

PRIESTLY CELIBACY

The Obligations of Continence and Celibacy for Priests

BRENDAN DALY

CELIBACY IS a hotly debated issue in the Catholic Church for a number of reasons. There is the enormous scandal of sexual abuse by clergy and the perception by many people that if the law on celibacy was changed then sexual abuse would be a much smaller problem.

There are many cultures around the world that do not accept celibacy. For example, although missionaries have been working with Inuit people in Northern Canada for well over 100 years, not one Inuit man has ever been ordained a Catholic priest. However, there are married Inuit clergy belonging to other denominations.

PART ONE

History of Celibacy

There are two very divergent approaches to celibacy at the theological level beginning with Gustav Bickell (1838-1917) and Francis Xavier Funk (1821-1917). Gustav Bickell argued that clerical celibacy was of apostolic origins and intrinsically related to ministry. Celibacy was initially a customary law, and only gradually received a fixed, written form. Scholarship in recent times that supports the argument of Gustav Bickell has been the work of Cochini in Paris, Cholij at the Gregorian University, and the Vatican archivist Stickler.¹

Francis Xavier Funk argued that clerical celibacy was the consequence of canon law and Church discipline beginning with the Council of Elvira, in Spain, in 306. Many scholars including Vogels,² Balducelli³ and Dennis⁴

are very critical of Cochini and the idea that clerical continence was of apostolic origins. They contend that this has not been proved. They argue that there is a lack of clear evidence about priestly celibacy and continence prior to the fourth century especially in relation to the apostles and in the first century after their deaths. They say patristic support is limited. However, they do not produce strong patristic or council legislation to support their own view. Balducelli is very critical of the theological justifications for continence in the sources that Cochini uses. These sources have a negative attitude to sexual intercourse: *e.g.* the reference to Origen's 6th homily on Leviticus 21 concerning the necessity of perpetual prayer and the necessity of uninterrupted continence.⁵ Cochini, recognising this, argues that the theological justification for celibacy should change to the priest's relationship to Christ whom he represents.

At this point in the Church's history, everyone is conscious of the sexual misconduct and abuse problems within the Church. Unfortunately, there seems to have always been a gap between the teaching of Jesus and the human reality. This human reality has always complicated the Church's legislation and any interpretation of it. Balducelli is probably right in contending that historical objectivity is elusive when clerical celibacy is being discussed. As Stickler maintained 'a correct interpretation of the sources can only be established on this basis: by taking into account their authenticity, integrity, credibility and particular worth.'⁶

Key Concepts

The Chinese have a proverb that ‘the first step towards wisdom is getting things by their right names’. This is particularly true on the subject of celibacy.

*Clerics*⁷ are all those who have been ordained deacons.

‘*Contenance* means the non-use of the sexual faculties.’⁸

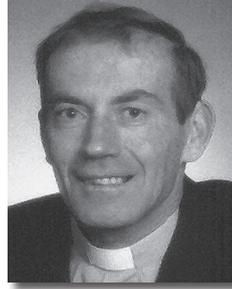
‘*Chastity* is the moral virtue that moderates and regulates the sexual appetite in man and woman.’⁹ ‘Single persons are chaste when they are continent with all persons until they marry. Clergy are bound to perfect and perpetual continence; and are chaste when they do not use their sexual faculties with anyone of either sex for life.

Celibacy is a publicly committed state of living chastely, whereby the person, accepting the gift of God and identifying with Jesus Christ, freely chooses not to marry for the sake of the kingdom of God while serving God and other people.

‘*Celibacy*’ comes etymologically from the Latin *coelebs* meaning an unmarried man. However, it must be distinguished from simply being not married like a bachelor, as well as reflecting key aspects of Church teaching.¹⁰

Scripture

Jesus taught that the reign of God was imminent and that following him overrode many ordinary activities in life. Being a disciple involved ‘losing one’s life’ (Mk. 8:35); ‘leaving the dead to bury their dead’ (Mt. 8:22); ‘taking up the cross’ (Mk. 8:34); since anyone loving ‘father or mother, son or daughter more than him would not be worthy of him’ (Mt. 10:37). For Jesus and his disciples the task of proclamation had to also be enacted ‘sacramentally’ in their lives ‘for the sake of the kingdom of heaven’ (Mt. 19:12). Peter was married since Jesus cured his mother-in-law. (Mark 1: 29-31) In the text of the Gospel of Luke, Jesus makes the leaving of wife explicit in his answer to Peter’s question:



Rev. Dr Brendan Daly is Principal at Good Shepherd College, Auckland, a Lecturer in Canon Law, a Judge on the Appeal Tribunal of the Catholic Church for Australia and New Zealand, and an Associate Judicial Vicar of the Tribunal in New Zealand.

Truly I tell you, there is no one who has left house or wife or brothers or parents or children, for the sake of the kingdom of God, who will not get back very much more in this age, and in the age to come eternal life.¹¹

In Matthew 19:27 and Mark 10:29-30, leaving one’s wife is merely implied in the context of leaving everything in order to follow Jesus. The apostles left home because of their commitment to the Lord and to the preaching of the Gospel. People at home were left behind as a result.

Saint Paul writing to the Corinthians shows his clear preference for celibacy:

I want you to be free from anxieties. The unmarried man is anxious about the affairs of the Lord, how to please the Lord; but the married man is anxious about the affairs of the world, how to please his wife, and his interests are divided.¹²

The Pastoral letters, to Timothy and Titus, teach us that bishops, presbyters and deacons were often married men. In the Pastoral Letters to Timothy and Titus there is a special phrase that recurs also in early canonical legislation and patristic writings: ‘a husband of one wife’. Saint Paul writes to Timothy stating that: ‘A bishop must be above reproach, married only once.’ (1 Tim 3:2.). Then writing to Titus, Saint Paul tells him to appoint, in Crete, presbyters ‘married only once’.(Titus 1:6). Writing to Timothy concerning deacons Paul says, ‘Let deacons be married only once’ (1 Tim 3:12). De la Potterie is of the opinion that there is no doubt that the expression ‘husband of one

wife' is a covenantal formula.¹³ De la Potterie¹⁴ points out the parallel with 2 Corinthians 11:2, where Saint Paul describes the Church in Corinth as a 'wife', a 'bride' presented to Christ as a 'chaste virgin'. Elsewhere in the New Testament, bridal imagery is significant as in Rev. 21:1-3, or in Ephesians 5: 22-23, where marriage is a sacramental image of the union of Christ and his Church. Ordination makes ordained ministers sacramentally representative of the relationship of Christ to the Church as bridegroom to bride, so that those ordained can only be 'husband of one wife.'¹⁵

Early Church

Clement of Rome (ca. 96) and Ignatius of Antioch¹⁶ (ca. 110) speak of early Christians being celibate and imitating Christ. However, in the first few centuries of the Church, early inscriptions, synods, papal decretals and patristic writings demonstrate very many of the clergy were married and had children. Pope Hormisdas (514-523) fathered a son who became Pope Silverius (536-358).¹⁷ However, we do not know if Pope Hormisdas fathered his son before ordination.

