

A TRIPTYCH ARTICLE

# Chastity, Continence, Celibacy

Three Obligations, Two Codes,  
and Twenty-Four Churches

Governing law: the 1983 *Codex Iuris Canonici* for the Latin Church and the 1990 *Codex Canonum Ecclesiarum Orientalium* for the Eastern Catholic Churches, each as amended, stated as of 25 July 2026; see the terminal Scope, Method, and Qualifications appendix. This is a study aid, not canonical advice: no personal case is decided here.

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# 1 Three Obligations in One Sentence

Canon 277 §1 of the Latin Code imposes two things and calls them one. *Clerici obligatione tenentur servandi perfectam perpetuamque propter Regnum coelorum continentiam, ideoque ad coelibatum adstringuntur*—clerics are held by the obligation of observing perfect and perpetual continence for the sake of the Kingdom of heaven, and therefore are bound to celibacy.<sup>1</sup> The canon has two objects and one *ideoque*. Continence—abstention from sexual activity—is what the cleric is obliged to observe. Celibacy—the unmarried state—is what he is therefore bound to. The English delivery of the same canon says it plainly: clerics “are obliged to observe perfect and perpetual continence for the sake of the kingdom of heaven and therefore are bound to celibacy.”

Twenty-two canons later, in the law for consecrated life, the Code sets the same two words under a third. Canon 599: *Evangelicum castitatis consilium propter Regnum coelorum assumptum . . . obligationem secumfert continentiae perfectae in caelibatu*—the evangelical counsel of chastity, assumed for the sake of the Kingdom of heaven, “entails the obligation of perfect continence in celibacy.”<sup>2</sup> Chastity is the counsel; continence is its obligation; celibacy is the condition in which the obligation is lived. Three words, arranged in a hierarchy, none of them a synonym for another.

And in the Eastern Code, promulgated seven years later for the twenty-three Eastern Catholic Churches, canon 374 puts one of the three words—and only one—on every cleric alike: *Clerici caelibes et coniugati castitatis decore elucere debent*. Clerics, celibate *and* married, must shine with the beauty of chastity.<sup>3</sup> The same sentence that binds a celibate Eastern presbyter binds a married one. It says nothing about continence and nothing about celibacy, because in that Code those are not what the word means.

Ordinary speech collapses all three into one. “Celibacy” is made to carry the moral virtue, the physical abstention, and the juridical status at once, so that a married Ukrainian Greek Catholic priest is described as an exception to celibacy—which he is—and, in the same breath, as an exception to chastity, which he is not and which no Catholic law has ever suggested. The confusion is not merely verbal. It reliably damages both sides of the argument that runs through this subject: a defence of the discipline that argues from the value of chastity has defended something no one disputes, and a critique that treats the obligation as a single indivisible package has attacked something the law does not contain. The law itself is more finely jointed than the argument about it.

This article works those joints. It asks what the Catholic Church’s current law obliges of her clerics in this matter; on what authority; with what effects when the obligation is broken; how the two codes differ and why the difference is not an exception to a rule; and what the history and the magisterium do and do not establish. The order is the law’s own. Sections 2 through 6 fix the three terms and take the Latin discipline apart canon by canon—the obligation, the acts by which it attaches to a man, the marriage impediment and penal norm behind it, and the two distinct acts by which it is undone. Section 7 turns to the Eastern common law at its promulgation text; section 8 sets the twenty-four Churches *sui iuris* side by side; section 9 takes up the permanent diaconate, where the Latin Code’s vocabulary produces its sharpest unsettled question. Section 10 reconstructs how the Western discipline was built, at identified witnesses; sections 11 and 12 cover convert clergy and the modern magisterial file; section 13 states the theological arguments on both sides at their strongest without adjudicating what the Church has not.

Two boundaries govern everything that follows. First, almost all of this is mutable law. It is verified against the competent current texts as of 25 July 2026, and the Legal Scope and Currentness statement in the terminal appendix records exactly which bodies of law, which editions, which jurisdictions, and which amendments that verification covers. Second, no concrete case is decided here. Whether a particular man is bound, dispensed, impeded, penalized, or free to marry is a question of fact and of competent authority, and section 14 says where such a question belongs. This is a study of norms, written for readers who want to know what the norms say.

## 2 Fixing the Terms

The three words belong to different orders. One names a virtue, one names a behaviour, one names a status in law. Nothing in what follows works unless that is held steadily, so it is worth establishing each from the texts that define it rather than from usage.

### 2.1 Chastity: the virtue that binds everyone

Chastity is not a clerical obligation at all, in the sense that it is not an obligation *of* clerics as distinct from anyone else. The *Catechism* states the rule and its universality in one line: *Omnis baptizatus ad castitatem vocatur*—all the baptized are called to chastity—and immediately adds the qualifier that does the real work: “All Christ’s faithful are

called to lead a chaste life in keeping with their particular states of life.”<sup>4</sup> The obligation is universal in its subject and differentiated in its content. The next paragraph spells the differentiation out, quoting the 1975 declaration *Persona humana*: some “profess virginity or consecrated celibacy”; others “live in the way prescribed for all by the moral law, whether they are married or single”; and then the sentence that separates our second and third terms from the first—“Married people are called to live conjugal chastity; others practice chastity in continence,” *ceterae castitatem colunt in continentia*.<sup>5</sup>

So chastity is a genus with species, and the species are assigned by state of life. A married man practises chastity in and through conjugal life; he is chaste precisely by being a faithful husband, not despite it. An unmarried man practises chastity by continence. This is why the Eastern Code can bind celibate and married clerics alike to *castitatis decor* in a single clause without saying anything at all about who may marry: chastity is the common term. It is also why “a chaste priesthood” is not a description of the Latin discipline but of the whole Church, and why arguing for clerical celibacy from the value of chastity proves nothing, since chastity is not what is at issue between the disciplines.

Two further distinctions belong here. Chastity is a *virtue*, and canon law does not legislate virtues directly; it legislates acts, states, and conditions. When a code speaks of chastity it is either exhorting (CCEO c. 374’s *elucere debent*), or naming a counsel that generates a determinate juridical obligation (CIC c. 599), or penalizing an external act (CIC c. 1395 §1, which punishes the cleric who persists “in another external sin against the sixth commandment of the Decalogue with scandal”).<sup>6</sup> The virtue is presupposed everywhere and adjudicated nowhere.

## 2.2 Continence: the abstention

Continence is a behaviour: abstention from sexual activity. It is what canon 277 §1 obliges, in a formula the Code repeats for religious at canon 599 and the Second Vatican Council used at *Presbyterorum ordinis* 16—*perfecta et perpetua propter Regnum coelorum continentia*, perfect and perpetual continence for the sake of the Kingdom of heaven.<sup>7</sup> The two adjectives are the whole content: *perfect*, so that no sexual activity is excepted, and *perpetual*, so that no period is excepted. A temporary or partial continence—the continence of Lent, or of spouses practising periodic abstinence—is continence in the same sense and neither perfect nor perpetual.

