety, surprising, but hold it pre-conciliar authors did. Although it does not, as it happens, impact the conclusions of this article, the holding that any “completed” venereal act deprives one of material virginity needs to be understood if only to better appreciate the greatly simplified practice eventually developed by the Church for determining a woman’s eligibility for admission to a life of consecrated virginity.

By “completed” venereal act most pre-conciliar authors meant any freely chosen act that was intended to and did result in orgasm.³⁹ Thus, for example, masturbation (solitary or partnered), intercourse *indebito in*

life of virginity, and earlier authors disputed whether such a vow (strictly understood, likely as a promise to God) was necessary for consecration before the Church, was to be assumed in said consecration, or was yet distinct from that consecration. See generally query no. 3 submitted to the Sacred Congregation for Divine Worship and reported at DOL, 1027, and e.g., KINISH, at p. 120: “Nor is the consecration [of virgins] to be confused even with the vow of virginity;” NOLDIN-SCHMITT, at p. 3: “Votum ad virginitatem non requiritur”; Fuchs, at 28: “Votum, ut patet, non pertinet ad essentiam virginitatis” (original emphasis); AND NOCENT, at p. 211: “The consecration [to virginity] must be distinguished from the vow of virginity.” In light of the unsettled status of this question, the burden is on those who would necessarily apply concepts developed in service to the vow or virtue of virginity to show why they must also be accepted as criteria for admission to a life of consecrated virginity. Second, and of greater practical significance, too casual an extension of concepts associated with the virtue of virginity increases the possibility that disclosure of matters more proper to the internal forum (matters raised, say, in regard to the direction of consciences) might be asked of those seeking public admission to an order in the Church. Indeed, as we shall see, one of the modern criteria for determining a woman’s eligibility to be admitted to consecration as a virgin was developed precisely to minimize potential invasions of conscience, not to provoke them. See fn. 67.

³⁸ O’CONNOR, p. 17; GENICOT & SALSAMAN, p. 200; WOUTERS, p. 16.

³⁹ FORD & KELLY, vol. II, p. 211. Some authors even held that freely engaging in such acts as were *likely* to produce orgasm in a normal person could, even without that individual having experienced orgasm, deprive him or her of material virginity. See generally WOUTERS, pp. 16-17; NOLDIN-SCHMITT, p. 5; O’CONNOR, p. 19. Here a few words need be said about the difficulties occasioned by a test of virginity being related to female orgasm. Female orgasm, unlike male, does not result in external evidence of the event, at least not in unequivocal evidence of the event. While no male can reasonably be in doubt as to whether he experienced orgasm, women can be in reasonable doubt about their experience of orgasm, especially in their youth. To accept, therefore, personal experience of an event (indeed, the later *recollection* of a personal experience) as evidence of the event might make some sense in the realm of moral or pastoral theology, but to make it the test of a juridic fact (as is loss of virginity in certain contexts) is not good legal science.

vaso, the use of pornography, and so on, if engaged in and productive of orgasm, results in the loss of material virginity for that individual. On the other hand, actions not freely chosen (such as nocturnal emission, even if occurring in a partially awake state), or acts chosen but not in order to derive sexual pleasure therefrom (e.g., washing), even if pleasurable, were not held to be destructive of material virginity. If one experienced, however, a “completed” venereal act as understood above, one lost “material virginity”.

Finally in regard to material virginity—setting aside a very few authors who regarded every loss of material virginity as canonically significant⁴⁰—most authors agreed that the loss of material virginity impacted one’s status as a virgin *only* in light of the conditions under which that material virginity was lost. Anticipating our discussion of formal virginity, briefly put, if material virginity was lost simultaneously with formal virginity (that is, as we shall see, by one’s sufficiently consenting to the acts whereby material virginity was lost), then the loss of virginity itself was deemed “irreparable”; if, however, one did not consent to the acts whereby material virginity was lost, then the loss of material virginity was inconsequential to one’s eligibility for recognition as a virgin.

