

Canonical and Cultural Developments Culminating in the Ordination of Deaf Men During the Twentieth Century

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Abstract: After nearly two millennia of de facto and even de iure exclusion from holy orders, a handful of deaf men were ordained to priesthood, amid severe ministerial restrictions, in the early to mid twentieth century. Catholic academe took almost no notice of their presence, however, and most of these priests passed from the pastoral landscape before the start of the Second Vatican Council. Shortly after the Council, however, several canonical and cultural developments coalesced to result in a significant number of deaf men entering ordained ministry as permanent deacons and priests. This article outlines the ecclesiastical and social developments that contributed to the emergence of deaf clergy in the United States and abroad, and provides an orientation to clinical deafness in general and Catholic deaf culture in particular as an aid to seminary personnel who might assist in the discernment and development of clerical vocations among deaf Catholics.

In the United States there are currently more than a dozen Deaf deacons and priests engaged in active ministry and at least six Deaf men in various stages of formation for ordination.¹ These figures stand in sharp contrast to the number of Deaf men typically admitted to holy orders at any given time during most of Church history, namely zero.

The Pio-Benedictine Code of Canon Law,² reflecting centuries of canonical discipline on this point, prohibited the ordination of any man “impaired in body

1. Peter Feuerherd, “Educating Deaf Ministers” *Church* 22 (Fall 2006) 2-6 [hereafter Feuerherd, “Educating”] at 3, supplemented by various communications from the National Catholic Office for the Deaf (Landover Hills, MD) to this author. In keeping with the “Woodward convention” for Deaf studies, the lowercase word “deaf” refers to a physiological condition of major hearing loss while uppercase “Deaf” refers to participation in cultural realities that arise among deaf persons over time. The words “deaf” and “Deaf” are not mutually exclusive.
2. Text and translations of the Pio-Benedictine Code [1917 CIC] from *Codex Iuris Canonici, Pii X Pontificis Maximi, iussu digestus, Benedicti Papae XV, auctoritate*

who cannot safely because of the [defect]... conduct ministry of the altar."³ Several commentators on Pio-Benedictine law listed the deaf as examples of those irregular for holy orders based on physical disability.⁴ While not every commentator expressly mentioned deafness in the context of irregularities,⁵ none challenged the interpretation that deaf men were disqualified from holy orders.

The irregularity of physical defect which barred deaf men from ordination was, however, subject to dispensation by the Holy See and on rare occasions such requests (perhaps *ad cautelam*) were made.⁶ Thus in the 1920s, an adventitiously deaf man was ordained in England and perhaps one in France.⁷ Finally, in the 1950s, one apparently congenitally deaf man was ordained in Brazil, though it seems that he was not authorized for public ministry.⁸ From the scant information

promulgatus, published in *Acta Apostolicae Sedis* 9/2 (1917) 11-521, as corrected and amended, and Edward Peters, *The 1917 Pio-Benedictine Code of Canon Law in English Translation with Extensive Scholarly Apparatus* (Ignatius Press, 2001).

3. 1917 CIC 984. Sunt irregulares ex defectu:... 2° Corpore vitiati qui secure propter debilitatem,... altaris ministerio defungi non valeant.
4. See, e.g., Dom Augustine (Charles Bachofen), *A Commentary on the New Code of Canon Law* in 8 vols., (Herder, 1918-1921) IV: 481, wherein "As to the sense of *hearing*, those who are completely deaf or dumb are irregular." See also John Abbo & Jerome Hannan, *The Sacred Canons: A Concise Presentation of the Current Disciplinary Norms of the Church*, in 2 vols., (Herder, 1952) II: 122-123. Irregularities impacted the liceity, not the validity, of ordination; deaf men were *ineligible* for holy orders, but they were not *incapable* of receiving them.
5. See, e.g., G. Oesterlé, "Irrégularités," DDC VI: 42-66, at 66, and Stanislaus Woywod, *A Practical Commentary on the Code of Canon Law* [1925], in 2 vols., rev. by C. Smith (Wagner/Herder, 1957) I: 595-596.
6. See Henry Ayrinhac, *Legislation on the Sacraments in the New Code of Canon Law* (Longmans, Green: 1928) 364 wherein: "In some cases of deafness the Congregation has granted dispensation for ordination; in others it has refused when the applicant would have been unable to hear the server at Mass." Petitions for dispensations arising from physical defect were usually directed to the Congregation for Sacraments. See Michael Martin, *The Roman Curia* (Benziger, 1913) 41. *Ad cautelam* petitions might have been prudent given the difficulty of determining exactly who was "deaf," and thus irregular, as discussed below.
7. William Hayward, a convert from Anglicanism deafened by meningitis at age 20, was ordained in 1927 for the diocese of Leeds after demonstrating "lip-reading ability," but he had difficulty obtaining an assignment to ministry. He served as hospital chaplain and founded what later developed into the Catholic Deaf Association (United Kingdom). Cf. <http://www.liquidsites.co.uk/rtefiles.php?id=130>. Regarding the French case, see Charles de Clercq, in R. Naz, ed., *Traité de Droit Canonique*, in 4 vols., rev. ed. (Letouzey et Ané, 1954) II: 248, n. 280, wherein "Le 12 novembre 1929, le S. Office permit d'ordonner un religieux sourd-muet de naissance, qui avait reçu l'éducation spéciale lui permettant de parler un peu." This was probably the same case that was reported in Adrien Cance, *Le Code de Droit Canonique*, in 4 vols., 7th ed., (Gabalda, 1946) II: 392, in fn. 2 (though dated to 12 November 1919).
8. See R. Naz, "Muet," in R. Naz, ed., *Dictionnaire de Droit Canonique* in 7 vols. (Librarie Letouzey et Ané, 1935-1965) [hereafter DDC] VI (1957): 958, indicating that a deaf South American was ordained *simplex* and forbidden to offer Mass. But see Dolores Beere, *History of the Catholic Deaf: St. John's Center*, (Archdiocese of Detroit, 1984)

available in these cases, nothing like a *praxis curiae* regarding the ordination of the deaf can be reliably identified for the period prior to Vatican II, and it is impossible even to determine the hearing profile of the clerics in question or to assess the degree to which their ministry identified with and participated in Deaf culture (as severely repressed as it was at the time, as discussed below). In any case, it seems that, by the time of the Second Vatican Council (1962-1965), active ministry by deaf clergy was once again, after a fleeting appearance, virtually non-existent. Almost overnight, however, that situation would change dramatically.