While it is relatively easy to compile impressive lists of married clergy, Cholij, Cochini and Stickler argue that the married status existed with a longstanding, discipline of obligatory clerical continence that was of apostolic origin. This discipline existed in both Eastern and Western Churches. The basis for the total continence was the cleric's total consecration to God and the Church. Total personal consecration was understood to be intimately connected to ordination. Once a person was ordained as a deacon, priest or bishop, then that person was sacramentally consecrated to God. A single man or a widower could not marry after ordination, since the man was then obliged to continence anyway.

* * *

Western Legislation

The Spanish Council of Elvira in 305 A.D. taught in canon 33:

We decree that all bishops, priests, and deacons, and all clerics engaged in the ministry, are forbidden entirely to have conjugal relations with their wives and to beget children; whoever shall do so, will be deposed from clerical dignity.¹⁸

There is no indication that this legislation is a new imposition on clergy. If it were new legislation, there would have to be a case made to justify its introduction. Also, there would be historical records of opposition to such a demanding new requirement of clergy. Clearly this was no new legislation, but legislation that was made to counter a non-observance of a well-known and recognised tradition.

All the leading Latin Fathers of the 4th century, including Saints Augustine, Jerome (347-419) in his *Commentary on the Epistle to Titus*¹⁹ and Ambrose (333-397) in his *Letter to the Church of Vercelli*²⁰, support the legislation concerning clerical continence.

Pope Siricius (384-399) in the decretals *Directa* (385 A.D.) wrote a letter to Himerius answering his questions about continence. This letter was intended for circulation amongst the Carthaginians in one of the provinces of Spain. It stated:

Moreover, as it is worthy, chaste and honest to do so, this is what we advise: let the priests and Levites have no intercourse with their wives, inasmuch as they are absorbed in the daily duties of their ministries. Paul, when writing to the Corinthians, told them: 'Leave yourself free for prayer' (1 Cor 7:5).²¹

Pope Siricius followed this letter up with one to North Africa in 386 in order to communicate the deliberations of the Roman Synod in 386. He quoted from 2 Thessalonians 2:15 'stand firm, and hold to the traditions' that clearly included continence as taught by Saint Paul, and celibacy.

After receipt of the letter of Siricius, the Council of Carthage in 390 was very influential:

The bishops declared unanimously: It pleases us all that bishop, priest and deacon, guardians of purity, abstain from [conjugal intercourse] with their wives, so that those who serve at the altar may keep a perfect chastity.²²

Rusticus of Narbonne asked Pope Leo the Great if married clergy could have conjugal relations. He replied ca. 458:

The law of continence is the same for the ministers of the altar as for bishops and priests, who when they were laymen or readers could lawfully marry and have offspring. But when they reached the said ranks what was before lawful ceased to be so.²³

A cleric was required to live with his wife in continence.

The laws on celibacy were sometimes enforced. Socrates, the Byzantine historian [ca. 440] records the excommunication of clerics not being continent with their wives after ordination at Thessalonika.²⁴ The Emperor Justinian (483-565) considered that priests were obliged to be continent even if they did not always observe the law:

Some of them despite the holy canons beget children from the wives with whom, according to the priestly rule, they are not permitted to have relations.²⁵

Justinian declared all children born after ordination to be illegitimate, and he required bishops to have no children for fear that they would give church property to them.

Gregory of Tours (538-594), in his *History of the Franks*, recounts how Urbicus, bishop of Clermont, was deposed because he did not persevere in being continent.²⁶

Eastern Legislation

Celibacy was first legislated for deacons at the Eastern Council of Ancyra [314 A.D.]:

Canon 10. If deacons at the time of their ordination declare they must marry, and that they cannot be continent, and if accordingly they

marry, they may continue in their ministry, because the bishop gave them permission to marry; but if at the time of their ordination they were silent and received the imposition of hands and professed continence, and if later they marry, they ought to cease from ministry.²⁷

Varying texts of the canon exist and Cochini argues that if someone says before ordination that he could not be continent, then he would not be ordained.²⁸

Celibacy was first legislated for presbyters at the Council of Neocaesarea (314-325):

Canon 1: If a priest marries, he will be excluded from the ranks of the clergy; if he commits fornication or adultery, he will in addition be excommunicated and subject to penance.²⁹

Cochini points out that an Armenian collection of canons (365 A.D.), the Apostolic Constitutions (300-400 A.D.) and, indirectly, canon 14 of the Council of Chalcedon (451 A.D.) supports this discipline for deacons and priests.³⁰

The Council of Trullo (691/692) was a crucial council for deciding Greek practice over clerical celibacy. In Canon 13, the Council stated:

Since we know it to have been handed down as a rule in the Roman Church that those who are deemed worthy to be advanced to the diaconate or presbyterate should promise to no longer cohabit with their wives we, preserving the ancient rule and apostolic perfection and order, will that the lawful marriages of men who in holy orders be from this time forward firm, by no means dissolving their union with their wives nor depriving them of their mutual relations at a convenient time. Wherefore, if anyone shall have been found worthy to be ordained subdeacon or deacon or presbyter, he is by no means to be prohibited from admittance to such a rank, even if he shall live with a lawful wife. Nor shall it be demanded of him at the time of his ordination that he promises to abstain from lawful relations with his wife.³¹

The canon is clearly directed against the Latin Church and its practice. Moreover in canon 12, the Council had defended the discipline of continence. The use of marriage was

not unconditional, and whenever a priest acted liturgically as a priest he had to live a discipline of temporary continence.³² In conceding the use of marriage to clerics lower than bishops, the Council had to re-edit ancient texts. The canons of Carthage that legislated for permanent continence were represented as laws for temporary continence.