Continence and chastity are not the same and can come apart in both directions. An unmarried man who abstains entirely from sexual acts but lives in habitual lust is continent and unchaste; a married man who has never abstained a day in his life may be entirely chaste. The law tracks this. What canon 277 §1 obliges is the abstention, which is externally determinate and therefore a fit object of legal obligation; the virtue that should animate it is the object of the exhortation in §2 and of formation, not of a norm with a sanction.

## 2.3 Celibacy: the state

Celibacy is neither a virtue nor a behaviour but a status: the condition of being unmarried. In canon law it is a status with three distinct juridical faces, and it is worth naming them separately because they are established by three different canons and can be undone by three different acts. It is (i) an *obligation* publicly assumed before ordination (c. 1037); (ii) a *diriment impediment* to marriage attaching to those in sacred orders (c. 1087); and (iii) a condition whose breach is a *delict* carrying a *latae sententiae* penalty (c. 1394 §1). The obligation can be dispensed only by the Roman Pontiff (c. 291); the impediment can be dispensed only by the Apostolic See (c. 1078 §2 1°); the penalty is remitted by the competent authority under the ordinary penal norms. Sections 4 through 6 work each of these through.

Note what celibacy is not. It is not continence, though in the Latin discipline it is imposed *because* of continence—the *ideoque* of canon 277 §1 runs from the continence to the celibacy, not the reverse. A widowed permanent deacon who has never remarried is celibate as a matter of status; whether he is thereby obliged to perfect continence is a question the Latin Code raises and does not clearly answer, which is the subject of section 9. And celibacy is not consecration: the celibacy of a diocesan presbyter is not a religious vow, is not a public vow at all, and is governed by the law of clerical obligations rather than by the law of consecrated life. That distinction is why canon 1087 and canon 1088 are separate canons with separate objects, and why canon 1078 §2 1° names the impediment “arising from sacred orders or from a public perpetual vow of chastity in a religious institute of pontifical right” as two things.

## 2.4 The three terms in one view

| Term              | What it names                                                                                      | Who is bound, and by what                                                                                                                                                                           | How it can cease                                                                                                                                                             |
|-------------------|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chastity</b>   | The virtue integrating sexuality into the person, differentiated by state of life.                 | Every baptized person, by the moral law; CCC 2348–2349. Named in law at CIC c. 599 (as counsel) and CCEO c. 374 (as exhortation).                                                                   | It cannot cease. No state of life, dispensation, or authority exempts anyone from it.                                                                                        |
| <b>Continence</b> | Abstinence from sexual activity; “perfect” when total, “perpetual” when lifelong.                  | Latin clerics, by CIC c. 277 §1; religious, by CIC c. 599; not imposed as such on Eastern clerics by CCEO common law.                                                                               | With the obligation that carries it: for a Latin cleric, by papal dispensation from c. 277 §1 (c. 291), which in practice accompanies loss of the clerical state.            |
| <b>Celibacy</b>   | The unmarried state, considered juridically: obligation, marriage impediment, and penal condition. | Latin clerics: obligation assumed at c. 1037, impediment at c. 1087, penalty at c. 1394 §1. Eastern clerics: impediment at CCEO c. 804; obligation only where particular or special law imposes it. | The obligation, by papal dispensation alone (CIC c. 291; CCEO c. 396). The impediment, by dispensation reserved to the Apostolic See (CIC c. 1078 §2 1°; CCEO c. 795 §1 1°). |

The right-hand column is where the three terms stop being a matter of vocabulary. One of them admits of no exception whatever; one is dispensable by a single man on earth; one is an impediment whose relaxation is a reserved administrative act. A discipline described in terms that cannot distinguish these cannot be discussed accurately, defended accurately, or criticized accurately.

### 3 The Latin Obligation: Canon 277 Clause by Clause

Canon 277 stands in Book II of the 1983 Code, in the title on the obligations and rights of clerics (cc. 273–289). Its placement already settles two things. It is an obligation of *clerics*, and a man becomes a cleric at the diaconate: *Per receptum diaconatum aliquis fit clericus* (c. 266 §1).<sup>8</sup> And it is a canon about obligations, not about the sacrament: nothing in it touches the validity of orders or of anything else.

#### 3.1 The double object and the *ideoque*

The operative sentence has a main clause and a consequence. The main clause: *Clerici obligatione tenentur servandi perfectam perpetuamque propter Regnum coelorum continentiam*. The consequence: *ideoque ad coelibatum adstringuntur*. What is obliged, primarily and in the main clause, is *continence*. Celibacy follows—*ideoque*, and therefore—as the state in which the continence obliged is to be lived, and as the juridically enforceable face of it.

The order is not decorative. It is the reason the Latin discipline cannot be described accurately as “a rule against priests marrying,” which would be a rule about status alone. A cleric who remained unmarried but was sexually active would satisfy a rule about status and would violate canon 277 §1 in its principal clause. The Code’s own penal law confirms the reading by punishing both failures separately: canon 1394 §1 the attempted marriage, canon 1395 §1 the concubinage and the persistent scandalous external sin.<sup>9</sup>

It also explains a fact of the law that surprises readers who expect the two to move together: the Church has a class of clerics bound by no obligation of celibacy at all—married permanent deacons, and married presbyters admitted by derogation—and the question whether they are nevertheless bound by the principal clause of canon 277 §1 is precisely the unresolved question of section 9. If continence and celibacy were one obligation, the question could not arise. It arises because they are two.

#### 3.2 The motive clause, and what it does not claim

The rest of §1 gives a reason: celibacy *quod est peculiare Dei donum, quo quidem sacri ministri indiviso corde Christo facilius adhaerere possunt atque Dei hominumque servitio liberiori sese dedicare valent*—which is a special gift of God, by which sacred ministers can adhere more easily to Christ with an undivided heart and dedicate themselves more freely to the service of God and of human beings.

The two comparatives are the entire theological claim of the canon, and they are modest ones. *Facilius* and *liberius*—more easily, more freely—assert a fittingness, not a necessity. A canon that held celibacy to be required by the priesthood itself would have been written differently, and the Council whose teaching this canon codifies had said the opposite in as many words eighteen years earlier: *Non exigitur quidem a sacerdotio suapte natura*, it is not demanded by the priesthood by its very nature, “as is apparent from the practice of the early Church and from the traditions of the Eastern Churches.”<sup>10</sup> That single conciliar clause fixes the register of the entire subject. Whatever the Latin rule is, it is not an entailment of the sacrament; it is a determination the Latin Church has made about who is to receive the sacrament.