In 1970, Cyril Axelrod, a congenitally deaf man and convert from Judaism, was ordained to the priesthood for the diocese of Port Elizabeth (South Africa) and assigned to active ministry.⁹ In 1977, Thomas Coughlin, a deaf-of-deaf man from New York state, was ordained for priestly ministry with the Trinitarians.¹⁰ And in 1978, an American, Jerome Keil, became the first Deaf permanent deacon serving in the United States and probably in the world.¹¹ Following in the footsteps of these three pioneers, another dozen Deaf deacons and priests (both religious and diocesan) have since been ordained and are today preaching, presiding at liturgies, and celebrating the sacraments from coast to coast.

The suddenness with which Deaf clergy appeared and entered active ministry has taken ecclesiastical scholars by surprise. The canonical, sacramental, and pastoral implications of ordaining Deaf men for active ministry did not even begin to be explored until after several Deaf men had already been ordained. In contrast, then, to the extensive academic and pastoral ferment that preceded, say, the post-conciliar reform of the liturgy or restoration of the permanent diaconate, Deaf clergy arrived on the pastoral scene with no letters of introduction from academe and no track record of ministerial success in smaller communities that might portend success in larger. But arrive they did, and the questions they occasion need attention. Here I will consider some of those questions, including whether there remain any canonical obstacles to the ordination of Deaf men and, if no insurmountable obstacles are found, what kinds of factors ecclesiastical leadership should weigh in assessing a Deaf man's prospects for ordained ministry in the Church.

[hereafter Deere, *History*] 42-43, noting that "Fr. Vincente de Paulo Burnier ... a deaf priest from Brazil and the only Catholic Deaf priest in the world at this time," celebrated Mass for the Detroit Deaf community in July, 1953.

9. Cyril Axelrod, *The Journey Begins* (McLean Publishing, Coleford, 2005) [hereafter, Axelrod, *Journey*] 100-102. Axelrod's deafness was the result of Usher Syndrome, which condition has since cost him his sight.
10. View "Rev. Thomas Coughlin," Deaf Culture Autobiographies 8E (VHS, American Sign Language Productions, 1999). Coughlin is now a Dominican Missionary. The phrase "deaf-of-deaf" means that Coughlin was born to Deaf parents, a fact that has cultural and sociological significance for his ministry. Deaf children born to Deaf parents are regarded by many as the primary custodians of Deaf culture.
11. Personal knowledge of the author; but see relevant editions of the *Official Catholic Directory* (P. J. Kenedy and Sons), Archdiocese of Baltimore, especially from 1979 to 1989.

Before examining these questions, however, it would be helpful to address a number of widely-held misconceptions about deafness and Deaf culture, lest they distort one's approach to canonical and pastoral issues related to the ordination of Deaf men. While this article makes no pretense of identifying and correcting all such misconceptions (indeed, a complete understanding of the Deaf world is neither possible for hearing persons nor necessary to resolve many of the issues raised by the presence of Deaf men in holy orders), it is nevertheless important to explain in summary form some key points that readers with little exposure to the Deaf world will need in order to navigate the canonical and theological issues occasioned by the appearance of Deaf clergy.¹² I have selected three points on which to provide some important background, namely: (1) deafness in general; (2) the distinction between speech and language, and (3) sign language as language.

General remarks on deafness

Human beings are endowed with the faculty of hearing, which faculty, however, in a small percentage of the population,¹³ is significantly impaired or functionally absent. From this fact, a myriad of implications arise, but prominent among them is this: the single term "deaf," or even the dyad "deaf / hard-of-hearing," is quite insufficient to convey the wide range of profiles that hearing deficits present. In fact, it is virtually impossible to identify a given individual as "deaf," "hard of hearing," or "hearing" based solely on audiometric testing results. This, for several reasons.

Normal human hearing recognizes pure tones and speech phonemes occurring within a "pitch" range of frequencies from about 250 hertz (Hz) to 4,000 Hz, which tones and phonemes, moreover, vary in loudness measured in decibels (itself an open-ended, logarithmic scale).¹⁴ *Both* of these factors, frequency

12. The plethora of materials developed over the last few decades to help hearing persons understand the world of the Deaf face a common hurdle: they must not only supply for the *lack* of information about deafness among the hearing population, they must first correct much *mis*-information. For what follows I have drawn on many sources including: Paul Higgins, *Outsiders in a Hearing World: A Sociology of Deafness* (Sage Publications, 1980) [hereafter Higgins, *Outsiders*]; Thomas Spradley, *Deaf Like Me* (Gallaudet, 1985); Carol Padden & Tom Humphries, *Deaf in America: Voices from a Culture* (Harvard, 1988) [hereafter Padden & Humphries, *Culture*]; Jacques-Yves Bellay, "L'enfant sourd: les institutions spécialisées en débat," *Études* 372 (1990) 333-342; Paul Ogden, *The Silent Garden* (Gallaudet, 1996) [hereafter, Ogden, *Garden*]; Susan Schwartz, *Choices in Deafness*, 2d ed., (Woodbine, 1996); and my own observations of the Deaf world as summarized in Edward Peters, "Our decision on a cochlear implant," *American Annals of the Deaf* 145/3 (October, 2000) 263-267 [hereafter Peters, "Decision"].

13. Most experts agree that the number of deaf and hard-of-hearing people, while difficult to gauge for reasons that will be discussed below, is probably higher than the hearing world perceives. Common estimates of hearing disorders place the incidence rate at 1-3 per 1,000 births, depending on the degree of hearing loss being measured. See "Deafness" in C. Clayman, ed., *The American Medical Association Encyclopedia of Medicine* (Random House, 1989) [hereafter Clayman, *Encyclopedia*] 333-334.

14. See "Sound and noise levels" in C. Clayman, ed., *Family Medical Guide*, 3d ed., (American Medical Association, 1994) 365, or Higgins, *Outsiders*, 29-32. Humans can

and volume, are necessary for assessing hearing ability or loss.¹⁵ Typical human conversation occupies a frequency range of about 500 Hz to 2,000 Hz and occurs at volume levels of 30-60 db. The ability to hear tones and phonemes within these parameters (known as the "speech banana" because of the slightly curved figure it cuts on standard audiograms) is crucial for the acquisition of speech.¹⁶ One who does not, even with hearing aids,¹⁷ discern sounds within these ranges will find it difficult or impossible to hear and reproduce speech.