First Lateran Council (1123)

At the first Lateran Council, attended by at least 300 bishops, abbots and religious, clerical celibacy was legislated for the universal Church in canon 21:

We absolutely forbid priests, deacons, subdeacons and monks to have concubines or to contract marriages. We adjudge, as the sacred canons have laid down, that a marriage contract between such persons should be made void and the persons ought to undergo penance.³³

The Council reinforced an existing obligation by declaring prohibited marriages invalid.

Saint Raymond of Penafort (1180-1275) summed up the reasons for the law of celibacy:

The reason is twofold: sacerdotal purity, in order that they may obtain in all sincerity that which with their prayers they ask from God (Dist. 84, c. 3 and dict. p.c. 1, Dist. 31); the second reason is that they pray unhindered (1 Cor 7:5) and exercise their office. They cannot do both things together: that is, to serve their wife and the Church.³⁴

However, in the period leading up to the Council of Trent, many clergy were not practicing continence or celibacy. The Council of Trent discussed the question of celibacy and firmly rejected the teaching of the reformers stating that the marriages of clerics and religious were invalid.³⁵ In fact the Council was very successful in bringing about a general observance of the law of celibacy because it introduced seminaries for the training of priests.

* * *

1917 Code

Canons 132 and 133 legislated for the obligation of celibacy:

Canon 132§1. Clerics constituted in major orders are prohibited from marriage and are bound by the obligation of observing chastity, so that those sinning against this are sacrilegious, with due regard for the prescription of canon 214§1.³⁶

The law required that clerics had to abstain from marriage and positively to observe perfect and perpetual chastity. Canon 133 then legislated for prudential behaviour to support the celibate commitment.³⁷

Clerics could not live in the same house with any woman, or frequently visit her or receive visits from her in order to safeguard chastity and guard against the appearance of evil. The general thrust of the law was to enable clerics to avoid compromising their celibacy.

PART TWO

Vatican II and the Post Vatican II Debates and Documents

From the time of the second Vatican Council, the issue of optional celibacy for priests has often been raised and discussed in the media and theological circles. In the 1960's and 1970's many priests and seminarians expected that optional celibacy would soon be a reality in the Catholic Church.

Clerical celibacy was not formally on the agenda of the Vatican Council, but it came up frequently in discussions and debates.³⁸ The vote on the proposal to ordain young men to the priesthood without the obligation of celibacy was 839 for and 1364 against.³⁹

In the decree on Priestly Life and Ministry 16, the Council enunciated the theological basis for celibacy:

Perfect and perpetual continence for the sake of the kingdom of heaven was recommended by the Lord (Mt 19:12). It has been freely accepted and laudably observed by many Christians down through the centuries as well as in our

own time, and has always been highly esteemed in a special way by the Church as a feature of priestly life. For it simultaneously signifies and incites pastoral charity as well as being in a special way a source of spiritual fruitfulness in the world.⁴⁰

Great stress was placed on celibacy for the sake of the kingdom, with references to its worth and history in the Church. The Council was confident 'that the gift of celibacy, so appropriate to the priesthood of the New Testament, is liberally granted by the Father.'⁴¹

In the debate on life and ministry of priests, the general secretary of the Council read a letter from Pope Paul VI recommending that the issue of priestly celibacy not be addressed by the Council. The Council Fathers applauded this move. Pope Paul VI stated on October 11, 1965:

It is not suitable to have a public debate on this subject which requires not only to preserve this ancient, holy and providential law of priestly celibacy as far as we can, but to reinforce the observance of it by reminding the priests of the Roman Church of the causes and reasons which, particularly today, make one consider this law of celibacy very suitable because through it priests can devote all their love solely to Christ and give themselves completely to the service of souls.⁴²

The decree on Priestly Training no. 10 insisted that seminarians should be thoroughly prepared to accept the obligation of celibacy 'as a precious gift of God'.⁴³ Similarly, but in more detail, the Decree on the Renewal of Religious Life spelt out the obligation to celibacy and continence, while noting that 'the observance of perpetual continence touches intimately the deeper inclinations of human nature.'⁴⁴

1967 Encyclical on Priestly Celibacy

Pope Paul VI acknowledged that serious questions had been raised concerning celibacy and outlined the arguments that had been raised for and against priestly celibacy, but con-

cluded:

Hence, we consider that the present law of celibacy should today continue to be linked to the ecclesiastical ministry. This law should support the minister in his exclusive, definitive and total choice of the unique and supreme love of Christ; it should uphold him in the entire dedication of himself to the public worship of God and to the service of the Church; it should distinguish his state of life both among the faithful and in the world at large. The gift of priestly vocation dedicated to the divine worship and to the religious and pastoral service of the People of God, is undoubtedly distinct from that which leads a person to choose celibacy as a state of consecrated life.⁴⁵

Pope Paul VI clearly distinguished priestly celibacy from celibacy in consecrated life in a religious institute, but upheld celibacy despite all the difficulties and criticisms that have been made of it.

The 1971 Synod of Bishops

The 1971 Synod established a special commission to prepare a document summarising the discussions of the synod. It was published through a papal rescript dated November 30, 1971. The Synod document repeated Church teaching on celibacy:

Celibacy for priests is in full accord with the vocation to the apostolic following of Christ as well as with the unconditional response of a man who has been called and who takes up pastoral service. Through celibacy the priest, following his Lord, demonstrates in a fuller way that he is prompt and ready and, setting out on the way of the cross, he desires with a paschal joy to be consumed somewhat as the Eucharist. If, however, celibacy is lived in the spirit of the Gospel, in prayer and watchfulness, with poverty, joyfulness, contempt of honours, brotherly love, it is a sign which cannot long be hidden but which effectively proclaims Christ to men even of our age. For today words are scarcely valued but the witness of a life which shows the radicalism of the gospel, has the power to attract vehemently.⁴⁶

Towards the end of the Synod the bishops

voted on the law of celibacy: ‘The current law of celibacy for priests in the Latin Church must be observed in its entirety.’ Voting Placet 168; Non placet 10; Placet iuxta modum 21; abstentions 3

Then on the ordination of married men, the bishops were asked to vote for either

Formula A: Always without prejudice to the right of the Supreme Pontiff, the ordination of married men as priest is not admitted, not even in special cases.