3.2 — Formal virginity

Besides material virginity, a woman, to be considered a virgin, needs also to be possessed of formal virginity, that is, to have the firm resolution to avoid such actions as would result in the loss of material virginity.⁴¹ It must be observed immediately that the failure of a material virgin to possess formal virginity was not necessarily sinful for the obvious reason that one need not intend to remain a virgin all of one’s life. It is quite within the boundaries of good Christian conduct to be materially a virgin yet intend someday to marry and use marriage. Such intentions, of course, do not render one unchaste, but they do deprive one of formal virginity (even

⁴⁰ See, e.g., O’CONNOR, p. 25, and NOLDIN-SCHMITT, p. 4, discussing rape. One wonders whether Noldin-Schmitt’s view that rape caused a woman to lose her virginity (albeit not *coram Deo*, to use his phrase) was based on an extreme value attached to the *sign* of virginity itself (an intact hymen) or whether he sought to avoid difficult inquiries into the circumstances of the act.

⁴¹ It was disputed as to whether this resolve of virginity needed to be embraced specifically by a vow. See, e.g. WOUTERS, pp. 9-10, 15. The question need not detain us, for the reasons set out in fn. 37. Of course, this virginal intention must be motivated by love of the Lord for virginity to be reckoned Christian virginity of the sort eligible for consecration.

without any physical actions against material virginity).⁴² Formal virginity could be sinfully lost, of course, by freely choosing to engage in such illicit acts as would forfeit material virginity or even by being, however briefly, willing to engage in such acts, even if they were not in fact performed. But, in distinction to material virginity (whose loss was always permanent, even if not always relevant) the loss of formal virginity was held by all authors always to be “reparable” upon a woman’s asserting or reasserting the intention to remain a virgin. If the loss of formal virginity was not sinful (say, by a woman’s entertaining hopes for a time to marry and bear children), its reparation could be achieved by a resolution to commit to virginity itself.⁴³ If the loss of formal virginity was sinful (say, by desiring to engage in sexual intercourse prior to marriage or by engaging in various sexual acts short of intercourse), sacramental confession would be required in addition to renewed resolution to commit to virginity.⁴⁴ Either way, though, the loss of formal or intentional virginity is always reparable.

Bringing these two concepts together, if the loss of one’s material virginity occurs under circumstances whereby formal virginity is also lost, the loss of virginity itself is irreparable.⁴⁵ A typical example of where this loss occurs licitly is upon the consummation of marriage between two hitherto chaste spouses. The act of sexual (specifically conjugal) intercourse is both willed and accomplished. Such persons are no longer virgins. Likewise, consensual sexual intercourse between two persons not married to each other is both objectively gravely sinful *and* destroys forever the virginity of each. Repentance from such a deed, while welcome and restorative of chastity,⁴⁶ does not restore virginity.

To be sure, a woman’s after-the-fact realization that the loss of her condition as a virgin is, as it happens, irreparable, and that said loss carried certain ecclesiastical consequences unforeseen at the time of the loss, can provoke spiritual problems for the woman and pastoral challenges for her

⁴² WOUTERS, p. 16.

⁴³ WOUTERS, p. 17.

⁴⁴ O’CONNOR, p. 18; CAPPELLO, p. 305; WOUTERS, p. 17.

⁴⁵ See, e.g., Palazzini citing the *locus classicus* of St. Jerome: “Let me flatly say that not even God, who can do all things, can restore virginity once it is destroyed” (Ep. 22 ad Eustochium, 5, my trans.) No pre-conciliar author held this kind of loss of virginity itself to be reparable. O’CONNOR, p. 19.

⁴⁶ Indeed, a repentant fornicator (or adulterer, or incestuist) could fruitfully undertake a vow of chastity, even of perpetual chastity, but not of virginity.

pastors and those around her.⁴⁷ Such problems need to be addressed,⁴⁸ of course, but they do not justify ignoring, in either the internal forum or the external, the well-settled implications of the loss of virginity.⁴⁹ To the extent that the current criteria for admission to a life of consecrated virginity *do*, in law and in fact, ignore these implications, they fail to serve the institution for which they were designed.