Hearing losses can now be accurately measured to within one or two decibels in specific frequencies,¹⁸ but for convenience audiometric results indicating a loss are generally grouped into four broad categories.

As a general rule, persons who can perceive a sound in a given frequency only when it reaches a volume of 20 decibels are considered to have a *mild* hearing loss in those frequencies, while persons who can perceive a given frequency of sound only when it exceeds 40 db are said to have a *moderate* hearing loss. Assuming an otherwise healthy subject with adequate access to modern hearing aid technologies, persons with a *mild* hearing loss likely regard it as an inconvenience, while those with a *moderate* hearing loss can, with relatively little expense and effort, correct the deficit with hearing aids. These two groups are not regarded as

perceive sounds as soft as 10 db (very soft whispers), but sounds louder than about 90 db (a passing diesel locomotive or an obnoxious lawn mower) will cause pain and eventually damage to the ear.

15. Because hearing loss is measured according to *two* criteria (frequency and decibels, with decibels being measured logarithmically), deafness cannot be described in terms of "percentages," a scale that suggests uniform degrees of gradation within a single criterion. Thus, phrases like "90% deaf" or "90% hearing loss" mean virtually nothing, although they are commonly used by hearing people. For example, the Deaf American Jesuit priest Joseph Bruce remarks "I have a 97 decibel [not percent] loss." See G. Anderson, "The Voice of God in Silence: an Interview with Joseph J. Bruce," *America* (15 May 1999) 21-22. Simplifying somewhat, this means that Bruce hears no sounds at volumes up to 96 db (in the tested frequencies), but hears all sounds louder than 98 db (though perhaps with less discrimination than a hearing person could).
16. See generally, "Clinical evaluation of complaints referable to the ears" in R. Berkow, ed., *The Merck Manual*, 16th ed., (Merck, 1992) 2318-2326; and Ogden, *Garden* 3 and 110. Note that other factors besides hearing loss can impact one's ability to acquire or use speech. See generally, "Speech disorders" in Clayman, *Encyclopedia* 926.
17. Hearing aids work by amplifying sounds within various frequencies, hopefully to the point where one's residual hearing can perceive them. For example, if one's residual hearing permits sounds in the 1000 Hz range (important for certain speech phonemes) to be perceived at 65 db, it is possible that a hearing aid could boost sounds in that range from, say, the original 30 db level to the 65 db level needed for perception. It should be borne in mind, though, that amplification of sound often distorts it and that many deaf have hearing deficits beyond the range at which aids are effective. See "Hearing aids" in Clayman, *Encyclopedia*, 511-513.
18. While hearing losses usually track broadly across many frequencies, this is not always the case. One might, for example, experience a mild or moderate loss in lower frequencies but a severe or profound loss in higher frequencies. This in turn can mean that, while speech sounds inhabiting lower frequencies (such as long vowels) can be perceived, those in higher frequencies (such as certain consonants) are missed, resulting in a "deaf accent."

“deaf” and few would consider them even as “hard of hearing.” Instead those two terms are usually applied to the next two groups respectively.

Persons who can perceive certain sounds only when they exceed roughly 70 dbls are said to have a *severe* hearing loss in those measured frequencies. These persons, if they identify primarily with the hearing world, must make considerable life-style adjustments that include acquiring and correctly using sophisticated hearing aids, probably engaging in some speech therapy, and perhaps following an adapted educational regime which in turn might or might not include sign language. Persons with *severe* hearing loss, even if that loss is mitigated by advanced hearing aids, are properly considered “hard of hearing” and many such individuals might even identify themselves as “Deaf,” particularly if they have access to an active Deaf community.

Finally, persons who perceive sounds only above 90 dbls (if at all) have a *profound* hearing loss. Persons with a *profound* hearing loss might derive little benefit from even the most advanced hearing assistance technologies and almost invariably regard themselves as “Deaf.” The chances that a profoundly deaf person, if he or she was born deaf, will acquire speech clarity sufficient for communication with strangers (as opposed to family members or educational professionals) are greatly diminished. Many profoundly deaf persons forgo the extensive training regime that acquiring some speech would require and learn sign language as a first language and a “vernacular” (say, English) for reading and written communication.

Of vital importance, finally, particularly in regard to the impact that hearing loss can have on the acquisition or retention of speech, is not simply the “amount” of an individual’s hearing loss, but also the *time* of its onset. The earlier a hearing loss impacts an individual (especially if the loss occurs prior to the acquisition of audio speech components), the “more Deaf” a person is likely to be.¹⁹ One whose hearing loss occurred in infancy, that is, before the acquisition of a “sound library,” faces significant obstacles in trying to acquire human speech (if that is desired) and, as we shall see shortly, will struggle to develop reading and writing skills. At the same time, though, early deafened persons are more likely to see their deafness as a given of their personality and to relate to it culturally instead of medically. In contrast, those who experience serious hearing loss later in life are more likely to regard deafness as a handicap instead of as a cultural identity marker, though such persons might have a somewhat easier time in acquiring or retaining speech and in applying phonics in support of reading and writing.

Evidently, even small variations in the category or duration of hearing loss can result in vastly different levels of “deafness.”²⁰ In general, however, culturally

19. See Higgins, *Outsiders*, 35-47.

20. This very wide range of factors influencing one’s “degree of deafness” doubtless contributes to the disparate estimations of the number of deaf and hard-of-hearing people in various communities. With hearing being such a complex phenomenon in itself, and with many persons being able to self-identify into or out of a group

Deaf clerical vocations would come from those with early-onset hearing losses in the *severe* (hard of hearing) or *profound* (deaf) ranges.

Language, not speech, is the key to human communication

This brings us to a second important point about deafness that hearing people frequently find counter-intuitive, namely, as Deaf sociologist Paul Ogden trenchantly remarked, that “Deafness is not about hearing but about communication.”²¹ For deaf people no less than hearing, the ability to receive and express complex and abstract ideas is essential to personal interaction and social organization.²² The primary mode of communication between most persons is, of course, speech,²³ but this observation can yield unwarranted conclusions and therefore requires refinement.