Or

Formula B: It belongs to the Supreme Pontiff alone, in special cases, because of pastoral needs and in view of the good of the universal Church, to allow ordination as priests to married men who, however, are of rather advanced age and of upright life.

107 voted for Formula A while 87 voted for Formula B. There were 2 abstentions and 2 null votes.⁴⁷

Pope John Paul II

On the occasion of the Lord’s Supper, Holy Thursday 1979, Pope John Paul II wrote his first letter to the priests of the world. He acknowledged that the question of priestly celibacy had been considered profoundly and completely at Vatican II, in the encyclical *Sacerdotalis caelibatus* and at the 1971 Synod of Bishops. He explained the reason for celibacy was that Jesus inspired it himself:

The essential, proper and adequate reason (for celibacy) in fact, is contained in the truth that Christ declared when he spoke about a renunciation of marriage for the sake of the kingdom of heaven and which St. Paul proclaimed when he wrote that each person in the church has his or her own gifts. Celibacy is precisely a ‘gift of the Spirit.’⁴⁸

In this letter to priests, the Pope did acknowledge the difficulties of celibacy and spoke in no. 8 of the treasure of celibacy being held ‘in vessels of clay.’ Throughout his pontificate he was always conscious of how celibacy was both an eschatological sign as

well as being of great social importance for ministry to the people of God.

Relationship of Marriage and Celibacy

Pope John Paul II was conscious of the relationship between celibacy and marriage. He saw issues, such as the commitment involved and the appreciation of the importance of each, being intertwined in particular societies. He stated in his encyclical *Redemptor hominis* March 4, 1979:

Priests must be distinguished for a similar fidelity to their vocation (same fidelity as married people have to their vocation of marriage) in view of the indelible character that the sacrament of orders stamps on their souls. In receiving this sacrament, we in the Latin Church knowingly and freely commit ourselves to live in celibacy, and each one of us must therefore do all he can, with God’s grace, to be thankful for this gift and faithful to the bond that he has accepted forever.⁴⁹

In the apostolic exhortation *Familiaris consortio*, November 22, 1981, the Pope upheld the importance of celibacy:

Virginity or celibacy, by liberating the human heart in a unique way, ‘so as to make it burn with greater love for God and all humanity,’ bears witness that the Kingdom of God and His justice is that pearl of great price which is to be preferred to every other value no matter how great, and hence must be sought as the only definitive value.⁵⁰

The Pope maintained the discipline of celibacy for the sake of the Kingdom of Heaven is an important eschatological sign.

Formation of Canon 277 of the 1983 Code

Following Vatican Council II, the Pontifical Commission for the Revision of the Code of Canon Law worked on the *Schema De clericis* in 1966. The study group on clerics discussed celibacy October 24-28, 1966. They proposed texts for draft canons 132 and 133. In canon 132, a §2 was proposed exempting married

deacons from the obligations of celibacy and continence.⁵¹

Following consultations around the world, the 1977 and 1980 Schemas had two canons concerning celibacy. Married deacons were exempted from the obligations of celibacy and continence:

Canon 135 §1. Clerics are obliged to observe perfect and perpetual continence for the sake of the Kingdom of heaven, and are therefore bound to celibacy.

§2. The prescription of §1 does not bind men of a mature age who are married and are promoted to the permanent diaconate; who, however, if their wife dies are bound to celibacy.⁵²

Following consultation around the world two proposed canons concerning priestly celibacy were discussed on 15 January 1980 and the last phrase of canon 135, 2 concerning married deacons remarrying was removed. The canons now became canons 250 and 251 in the 1980 Schema.⁵³

These canons were discussed at the plenary session of the *Pontificia Commissio Codici Iuris Canonici Recognoscendo* 20-28 October 1981. It was said that the violation of perfect continence pertained to moral theology. In canon 251§2 *audito consilio presbyterali* was removed, as it would affect the legislative power of the bishop, who might know confidential facts and matters. The phrase '*quod est peculiare Dei donum*' [which is a special gift of God] was added to canon 250§1 of the 1980 schema. This phrase had been used in *Presbyterorum ordinis* 16, and it was inserted to answer the question how the charism of celibacy, that God gives to some, can be made obligatory for all priests.

On 25 March 1982 the last schema of the Code of Canon Law⁵⁴ was prepared and was submitted to the Pope on 22 April 1982.⁵⁵ The texts of canons 250 and 251 of the 1980 schema became canons 279 and 280 of the 1982 schema:

Canon 279, 1 §1. Clerics are obliged to observe perfect and perpetual continence for the sake of the Kingdom of heaven, and are therefore bound to celibacy. Celibacy is a special gift of

God by which sacred ministers can more easily remain close to Christ with an undivided heart, and can dedicate themselves more freely to the service of God and their neighbour.

§2 The prescription of §1 does not bind men who are married and are promoted to the permanent diaconate.⁵⁶

Canon 280§1. Clerics are to behave with due prudence in relation to persons whose company can be a danger to their obligation of preserving continence or can lead to scandal of the faithful.

The diocesan Bishop has authority to establish more detailed rules concerning this matter, and to pass judgment on the observance of the obligation in particular cases.⁵⁷

Pope John Paul II, after receiving the final draft of the new Code of Canon Law on 22 April 1982, assisted by seven experts, including Josef Cardinal Ratzinger and Alfons Cardinal Stickler, personally reviewed the entire draft.⁵⁸ A small number of changes were made to the final draft. These included removing a number of references to administrative tribunals and the second paragraph of canon 279 of the 1982 schema. This paragraph had said that the obligation for celibacy and perpetual continence did not apply to married deacons. Draft canons 279 and 280 were combined to become canon 277 of the 1983 Code that was then promulgated on 25 January 1983.

The text of canon 277 read:

§1 Clerics are obliged to observe perfect and perpetual continence for the sake of the Kingdom of heaven, and are therefore bound to celibacy. Celibacy is a special gift of God by which sacred ministers can more easily remain close to Christ with an undivided heart, and can dedicate themselves more freely to the service of God and their neighbour.

§2 Clerics are to behave with due prudence in relation to persons whose company can be a danger to their obligation of preserving continence or can lead to scandal of the faithful.