The phrase *peculiare Dei donum* carries a second consequence that the law itself draws elsewhere. A gift is not distributed by decree. The Code therefore does not say that ordination confers the charism; it says that candidates are to be selected who have it, and it builds an elaborate apparatus of discernment, declaration, and public assumption around that selection (section 4).

### 3.3 Paragraph 2: prudence, and the confirmation of the object

*Debita cum prudentia clerici se gerant cum personis, quarum frequentatio ipsorum obligationem ad continentiam servandam in discrimen vocare aut in fidelium scandalum vertere possit*—clerics are to behave with due prudence towards persons whose company can endanger their obligation to observe continence or give rise to scandal among the faithful.

Two observations. First, §2 names the obligation of §1 as an *obligatio ad continentiam servandam*—an obligation to observe continence. The Code’s own back-reference identifies the object of §1 as the continence, not the celibacy, which removes any doubt about the grammar. Second, §2 is a norm about *conduct* and *scandal*, with two distinct protected goods: the cleric’s own obligation and the faithful’s freedom from scandal. It is deliberately unspecific, which is what §3 exists to remedy.

### 3.4 Paragraph 3: the diocesan bishop’s competence, and its limits

*Competit Episcopo dioecesano ut hac de re normas statuatur magis determinatas utque de huius obligationis observantia in casibus particularibus iudicium ferat*—it belongs to the diocesan bishop to establish more determinate norms in this matter and to render judgment about the observance of this obligation in particular cases.

This is a grant of two powers, and they are both narrower than they look. The power to establish *normae magis determinatae* is a power of particular legislation *about* the observance of an obligation whose content universal law has already fixed; it cannot enlarge, reduce, or relax that content. The power to render judgment *in casibus particularibus* is a power of governance over observance—the ordinary’s competence to assess a situation, admonish, restrict, and act—not a power to dispense. Dispensation from the obligation of celibacy is reserved by canon 291 to the Roman Pontiff alone, and dispensation from the marriage impediment by canon 1078 §2 1° to the Apostolic See. A diocesan bishop who purported to relax canon 277 §1 for one of his clerics would be acting without power, and the act would be null.

This is the first place where the profile’s distinction between the ordinary rule and dispensation, and between legislation and administrative act, does real work rather than decorative work. Particular norms under §3 are law and bind; a bishop’s judgment under §3 is an administrative act about a person; neither is a dispensation, and a reader who receives a bishop’s decision in a particular case as though it changed the universal norm has misread all three.

### 3.5 What kind of law this is

Canon 277 is merely ecclesiastical law. Nothing in the Code, the Council, or the modern magisterium claims otherwise, and *Presbyterorum ordinis* 16 forecloses the alternative when it records that celibacy “first was recommended to priests, later in the Latin Church was imposed upon all who were to be promoted to sacred orders”—*postea in Ecclesia Latina omnibus ad Ordinem sacrum promovendis lege impositus est*. A law imposed is a law that can be relaxed by the legislator, and the Church’s own practice of dispensing thousands of individual clerics from it is a standing demonstration that she regards it as hers.

Two consequences follow, and they run in opposite directions, which is why they are usually stated one at a time by people who want only one of them. Because the obligation is ecclesiastical, no theological argument can establish that it is unchangeable, and the Church has in fact legislated differently for defined categories already (section 11).

Because it is ecclesiastical, it is also binding law now, and the fact that it could change is no part of any cleric's warrant for not observing it. "Merely ecclesiastical" is a statement about a norm's source, not about its force.

The obligation is likewise not a vow. What canon 1037 requires is that the candidate *obligationem caelibatus assumpserint*—have assumed the obligation of celibacy—publicly before God and the Church in the prescribed rite, or alternatively have made perpetual vows in a religious institute. The disjunction is telling: a religious is bound by his vow, and a secular cleric is bound by law which he has publicly assumed. The distinction is not pedantry, because the two are released by different acts. A religious institute's perpetually professed member is freed from his vows by an indult of departure, which *ipso iure secumfert dispensationem a votis necnon ab omnibus obligationibus ex professione ortis*—by the law itself carries with it dispensation from the vows and from all obligations arising from profession (c. 692); the clerical obligation of celibacy is dispensed by the Roman Pontiff alone under canon 291; and the marriage impediment of canon 1087 attaches to sacred orders while the parallel impediment of canon 1088 attaches to the religious vow, the two being named as distinct impediments again at canon 1078 §2 1°. <sup>11</sup> Three mechanisms, kept apart by the Code because they arise differently.

## 4 How the Obligation Attaches to a Man

Canon 277 §1 binds clerics. It does not by itself explain how a particular man comes to be bound, and the Code's answer to that question is a sequence of distinct acts, each with its own canon and its own effect. Following the sequence is the only way to see which failures make an ordination illicit, which make it invalid—the answer to the second is: none of these—and where the obligation of celibacy actually enters.

### 4.1 Validity and liceity, stated once and kept

The Code separates the two conditions at the head of the title on ordination. Canon 1024: *Sacram ordinationem valide recipit solus vir baptizatus*—a baptized male alone validly receives sacred ordination. That is the whole of what the Code says about the validity of the recipient. Canon 1025 §1 then lists what is required *ad licite... conferendos*, to confer licitly: the completed probation, the requisite qualities in the judgment of the proper bishop or major superior, that the candidate "is prevented by no irregularity and no impediment," and that the prerequisites of canons 1033–1039, the documents of canon 1050, and the investigation of canon 1051 have been fulfilled. <sup>12</sup>

Everything in this section therefore concerns liceity. A married man ordained to the presbyterate without a dispensation would be ordained illicitly and—this is the point that most surprises readers—validly. He would be a priest, and he would be bound by canon 277 §1 from that moment. The Church's answer to an illicit ordination is never that it did not happen.

### 4.2 Selection: the qualities and the judgment

Canon 1029 states the standard for promotion: only those are to be promoted who, in the prudent judgment of the proper bishop or competent major superior, all things considered, "have integral faith, are moved by the right intention, have the requisite knowledge, possess a good reputation, and are endowed with integral morals and proven virtues and the other physical and psychic qualities in keeping with the order to be received." The canon is a standard, not a checklist, and it assigns the judgment to a named person. Nothing in it mentions celibacy; the capacity for the obligation falls under the "qualities in keeping with the order to be received" and under the formation law of Book II, and the Code deliberately leaves the assessment to the judgment it has just located.

### 4.3 The declaration and the public assumption

Two acts of the candidate himself follow, and they are different in kind.

Canon 1036 requires a handwritten and signed declaration, given to the proper bishop or competent major superior, testifying *se sponte ac libere sacrum ordinem suscepturum atque se ministerio ecclesiastico perpetuo mancipaturum esse*—that he will receive the sacred order of his own accord and freely and will devote himself perpetually to the ecclesiastical ministry—and asking to be admitted. This is a document about freedom and permanence of ministry. It says nothing about celibacy.