To be more precise, we must say that sophisticated communication between human persons is accomplished by exchanges not in speech *per se*, but by exchanges in *a mutually understood language*. The capacity for *language* is, of course, one of the cardinal characteristics of human beings so, while hearing loss can have a major impact on the acquisition of *speech*,²⁴ it does not deprive one of the natural ability to acquire *language*. The fact that most languages are oral obscures this point for hearing people (who take speech for granted); but it is crucial for our discussion of Deaf clergy to be clear that what is necessary for sophisticated human communication is *not* speech, but *language*. A Bolivian who knows no German, could communicate with an Austrian who knows no Spanish,

notwithstanding raw hearing test scores, hard figures on the number of “deaf” or “deaf / hard-of-hearing” persons are difficult to determine.

21. Ogden, *Garden* at 3. In this light, see also Anne Bamberg, “Sourds et malentendants: question de communication pour l’Église,” *Praxis Juridique et Religion* 14 (1997) 191-221.
22. See generally, W. Chafe, “Language,” in *New Catholic Encyclopedia* (McGraw-Hill, 1967) VIII: 365-373 [hereafter Chafe, “Language”] at 365; and Padden & Humphries, *Culture* 116.
23. There are approximately 6,000 oral languages (not simply dialects of languages) in the world today, though fewer than 200 have a recognized written form. Cf. John McWhorter, “The Story of Human Language” (The Teaching Company, 2004) Lecture 3. This estimate represents a substantial increase over the roughly 4,000 languages known in 1968. See Chafe, “Language” 373. Note that persons in a highly literate society tend to associate “language” with writing, and “speech” with just talking. This is actually opposite of reality. Language itself *always* precedes the development or adaptation of notation systems for writing the language.
24. One’s ability to *speak* a language, even well, does not necessarily imply one’s being able to *read or write* the language; we call the discrepancy between speech and reading/writing “illiteracy,” but no one regards illiterate persons as “language-less.” Deaf persons who might never be able to acquire speech can nevertheless (albeit with extended efforts that would put the rest of us to shame) learn to read and write, say, English well, but English will remain essentially a “foreign” language to them. That a deaf person does not read, let alone write, English well is not a sign of lower intelligence or lackadaisical application to studies; it is a result of the fact that, in reading and writing English, a Deaf person is constantly working in a foreign or second language.

if both could read and write Chinese (even if neither of them knew how to *speak* Chinese). In sum, the fact that hearing losses do not deprive one of the capacity to receive and express complex ideas simply forces a more precise question about the communication systems of the deaf: today one asks not “Can deaf people use language?” but rather, “What language(s) can deaf people use?”

Sign language

The sign languages of the deaf were not “discovered” by the hearing world until the mid-18th century when the Abbé Charles-Michel de L’Epeé (1712-1789) began his ministry to deaf Catholics in and around Paris.²⁵ L’Epeé learned French sign language and used it to evangelize and educate the deaf in France. Over the next 200 years, signing was gradually recognized by the hearing world as an effective communication system among the deaf, but it was not until the appearance of William Stokoe’s seminal essay “Sign Language Structure” in 1960 that a sign language (specifically, American Sign Language, or ASL) was proposed for recognition as a human language.²⁶ Since that time, extensive linguistic analysis has firmly established that the world’s major sign languages (dozens have since been identified, with many of them enjoying legal recognition) are not simply manual derivatives of oral languages,²⁷ but are true human languages, albeit visual not oral.

This point bears underscoring for hearing readers: American Sign Language is *not* English on the hands; it is a language unto itself. To illustrate this, consider:

25. See Harlan Lane, *When the Mind Hears: a History of the Deaf* [1984] (Vintage Books, 1989) [hereafter Lane, *History*] 42-66, and Jerome Schein & David Stewart, *Language in Motion: Exploring the Nature of Sign* (Gallaudet University, 1995) [hereafter Schein & Stewart, *Language*] at 9-12. Schein and Stewart are among the many who believe the roots of sign languages to be much, much older, but the data for that hypothesis is, for many reasons, more speculative.

26. See William Stokoe, “Sign Language Structure: an Outline of the Visual Communication System of the American Deaf” in *Studies in Linguistics, Occasional Papers 8* (University of Buffalo, 1960). See also C. Valli, et al., *Linguistics of American Sign Language: An Introduction* [1992], 4^o ed., (Gallaudet University, 2005) [hereafter Valli, *Linguistics*] *passim*, and Schein & Stewart, *Language*, 23. ASL is used by Deaf throughout the United States, most of Canada, and parts of Mexico. Although many sign languages have been documented around the world, studies of North American ASL dominate the field of sign language linguistics.

27. Manual communication systems of some sophistication, though not languages and not developed by deaf persons, can be traced back at least as far as the 16th century. See, e.g., Marilyn Daniels, “The Benedictine Roots in the Development of Sign Language,” *American Benedictine Review* 44 (1993) 383-402, at 396-398.

Extensive manual coding systems for modern spoken languages exist and are utilized in, for example, educational settings as an aid to the acquisition of the written forms of spoken languages. See, e.g., G. Gustason et al., *Signing Exact English*, revised edition (Modern Signs Press, 1980) at vii, wherein “By respecting and considering both [American Sign Language] and English, we believe we can better facilitate the learning of a first and second language by native users of both ASL and English, and in so doing aid in bridging the gap between users of the two languages. It must be remembered, also, that *these are two different languages*, and that this is not a text of American Sign

a Deaf person raised in America and fluent in American Sign Language, and a Deaf person raised in England and fluent in British Sign Language, would be virtually unintelligible to each other in sign, even though the dominant oral language in both nations is English; they could *write* to each other in English, but neither could sign the other's language.

The visual language ASL displays all of the essential characteristics of an oral language such as English,²⁸ including but not limited to: *productivity* (ASL can produce an infinite number of content-rich sentences), *expandability* (ASL acquires or produces new vocabulary items and discards obsolete terms), *displacement* (ASL can spontaneously discuss past or future events and matters that are not immediately present), and *unrestricted domains* (ASL can address any topic proposed in human thought).²⁹ As is true for all authentic languages, ASL can be used by the entire host community (and not just by a professional cadre within the group), is monitored by that community for correctness of use, and can be used to analyze the language itself.³⁰ The linguistic nature of sign languages makes possible complex, immediate, accurate, real-time communication between any two or more persons who know the language. Our German-less Bolivian and Spanish-less Austrian could communicate effectively not only in Chinese, therefore, but also in *American Sign Language*, or in *Langue des Signes Québécoise*, or in *Bahasa Isyarat Malaysia*, provided they both knew one of those sign languages, and even though neither of them knew a word of English, French, or Malay respectively.

