

Recent varia in regard to clerical continence and Canon 277

Still in “catch-up mode” from this summer’s sojourns, grouped here are four items that might be of interest to those following the wider [discussion on clerical continence and Canon 277](#), namely:

- two early German articles on clerical continence, one pro, one contra;
- two observations on the recent Pontifical Council for Legislative Texts letter;
- an important passage from Martimort’s *Deaconesses* (1986); and,
- a reminder that the Church rarely decides important matters quickly.

First, over the summer I located two important early articles on clerical continence, namely:

Gustav Bickell (German priest, 1838-1906), “Der Cölibat eine apostolische Anordnung”, *Zeitschrift für Katholische Theologie* 2 (1878) 26-64, arguing for obligatory continence, [here](#).

Franz Funk, (German priest, 1840-1907), “Der Cölibat keine apostolische Anordnung”, *Theologische Quartalschrift* 61 (1879) 208-47, arguing against obligatory continence, [here](#).

These articles are summarized in Thomas McGovern, *PRIESTLY CELIBACY TODAY* (Scepter, etc. 1998) [at 34](#); see also Alfons Stickler, *Clerical Celibacy* excerpt, [on-line here](#).

Second, regarding PCLT’s recent letter on Canon 277:

In February 2012, I responded briefly (at Recent Miscellanea, no. 12, [here](#)) to a [memorandum from St. Louis Abp. Robert Carlson](#) summarizing, in turn, a letter from Cdl. Francesco Coccopalmerio (president of the Pontifical Council for Legislative Texts 13095/2011, 17 Dec 2011), asserting that married deacons are not bound by the obligation of perfect and perpetual continence set out in Canon 277. Given the dynamics of the public debate over clerical continence, I was surprised that the cardinal’s letter, or at any rate the archbishop’s summary of it, did not garner more attention than it did at the time. When I left in early May 2012 for several months of language work and research in Europe, the document(s) had raised barely a ripple. Just a couple of weeks into my travels, however, the matter was picked up by some Catholic bloggers whereupon several unwarranted conclusions about the issue were aired. I was unavailable to counter those opinions at the time, but can address two of them now.

1. Cdl. Coccopalmerio’s letter is not, and does not claim to be, an “authentic interpretation” of Canon 277.

The authority of the PCLT over universal law in the Church is set out in ap. con. *Pastor bonus* (1988) n. 155: “With regard to the universal laws of the Church, the Council is competent to publish authentic interpretations confirmed by pontifical authority, after consulting the dicasteries concerned in questions of major importance.” See also EXEG COMM I: 322-323 and CLSA NEW COMM 71-73. Cdl. Coccopalmerio’s letter was not confirmed—neither ‘generically’ nor ‘specifically’—by pontifical authority, and it was sent only to the US bishops. It does not satisfy, therefore, some key requirements of an authentic interpretation of universal law.

2. Cdl. Coccopalmerio's letter, whatever its weight, concerns only married deacons, not married priests.

My [original *Studia Canonica* article on clerical continence](#) focused on married deacons. But, while the obligation of perfect and perpetual continence begins at diaconate (or sub-diaconate, depending on the period in question), the arguments for obligatory continence among married priests—who are more closely configured to Christ the High Priest and are more intimately linked to the altar of sacrifice than are deacons—are even stronger. Therefore, even if some change in the law of continence could be established in regard to married deacons (and recent develops such as [Omnium in mentem](#) imply, in some respects, a widening wedge between diaconate and priesthood), nothing, *absolutely nothing*, in Western law or tradition can account for the abandonment of the obligation of perfect and perpetual continence among married priests.

Third, a quotation from Martimort's *Deaconesses* (1986) warrants reflection:

“It is well known that, according to the ancient Latin discipline, priests and deacons who had previously contracted marriage were required, upon ordination, to practice continence but were not required to separate themselves from their wives. ... In Rome, in the ninth century, [these wives] received a special blessing ... and a special costume was even conferred upon them.” Aimé Georges Martimort, *Deaconesses: an historical study* (Ignatius, 1986) at 201, citations omitted, discussing the wives of deacons.

This passage is interesting in several respects: (a) yet another accomplished ecclesiastical historian reports with aplomb that continence was obligatory for married men becoming deacons or priests in the West; (b) there was appropriate solicitude for the wives of clerics lest they be cut off from the spousal support (financial, emotional, etc.) that they had a right to expect from their husbands, and for that matter, indications that married men should not be required to do without the personal assistance of their wives; and (c) a special blessing and even manner of dress were conferred on the wives of clergy in recognition that wives too were making a great sacrifice consequent to their husbands' ordination and would benefit by special sacramental support.

Fourth, a reminder:

This point has been made many times, but it bears repeating: the Church does not make major decisions hastily. The questions raised by me and others concerning the obligations clerical continence under Canon 277 (and the unbroken Western tradition behind that canon) are weighty and require informed resolution. I do not know what that resolution will be. But I do know that many people are looking at one resolution of the question (namely, obligatory clerical continence) and—concluding that its immediate implementation would work an injustice on men ordained without such intentions and on their wives (which it would, of course)—dismissing out of hand that resolution as wrong. Such an approach to legal interpretation, however, is substantively mistaken and methodologically backward: substantively mistaken, in that finding for obligatory continence would *not* require the immediate cessation of conjugal relations between married clergy and their wives, and methodologically backward in that one should ask first what the law requires, and *then* ask how might behavior be brought into conformity with the law or, if appropriate, how it might be amended to reflect new values. + + +

Peters, “Recent varia on Canon 277”