If, however, material virginity was lost under any other circumstances (the chief example being rape of a woman), nearly all writers held that virginity itself was not lost;⁵⁰ finally, if the loss of one's formal virginity occurred under any circumstances (licit or otherwise) it is always reparable by resolving for virginity again.⁵¹

At this point, we may return to our analysis of the problems with the first criterion for admission to consecrated virginity, though we remain within the scholion on the moral analysis of virginity.

3.3 — Further Problems with the First Criterion for Admission to Consecrated Virginity

A wide variety of gravely unchaste actions can be performed by women that nevertheless would not, by *any* accepted understanding of how virginity is lost (see above), result in the loss of (material) virginity. Unfortunately,

⁴⁷ See, e.g., Judith STEGMAN, "Virginal, feminine, spousal love for Christ" in *Ordo Virginum: The Restoration of the Ancient Order of Virgins in the Catholic Church, Volume One, An Introduction to the Vocation of Consecrated Virginity Lived in the World*, United States Association of Consecrated Virgins, 2012, pp. 95-126 [hereafter STEGMAN], esp. pp. 104-107.

⁴⁸ Some recent attempts (such as the concept of "secondary virginity" as noted by STEGMAN, at pp. 104-105) addressing the sense of loss and/or spiritual discouragement that some men and women experience upon the realization that they are no longer virgins in the eyes of the Lord seem praise-worthy in goal but confusing in terminology. I cannot address them further here.

⁴⁹ Consider this advice from NOLDIN-SCHMITT, at p. 5, to a confessor confronted with a question from a penitent as to whether he or she has lost virginity: "[O]rdinarie praestat hoc non aperte declarare, sed prudenter dissimulare e. g. dicendo omne peccatum per poenitentiam reparari posse, ne poenitens animum despondens atque afflictus curam conservandae castitatis negligat."

⁵⁰ CAPPELLO, p. 305; WOUTERS, p. 17. Some authors disputed that material virginity would even be lost thereby, but virtually all of these would hold such loss of material virginity to be inconsequential in regard to virginity itself.

⁵¹ VERMEERSCH, p. 135, lists as common examples of such formal loss of virginity, an intention to enter typical marriage, internal sins against chastity, and external but incomplete sins against chastity.

the current first criterion for consecration prevents women who might have engaged in gravely unchaste conduct in the past (but who unquestionably preserved their material virginity), upon being moved to repentance and giving up their bad conduct and who now desire to consecrate themselves and their virginity (once gravely endangered but not actually lost, *Deo gratias*) to the Lord, from being considered for admission to the order of virgins. That is because the current admissions requirement deals, *by its own terms*, not with virginity but with chastity.⁵² Again, chastity and virginity are not synonymous terms. But the problems with the novel language in criterion one go further yet.

A woman can, by a discreet act of copulation, unquestionably give up her virginity *without* ever living in what canon law would recognize as public or manifest violation of chastity (more on this point below). Thus, contrary to the unanimous expectation of the ecclesiastical tradition on virginity, but quite comfortably within the flawed current criteria of the Rite of Consecration, such a non-virgin woman qualifies for admittance to the order of virgins.⁵³ That, clearly, is a very serious problem. But, I fear, the problems with the current language of the first criterion go beyond excluding from consecration some traditionally eligible women or admitting some traditionally barred women. The very terms of this part of the first criterion, especially “public”, “manifest”, and “lived in a state”, are ineptly, almost incoherently, chosen and can pressure ecclesiastical decision-makers into pastorally untenable positions.

First, the concepts of “public” and “manifest” are presented in the first criterion (by its use of Latin conjunction *seu*) as if they were virtually synonymous. But these two terms are not synonyms in canon law.

⁵² This point bears re-emphasis: a repentant woman’s illicit sexual conduct needs to be addressed forthrightly and accurately. If a hitherto unchaste woman has not, under correct moral or canonical analysis, lost her virginity, it is an injustice to imply otherwise to her or to reject her request for consecration as virgin on the grounds that she is not a virgin. See 1983 CIC 221 §1.