Prospects for Deaf men considering holy orders before and after the 1960s

Having set out some fundamental notions on deafness and sign language, we now, in order to better appreciate the revolution that active Deaf clergy represent in the Church today, will sketch the conditions confronting a Deaf Catholic man in, say, January 1959 (which canonists and theologians will immediately recognize as the month in which Pope John XXIII announced his intention to convoke the Twenty-First Ecumenical Council and to reform the Code of Canon

Language." Emphasis added. A superficial examination of various dictionaries of American Sign Language might suggest that "signs" are nothing else than gestures representing spoken English words. This would be a seriously mistaken impression. One can no more learn sign language from a dictionary of sign than one can learn Latin from a dictionary of Latin. For a striking example of how sweeping mistakes can be made and promulgated by those with no understanding of sign language, see M. J. Moses, "Letter to the Editor," *Adoremus Bulletin* (February 2001) 8, and my reply at http://www.canonlaw.info/a_signlanguage2.htm.

28. There are, to be sure, interesting differences between oral language such as English, and visual languages such as ASL. To point out just one, oral languages communicate information bits sequentially through time, while visual languages can communicate multiple units of information simultaneously. This in turn has significance for how both languages might be reduced to writing. See generally, e.g., Scott Liddell, *Grammar, Gesture and Meaning in American Sign Language* (Cambridge, 2003).

29. Valli, *Linguistics* 7-11.

30. Valli, *Linguistics* 12-13.

Law)³¹ who might have felt called to holy orders. Without wishing to engage in melodrama, I believe the situation facing a deaf man pondering a priestly vocation on the eve of Council would have been bleak.

We have already seen that ecclesiastical barriers to his ordination were considerable: canon law regarded deafness as disqualifying of holy orders, dispensations from the irregularity of physical defect were seldom sought and rarely granted, and even being ordained would not assure a deaf priest of receiving faculties for active ministry. But as difficult as things were “in the chancery,”³² they were, I suggest, even worse in the wider community.

In the wake of the notorious Conference of Milan in 1880,³³ deaf teachers in deaf residential schools were eliminated from positions they had held for decades, and sign language, derided as a series of simplistic gestures capable of conveying only rudimentary concepts, was ruthlessly extirpated from classrooms and dormitory life. Medical and educational professionals routinely frightened hearing parents of deaf children out of allowing their deaf children to meet Deaf adults and Deaf families lest these children, as it might be put, “pick up sign language and never learn to talk or read or make something of themselves.”³⁴ Signing in public was stigmatized and deaf employment opportunities were extremely limited. Television, telephones, cinemas, and radio were completely inaccessible to the deaf (and there was of course no internet or email at the time), and discrimination was openly practiced against deaf persons by government and business concerns that had no obligation to accommodate the communications needs of deaf citizens or clients.

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31. See John XXIII, *soll. alloc. Questa festiva* (25 January 1959), *Acta Apostolicae Sedis* 51 (1959) 65-69. This plan was reiterated a few months later in John XXIII, *enc. Ad Petri cathedram* (29 June 1959), *Acta Apostolicae Sedis* 51 (1959) 497-531, English trans., “To the Chair of Peter,” *The Pope Speaks* 5 (1959) 359-383.
32. I use the phrase “in the chancery” colloquially to distinguish between the obstacles that “ecclesiastical officialdom” raised to Deaf men considering holy orders, and the extensive efforts undertaken by pastors and Church workers to evangelize and serve the deaf. There is simply no doubt the Catholic Church was the first to engage in organized evangelization and education outreach to the deaf around the world, and that in the centuries since those efforts began, no private organization has come close to matching the Catholic Church’s overall involvement in this work. This *apologia* for Catholic commitment to serving the deaf in America (though around the world as well) can only be glimpsed by consulting some of the following resources: Paul Neuland, “The Parish Clergy and Our Catholic Deaf-Mutes,” *American Ecclesiastical Review* 90 (1934) 382-393; Paul Campbell, “Concern for the Deaf,” *Homiletic and Pastoral Review* (December 1961) 266-275.
33. The Conference of Milan was an international assembly of *hearing* educators of the deaf, who, disregarding more than a century of proven effectiveness in educating the deaf with sign languages, launched what amounted to a cultural war against Deaf identity around the world and imposed an “oralist” tyranny, backed by government resources, on public and private deaf education. See generally Lane, *History* 384-391. The regime instituted by the Conference of Milan lasted nearly a century and did enormous damage to Deaf culture.
34. Roughly 90% of deaf children are born to hearing parents. Because these parents, prior to the birth of their child, typically have no awareness that a Deaf world even existed, such “avoid-the-Deaf” advice, coming from trusted professionals, carries great weight.

This combination of pervasive social disability and specific ecclesiastical opposition rendered the chances of a Deaf man entering holy orders in 1959 virtually nil. But in just 10 years, three apparently unrelated developments would, I suggest, combine to revolutionize the prospects for a Deaf clergy.

First, the 1960 publication of Stokoe's essay mentioned above, followed by the 1965 release of his sign language dictionary,³⁵ fundamentally and forever changed the hearing world's perception of sign language(s). No longer capable of being dismissed as some kind of gestural babble, sign language quickly came to be respected as a human artifice of genuine sophistication capable of carrying the socio-linguistic burdens of a complex culture. While Deaf people always knew their sign languages were real languages, watching the hearing world come to recognize that fact had an energizing effect on the Deaf community's self-confidence. The pride that the Deaf had long felt in their language(s) and communities could finally be expressed openly without confronting unvaried bemusement on the part of the hearing majorities. To adapt an old expression, the more firmly Deaf people saw themselves as rooted in an authentic Deaf culture with a genuine Deaf language, the further their wings could carry them into the opportunities of the larger hearing world.

Second, on December 10, 1965, just two days after the close of the Second Vatican Council, Pope Paul VI granted permission for sign language to be used at Mass by priest and people alike.³⁶ Despite the anomalies under which, in some respects, the pope's decree labors,³⁷ the possibility for active congregational participation in the liturgy made possible by the decree had obvious and enormous implications for Deaf men pondering the possibilities of vocations to holy orders.