Canon 1037 does. *Promovendus ad diaconatum permanentem qui non sit uxoratus, itemque promovendus ad presbyteratum, ad ordinem diaconatus ne admittantur, nisi ritu praescripto publice coram Deo et Ecclesia obligationem*

*caelibatus assumpserint, aut vota perpetua in instituto religioso emisierint*—an unmarried candidate for the permanent diaconate, and likewise a candidate for the presbyterate, are not to be admitted to the order of diaconate unless in the prescribed rite they have publicly, before God and the Church, assumed the obligation of celibacy, or have made perpetual vows in a religious institute.<sup>13</sup>

Four features of that canon repay attention. It is addressed to those who are *not married*, which is why it names “an unmarried candidate for the permanent diaconate” explicitly and leaves married candidates unmentioned—the obligation of celibacy is not assumed by a man who has a wife. It requires the act *before* the diaconate, not before the presbyterate, so that in the Latin Church the celibacy of a future priest is undertaken a year or more before he is a priest. It requires the act to be *public*, before God and the Church, which is what distinguishes it from a private resolution and makes it juridically cognizable. And it offers religious profession as an *alternative*, which confirms that the two are separate legal routes to the same practical state.

#### 4.4 Age, the married candidate, and the wife’s consent

Canon 1031 sets the ages, and its second paragraph is the Code’s most explicit acknowledgement that the Latin Church ordains married men: *Candidatus ad diaconatum permanentem qui non sit uxoratus ad eundem diaconatum ne admittatur, nisi post expletum vigesimum quintum saltem aetatis annum; qui matrimonio coniunctus est, nonnisi post expletum trigesimum quintum saltem aetatis annum, atque de uxoris consensu*—an unmarried candidate for the permanent diaconate at twenty-five, a married one at thirty-five “and with the consent of his wife.” Conferences of bishops may require a higher age (§3); dispensation of more than a year from either age is reserved to the Apostolic See (§4). Canon 1050 3° turns the wife’s consent into a documentary requirement: among the documents required for promotion, if the candidate for the permanent diaconate is married, are testimonials that the marriage was celebrated and that the wife consents.<sup>14</sup>

#### 4.5 The simple impediment, and the mechanism of exception

The married man’s position is then stated as an impediment. Canon 1042: *Sunt a recipiendis ordinibus simpliciter impediti: 1° vir uxorem habens, nisi ad diaconatum permanentem legitime destinetur*—the following are simply impeded from receiving orders: a man who has a wife, unless he is legitimately destined to the permanent diaconate.<sup>15</sup>

Three consequences, which together are the whole legal machinery of the Latin exception.

*It is simple, not perpetual.* Canon 1040 distinguishes perpetual impediments—irregularities—from simple ones. Marriage is a simple impediment, which is exactly right: it is not a defect in the man but a state which can end, and when it ends the impediment ends with it. A widower is not impeded.

*It bears on liceity.* An impediment prevents licit reception (c. 1025 §1); it does not touch the validity fixed by canon 1024.

*Its dispensation is reserved.* Canon 1047 §2 3° reserves to the Apostolic See the dispensation from the impediment of canon 1042 1°. This is the actual instrument by which a married man is ordained a Latin presbyter. He is not outside the law and he is not the beneficiary of an unwritten indulgence; he is the subject of a reserved dispensation from a named simple impediment, ordinarily joined to a derogation from canon 277 §1 granted by the Roman Pontiff himself (section 11). Two distinct acts, because there are two distinct norms: one about who may be ordained, one about what a cleric owes.

The clause *nisi ad diaconatum permanentem legitime destinetur* does the same work by general law rather than by rescript. A married man legitimately destined to the permanent diaconate is not impeded at all—no dispensation is needed, because for him the canon simply does not apply. This is the difference between an exception written into the norm and an exception granted from outside it, and the Code uses both.

### 5 The Impediment and the Penal Backstop

Canon 277 §1 states an obligation, and an obligation on its own is a moral fact with no juridical grip. The Code gives it two kinds of grip: it makes the cleric incapable of contracting marriage, and it makes the attempt a delict. These are different instruments and they do different work, which is why the Code puts them four hundred canons apart.

## 5.1 Canon 1087: incapacity, not prohibition

*Invalide matrimonium attentant, qui in sacris ordinibus sunt constituti*—those who are constituted in sacred orders invalidly attempt marriage. Six words of Latin, and the whole of the Latin Church’s law on the point.<sup>16</sup>

The canon does not forbid; it disables. A diriment impediment (*impedimentum dirimens*) renders a person incapable of validly contracting, so that the marriage a cleric attempts is not an illicit marriage but not a marriage. The distinction has consequences that a prohibition would not produce: there is nothing to dissolve, no annulment process is required to establish that nothing happened, the civil act has no canonical effect whatever, and any children of the union are affected in canon law only through the norms on legitimacy and not through anything in this canon.

Three features of the canon’s reach are worth stating exactly. It attaches to *sacred orders*, that is, to the diaconate, the presbyterate, and the episcopate alike—so a permanent deacon who is widowed falls under it as fully as a bishop does. It attaches to the *order*, not to the obligation of celibacy, which is why it binds a married permanent deacon after his wife’s death even though he never assumed the obligation of canon 1037. And it is an impediment of *ecclesiastical* law, not of divine or natural law, which is what makes the next paragraph possible at all.

## 5.2 Who can dispense it, and the one striking exception

Because the impediment is ecclesiastical, the Church can relax it, and the Code says exactly who may. Canon 1078 §1 gives the local ordinary a general power to dispense his subjects from impediments of ecclesiastical law, *exceptis iis, quorum dispensatio Sedi Apostolicae reservatur*; §2 1° then reserves “the impediment arising from sacred orders or from a public perpetual vow of chastity in a religious institute of pontifical right.” The ordinary route, then, is a reserved dispensation from the Apostolic See, which in practice is sought and granted together with the rescript of loss of the clerical state (section 6).

The exception is canon 1079 §1, and it is a genuine surprise. In urgent danger of death the local ordinary may dispense his subjects from the form of celebration and from “each and every impediment of ecclesiastical law, whether public or occult,” *excepto impedimento orto ex sacro ordine presbyteratus*—except the impediment arising from the sacred order of *presbyterate*. The reservation is to the presbyterate only. A deacon in danger of death may therefore be dispensed by his own local ordinary—and, where the ordinary cannot be reached, by his pastor, a properly delegated sacred minister, or the priest or deacon assisting under canon 1116 §2 (§2), and by a confessor for occult impediments in the internal forum (§3).<sup>17</sup> That is a small, precise, and easily missed provision, and it demonstrates something about the shape of the whole discipline: the Church treats the diaconal and the presbyteral impediment differently even inside a canon most readers will never have occasion to use.