⁵³ Indeed KRUC at p. 43 makes precisely this proposal. He can hardly be criticized for doing so, because his proposal falls quite within the terms of this (poorly drafted) first criterion. We see now that it is not enough simply to *imply* that virginity is required by the first criterion, as suggested by Aitor JIMÉNEZ ECHABE, “Directorio marco del ‘Orden de vírgenes’ consagradas,” in *Commentarium pro Religiosis*, 80 (1999) pp. 387-406 (also available in Italian in *Apollinaris*, 73 [2000], pp. 245-263), [hereafter JIMÉNEZ ECHABE], at p. 398. Virginity (as noted by KLIMISCH at 181), is of the essence of consecrated virginity. In an age that, on the one hand, does not understand or value virginity, and on the other hand which tries to supply novel ways of “restoring” lost virginity, *nothing* central to virginal consecration should be assumed, least of all, virginity itself.

The term “public” is used in many different ways in canon law,⁵⁴ and settling on just one interpretation of the word (especially in a context where it has not been used extensively, as is the case with questions of virginity), is difficult. Some canonical interpretations of the term “public” would apply to any act that is provable in the external forum, meaning that a single act observed by even one other person could qualify as “public”. But, if that is the interpretation to be accorded the term “public” in the context of assessing (in)eligibility for consecration based on *unchastity*, then no woman who has performed even one seriously *unchaste* act (even if by no definition did she lose her *virginity* thereby) with another person could ever be admitted to the order of virgins!⁵⁵ This seems a harsh result, but it falls within the letter of the first criterion for eligibility for virginal consecration as it currently stands.⁵⁶

The word “manifest,” too, has many uses in canon law,⁵⁷ but these uses tend, I suggest, to be associated with actions that are performed with

⁵⁴ See Xaverius OCHOA, *Index verborum ac locutionum Codicis iuris canonici* [1983], 2nd ed., Rome, Commentarium pro Religiosis, 1985, [hereafter, OCHOA], s.v. “Publice,” wherein 11 appearances of the word “*publice*” in the 1983 Code are identified and scores of related uses of the word are noted.

⁵⁵ Between 2005 and 2007, then Archbishop Raymond Burke of St. Louis, in his capacity as Episcopal Moderator of the United States Association of Consecrated Virgins, and then Archbishop Albert Ranjith, in his capacity as Secretary of the Congregation for Divine Worship and Discipline of the Sacraments, were in communication concerning several points dealing with eligibility for virginal consecration. Among those points was the understanding to be accorded the word “public” (*publice*) in the first criterion for admission to consecration. Burke had set out the view that the word *publice* meant “public, namely committed with another person”, and Ranjith expressed dicasterial agreement with Burke’s interpretation. See generally STEGMANN, pp. 108-109. But the Burke-Ranjith exchange is, as we shall see shortly, highly conditioned by the context of the question posed.

⁵⁶ To be clear, this very strict interpretation of “*publice*” is supported in canon law, but it is not *demanded* thereby. Indeed, most other canonical appearances of the word “*publice*” denote actions that are not known only to a single witness, but are instead widely known in the community. Examples include one’s: *publically* defecting from communion with the Church (c. 194), *publically* rejecting the Catholic faith (cc. 316, 694), *publically* professing hermitage (c. 603), *publically* assuming the obligation of celibacy (c. 1037), *publically* harming religion by broadcast speeches (c. 1369), and so on. Clearly, most uses of the word “*publice*” in canon law occur in regard to actions that are widely known in the community and factually indisputable, not to actions that are known to only by a single witness, let alone to actions that, as here (given the rite’s confusing of “unchastity” with “loss of virginity”) might not even qualify juridically as deflorational.