35. W. Stokoe, et al., *Dictionary of American Sign Language on Linguistic Principles* (Gallaudet College, 1965).

36. See Consilium for the Implementation of Constitution on the Liturgy, "Private Reply," 10 December 1965, in *Canon Law Digest VI*: 552-553; also available in *The Jurist* 26 (1966) 388-389; Bishops' Commission on the Liturgical Apostolate, *Newsletter* 2:4 (April 1966) 30-31; and International Commission on English in the Liturgy, *Documents on the Liturgy 1963-1979* (Liturgical Press, 1982) DOL n. 274.

Lane notes that l'Epée had occasionally offered Mass in French sign language not later than May 1777 in the Church of St. Roch in Paris. Besides his regular Deaf student congregation, attendees apparently included several dignitaries such as Emperor Joseph II and Marie-Antoinette. See Lane, *History*, at 49. I cannot imagine what kind of authorization l'Epée supposed for not using Latin but, assuming the accuracy of Lane's sources, these signed Masses could have been the first Masses celebrated in a vernacular language in the West in over 1,000 years.

37. For example, the pope's decree permits (in one paragraph, at least) sign language to be used *along with speech* in those parts of the Mass celebrated in the vernacular, implying first that sign language is simply a visual representation of oral speech (which it is not, of course), and second, that concepts expressed in Latin cannot be rendered into sign (which they unquestionably can). It might also be observed more generally that, for reasons outlined at the outset of this article, when the pope's permission for sign language at Mass came down in 1965, there were apparently no Deaf clergy available to lead the celebrations.

Third, in 1964, Robert Weitbrecht, a deaf man with advanced degrees in science, invented the teletypewriter (TTY), the first of what would prove to be a series of technological developments that radically transformed how the Deaf communicated.³⁸ After millennia of being restricted to face-to-face conversations or to written (postal) exchanges, the deaf seized upon the new communications technologies that not only enhanced and facilitated instant communications (as taken for granted among hearing people) within the awakening Deaf community, but that also permitted real-time communications between Deaf and hearing persons.

Obviously any one of these three developments standing alone would have enhanced the prospect for Deaf clerical vocations, but taken in combination,³⁹ their effect was, I suggest, dramatic and almost immediate. The evidence of this assertion can be found, I suggest, in the fact the three modern pioneers of Deaf clerical vocations, Frs. Axelrod and Coughlin, and Dcn. Keil, all achieved ordination under the Pio-Benedictine Code, that is, without having to wait for the revised Code of Canon Law to remove the irregularity of physical defect.

The elimination of canonical barriers to Deaf ordination

When the revised Code of Canon Law appeared in 1983,⁴⁰ physical defect was eliminated as an irregularity for holy orders.⁴¹ But as noted above, the first three culturally Deaf men intended for active ministry were ordained before the 1983 Code went into effect. How might this have occurred?

38. See generally, Robert Lang, *A Phone of Our Own*, (Gallaudet University, 2000).

39. Still other developments doubtless contributed to the reinvigoration of Deaf culture with its associated benefits for Deaf clerical vocations such as the Civil Rights movement of the 1960s which encouraged minority groups such as the Deaf to assert their rights in the public arena. This same period saw, in fact, important organizational advancements being made by Deaf Catholics. For example, the International Catholic Foundation for the Service of Deaf Persons was founded in Ireland in 1971 (see [M. Griffey], "The International Catholic Foundation for the Service of Deaf Persons," in *L'Osservatore Romano*, English edition, 2 March 1987, p. 6). The same year, the (American) National Catholic Office for the Deaf (<http://www.ncod.org/pages/history.htm>) was founded; and in 1989, the American branch of the International Catholic Deaf Association (est. 1949) was chartered (http://www.icda-us.org/about2_files/slide0001.htm). See also Erickson, "Parish," 13.

40. See *Codex Iuris Canonici, auctoritate Ioannis Pauli PP. II promulgatus*, published in *Acta Apostolicae Sedis* 75/2 (1983) 1-320, as corrected and amended, English translation by Canon Law Society of America, *Code of Canon Law, Latin-English Edition, New English Translation* (Canon Law Society of America, 1999).

41. See Canon 1041 wherein it is self-evident that no physical disabilities are listed as establishing irregularities for holy orders. Note that, according to several Pio-Benedictine commentators and sacramental authors writing before the Second Vatican Council, *speech* deficits, which are correlated with but not limited to *hearing* deficits, gave rise to a distinct irregularity for ordination, one with potential consequences for sacramental practice despite the elimination of physical disabilities as irregularities. My research into this question indicates that it is adequately answered by the application of sound sacramental theology and modern sign language linguistics but, because the matter warrants a distinct discussion, I prescind from trying to address it here.

Even under the Pio-Benedictine Code, canonical commentators or formation personnel looking for ways to support the ordination of a Deaf man could find in 1917 CIC 984 a gray area in which to ensconce the ordination of (not to prejudge the facts) a hearing-impaired man, namely, the very real difficulty, as we have seen, of determining exactly who was “deaf” and who was not. Several canonical and sacramental authors distinguished between the “deaf” (*surdus*) whom they held to be irregular for orders, and the “hard of hearing” (*surdastrus*) whom they considered eligible for ordination. Bouscaren & Ellis, typical of this group, wrote “While those who are entirely deaf (in both ears) are certainly irregular for the reception of orders, those who are only partially deaf, even though completely deaf in one ear, are not irregular.”⁴² Today, while we might conclude that these authors were trying to draw canonical distinctions with little understanding of the audiological and sociological complexities underlying their subject (this is not to criticize them unfairly; one must recall the primitive state of audiometric testing and the impoverished condition of Deaf studies at the time), it still seems that at least some authorities wanted to interpret the irregularity of physical defect as narrowly as possible. But another factor might have softened the opposition the canon law posed to Deaf ordinations.

The greater willingness to petition for dispensations from the irregularity of physical defect, and the greater likelihood of receiving such dispensations after Vatican II, might have been related to the realization that the revised Code of Canon Law, in what was projected to become Canon 1041 thereof, would no longer regard *any* physical defect as an irregularity for ordination. The legislative history of 1983 CIC 1041 shows that only according to the first draft thereof (namely, *Schema de Sacramentis* 224) would physical disability have rendered a candidate irregular for orders.⁴³ The coetus on sacraments commented on the change in the law: The irregularity of physical defect should be eliminated, said the committee, “in consideration of those called *handicapped* who could, in the judgment of the bishop, truly perform a number of responsibilities and works of the apostolate.”⁴⁴ Prohibiting ordinations which, in at most a few years, would be canonically licit, would serve little purpose.