§3 The diocesan Bishop has authority to establish more detailed rules concerning this matter, and to pass judgment on the observance of the obligation in particular cases.⁵⁹

Canon 277§1 defines the obligation of celibacy, and the motivations for being celibate, especially for the Kingdom of God. Canon 277§2 advises clerics to be prudent so as not to endanger their continence or cause scandal. The 1983 Code does not single out men or women as being a source of scandal, and leaves it to the diocesan bishop to make particular law concerning this matter as well as to make judgments on particular cases. Clerics cannot validly marry without a dispensation from celibacy. If they marry without a dispensation from celibacy, they are automatically removed from office, and can eventually be dismissed from the clerical state.⁶⁰

Significantly Pope John Paul II decided to make continence obligatory for all clerics in the Latin Church, whether they were married deacons or not. This decision illustrates the absolute conviction that Pope John Paul II had concerning the importance and value of celibacy and continence. His approach fits in perfectly with the argument of Cochini that all clerics within the Latin Church, from apostolic times, were obliged to continence.⁶¹

Apostolic Exhortation Pastores Dabo Vobis

After the 1990 Synod of Bishops, Pope John Paul II issued the Apostolic Exhortation on priestly formation.⁶² In it he stated that celibacy is a special charism:

Referring to the evangelical counsels, the council states that pre-eminent among these counsels is that precious gift of divine grace given to some by the Father (cf. Mt. 19:11; 1 Cor 7:7) in order more easily to devote themselves to God alone with an undivided heart (cf. 1 Cor. 7:32-34) in virginity or celibacy. This perfect continence for love of the kingdom of heaven has always been held in high esteem by the church as a sign and stimulus of love, and as a singular source of spiritual fertility in the world.... In virginity or celibacy, the human being is awaiting, also in a bodily way, the eschatological marriage of Christ with the church, giving himself or herself completely to the church in the hope that Christ may give himself to the church

in the full truth of eternal life.⁶³

Continence is to be consciously chosen for the sake of the kingdom of heaven. The Church requires celibacy for priests because it sees a link between celibacy and ordination:

For an adequate priestly spiritual life, celibacy ought not to be considered and lived as an isolated or purely negative element, but as one aspect of a positive, specific and characteristic approach to being a priest. Leaving father and mother, the priest follows Jesus the Good Shepherd in an apostolic communion, in the service of the people of God. Celibacy, then, is to be welcomed and continually renewed with a free and loving decision as a priceless gift from God, as an 'incentive to pastoral charity', as a singular sharing in God's fatherhood and in the fruitfulness of the Church, and as a witness to the world of the eschatological kingdom.⁶⁴

Clerics profess undivided loyalty to Christ and the Church. People usually marry, so the commitment of celibacy requires discipline and a determined spiritual effort. The Pope was conscious of the difficulties and pointed out:

At the same time let priests make use of all the supernatural and natural helps which are now available to all. Once again it is prayer, together with the Church's sacraments and ascetical practice, which will provide hope in difficulties, forgiveness in failings, and confidence and courage in resuming the journey.⁶⁵

As Pope John Paul II taught in his encyclical *Veritatis splendor*, 22 it is not possible for a human being, using only his own strength alone, to transcend human aspirations.⁶⁶

Apostolic Exhortation Sacramentum Caritatis

A Synod of Bishops devoted to the Eucharist was held in October 2005. At the synod the issue of married clergy was raised in order to alleviate the shortage of priests and to make celebrations of the Eucharist more accessible for people.

Following the Synod, Pope Benedict XVI addressed the issues of celibacy and continence within the context of his apostolic ex-

hortation on the Eucharist in no. 24 where he pointed out that:

The Synod Fathers wished to emphasise that the ministerial priesthood, through ordination, calls for complete configuration to Christ... This choice on the part of the priest expresses in a special way the dedication that conforms him to Christ and his exclusive offering of himself for the Kingdom of God. The fact that Christ himself, the eternal priest, lived his mission even to the sacrifice of the Cross in the state of virginity constitutes the sure point of reference for understanding the meaning of the tradition of the Latin Church. It is not sufficient to understand priestly celibacy in purely functional terms. Celibacy is really a special way of conforming oneself to Christ's own way of life... it is a profound identification with the heart of Christ the Bridegroom who gives his life for his Bride... I reaffirm the beauty and the importance of a priestly life lived in celibacy as a sign expressing total and exclusive devotion to Christ, to the Church and to the Kingdom of God.⁶⁷

Pope Benedict XVI has reiterated the identification between the priest and the person of Jesus Christ. The way of life of the priest is to be modelled on that of Jesus himself. Being a priest is not just a functional job. The priest is required to conform his way of life to that of Jesus Christ. Pope Benedict XVI, in an address to the Roman Curia on 22 December 2006 pointed out that the rationale for celibacy, 'The solely pragmatic reasons, the reference to greater availability, is not enough: such a greater availability of time could easily become also a form of egoism that saves a person from the sacrifices and efforts demanded by the reciprocal acceptance and forbearance in matrimony; thus, it could lead to a spiritual impoverishment or to hardening of the heart.'⁶⁸ The priest represents Jesus Christ and acts in his name in a special way. His celibacy expresses his total and exclusive devotion to Christ, and his commitment to carrying on his mission.

Anglicans In Full Communion

The Congregation for the Doctrine of the

Faith, on November 4, 2009, promulgated an Apostolic Constitution, *Anglicanorum Coetibus*, Providing for Personal Ordinariates for Anglicans Entering into Full Communion with the Catholic Church.⁶⁹ The document provides for the spiritual and liturgical heritage of Anglicans, and addresses issues for former Anglican clergy entering in full communion. It states concerning celibacy in no. VI.

§1: Those who ministered as Anglican deacons, priests, or bishops, and who fulfill the requisites established by canon law and are not impeded by irregularities or other impediments may be accepted by the Ordinary as candidates for Holy Orders in the Catholic Church. In the case of married ministers, the norms established in the Encyclical Letter of Pope Paul VI *Sacerdotalis coelibatus*, n. 42 and in the Statement *In June*, are to be observed. Unmarried ministers must submit to the norm of clerical celibacy of CIC can. 277, §1.