⁵⁷ OCHOA, s.v. “*Manifeste*”, identifies two appearances of the word “*manifeste*” in the 1983 Code, namely, a restriction against taking declarations as infallible unless they “manifestly” such (c. 749) and restraint in executing sentences that are “manifestly” unjust (c. 1654), but some two dozen closely related words are used throughout the 1983 Code.

awareness of, and even an intention toward, their being perceived by the community. Thus, for example, a prostitute's dress, behavior, and conversation tend to 'manifest' her availability for sexual services, even if her unchaste acts are never observed by the community at large; likewise a woman's cohabitation with a man would 'manifest' her consent to sexual relations with him, again, even if those acts were not known by anyone other than the man. Thus the dissonance that arises from the first criterion's effectively (by its use of *seu*) equating "public" (if interpreted to mean a deed performed even one time with a single individual) and "manifest" (to the extent that it suggests chronic behavior intended or expected to be known by the wider community) is very great; that dissonance is aggravated when one recalls that the admittedly *unchaste* deed need not have been one that destroyed material *virginity*.⁵⁸

In sum, literally nothing about the current first criterion for admission to virginal consecration addresses virginity itself;⁵⁹ instead, the first criterion only addresses, unevenly and inconsistently, some *circumstances* related to virginity. This novel language places formators and bishops in the anomalous position of having to inquire with women about not simply actions that should be provable without evidence from the woman herself (in that such actions are supposedly "public or manifest"), but worse, it pressures women to disclose past actions against chastity (*not* virginity) that one should be able to restrict to the confessional. What is particularly distressing about the language used in this first criterion is that it gratuitously preempts some reasonable and clear terminology developed by the Church precisely to evaluate a woman's eligibility for consecration to a life of virginity. It is to that language we may now turn.

⁵⁸ At the risk of wearying the reader, we must add that the phrase "lived in a state" is, canonically at least, a neologism that does not admit of clear application to fact patterns likely to be encountered in this regard today. It is not clear what the phrase "lived in a state" adds to the notion of "manifest", but surely it implies a considerably extended period of time engaged in an entire life style such as "the clerical state" or "the married state". Is there an "unchastity state"? At what point anyone has "lived a life" of almost anything except perhaps at the end of one's life? Such colloquial expressions have their place in pastoral exhortation, of course, but they are inadequate for guidance in disciplinary contexts.

⁵⁹ NOCENT, whose primary concerns for consecrated virginity are liturgical, of course, and not disciplinary, asserts at p. 218 that the current ritual "requires a formal and juridical virginity but not the physical virginity that the Pontifical of William Durandus seemed to demand." Nocent's assertion betrays considerable confusion regarding basic terminology in this area and is, in any case, plainly belied by the text of the current first admission criteria which never even mentions virginity and instead speaks only of chastity.

4 — *Virginitas in facie Ecclesiae*

The complex analysis of virginity developed for use in moral theology (see scholion above) was recognized, of course, by bishops and canonists as sound and appropriate for use in regard to, for example, confessional practice or rendering advice to those living under vows of virginity. But that complex moral analysis was *not* used when the question before ecclesiastical officials was specifically whether a given woman was eligible for admission to the order of virgins.

When it came to assessing a woman's status as a "virgin" ecclesiastically, as would be necessary in regard to her formal pronouncement of or continued subjection to public vows of virginity or for her admission to the order of virgins, that is, when it was up to ecclesiastical authority to determine whether a woman was a virgin "from the Church's viewpoint" (*in facie Ecclesiae*), the issue became simple and precise. Having duly outlined the complex moral considerations that undergirded the theology of Christian virginity, Felix Cappello, with characteristic clarity, put the disciplinary matter thus: "Nevertheless from the Church's viewpoint a woman remains a virgin for so long as the seal of virginity has not been broken *by copulation*, and a man remains a virgin for so long as *he has not carnally known a woman*."⁶⁰ Rephrased in more modern terms, for ecclesiastical purposes in the external forum, a woman is considered a virgin as long as she has not engaged in (voluntary penal-vaginal) sexual intercourse.⁶¹ But this simple point seems, I fear, to have been almost entirely overlooked by modern commentators on the disciplinary norms of consecrated virginity.

Cappello's interpretation was widely shared,⁶² and several authors applied it to the consecration of virgins. For example, Fuchs wrote: "In law, in

⁶⁰ "Attamen in facie Ecclesiae mulier manet virgo, quamdiu claustrum virginitatis *per copulam* non fuerit violatum; et vir manet virgo, quamdiu *mulierem carnaliter non cognoverit*." CAPPELLO, at p. 305, original emphasis.