## 5.3 Canon 1394 §1: the delict

The penal law approaches the same facts from the other side. In Book VI as integrally revised in 2021: *Clericus matrimonium, etiam civiliter tantum, attentans, in suspensionem latae sententiae incurrit, firmis praescriptis cann. 194, § 1, n. 3, et 694, § 1, n. 2; quod si monitus non resipuerit vel scandalum dare perrexerit, gradatim privationibus vel etiam dimissione e statu clericali puniri debet*—a cleric who attempts marriage, “even if only civilly,” incurs a *latae sententiae* suspension; if after warning he has not reformed or continues to give scandal, “he must be progressively punished by deprivations, or even by dismissal from the clerical state.”<sup>18</sup>

Four points about this canon are commonly muddled. The phrase *etiam civiliter tantum* exists because the canonical marriage was impossible: the delict consists in the attempt, and a civil ceremony is an attempt. The suspension is *latae sententiae*, incurred by the act itself without any sentence, and the 2021 revision retained it in a book that reduced automatic penalties elsewhere. The escalation clause is not automatic: it requires a warning, and unrepentance or continuing scandal, and it is *graduated*. And dismissal from the clerical state under this canon is a penalty, imposed for a delict; it is not the same act as the rescript of dispensation that a cleric petitions for. Both end in the loss of the clerical state, and one is a punishment while the other is a favour—which is the subject of the next section.

## 5.4 The neighbouring canons, and one boundary the legislator drew

Canon 1394 does not stand alone. Canon 1395 §1 punishes with suspension the cleric living in concubinage “other than in the case mentioned in can. 1394” and the cleric who “continues in some other external sin against the sixth commandment of the Decalogue which causes scandal,” with graduated additional penalties up to dismissal if he

persists after warning; §2 reaches other public offences against the sixth commandment; §3 reaches offences committed by force, threats, or abuse of authority, and the coercion of anyone to perform or submit to sexual acts.

Where the revised Book VI puts each of these is itself a legislative judgment worth recording. Canons 1392–1396, including both the attempted marriage and the concubinage, stand under Title V, *Offences against special obligations*. The delicts of canon 1398—offences against the sixth commandment with a minor or with a person who habitually has an imperfect use of reason or to whom the law recognizes equal protection, and the associated grooming and pornography delicts—stand under Title VI, *Offences against human life, dignity and freedom*, alongside homicide, abduction, mutilation, and abortion.<sup>19</sup> The legislator has thereby declined to classify the abuse of a minor as a failure of clerical continence. It is classified as a crime against the person harmed. Section 13 returns to what that does and does not settle.

## 6 Undoing It: Two Acts, Not One

Everything so far has been about how the obligation is imposed. The Church also unmakes it, thousands of times, and the way she does so is the best single demonstration of how she classifies what she has made. There are two acts, they are granted by different authorities under different canons, and confusing them produces most of the popular misdescription of the subject.

### 6.1 What cannot be undone

Canon 290 opens with the negative premise: *Sacra ordinatio, semel valide recepta, numquam irrita fit*—sacred ordination, once validly received, never becomes invalid. Nothing that follows in the chapter touches the sacrament. The chapter is about the *clerical state*, which is a juridical condition, and about the obligations attached to it.

The same canon then names the three ways the clerical state is lost: by a judicial sentence or administrative decree declaring the invalidity of the sacred ordination (1°); by the penalty of dismissal legitimately imposed (2°); and by rescript of the Apostolic See, “which grants it to deacons only for grave causes and to presbyters only for most grave causes” (3°). The three are entirely different in nature—a declaration that an ordination never occurred, a penalty, and a favour—and they are gathered in one canon only because they share an effect.

### 6.2 What the loss does not carry with it

Canon 291 is the hinge, and it is the canon most often skipped: *Praeter casus de quibus in can. 290, n. 1, amissio status clericalis non secumfert dispensationem ab obligatione caelibatus, quae ab uno tantum Romano Pontifice conceditur*—apart from the case of an ordination declared invalid, “loss of the clerical state does not entail a dispensation from the obligation of celibacy, which only the Roman Pontiff grants.”

Read that against canon 292, which says that the man who loses the clerical state “is no longer bound by any obligations of the clerical state, *without prejudice to the prescript of can. 291*.” The obligations of the clerical state fall away—the obedience of canon 273, the way of life of canon 285, the whole apparatus—and one obligation stays behind, exempted by name. A man dismissed as a penalty, or dispensed from the clerical state by rescript, remains bound to celibacy unless the Roman Pontiff, in a distinct act, dispenses him from it.

This is why the ordinary petition is for two things at once and is granted or refused as such, and why the popular verb “laicized” misdescribes what has happened whenever the second grant is absent. It is also a precise instance of the Code’s habit of marking what belongs to which authority. The clerical state is an ecclesiastical condition, and the Apostolic See disposes of it by rescript; the obligation of celibacy, though equally ecclesiastical, is reserved to the person of the Roman Pontiff—*ab uno tantum Romano Pontifice*. The reservation is not a claim that the obligation is of divine law. It is a claim about who, within the Church’s own law, may relax it.

### 6.3 What survives

Canon 292 leaves two things standing besides. The man is “prohibited from exercising the power of orders”—prohibited, not disabled, since the power itself is indelible—*salvo praescripto can. 976*. Canon 976 provides that any priest, even one lacking the faculty to hear confessions, validly and licitly absolves any penitent in danger of death from any censures and sins. A former cleric, dismissed by penalty and never dispensed, therefore retains the one faculty the

Church will not withdraw from a dying person’s bedside.<sup>20</sup> He is also deprived *eo ipso* of all offices, functions, and delegated power. And by canon 293 he cannot be enrolled among clerics again except by rescript of the Apostolic See.