§2. The Ordinary, in full observance of the discipline of celibate clergy in the Latin Church, as a rule (*pro regula*) will admit only celibate men to the order of presbyter. He may also petition the Roman Pontiff, as a derogation from can. 277, §1, for the admission of married men to the order of presbyter on a case by case basis, according to objective criteria approved by the Holy See.⁷⁰

These procedures for the granting of a privilege are the same as those for the 'Pastoral Provision' for Episcopalian priests in the United States being ordained as Catholic priests.⁷¹

Father Gianfranco Ghirlanda S.J., Rector of the Pontifical Gregorian University, points out that:

...by the concession that those who were married Anglican ministers, including bishops, may be ordained priests according to the norms of the Encyclical letter of Paul VI *Sacerdotalis coelibatus*, n. 42 and of the Declaration *In June*, while remaining in the married state (Ap. Cons. VI § 1); 4. by the possibility that, following a process of discernment based on objective criteria and the needs of the Ordinariate (CN Art. 6§ 1), the Ordinary may also petition the Ro-

man Pontiff, on a case by case basis, to admit married men to the priesthood as a derogation of CIC can. 277§1, although the general norm of the Ordinariate will be to admit only celibate men (Ap. Cons. VI § 2)⁷²

Former married Anglican bishops can only be ordained priests when they enter the Ordinariate. This practice respects the tradition of the Church as reflected by the Oriental Churches which require all bishops to be celibate. Former married Anglican priests may be ordained as Catholic priests. However, it is clear that future candidates for ordination as priests in the Personal Ordinariates will have to be celibate.

Conclusion

Pope John Paul II at a General Audience summarised the history of the law on celibacy:

Jesus did not promulgate a law, but rather proposed an ideal of celibacy for the new priesthood that he was instituting. This ideal has been increasingly affirmed in the Church. It may be understood that, in the first phase of dissemination and development of Christianity, a large

number of priests were married men, chosen and ordained following the Judaic tradition... This is a phase of the Church that was undergoing the process of organising itself, and, to put it in this way, of experimenting with what, as a discipline of the states of life, best reflected the ideal and the advice which the Lord had proposed. Based on experience and reflection, the discipline of celibacy has continued to slowly affirm itself, until it has become generalised in the Western Church, by virtue of canonical legislation.⁷³

A Priest acts ‘in the person of Christ the Head.’⁷⁴ By virtue of his ordination, a priest is sacramentally configured and ontologically identified with Christ. The priest is not simply another Christ like every baptised Christian. Rather a priest represents Christ precisely in his leadership role as head of the body the Church. Just as Jesus does not marry and is totally committed to his mission, the Church requires that those to be ordained as priests have discerned a vocation to celibacy, before they are ordained and act in his name. Their celibacy expresses their complete and total identification with Christ and their commitment to continuing his mission.

NOTES

1 Christian Cochini, S.J., *The Apostolic Origins of Priestly Celibacy*, trans. Nelly Marans, (San Francisco: Ignatius Press, 1990), 469 p, French original 1981.

Roman Cholij, *Clerical Celibacy in East and West*, (Herefordshire: Fowler Wright Books, 1989), 226 p.

Alphons Cardinal Stickler, *The Case for Clerical Celibacy: Its Historical Development and Theological Foundations*, trans. Brian Ferme, (San Francisco: Ignatius Press), 1995.

2 Heinz Vogels, *Celibacy – Gift or Law? A Critical Investigation*, (London: Burns and Oates, 1992),

3 Roger Balducelli, “The Apostolic Origins of Clerical Continence: A critical Appraisal of a New Book”, *Theological Studies*, 43(1982), 693-705.

4 George Dennis, *Theological Studies*, 52(1991), 738-739.

5 Cochini, *The Apostolic Origins of Priestly Celi-*

bacy, 251.

6 Alfons Stickler, *The Case for Clerical Celibacy*, 14.

7 Canon 266§1. “By the reception of the diaconate a person becomes a cleric, and is incardinated in the particular Church or personal Prelature for whose service he is ordained.”

8 J. Provost, “Offences against the Sixth Commandment: Toward a Canonical Analysis of Canon 1395”, *The Jurist*, 55(1995), 650. I think his definition of celibacy as “not being married”, is technically correct in law, but there is a need to take into account the fact that it is a positive quality expressing one’s commitment to Christ, and is not just a negative quality of not marrying.

9 Roman Cholij, “Clerical Celibacy in the Western Church: Some Clarifications”, *Priests and People*, September, 1989, 301.

10 John Paul II, Apostolic Exhortation, *Pastores*

dabo vobis, 25 March 1992, *AAS*, 84(1992), no. 29. (hereinafter PDV)

Richard Sipe has a definition of “Celibacy is a freely chosen dynamic state, usually vowed, that involves an honest and sustained attempt to live without direct sexual gratification in order to serve others productively for a spiritual motive”, in *Celibacy: a way of loving, living and serving*, (Missouri: Triumph Books, 1996), 41.

Paul VI, Encyclical, *Sacerdotalis Caelibatus*, 24 June 1967, *AAS*, 59(1967), 657-697.

11 Luke 18:28-30. Scripture translations taken from the *New Revised Standard Version*, 1995, (New York: Oxford University Press).

12 1 Corinthians 7: 32-33.

13 Ignace De la Potterie, S.J., “The Biblical Foundations of Priestly Celibacy”, *For Love Alone: Reflections on Priestly Celibacy*, Ed. Divo Barsotti, (Slough: St. Pauls, 1993), 219.

14 De la Potterie, “The Biblical Foundations of Priestly Celibacy”, 23.

15 Paul Williamson, Seminar on Priestly Celibacy, at Holy Cross Seminary, Auckland, 2000.

16 1 Clement 33, 1-2; Ignatius of Antioch, *Letter to Polycarp*, 5, 2.

17 Cochini, *Apostolic Origins of Priestly Celibacy*, 112. He has list of married clergy 87-123.

18 Cholij, *Clerical Celibacy in East and West*, 36.

19 “But if laymen are asked to abstain from relations with their wives for the sake of prayer, what should one think [then] of the bishop, of him who must be able to present spotless offerings to God every day, for his own sins and for those of the people?...Let the bishop also practice abstinence: not only, as some think, with respect to carnal desires and embraces with his wife, but also with respect to all the troubles that can agitate the soul”, in Cochini, *The Apostolic Origins of Priestly Celibacy*, 238.