⁶¹ This is, in fact, what the Burke-Ranjith correspondence effectively holds although it is easy to miss that crucial point. While the interpretation they accorded the word "*publice*" is narrow (albeit within the bounds of canonical usage), the context of their exchange was a woman who had unquestionably engaged in consensual sexual intercourse. Stegmann, 108. Such a woman is, beyond any question, no longer a virgin (even if only one other person knows that) and on *that* ground she would not, as Burke-Ranjith conclude, be eligible for consecration for virginity.

⁶² See, e.g., PALAZZINI, at p. 678, wherein: "In facie Ecclesiae mulier virgo manet, quotiens copulam non admitterit, ac vir quousque mulierem non cognoverit." See also Thomas IORIO (Italian Jesuit, 1886-1966), *Theologia Moralis*, in 3 vols., 5th ed., D'Auria, 1960-1961, vol. III, pp. 598 at fn. 2, who quotes with approval the above passage from CAPPELLO,

regard to the consecration of virgins, women are generally considered virgins who have never consented to or experienced carnal copulation.”⁶³ Similarly Vermeersch observed: “Every woman who has preserved the sign of virginity can be veiled, even though she might have indulged in solitarily libidinous actions: as far as the Church is concerned she remains a virgin. But in no wise is it permitted to veil a woman who has voluntarily engaged in sexual intercourse.”⁶⁴ And Genicot & Salsmans stated: “The Roman Pontifical directs that [candidates for consecration as virgins] be interrogated only concerning life, awareness of the virtue, and ‘body integrity’, that is, the absence of copulation.”⁶⁵

Thus the criterion traditionally applied by the Church when called upon to determine a woman’s eligibility to undertake a commitment centered on virginity looked simply and exclusively at virginity itself (and not at circumstances surrounding virginity), and asked of women only one question: have you ever had consensual sexual intercourse?⁶⁶ That single inquiry could be phrased in terms of “body integrity” (*carnis integritate*, as the pre-conciliar Roman Pontifical phrased it), but *in facie Ecclesiae* the question was always about sexual intercourse and never about anything else.⁶⁷

MERKELBACH, p. 22, and NOLDIN-SCHMITT, p. 5. O’CONNOR, at pp. 24-26, does not hold that the Church allows this simpler question to be asked of women seeking to make a *vow* of virginity only, but he does hold it to apply to women who seek *consecration* as virgins.

⁶³ “*In iure*, v. g. intuitu consecrationis virginum, virgines generatim habentur mulieres, quae numquam copulam carnalem admiserunt vel passae sunt.” FUCHS, at p. 28 (original emphasis).

⁶⁴ “Velari autem poterat omnis femina quae signaculum virginitatis retinuerat, quamvis solitarie libidini fortasse indulsisset: in facie Ecclesiae remansit virgo. Nullatenus autem velare licebat mulierem quae voluntarium concubitus admiserat.” VERMEERSCH, at p. 136, n. 143.

⁶⁵ “Pontificale Romanum [candidatas] interrogari iubet tantum de vita, virtutis conscientia et ‘carnis integritate’, scil. de absentia copulae.” GENICOT & SALSMAINS, vol. I, p. 200, n. 252. See also CAPPELLO, p. 303, and NABUCO, p. 447.

⁶⁶ In light of the evident simplicity of this question about virginity, not to mention its centrality in cases of consecrated virginity, one may wonder at the apparent consternation of JIMÉNEZ ECHABE who, at p. 398, complains about the “eternal problem of physical virginity” (my trans.), a problem presumably occasioned under the former rite of consecration. But while one might have some sympathy for those who needed to parse the particulars of the moral tradition on virginity, those complexities were eliminated precisely *in facie Ecclesiae* and in their place remained only one question: has a candidate for consecrated virginity ever had consensual sexual intercourse? What was so onerous or complicated about that question?