42. Lincoln Bouscaren and Adam Ellis, *Canon Law: A Text and Commentary*, 4th ed., (Bruce, 1966) 443. See also Stephanus Sipos, *Enchiridion Iuris Canonici*, 6° ed., (Orbis Catholicus-Herder, 1954) 391, and Eduardus Regatillo, *Ius sacramentarium*, 4th ed., (Sal Terrae, 1964), 523.

43. *Sacramentis* 224 § 1 read “Ad recipiendos ordines sunt irregulares *ex defectu*: 1) qui ob corporis debilitatem aut deformationem convenienter altaris ministerio fungere non valet;” Neither successive draft of the norm, namely 1980 *Schema* 994 and 1982 *Schema* 1041, listed physical effect as an irregularity. See Edward Peters, *Incrementa in Progressu 1983 Codicis Iuris Canonici* (Wilson & Lafleur, 2005) 938.

44. “Ratione habita eorum qui *handicappati* vocantur, qui, iudicio Episcopi, revera possunt non paucas mansiones et apostolatus opera exercere, supprimitur § 1.” *Communicationes* 10: 196-199, at 196. Original emphasis. A strict cause-and-effect relationship, however, between the first post-Conciliar Deaf ordinations and the coming changes in canon law probably cannot be established, for the news of the impending elimination of physical

To be sure, even though physical defects no longer constitute an irregularity for ordination, bishops still must consider carefully whether a particular candidate for holy orders, Deaf or otherwise, is “useful for the ministry of the Church” (1983 CIC 1025 § 2) and whether he is “endowed with ... the other physical and psychic qualities in keeping with the order to be received” (1983 CIC 1029). These criteria in regard to a Deaf candidate for holy orders can be considered together. We begin by appreciating better the current religious state of the Deaf community in general, and of Deaf Catholics in particular.

Given the pervasive *communication* obstacles confronted by Deaf people, obstacles that are exacerbated by the continuing reverberations of nearly a hundred years of systematic repression of Deaf culture, it is not surprising that the pastoral condition of Deaf people in general (Catholic, baptized, or otherwise) is gravely wanting.⁴⁵ Notwithstanding the laudable efforts of some, especially Catholics, to evangelize the Deaf community (one wonders what the religious condition of Deaf people would have been without these efforts), credible estimates of the percentage of deaf who even *attend* Christian (let alone Catholic) churches do not exceed 4-5%.⁴⁶ This figure should have implications for Deaf clerical vocations: normally, essentially “unchurched” populations do not produce clerical vocations. That the Deaf community in the United States has, in one generation, produced some fifteen vocations to priesthood and permanent diaconate is, therefore, already startling in that the figure represents a dramatic increase over what for centuries was essentially a zero tally; but that the Deaf community in America has produced some fifteen clerical vocations despite the low penetration the Gospel has achieved within that community, makes this figure little less than amazing. Indeed, I think that fifteen American Deaf clerical vocations in a single generation is a sign from the Holy Spirit that the time has come for a Deaf clergy to assume the immediate spiritual

defect as an irregularity was not widely available until 1980, that is, until after the three pioneer Deaf ordinations. On the other hand, it seems quite possible to argue that the post-Conciliar openness to Deaf ordinations, and the elimination of irregularities for holy orders based on physical defect, grew out of the same heightened consciousness of the dignity and ability of those called “handicapped” that marked the post-conciliar period.

45. For some recent discussions of the pastoral issues that confront Deaf people in trying to acquire and deepen their faith, see, e.g., Anne Bamberg, “Passion autour des signes et confession du sourd: enquête à partir de manuels de morale en tradition catolique,” *Praxis Juridique et Religion* 15 (1998) 97-155; Mandy Erickson, “A Parish Where the Deaf Come First,” *St. Anthony Messenger* (March 1999) 12-15; Marcel Broesterhuizen, “The Gospel Preached by the Deaf: Conversation as Complete Form of Language in Pastoral Ministry with the Deaf,” *Louvain Studies* 27 (2002) 359-375; Marleen Sullivan, “Hearing Loss: an invisible disability,” *Liguorian* 91 (May-June 2003) 21-23; Anne Bamberg, “Sourds et silences liturgiques,” *Gregorianum* 85 (2004) 689-698; Marcel Broesterhuizen, “Faith in Deaf Culture,” *Theological Studies* 66 (2005) 304-329; Charles Dittmeier, “Deaf People and Catholic Liturgy” *Pastoral Music* (June-July 2006) 19-21; and Michael Ndurumo & Esther Njeri Kiaritha, “The Deaf and Hard of Hearing: an Implication for Church Leaders,” *African Ecclesial Review* 48 (2006) 187-202.
46. See, e.g., Feuerherd, “Educating,” at 3.

care for the Deaf population. If this is true, then it is incumbent upon ecclesiastical leadership, especially bishops, vocation directors, and formation personnel, to help Deaf men accurately discern a possible priestly and diaconal vocation, and to take the steps (including sometimes the *extra* steps⁴⁷) necessary to prepare those called to such service to assume their roles.⁴⁸

This leaves only the second criterion mentioned above, namely, whether Deaf deacons or priests can be useful in the ministry of the Church?⁴⁹ Given what has been discussed above, even to ask the question is practically to answer it.

Deaf deacons and priests, competent in sign language, are free of the communication barriers that interfere with the efforts of even the most willing, but non-signing, clergy to reach the Deaf. They can therefore directly minister to one of the most chronically under-evangelized segments of the general population and *within* one of the most chronically under-catechized segments of the Catholic population. Signing deacons and priests, coming *from* the Deaf community instead of to it, inspire a special pride and devotion among Deaf Catholics akin to that seen whenever indigenous clergy begin serving in cultures once reached only by missionaries.⁵⁰

Looking more specifically at whether a Deaf candidate has the other “physical and psychic qualities in keeping with the order to be received” (1983 CIC 1029), canonical tradition and common sense indicate that a man’s ability to perceive sound in general and human speech in particular is an important factor to be considered in assessing the pastoral appropriateness of ordaining him; an important factor, but not a dispositive one. While only a case-by-case evaluation of a Deaf candidate helps bishops and formation personnel assess a potential vocation to holy orders, they should certainly understand that nothing inherent in deafness augurs ill health for Deaf candidates, either physically or psychologically.