20 “he orders that the bishops be the husband of an only wife, not in order to exclude the one who never took part in the marriage (which is in fact beyond the law), but so that, through conjugal chastity, he keep the grace of his baptism, and on the other hand, the apostolic authority does not ask him to beget children during his priestly [career]; [the Apostle] did talk about a man who [already] had children, but not about one who is begetting [others] or contracts a new marriage.”, in Cochini, *The Apostolic Origins of Priestly Celibacy*, 234.

21 Cochini, *The Apostolic Origins of Priestly Celibacy*, 11.

22 *Concilia Africae a. 345-525*, ed. By Munier, *Corpus Christianorum*, Series Latina 149, (Turnout, 1974) 13; in Alfons Stickler, *The Case for Clerical Celibacy*, 24.

23 Cholij, *Clerical Celibacy in East and West*, 37.

24 PG 67, English translation in Cochini, *The Apostolic Origins of Priestly Celibacy*, 320.

25 *Codex Justinianus*, 1, 3, 44, in Cochini, *The Apostolic Origins of Priestly Celibacy*, 354.

26 Cholij, *Clerical Celibacy in East and West*, 73.

27 English translation from Henry Percival, (Ed.), *The Seven Ecumenical Councils of the Undivided Church*, (New York: Charles Scribner’s Sons, 1900), 67.

28 Cochini, *Apostolic Origins of Priestly Celibacy*, 171.

29 Cochini, *Apostolic Origins of Priestly Celibacy*, 177.

30 Cholij, *Clerical Celibacy in East and West*, 138 ff.

31 Council of Trullo; English translation in Cholij, *Clerical Celibacy in East and West*, 115-116

32 Cholij, *Clerical Celibacy in East and West*, 199.

33 First Lateran Council, English translation in *Decrees of the Ecumenical Councils*, vol. 1, 194.

34 Quoted in Stickler, *The Case for Clerical Celibacy*, 50.

35 Council of Trent, Canon 9. “If anyone says that clerics in holy orders, or regulars who have made solemn profession of chastity, may contract marriage, and that such a contract is valid, in spite of church law and the vow...let him be anathema.” English translation in *Decrees of the Ecumenical Councils*, vol. 2, 755.

36 *Codex Iuris Canonici (1917)*, Pope Pius X, (Rome: Typis Polyglottis Vaticanis, 1917); English trans. Edward Peters, San Francisco, Ignatius Press, 2001. “Canon 132§

§2. Minor clerics can enter marriage, but, unless the marriage was null because of inflicted force and fear, they drop from the clerical state by the law itself.

§3. A married man, who, even in good faith, takes up major orders without apostolic dispensation is prohibited from exercising those orders.”

37 *Codex Iuris Canonici (1917)*, Pope Pius X, Rome, Typis Polyglottis Vaticanis, 1917; English trans. Edward Peters, (San Francisco: Ignatius Press, 2001). “Canon 133§1. Clerics should take care not to retain or in other ways to frequent women upon whom suspicion can fall.

§2. It is permitted to them to cohabit only with the sort of women whose natural bond places them

above suspicion, such as mother, sister, aunt, and others of this kind, or others whose upright way of life in view of maturity of years removes all suspicion.

§3. The judgment about retaining or frequenting women, even those who commonly fall under no suspicion, in particular cases where scandal is possible or where there is given a danger of incontinence, belongs to the local Ordinary, who can prohibit clerics from retaining or frequenting [such women].

§4. Contumacious [clerics] are presumed [to be living in] concubinage.”

38 K. Wulf, “Commentary on the Decree *Presbyterorum Ordinis*, in *Commentary on the Documents of Vatican II*, ed. Herbert Vorgrimler, vol. 4, (New York: Herder and Herder, 1969), 279-288.

39 W. Bassett and P. Huizing, eds, *Celibacy in the Church*, (New York: Herder and Herder, 1972), 57-75.

40 Flannery, 892.

41 *P.O.* 16; English translation in Flannery, 892.

42 T. L. Bouscarin, *CLD*, vol 6, 200.

43 Vatican Council II, *O.T.* 10; English translation in Flannery, *Vatican Council II: The Conciliar and Post Conciliar Documents*, Collegeville, The Liturgical Press, 1975, 715.

44 Vatican Council II, *Perfectae Caritatis*, 12, in Flannery, *ibid.*, 618

45 Paul VI, Encyclical, *Priestly Celibacy, Sacerdotialis caelibatus*, 24 June, 1967, no. s 14-15, St. Paul Editions, 8-9; AAS, 59(1967), 662-663; Flannery, vol 2, 289

46 Synod of Bishops, *Apostolic Exhortation, Ultimis temporibus*, November 30, 1971; AAS, 63(1971), 898-922; Flannery, 687.

47 AAS 63(1971), 917-918; Flannery, vol. 2, 689-690.

48 John Paul II, *Epistle, Novo Incipiente*, 8 April 1979, AAS, 71(1979), 407; Flannery, Vol. 2, 354-355.

49 John Paul II, Encyclical, *Redemptor hominis* March 4, 1979; in AAS, 71(1979), 257-324; English translation in *Origins*, 8(1979), 642.

50 Pope John Paul II apostolic exhortation *Familiaris consortio*, November 22, 1981, no. 16; AAS 74(1982), 81-191; Flannery, 826-827.

51 *Coetus Studiorum De Clericis*, Sessio I, 24-28 October 1966, *Communicationes*, 16(1984), 174-178. “Canon 132§1. Clerici, recepto diaconatus ordine, obligatione tenentur servandi perfectam

perpetuamque propter Regnum coelorum continentiam, ideoque ad coelibatum adstringuntur.”

“§2. Praescripto paragraphi 1 non tenentur viri maturioris aetatis in matrimonio viventes qui iuxta decreta compentis Episcoporum Conferentiae a Summo Pontifice ad probata, ad diaconatum stabilem promoventur.”

52 1977 Schema Canon 135§1: “Clerici obligatione tenentur servandi perfectam perpetuamque propter Regnum coelorum continentiam ideoque ad coelibatum adstringuntur.