⁶⁷ I propose this conclusion notwithstanding that in one highly specific circumstance the question actually asked of certain women seeking consecration as virgins was in fact phrased in terms of marriage. The matter arose thus: Upon being granted permission to offer virginal consecration to professed religious, some cloistered communities realized that some of their members had, prior to entering religious life, lost their virginity. If these women did not

If the answer to the question concerning (consensual) sexual intercourse was Yes, then the woman was ineligible to undertake a commitment reserved to virgins; if the answer to that question was No, then the woman was eligible to undertake a commitment reserved to virgins. The matter could scarcely have been clearer. Unfortunately, it seems that the very narrow understanding of “public” (from the Burke-Ranjith exchange) is being applied to the overly broad category of “unchastity” (as set out in the current rite) to prevent women who engaged in occasional if serious acts against chastity (but *not* against virginity as understood *in facie Ecclesiae*) from later being consecrated as virgins even though in all other respects they are eligible for consecration and, under traditional criteria, they would have been accepted into the order of virgins.⁶⁸

5 — Reform and Use of the First Criterion for Determining Eligibility for Virginal Consecration

Given the continuing confusion caused by using the same word “virginity” to describe a physical condition, a free choice, and a status in the Church, and considering that each of those terms is capable of various shades of meanings depending on circumstances, I think that, before anything else, a more precise vocabulary should be agreed upon to discuss this topic (these topics?) in the context of the Rite of Consecration to a Life of Virginity. I propose the following three expressions be used henceforth, stressing that this vocabulary applies only in regard to cases of *females* seeking *consecration as virgins*.

participate in the anticipated rite of consecration of virgins, aspersions would inevitably be cast on their character. To avoid placing such women in a position of disclosing their conscience, permission was granted to alter the traditional inquiry from that expressly dealing with “corporeal integrity” to one framed in terms of whether they had ever been married. See O’CONNOR, pp. 25-26. This ‘marriage inquiry’ was, in other words, an expedient approved for use under highly unusual conditions and solely in order to avoid causing an exposure of conscience. It was never intended, I suggest, as a general substitute for inquiry about (material) virginity among women seeking consecration as virgins.

⁶⁸ As reported in STEGMAN, at p. 109, the Burke-Ranjith exchange expressed concern that inquiries into a woman’s past conduct might improperly violate her right to preserve the privacy of her conscience. But, I suggest, simply articulating a concern does not adequately address it. The problem here lies in the very text of the first criterion for consecration as a virgin, text that wrongly treats “chastity” and “virginity” as synonyms and which therefore provokes inquiries into a woman’s record of chastity instead attending only to her status as virgin as the Church understands that fact in the specific context of the consecration of virgins.

Integrity of the body (*integritas carnis*), known elsewhere as material virginity, physical virginity, and so on, possessed by all people at one time and lost only upon, but always and forever upon, consensual engagement in licit or illicit (penal-vaginal) sexual intercourse.

Spousal commitment to Christ (*inhaerens Christo conjugii*), known elsewhere as formal virginity, virginal intent, or virginal commitment, and so on, a choice to enter spiritual marriage with Christ as one's only Spouse until death, lost upon revocation of that choice or by engaging in sexual activity or by ideation inconsistent with a spousal commitment to Christ.⁶⁹

Christian virginity (*virginitas Christiana*) is the simultaneity of the two aspects above. Christian virginity (whatever else may be done with it by way of, for example, public or private vows) is what may be consecrated by liturgical rite.

With these three terms—simple, clear, and most importantly, faithful to the tradition of virginity in the Church—in mind, we may now suggest a rephrasing of the first criterion for admission to virginal consecration.

