A Note on Some Misapplications of *Presbyterorum ordinis* 16

Sacred Heart Major Seminary, Detroit MI

In discussing the Western clerical obligation of perfect and perpetual continence (1983 CIC 277), some critics of continence for married clergy assert that the Fathers of the Second Vatican Council held for the “equality” of the sacraments of matrimony and holy orders among married priests and, based on this alleged conciliar recognition of sacramental “equality,” go on to argue that continence cannot be required of clerics who were married at the time of their ordination. These critics point to (among other texts) Article 16 of the conciliar decree “On the Life and Ministry of Priests,” which states in part: “This holy synod . . . exhorts all those who have received the priesthood and marriage to persevere in their holy vocation.” Article 16 of *Presbyterorum ordinis* is cited as a source for Canon 277 §1 and therefore warrants proper appreciation when interpreting the law; it does, I think, seem to lend some support to the claim that marriage and holy orders are “equally” important for married priests.

Several objections militate, however, against one’s accepting the claim that the Second Vatican Council was holding in *Presbyterorum ordinis* 16 for the equality of marriage and holy orders among Western married clerics and, based on this alleged equality, did away with...
the obligation of continence for married clerics. I will discuss these objections below, but I think it important to recognize that the basic possibility of the Council's having mitigated the continence obligation for married clerics is reasonably put forward.

If there were ever a time in Western Church history favorable to relaxing the expectation of continence among married clerics, it was in the mid 1960s, that is, just when the Second Vatican Council was in session and when Presbyterorum ordinis (1965) was being drafted. The great Funk—Bickell debate of the 1870s seemed long settled with Funk, innocent of connivance with, but nevertheless taken in by, the Paphnuntius myth, claiming victory against proponents of the apostolic origins of clerical continence, and leaving them, or so it seemed, with little more than medieval positive law, suspect cultic-rigorisms, and pious sentiments on their side for the next eighty or ninety years. As the conciliar Fathers began their formal considerations of clerical continence, none of the major historical and canonical studies demonstrating the ancient origins of clerical continence—save for a single article on diaconal continence by then Monsignor Alfonso Stickler (1964)—was yet available, including Liotta (1971), Cochini (1981), Cholij (1989), Cardinal Stickler (1993), and Heid (2000). How the Council managed, then, to resist the strong and persistent calls, both from within the Church and from without, for reconsideration of the whole question of clerical continence, is difficult to explain in purely human terms.

Now, for those objections. They are three.

First, as a general comment, parsing conciliar statements too finely risks isolating from their proper contexts and saddling them with eisegetical conclusions. Here, to take but one example, one might, by reading PO 16 too literally, understand the conciliar Fathers to be assuming that all married men in holy orders must be in sacramental marriages, in which "holy" vocation they should persevere. As a basic question of fact, however, a conclusion for the sacramentality of all married clergy's marriages would have been outside the ken of the Council; as an assertion of canon law or pastoral practice, it is simply not required of Catholic men that they enter only marriages that are sacramental (as opposed to being valid), nor is it necessary that married men approaching holy orders be in a sacramental marriage.

Scholion One, sacramental marriage versus valid marriage. Canon law (1983 CIC 1055 § 2, olim 1917 CIC 1012 § 2) regards all, but only, those marriages between two baptized persons as sacramental. The Church discourages (at least formally) marriages between Catholics and non-baptized persons, but insofar as marriage is a natural institution, she recognizes the effects of natural marriage (such as intrinsic indissolubility, discussed below) when one of her sons or daughters enters such a marriage validly, and demurs only in regard to those effects of marriage directly dependent on its sacramentality (such as extrinsic indissolubility, discussed below).

If one hesitates, and one should hesitate, to ascribe to the conciliar Fathers the assumption that all married men in holy orders were necessarily in sacramental marriages, then one should also hesitate to ascribe to the Fathers the claim that they regarded matrimony and holy orders as "equally" operative in a married cleric's ministry.

Second, and related to the importance of reading conciliar texts in their proper context, the passage from PO 16 cited above was written while the Pio-Benedictine Code was in force. Canon 132 §1 of 1917 Code imposed on married clerics (and by implication their wives) the obligation of "chastity" or what today would be called "perfect and perpetual continence." This grave obligation was unanimously recognized by canonical commentators at the time, and it faithfully reflected the ancient and unbroken tradition in the Western Church. Unless one wants to defend, then, the position that the conciliar Fathers did not know what the 1917 Code said, or how it was understood by all commentators thereon, or what the Western tradition had long held in regard to married men admitted to holy orders, one should be reluctant to construe conciliar silence here in regard to the specific clerical obligation of perfect and perpetual continence other than as agreement to it. Qui tacit consentire videtur, Regula Iuris XLIII, in VI°.