§2. Praescripto §1 non tenentur viri maturioris aetatis in matrimonio viventes qui ad diaconatum stabilem promoti sunt; qui tamen et ipsi, amissa uxore, ad coelibatum servandum tenentur.”⁵²

53 Canon 250§1. “Clerics are obliged to observe perfect and perpetual continence for the sake of the Kingdom of heaven, and are therefore bound to celibacy.

§2. The prescription of §1 does not bind men who are married and are promoted to the permanent diaconate.”

Canon 251§1. “Clerics are to behave with due prudence in relation to persons whose company can be a danger to their obligation of preserving continence or can lead to scandal of the faithful.

§2. The diocesan Bishop, having consulted the Council of Priests, has the authority to establish more detailed rules concerning this matter, and to pass judgment on the observance of the obligation in particular cases.”

54 Pontificia Commissio Codici Iuris Canonici Recognoscendo, *Codex Iuris Canonici Schema Novissimum*, Rome, Typis Polyglottis Vativanis, 1982, 308 p.

55 Nereus Tun Min, *The Diocesan Bishop’s Concern for Clerical Celibacy in the Light of Canon 277§3: Bishops of Myanmar and Priestly Celibacy*, Doctoral Thesis, (Rome: Pontificia Universitas Urbaniana, 2001), 30, has useful material on this. Cf. also Edward N. Peters, *op. cit.*, 171.

56 Canon 279§1: “Clerici obligatione tenentur servandi perfectam perpetuamque propter Regnum coelorum continentiam ideoque ad coelibatum adstringuntur, quod est peculiare Dei donum, quo quidem sacri ministri indiviso corde Christo facilius adhaerere possunt atque Dei hominumque servitio liberius sese dedicare valent.

§2, Praescripto 1 non tenentur viri qui in matrimonio viventes ad diaconatum permanentem promoti sunt.”

57 Canon 280§1: “Debita cum prudentia clerici se

gerant cum personis quarum frequentatio suam obligationem ad continentiam servandam in discrimen vocare aut in fidelium scandalum cedere possit.

§2. Competit Episcopo dioecesano ut hac de re, audito Consilio presbyterali, normas statuat magis determinatas utque de servata hac obligatione in casibus particularibus iudicium ferat.”

58 Edward N. Peters, “Canonical Considerations on Diaconal Continence”, *Studia canonica*, 39(2005), 171.

59 Canon 277§1: “Clerici obligatione tenentur servandi perfectam perpetuamque propter Regnum coelorum continentiam ideoque ad coelibatum adstringuntur, quod est peculiare Dei donum, quo quidem sacri ministri indiviso corde Christo facilius adhaerere possunt atque Dei hominumque servitio liberius sese dedicare valent.

§2: “Debita cum prudentia clerici se gerant cum personis quarum frequentatio ipsorum obligationem ad continentiam servandam in discrimen vocare aut in fidelium scandalum vertere possit.

§3. Competit Episcopo dioecesano ut hac de re, normas statuat magis determinatas utque de huius obligationis observantia in casibus particularibus iudicium ferat.”

60 Canons 1087, 194§1, 1394§1.

61 Cochini, C., *Apostolic Origins of Priestly Celibacy*, (San Francisco: Ignatius Press, 1981). See also Edward N. Peters, “Canonical Considerations on Diaconal Continence”, *Studia canonica*, 39(2005), 147-180, and Congregation for the Clergy, *Directory of the Life and Ministry of Deacons*, http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_31031998_directorium-diaconi_en.html number 61

62 Pope John Paul II, apostolic exhortation, *Pastores dabo vobis*, 25 March 1992, *AAS*,

84(1992), 658-804; English translation in *Origins*, 21(1992-1993), 717, 719-759.

63 Pope John Paul II, *Pastores dabo vobis*, 29.

64 Pope John Paul II, *Pastores dabo vobis*, 29.

65 Pope John Paul II, *Pastores dabo vobis*, 29.

66 Pope John Paul II, *Veritatis splendor*, 6 August 1993; *AAS*, 77(1992), 507-785; English translation Libreria Editrice Vaticana.

67 Pope Benedict XVI, apostolic exhortation, *Sacramentum Caritatis*, http://www.vatican.va/holy_father/benedict_xvi/apost_exhortations/index_en.htm

68 http://www.vatican.va/holy_father/benedict_xvi/speeches/2006/december/documents/hf_ben_xvi_spe_20061222_curia-romana_en.html

69 Congregation for the Doctrine of the Faith, Apostolic Constitution, *Anglicanorum Coetibus*, “Providing For Personal Ordinariates for Anglicans Entering Into Full Communion with the Catholic Church,” 4 November, 2009. http://212.77.1.245/news_services/bulletin/news/24626.php?index=24626&lang=en# APOSTOLIC CONSTITUTION ANGLICANORUM COETIBUS accessed 16 November, 2009.

70 Congregation for the Doctrine of the Faith, *Ibid.*

71 Bishop Bernard Law, “Report of Bishop Bernard Law on the Episcopal Priests Who Seek Roman Catholic Priesthood,” in *Origins*, 4 September 1980, 10(1980), 178. C.f. Brendan Daly, “Anglican Clergy Becoming Catholic Clergy - Why Re-ordination?” *Canon Law Society of Australia and New Zealand Newsletter*, 2009:1; 62-73.

72 Gianfranco Ghirlanda, S.J., “The Significance of the Apostolic Constitution *Anglicanorum Coetibus*,” <http://www.catholicculture.org/culture/library/view.cfm?recnum=9178>, accessed 16 November 2009.

73 John Paul II, *General Audience*, July 17, 1993, in *L'Osservatore Romano*, July 21, 1993, 11.

74 “*in persona Christi capitis*”, *LG* 10.

Referring to the evangelical counsels, the council states that pre-eminent among these counsels is that precious gift of divine grace given to some by the Father (cf. Mt. 19:11; 1 Cor 7:7) in order more easily to devote themselves to God alone with an undivided heart (cf. 1 Cor. 7:32-34) in virginity or celibacy. This perfect continence for love of the kingdom of heaven has always been held in high esteem by the church as a sign and stimulus of love, and as a singular source of spiritual fertility in the world.... In virginity or celibacy, the human being is awaiting, also in a bodily way, the eschatological marriage of Christ with the church, giving himself or herself completely to the church in the hope that Christ may give himself to the church in the full truth of eternal life.

—Pope John Paul II, *Pastores dabo vobis*, 29.