47. See, e.g., Axelrod, *Journey*, 85-93 for some examples of simple accommodations in seminary routine that could improve the formation experience of a Deaf man.

48. Notwithstanding some real improvements in awareness of Deaf community issues at the episcopal conference level (see Erickson, “Parish,” 13), clergy formation personnel still receive little to no direct guidance on the issues related to deafness among candidates for holy orders. See, e.g., any edition (1971, 1976, 1981, 1992, 2006) of the United States bishops’ Program for Priestly Formation, none of which makes *any* references to Deaf (or for that matter, to handicapped) candidates for orders.

49. All commentators on 1983 CIC 1025 observe that the emphasis on a cleric’s being useful to the Church, understood as local Church, is a post-conciliar development, but one which should not be weighed without reference to the Church beyond the borders of the diocese. See, e.g., William Woestman, *The Sacrament of Orders and the Clerical State*, (Saint Paul University, 2001) 34. González del Valle notes that a priest “enables the sacrifice of Calvary to be renewed,” but says this without allowing ordination to be reduced to simple devotional choice on the part of a candidate. See José María González del Valle, in E. Caparros, ed., *Code of Canon Law Annotated*, (Wilson & Lafleur, 1993) 781.

50. Paul Fletcher, a Deaf Jesuit in Britain, observes that when, for example, he celebrates Mass for the Deaf in British Sign Language, they “accept me as one of their own.” See George Anderson, “Of many things,” *America* (14 February 2005) 2.

Moreover, as was discussed above, a Deaf man's rootedness in a healthy Deaf culture is generally an aid, not a hindrance, to future effectiveness in ministry with the Deaf and in the wider Church as well.

Assessment of the academic profiles presented by Deaf candidates must proceed with an honest assessment of *what*, in terms of academics, should be required of all candidates, and *how* that academic formation is best provided and measured. Commentators on Canon 1025 § 2 are careful to underscore that, clergy shortages in general (and I would add, the needs of the Deaf community in particular) are not a sufficient basis for lowering the standards expected of Deaf men seeking ordination.⁵¹ Deaf priests and deacons need not (and given the permeable boundaries of the Deaf community, probably will not⁵²) serve only the Deaf, but even if they were so limited, the range of pastoral issues that Deaf clergy will face, and for which they need to be academically prepared, is certainly no *narrower* than that faced by hearing priests ministering to hearing Catholics. In every relevant area, Deaf candidates for holy orders should be held to the equivalent, *but not necessarily identical*, formation standards as hearing candidates.⁵³ Finally, in assessing candidates for admission to studies or advancement to ordination, diocesan and seminary staff should engage experts in Deaf life and culture lest the many similarities or the dramatic differences between the Deaf and hearing worlds be misunderstood, resulting in the elimination of otherwise solid candidates for Deaf ordained ministry or, for that matter, the promotion of unsuitable Deaf men to orders.

51. Robert Geisinger is particularly thorough in making this point. See R. Geisinger, commentary on 1983 CIC 1025, in J. Beal, et al., eds., *New Commentary on the Code of Canon Law* (Paulist Press, 2000) 1202-1205. The comments made above about the "vernacular" being a foreign language to the culturally Deaf should be recalled.

52. See Peters, "Decision," 264. There are approximately 500,000 indigenous users of ASL in North America, but there are some two to three million hearing persons (family members, close friends, service providers, etc.) who frequently participate in the Deaf community's spiritual life and who should feel free to approach Deaf priests for spiritual assistance. Moreover, sometimes other hearing persons approach Deaf clergy for spiritual aid. For example, a hearing Catholic might suffer from a form of cerebral palsy that deprives him or her of the power of speech and might, therefore, attend religious services for the Deaf in order to participate in the liturgy (through sign language). Such a person is more likely to regard a Deaf priest with whom he or she can communicate as "his or her" priest, rather than so regarding a hearing priest with whom communication is limited or absent.

53. This is not the place to propose a assessment of priestly formation norms from a Deaf perspective, but I will suggest that nothing expected under those norms is beyond the reach of a Deaf seminarian, including the intellectual formation norms. See especially United States Conference of Catholic Bishops, *Program for Priestly Formation*, (USCCB, 2006) nos. 136-235. It is important to note, though, that the paternalism that marked some earlier comments on the deaf in ecclesiastical contexts should be avoided. An example of this paternalism might be Palazzini's observation that deafness could serve as a mitigating factor in assessing ecclesiastical penalties because it (deafness) is a cause of "of some pessimism" in the deaf. See P. Palazzini, "Surditas," in *Dictionarium Morale et Canonicum*, in 4 vols., (Officium Libri Catholici, 1962-1968) IV: 422-423, at 423. The days of "feeling sorry" for the Deaf are, or should be, passed.

Concluding remarks

Over the past three decades, Deaf priests have offered thousands of Masses and heard untold numbers of sacramental confessions. They have administered anointing of the sick and occasionally conferred confirmation. Deaf priests and deacons have administered hundreds of baptisms, witnessed scores of weddings, and performed a wide range of sacramentals. There is no doubt but that the great majority of these rites were celebrated—and could not have been celebrated otherwise—by Deaf clergy in a sign language, and that without Deaf clergy, most of these celebrations would never have taken place. Deaf clergy come, therefore, about as close to “irreplaceable” in their context as anything can come in this world.

The Curé d’Ars once said that “on the Day of Judgment we will see our Lord’s flesh shine through the bodies of those who received Him worthily on earth.”⁵⁴ What a powerful visual image he offers: the Body of the victorious Christ *shining through* the bodies of His faithful people. Deaf clergy celebrating the sacraments in visual languages around the world are making great contributions to the ability of Deaf Catholics to receive and in turn share our Lord worthily on earth. What a glorious thing it will be for us one day *to see* our Lord shining brightly through them. ■

54. Quoted in Bernard Bro, *The Spirituality of the Sacraments: Doctrine and Practice for Today* [1967], Dubois trans., (Sheed & Ward, 1968) 110.