## 6.4 The Latin apparatus in one table

The following gathers the canons this article verified at the dated Latin and English deliveries, in the order in which they bear on a cleric’s life rather than in numerical order. It is an inventory of verified instances bearing on the three obligations, not a concordance of the Code.<sup>21</sup>

| Canon      | Latin key phrase (verified)                                                                                | Working gloss                                                      | Function                                     |
|------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|----------------------------------------------|
| 266 §1     | <i>Per receptum diaconatum aliquis fit clericus</i>                                                        | one becomes a cleric by receiving the diaconate                    | fixes who is subject to c. 277               |
| 277 §1     | <i>perfectam perpetuamque... continentiam, ideoque ad coelibatum adstringuntur</i>                         | perfect and perpetual continence, and therefore celibacy           | the obligation itself                        |
| 277 §2     | <i>obligationem ad continentiam servandam in discrimen vocare</i>                                          | endanger the obligation to observe continence                      | prudence in conduct                          |
| 277 §3     | <i>normas statuat magis determinatas... iudicium ferat</i>                                                 | more determinate norms; judgment in particular cases               | diocesan bishop’s competence                 |
| 288        | <i>Diaconi permanentes praescriptis cann. 284, 285 §§3–4, 286, 287 §2 non tenentur</i>                     | permanent deacons are not bound by cc. 284, 285 §§3–4, 286, 287 §2 | the exemption list — and what it omits       |
| 599        | <i>obligationem secumfert continentiae perfectae in caelibatu</i>                                          | entails the obligation of perfect continence in celibacy           | counsel of chastity, for religious           |
| 1024       | <i>Sacram ordinationem valide recipit solus vir baptizatus</i>                                             | a baptized male alone validly receives ordination                  | the only validity condition                  |
| 1025 §1    | <i>Ad licite... conferendos requiritur... nulla detineatur irregularitate nulloque impedimento</i>         | for licit conferral: no irregularity, no impediment                | liceity conditions                           |
| 1029       | <i>integram habent fidem... integris moribus probatisque virtutibus</i>                                    | integral faith, integral morals, proven virtues                    | standard for promotion                       |
| 1031 §2    | <i>qui matrimonio coniunctus est, nonnisi post expletum trigesimum quintum... atque de uxoris consensu</i> | a married candidate at 35, with his wife’s consent                 | married permanent deacons                    |
| 1036       | <i>se sponte ac libere sacrum ordinem suscepturum</i>                                                      | that he will receive the order freely and of his own accord        | handwritten declaration                      |
| 1037       | <i>publice coram Deo et Ecclesia obligationem caelibatus assumpserint</i>                                  | have publicly assumed the obligation of celibacy                   | how celibacy is undertaken                   |
| 1040       | <i>sive perpetuo, quod venit nomine irregularitatis, sive simplici</i>                                     | perpetual (called irregularity) or simple                          | taxonomy of impediments                      |
| 1042 1°    | <i>vir uxorem habens, nisi ad diaconatum permanentem legitime destinetur</i>                               | a man having a wife, unless destined to the permanent diaconate    | the married man’s impediment                 |
| 1047 §2 3° | <i>ab impedimento, de quo in can. 1042, n. 1</i>                                                           | from the impediment of c. 1042 1°                                  | dispensation reserved to Apostolic See       |
| 1050 3°    | <i>testimonia celebrati matrimonii et consensus uxoris</i>                                                 | testimonials of the marriage and of the wife’s consent             | documentary proof                            |
| 1078 §2 1° | <i>impedimentum ortum ex sacris ordinibus</i>                                                              | the impediment arising from sacred orders                          | dispensation reserved                        |
| 1079 §1    | <i>excepto impedimento orto ex sacro ordine presbyteratus</i>                                              | except the impediment arising from the order of presbyterate       | danger of death: deacons dispensable locally |
| 1087       | <i>Invalide matrimonium attentant, qui in sacris ordinibus sunt constituti</i>                             | those in sacred orders invalidly attempt marriage                  | diriment impediment                          |
| 1088       | <i>qui voto publico perpetuo castitatis... adstricti sunt</i>                                              | those bound by a public perpetual vow of chastity                  | the parallel, distinct impediment            |

| Canon   | Latin key phrase (verified)                                                                                   | Working gloss                                                                                  | Function                                     |
|---------|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------------|
| 290     | <i>Sacra ordinatio, semel valide recepta, numquam irrita fit</i>                                              | once validly received, ordination never becomes invalid                                        | indelibility; three modes of loss            |
| 291     | <i>non secumfert dispensationem ab obligatione caelibatus, quae ab uno tantum Romano Pontifice conceditur</i> | loss of the clerical state does not carry dispensation from celibacy; the Pope alone grants it | the two acts kept apart                      |
| 292     | <i>nec ullis iam adstringitur obligationibus... firmo praescripto can. 291</i>                                | no longer bound by clerical obligations, saving c. 291                                         | effects of loss                              |
| 1394 §1 | <i>matrimonium, etiam civiliter tantum, attentans, in suspensionem latae sententiae incurrit</i>              | attempting marriage, even only civilly: <i>latae sententiae</i> suspension                     | the delict                                   |
| 1395 §1 | <i>clericus in alio peccato externo contra sextum Decalogi praeceptum cum scandalo permanens</i>              | persisting in another external, scandalous sin against the sixth commandment                   | conduct delict                               |
| 1398 §1 | <i>delictum... contra sextum Decalogi praeceptum cum minore</i>                                               | offence against the sixth commandment with a minor                                             | classified under offences against the person |

Two features of the column of functions deserve saying aloud. The Code never once treats celibacy as a condition of validity: not of ordination, where canon 1024 admits only one condition, and not of anything else. And the Code twice provides its own exception in the same breath as its rule—canon 1042 1°’s *nisi* clause and canon 1079 §1’s *excepto*—which is what a legislator does with a norm he regards as his own to shape.

## 7 The Eastern Common Law, on Its Own Terms

The 1983 Code binds no Eastern Catholic. Its own first canon says that its canons regard only the Latin Church, and the Eastern Code’s first canon says the converse: *Canones huius Codicis omnes et solas Ecclesias orientales catholicas respiciunt*—the canons of this Code regard all and only the Eastern Catholic Churches, unless something else is expressly established as regards relations with the Latin Church. Everything in sections 3 through 6 above therefore stops at that line, and the discipline of twenty-three Churches has to be read from its own book.

### 7.1 The witness used here

There is no Holy See web delivery of the *Codex Canonum Ecclesiarum Orientalium* corresponding to the Latin Code’s, and there is no official English version of it at all. This article therefore quotes the Eastern canons from the promulgation text itself: *Acta Apostolicae Sedis* 82 (1990), where the apostolic constitution *Sacri canones* occupies pages 1033–1044 and the Code follows. Each canon quoted below was read at the page image of its *Acta* page in the Holy See’s archival PDF of that volume, fetched and hashed on 25 July 2026; the volume’s optical-character layer served only to find the pages.<sup>22</sup>

The promulgation facts, verified at those pages: *Sacri canones* was given at Rome on 18 October 1990 in the thirteenth year of John Paul II’s pontificate, promulgating the Code *pro omnibus Ecclesiis orientalibus catholicis*; and the Code’s canons *vim obligandi habere incipiant a die prima mensis Octobris anni MCMXCI, festo Patrocinii Beatae Virginis Mariae in plerisque Orientis Ecclesiis*—began to have binding force on 1 October 1991, the feast of the Protection of the Blessed Virgin Mary in most of the Churches of the East. A code whose *vacatio* is measured to an Eastern feast is announcing something about itself.