The first criterion for admission to consecrated virginity deals essentially with *eligibility* for consecration and is based on a woman's past conduct. The centrality of virginity should be legally reasserted in the admission criteria for consecration as a virgin. Future literature and other information offered to women considering consecration as virgins should, for example, state plainly that a woman must be free of consensual (penal-vaginal) sexual intercourse, whether in marriage or outside of it, in order to be eligible for consecration as virginity. Consequent to an explanation of the terms, and leaving time for reflection and clarification as desired by the candidate,⁷⁰ a woman seeking consecration as a virgin should be asked whether she

⁶⁹ Of course, if this spousal commitment is never formed, or if it is revoked prior to consecration, that lack of commitment would bar admission to the order of virgins certainly for so long as such a lack were present. If, after admission, a consecrated virgin revoked or violated her spousal commitment to Christ, she would (in the objective order) sin gravely, but for reasons that go beyond the scope of this paper, she would not cease to be a consecrated virgin.

⁷⁰ The inquiry to be made by the bishop prior to consecrating women under the former rite (see fn. 13, 67) could be conducted the evening before, or even the morning of, the consecration itself. Of course it must be recalled that virginal consecration was restricted at that time to professed religious, indeed, typically, to cloistered religious. A consecrating prelate could therefore take more for granted in respect of those who were seeking consecration. Today one would expect more time for reflection to be made available.

possesses “integrity of the body” as set forth above.⁷¹ If the answer to that question is Yes, then the candidate is eligible to be considered for admission to consecration. There is no need to ask in this respect whether she was married; marriage is irrelevant to one’s status as virgin,⁷² and the relevant question about virginity will have been asked directly as above.

The second criterion for admission to consecrated virginity deals essentially with one’s ability to consecration to Christian virginity and looks to a woman’s future conduct, specifically, to her resolve to live a life of virginal chastity. Textually, the second criterion needs only a slight clarification to serve this end. If the answer to the first criterion inquiry about possessing integrity of the body has been answered affirmatively, and a woman intends to live a chaste life, commitment to that kind of life necessary obviously entails resolve to preserve one’s virginity.⁷³ Thus criterion two need be only be slightly modified to read “that by their age, prudence, and universally attested good character they give assurance of perseverance in a life of chastity *in virginity* dedicated to the service of the Church and of their neighbor” (emphasis added). Of course, a period of time spent in manifest unchastity—even assuming the candidate nevertheless possesses integrity of the body as explained above—would be grounds for careful attention and realistic evaluation of a woman’s prospects for successful life as a consecrated virgin within the scope of criterion two, but not in regard to whether she was still a virgin (as presently but wrongly implied by criterion one).

Conclusion

By reasserting the centrality of *virginity* to the consecration of women as *virgins*, and by recovering and applying the criteria of virginity traditionally

⁷¹ This phrasing is, it seems, very close to how the matter was phrased under the pre-conciliar Roman Pontifical: “Pontifex ad Missam se paret, in loco convenienti, praesentantur ei Virgines benedicendae; qui de earum aetate, et proposito singulariter singulas, videlicet, an annum vigesimum quintum compleverint, si voluntatem, et propositum servandae virginitatis habeant, diligenter inquirat; et insuper seorsum cum qualibet de vita, et conscientia, et carnis integritate.” See also KINISH, p. 127.

⁷² Of course if for other reasons one wished to determine whether a candidate for consecration were or ever had been married (say, to eliminate potential legal conflicts between the two states of life, or to prompt questions about the presence of natural or adopted children) such an inquiry could be done, but for its own reasons, and not as a circumlocutious inquiry about virginity itself.

⁷³ As CAPPELLO, at p. 306, put it, with a different point before him, “votum castitatis in virgine include[t] votum virginitatis, palam est.”

used by the Church in matters of virginal consecration, several goods may be expected: canon and liturgical law on virginity would once again address virginity and not merely circumstances that might impact virginity; women who are not virgins would not be able to enter the order of virgins simply because they did not lose their virginity by a “public or manifest” act of sexual intercourse; women who, despite past unchaste acts, did not give up their virginity would be recognized as eligible for consecration; the canonical difficulties caused by trying to apply the divergent concepts of “public” and “manifest” to what are essentially matters of conscience would be eliminated; pastorally improper inquiries into a woman’s past acts against chastity, as opposed to her status as virgin, would be prevented; and the special glory of Christian virginity would be more clearly manifested in a world that, perhaps more than ever before, needs the eschatological sign that modern women entering an ancient order in the Church uniquely give.