

Translated by Alice Browne

Whether mutilation of the ear, with a scar, causes irregularity

A cleric had the upper part of his ear cut off in a brawl, and was left with a conspicuous scar from the wound on his head. He asked to proceed to ordination, since he had already received minor orders, but it was objected that these injuries caused irregularity. The question is whether the scar and the cropping of the ear caused any conspicuous harm or disgrace which made it necessary to bar him from admission to holy orders, so as to avoid scandal.

Summary.

1. Mutilation of the members causes irregularity.
2. The ear is a member created for a very noble operation, and also for a proper appearance; see also 5. This is false: see 5 and 13.
3. Members [reading membra for membranae] exist for the sake of their functions.
4. The ear is created for hearing.
6. Mutilation of the ear makes a man irregular.
7. When a member destined for a certain function is lacking, its operation must necessarily also be lacking.
8. Mutilation of any part damages a proper appearance.
9. If the whole ear is cut off, it makes hearing worse.
10. Mutilation of an entire member makes someone irregular; mutilation of part of a member does not.
11. Hearing is the operation of the inner ear, not the outer ear.
12. Having an ear cut off does not create irregularity.

1. On the affirmative side it was stated that mutilation of members is extremely damaging both to their proper appearance and to their destined operation, especially in the case of more visible members, such as those which make up the face, The ear is among these members, so a mutilation of this kind makes a man irregular: see [Simeone] Maiolo, *De Irregularitate*, Book 1, first chapter. 2. The ear is a member created for proper appearance as well as for a very noble operation. It is clear that it is a member, because it has its own distinct operation: Galen, *Methodus medendi*, book 1, chapter 6. 3. Members exist for the sake of their functions: see Aristotle, *De historia animalium*, book 1, chapter 11. 4. The ear is created for the operation of hearing: for this reason, in Aristotle, *De historia animalium*, book 1, chapter 11, it is described as the part of the head with which we hear. See also Avicenna, 4.3 tract. unico, c.1, "The ear is the member created for hearing." Whence in Holy Scripture, Psalm 113, verse 6, "Ears have they, and hear not." Also from Galen, in the book *De instrumento odoratus*. 5. I have said the ear is truly a member, because we hear more or less perfectly as a result of a better or worse conformation of the ear. This is why Aristotle says, *De generatione animalium*, book 5, chapter 2, that long and convoluted ears hear better. In the chapter cited above,

*De historia animalium*, book 1, chapter 11, he says that some ears are smooth, some hairy, and some in between, which are the best for hearing. From these authorities it is clear that the external part of the ear is created for hearing, and so is a member, because it has its own distinct operation. The fact that ears are created for a decent appearance, as well as for the usefulness we derive from them, can be seen clearly enough from the fact that mutilation of the ears is exceptionally disgraceful for a person, as Gaspare Tagliacozzi demonstrates very clearly, *De curatorum chirurgia*, book 1, chapter 11. The only reason traitors' ears are cut off is to make an enormous sin manifest by an enormous disgrace, which will warn other people to beware of their deceits. 6. We can infer from all this that since mutilation of the ears brings such disgrace, it must undoubtedly create irregularity and bar a man from holy orders.

7. Besides, it is impossible for the cutting off of the ear not to result in very significant harm to hearing, because when a member is destined to a certain operation and the member is lacking, its operation is lacking. This happens partially as well as totally, if the member only fails partially. Therefore, since the ear is destined for hearing, and was partially lacking in this cleric, his hearing must necessarily have been lacking, and brought him significant harm as a result of this deficiency.

Another issue is the disfigurement resulting from the large scar left on the skin of his head close to the ear, which could not easily be hidden so as to disguise its disfigurement, because it had remained bald. So, because one disfigurement was added to another, it seems to cause irregularity all the more, especially since both disfigurements would necessarily be conspicuous while he was celebrating mass.

However, in spite of these arguments, we have decided we must say that in the present case the cutting off the ear in this way cannot cause significant disgrace or significant harm. Neither the disgrace nor the harm, not even both together, should cause any scandal which would be a consideration preventing this cleric from proceeding to holy orders.