### 7.2 The interpretive key: canon 2

That announcement is made explicit in the second preliminary canon, which is the single most important sentence for reading anything that follows: *Canones Codicis, in quibus plerumque ius antiquum Ecclesiarum orientalium recipitur vel accommodatur, praecipue ex illo iure aestimandi sunt*—the canons of the Code, in which the ancient law of the Eastern Churches is for the most part received or adapted, are principally to be assessed from that law.

This is a rule of interpretation with teeth. It instructs the reader not to construe an Eastern canon against the background of the Latin Code but against the background of the Eastern legal tradition the canon is codifying. Applied to the material of this article, it forbids the reading in which the Eastern discipline is a permitted departure from a Latin norm. There is no Latin norm in view. The Second Vatican Council had said the same thing in the language of right rather than of interpretation: *Ecclesias Orientis sicut et Occidentis iure pollere et officio teneri se secundum proprias disciplinas peculiares regendi*—the Churches of the East, as much as those of the West, possess the right and are held by the duty of governing themselves according to their own particular disciplines.<sup>23</sup>

### 7.3 Canons 373–375: two states, both honoured

The Eastern Code’s treatment of the whole question occupies three canons in the chapter on the rights and obligations of clerics, and the first of them holds both traditions in one sentence:

*Can. 373 — Caelibatus clericorum propter regnum coelorum delectus et sacerdotio tam congruus ubique permagni faciendus est, prout fert universae Ecclesiae traditio; item status clericorum matrimonio iunctorum praxi Ecclesiae primaevae et Ecclesiarum orientalium per saecula sancitus in honore habendus est.*

*Working gloss:* The celibacy of clerics, chosen for the sake of the kingdom of heaven and so fitting to the priesthood, is everywhere to be greatly esteemed, as the tradition of the whole Church bears; likewise the state of clerics joined in marriage, sanctioned by the practice of the primitive Church and of the Eastern Churches through the centuries, is to be held in honour.

The canon’s architecture is the argument. Two clauses joined by *item*—likewise—each with its own warrant. Celibacy is warranted by *universae Ecclesiae traditio*, the tradition of the whole Church, which is a claim about the East as well as the West; and it is called *sacerdotio tam congruus*, so fitting to the priesthood, in the same comparative register as canon 277 §1’s *facilius* and *liberius*. The married state of clerics is warranted by *praxis Ecclesiae primaevae*, the practice of the primitive Church, and by the Eastern Churches’ own practice *per saecula*. Neither clause is a concession to the other; neither is described as an exception, a permission, an indult, or a tolerance.

Canon 374 then does what section 2 of this article said the word chastity is for: *Clerici caelibes et coniugati castitatis decore elucere debent; iuris particularis est statuere opportuna media ad hunc finem assequendum adhibenda*—celibate and married clerics alike must shine with the beauty of chastity; it belongs to particular law to establish the suitable means for attaining this end. One obligation for both states, and the concrete means left to the particular law of each Church *sui iuris*. Canon 375 completes the trio by turning to the married cleric’s household: in leading family life and in educating their children, married clerics are to give an outstanding example to the rest of the Christian faithful.

What is absent from all three is as instructive as what is present. There is no obligation of perfect and perpetual continence imposed on Eastern clerics by the common law. There is no *ideoque* clause. The Eastern Code does not contain a canon corresponding to CIC canon 277 §1, and the reader who goes looking for one is importing the very assumption canon 2 forbids.

### 7.4 Admission of married men: canon 758 §3

The Eastern Code does not itself decide who may be ordained from among married men. It refers the question outward: *Circa coniugatos ad ordines sacros admittendos servetur ius particulare propriae Ecclesiae sui iuris vel normae speciales a Sede Apostolica statutae*—as regards married men to be admitted to sacred orders, the particular law of one’s own Church *sui iuris* is to be observed, or special norms established by the Apostolic See.

Three things follow, and the third is where most confusion in this area is generated. First, the common law of the Eastern Churches contains no impediment corresponding to CIC canon 1042 1°. The list at CCEO canon 762 §1 runs to eight numbers—psychic illness, the delict of apostasy, heresy or schism, attempted marriage by one impeded (3°), voluntary homicide or procured abortion, grave self-mutilation or attempted suicide, the reserved act of orders, a forbidden office or administration, and the neophyte—and the married man appears nowhere in it.<sup>24</sup> Second, the competent legislator is ordinarily the Church *sui iuris* itself, through its own particular law—which means that the practice of one Eastern Church establishes nothing whatever about another. Third, the alternative in the canon, *normae speciales a Sede Apostolica statutae*, is a standing opening for the Apostolic See to legislate specially in this matter, and it has been used, most consequentially in the twentieth century for the Eastern diasporas.

That last opening has been used, and heavily. The restrictions imposed on married Eastern clergy in the Western diasporas across the twentieth century, and the *Pontificia Praecepta de clero uxorato orientali* published in *Acta*

*Apostolicae Sedis* 106 (2014) 496–499, are acts of exactly the kind canon 758 §3 contemplates. Section 8 works through them at the *Acta* text. The point to carry here is structural: because canon 758 §3 names the Apostolic See’s special norms as a source alongside each Church’s own particular law, a restriction imposed by such norms is not a departure from Eastern law but an operation of it—and so is its relaxation.

## 7.5 Canon 804: the point of complete agreement

*Invalide matrimonium attentat, qui in ordine sacro est constitutus*—he who is constituted in a sacred order invalidly attempts marriage. Word for word the substance of CIC canon 1087, and the two codes are here identical: in neither Church may a man marry after ordination. What the East permits is the ordination of a man already married. What neither permits is marriage afterwards.

The corollaries follow the Latin pattern exactly. The impediment is of ecclesiastical law; its dispensation is reserved to the Apostolic See (c. 795 §1 1° with §2); and in danger of death the local Hierarchy may dispense from every ecclesiastical impediment *excepto impedimento ordinis sacri sacerdotii*—except the impediment of the sacred order of priesthood (c. 796 §1), the same narrow reservation the Latin Code makes at canon 1079 §1. Two codes, drafted separately, reserving the same thing in the same words at the same point.

## 7.6 The episcopate, exactly as the canon states it

Eastern bishops are, in fact, unmarried men, and the reason is often given as a rule of celibacy. The canon says something more precise. Among the requirements for a candidate to be held suitable for the episcopate, canon 180 3° lists: *vinculo matrimonii non ligatus*—not bound by the bond of marriage.