Scholion Two, the legal effects of continence in marriage. Marriage comes into effect upon the legitimately manifested exchange of consent by persons capable in law (1983 CIC 1057 § 1, olim 1917 CIC 1081 § 1). Such marriage is intrinsically indissoluble and remains so until the death of a party thereto. Upon consummation between baptized spouses, marriage becomes extrinsically indissoluble. (1983 CIC 1056, olim 1917 CIC 1013 § 2; 1983 CIC 1061, olim 1917 CIC 1015). Continence is, in short, irrelevant to the establishment of a true, intrinsically indissoluble marriage (witness Our Lady and St. Joseph); after consummation between baptized spouses, continence is irrelevant to the extrinsic indissolubility of a Christian marriage.
Third, and here we underscore the importance of having resort to what the Council said when attempting to understand what the Council meant, the English translation of Presbyterorum ordinis 16 cited above is incorrect. What is rendered in English as “This holy synod . . . exhorts all those who have received the priesthood and marriage to persevere in their holy vocation” reads in the official Latin: “Sacrosancta haec Synodus . . . omnesque illos . . . hortatur, qui in matrimonio presbyteratum receperunt, ut, in sancta vocatione perseverantes.”7 Plainly, the English translation proposes two grammatically equivalent direct objects of the verb “received,” namely, “priesthood and marriage,” while the Latin original proposes only one direct object for the verb “receperunt,” namely, “presbyteratum,” while referring to marriage in a prepositional phrase “in matrimonio.” A correct English translation of the Latin original should read something like “This holy synod . . . exhorts all those who have received the priesthood in marriage [or ‘while married’ or ‘in the married state’ or ‘after marriage’] to persevere in their holy vocation.”8

Nothing in the official text of Presbyterorum ordinis 16 disparages marriage, of course, but neither does anything therein support treating the two sacraments as “equally” operative in a married cleric’s ministry. Indeed, knowing that the priesthood is, by definition, a “holy” vocation (as opposed to “marriage,” which might or might not be a “holy” vocation for certain married persons), and knowing of the grave obligation of continence obliging all men in holy orders, the passage from PO 16 cited above could just as easily—and indeed more consistently with tradition—have been the offering of a loving exhortation to married priests to preserve in their “holy vocation” of priesthood, in all of its demands, including that of surrendering a cherished right within marriage.

Arguments about the alleged sacramental “equality” of marriage and holy orders in the ministry of married clergy, and subsequent assertions against clerical continence based on that alleged “equality,” to the extent they rely on a flawed English translation of Presbyterorum ordinis 16, must be abandoned. *

ENDNOTES


2 Paphnuntius was alleged to have been an Egyptian hermit and/or bishop and/or confessor and/or close friend of the Emperor who, so the story goes, spoke to great effect at the Council of Nicea in dissuading the Council Fathers from legislating more expressly for clerical continence. To Paphnuntius, some Western writers in the Middle Ages (though not, curiously, Eastern authors, who have avoided the story) began to look for an explanation of the Eastern practice of temporary (as opposed to perfect) continence. The episode, though unknown to historians for more than one hundred years after Nicea and openly questioned by Pope Gregory VII in 1077, provided Funk much fodder for his arguments against Bickell. Since the mid-1900s, however, following Winkelmann, most scholars have concluded that the entire Paphnuntius story was “a progressive hagiographical conflation.” See Christian Cochini, The Apostolic Origins of Priestly Celibacy, trans. N. Marans (San Francisco: Ignatius Press, 1990), 197. See also, e.g., Alfonso Maria Stickler, The Case for Clerical Celibacy, trans. B. Ferme (San Francisco: Ignatius Press, 1995), 62-65.

3 Thomas McGovern, Priestly Celibacy Today (Scepter/Four Courts, 1998), 34-35.

4 1917 CIC 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 can. 214 §1. My translation.


8 The Vatican website is almost alone in using this flawed English translation. I find it elsewhere only in the collection of conciliar documents published by the Daughters of St. Paul in 1999 (though not in their 1967 edition). English translations offered in the well-known collections of conciliar documents assembled by Austin Flannery, O.P., and Walter Abbott, S.J., are more faithful to the Latin. The French, Spanish, Italian, and German translations of PO 16 as posted on the Vatican’s website (http://www.vatican.va/archive/hist_councils/ii_vatican_council/index.htm) also seem more reflective of the Latin text than is the English translation posted there.

That there are serious mistranslations of important ecclesiastical texts, even on the Vatican website, provokes no crisis of faith, of course, nor even especial concerns for administrative competence. Mistranslations happen; and flawed texts will circulate. Indeed, the specific error outlined above is not the only significant mistranslation in this rendering of PO 16. Consider, for the Latin “Sacrosancta haec Synodus . . . omnesque illos permanenter hortatur, qui . . . ,” the Vatican English translation reads, “This holy synod . . . permanently exhorts all those who . . .” The impression of a council, which takes place within a specific time period, trying “permanently” to exhort others to do something is jarring. It is also unnecessary: the Latin adverb permanenter does not mean “permanently,” but rather “most lovingly” or “very kindly.” Thus, the English translation should read something like “This holy synod most lovingly exhorts all those who.”

9 That priesthood was, in fact, the vocation the Council Fathers had in mind in this phrase is taken as certain by Friedrich Wulf, in H. Vorgmiller, ed., Commentary on the Documents of Vatican II, 5 vols. (Herder and Herder, 1967-69), 4:183-207, at 285.