8. Because it is said that the loss or mutilation of a member damages its proper appearance and the operations to which it is destined, and so is an obstacle to ordination, we must clarify this and decide which members and what kind of mutilation are meant. As far as proper appearance is concerned, there is no doubt that mutilation of any conspicuously visible part of the body, not just the members, results in disfigurement; however, it is obvious that not every disfigurement is of a kind to cause ineligibility for orders, but it must be prominent and worthy of note. Now, prominent disfigurement arises from the mutilation of a prominent member, especially the loss of an entire member, all the more so the larger, more conspicuous and useful the member is. On the other hand, a small mutilation, which is not even complete, but only the loss of part of a member, cannot cause a prominent disfigurement, only a slight one, and all the more so when the member is small, inconspicuous, and of little use, as in our case. The mutilation is trifling, involving only part of the outer ear; this part is tiny, and less conspicuous because it is at the side of the head, not on the face. If the mutilation does cause any disgrace, it can easily be covered with hair, and moreover the lost part was of no use, as we have already proved. So as far as disgrace is concerned no conspicuous impediment appears in the case of this cleric.

9. On the contrary, it is clear that no harm at all arises from this; because his hearing is not made worse in any way, though we cannot deny that a complete amputation of the outer ear can make hearing worse to some extent, as I have noted elsewhere from Hieronymus Fabricius [ab Acquapendente], book 5, haud.[?] 11 or II?, ipse, tit.3, quest 4, number 4. But this is irrelevant to our case, in which, as we have said, and anyone can see with their own eyes, the amputation of the outer ear is partial and trifling, especially as it affects the part that has less to do with the perception of sound, that is, the upper part, which doctors call the whorl, (see Rufus of Ephesus, *De corporis humani appellationibus partium*, book 1, chapter 6), or helix (as Johann Vesling calls it, in *Syntagma anatomicum*, chapter 16).

10. The arguments adduced on the other side are not an obstacle. Although it is true that the amputation of a member makes a person irregular, this refers to complete amputation, because the partial mutilation of a member does not make him irregular. [Agostinho] Barbosa, *De officio & potestate episcopi*, alleg[atio] 42, n. 12, par. 2. 11. Moreover, it is false to say that the ear is a member, because it does not have a distinct operation. The ear, meaning the auricle or outer ear, is not the instrument of hearing, and hearing is not attributed to it, as we can see from the fact that even if it is lacking or completely cut off, hearing still takes place. It is well known that several other animals which hear very well have no outer ears at all. 12. Hearing is an operation of the internal ear, especially of the acoustic or auditory nerve. When Aristotle, Galen, Avicenna, and other authorities say that the ear is the instrument of hearing, they mean the internal ear, not the external ear or auricle. Even if we sometimes say that an animal hears better because its outer ear is correctly formed, it does not follow that the outer ear is the instrument of hearing: rather, its being well formed indicates that the inner ear is also well formed. Although the outer ear makes the sound reach the inner ear in a more unified way, so that hearing arises better and more easily, hearing itself takes place in the internal ear. Hippocrates was the first to explain this, in *De carnibus*, number 16. It can clearly be inferred from all this that the outer ear is not a member, and should not be counted among the members, so the Canonists had every right to decree that amputation of the outer ear does not cause irregularity. [Diego de] Covarrubias [y Leyva], *Relectio*, part 3, tit. De homicid[io], n. 3. So if the amputation of the whole outer ear does not make a man irregular, all the less does a partial amputation make him irregular, especially if it can be covered by his hair. The conspicuous bald scar close to the outer ear is not an obstacle, because there is still enough hair left on the other side of the ear to cover up the disfigurement of the ear and of the scar. Therefore, since it is clear that the amputation of the ear does not damage any function of this cleric's body, and we have established that the amputation and the large scar do not disfigure him in a way that cannot easily be hidden, we do not find that these causes should prevent this cleric from proceeding to the final promotion in holy orders.