That is a requirement about a bond, not about a history. A widower is not bound by the bond of marriage, and the canon does not exclude him; nor does it use the word *caelebs*, which the Code has and uses elsewhere (cc. 373, 374, 376). Paul VI’s observation that “in the East only celibate priests are ordained bishops” describes the practice accurately, and the practice—bishops drawn from the monastic clergy—is older and stronger than the canon. But the enacted requirement is the narrower one, and an article about what the law says should say what the law says.<sup>25</sup>

## 7.7 A code written for a married clergy

The clearest evidence that the Eastern Code treats married clerics as ordinary rather than exceptional is not in the canons about marriage at all. It is in the ones about money and health.

Canon 390 §1 gives clerics the right to suitable support and just remuneration, and adds: *si agitur de clericis coniugatis, consulere debet etiam eorum familiae sustentandae*—if it concerns married clerics, it must also provide for the support of their family. Section 2 extends the right to social security and health assistance “for themselves and their family, if they are married.” Canon 285 §2 provides that if a presbyter to be named as pastor is joined in marriage, good morals are required in his wife and in the children living with him. Canon 397 assumes, in setting out the Patriarch’s competence to grant loss of the clerical state, that some clerics simply are not bound by any obligation of celibacy: he may grant it, with the consent of the Synod of Bishops of the patriarchal Church, to clerics domiciled within its territory *qui obligatione caelibatus non tenentur aut, si tenentur, dispensationem ab hac obligatione non petunt*—who are not bound by the obligation of celibacy, or who, if they are bound, do not seek dispensation from it; in other cases the matter goes to the Apostolic See.<sup>26</sup>

A body of law that provides pensions for clergy wives and screens the morals of a pastor’s children is not making an allowance. It is legislating for its ordinary case.

## 7.8 The two codes side by side

| Question                                                | Latin Church (CIC 1983)                                                          | Eastern Catholic Churches (CCEO 1990)                                                                                       |
|---------------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Is there a general obligation of continence on clerics? | Yes: c. 277 §1 obliges perfect and perpetual continence, and therefore celibacy. | No such common-law obligation. Cc. 373–375 esteem celibacy, honour the married state, and oblige chastity in both (c. 374). |

| Question                                                      | Latin Church (CIC 1983)                                                                                                                                                                                                  | Eastern Catholic Churches (CCEO 1990)                                                                                                                                                                                   |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>May a married man be ordained?</b>                         | Deacon: yes if legitimately destined to the permanent diaconate (c. 1042 1°), at 35 with his wife's consent (c. 1031 §2). Presbyter: only by dispensation from c. 1042 1° reserved to the Apostolic See (c. 1047 §2 3°). | Yes in principle; the question is referred to the particular law of each Church <i>sui iuris</i> or to special norms of the Apostolic See (c. 758 §3). No impediment attaches to the married state as such (c. 762 §1). |
| <b>May a cleric marry after ordination?</b>                   | No: those in sacred orders invalidly attempt marriage (c. 1087).                                                                                                                                                         | No: identical rule at c. 804.                                                                                                                                                                                           |
| <b>Who dispenses that impediment?</b>                         | The Apostolic See (c. 1078 §2 1°); in danger of death, the local ordinary except for the presbyterate (c. 1079 §1).                                                                                                      | The Apostolic See (c. 795 §1 1° and §2); in danger of death, the local Hierarch except for the priesthood (c. 796 §1).                                                                                                  |
| <b>Must a bishop be unmarried?</b>                            | The question does not arise separately: all Latin candidates are already bound by c. 277 §1.                                                                                                                             | Yes, stated as a requirement of suitability: not bound by the bond of marriage (c. 180 3°).                                                                                                                             |
| <b>How is the obligation of celibacy undertaken?</b>          | Publicly, in the prescribed rite, before the diaconate (c. 1037).                                                                                                                                                        | Not by a common-law act; where the obligation exists it arises from the particular law or the candidate's state.                                                                                                        |
| <b>Does loss of the clerical state release from celibacy?</b> | No; only the Roman Pontiff dispenses (c. 291).                                                                                                                                                                           | No; only the Roman Pontiff dispenses (c. 396). The Patriarch may grant loss of the clerical state itself in defined cases (c. 397).                                                                                     |
| <b>Penalty for attempted marriage?</b>                        | <i>Latae sententiae</i> suspension, escalating to dismissal after warning (c. 1394 §1).                                                                                                                                  | Deposition, and not <i>latae sententiae</i> : <i>Clericus, qui prohibitum matrimonium attentavit, deponatur</i> (c. 1453 §2).                                                                                           |
| <b>Penalty for scandalous unchastity?</b>                     | Suspension, escalating after warning (c. 1395 §1), for a cleric persisting in an external sin <i>contra sextum Decalogi praeceptum</i> .                                                                                 | Suspension, escalating to deposition (c. 1453 §1), for a cleric persisting in an external sin <i>contra castitatem</i> .                                                                                                |

Read down the third column and the shape of the Eastern law appears: it agrees with the Latin Code precisely where the ancient discipline of the whole Church agreed—no marriage after orders, an unmarried episcopate, dispensation reserved—and it diverges precisely where the Latin Church added a determination of her own. The divergence is not the East's departure. It is the West's development, and the East's continuity.

## 8 The Churches *Sui Iuris*, and How Many There Are

"The Eastern Churches allow married priests" is a sentence with a hidden plural. There is no single Eastern discipline, because there is no single Eastern Church. Canon 27 of the Eastern Code defines the unit: *Coetus christifidelium hierarchia ad normam iuris iunctus, quem ut sui iuris expresse vel tacite agnoscit suprema Ecclesiae auctoritas, vocatur in hoc Codice Ecclesia sui iuris*—a group of the Christian faithful joined by a hierarchy according to the norm of law, which the supreme authority of the Church expressly or tacitly recognizes as *sui iuris*. Canon 28 §2 names the five ritual traditions from which those Churches arise: Alexandrian, Antiochene, Armenian, Chaldean, and Constantinopolitan.<sup>27</sup> And canons 55, 151, 155, and 174 fix four juridical ranks: patriarchal Churches, major archiepiscopal Churches, metropolitan Churches *sui iuris*, and Churches *sui iuris* entrusted to a Hierarch under norms established by the Roman Pontiff.

### 8.1 Counting them honestly

Assembling a current list is harder than it should be, and the difficulty is worth stating rather than hiding, because it bears on how much weight the table below can carry.

The Holy See publishes no enumeration of the Churches *sui iuris* on any website that could be located for this article. The Dicastery for the Eastern Churches describes the categories and points readers to the printed repertory *Oriente cattolico*; the *Annuario Pontificio*, which is the official register, is a printed book. What the Holy See has published online is an official Press Office information sheet of 7 October 2010, prepared for the twentieth anniversary of the Eastern Code, which enumerates the Churches by tradition and by rank. It states: *Attualmente nella Chiesa Cattolica ci sono 23 Chiese sui iuris, 22 appartenenti alle cinque tradizioni orientali e una appartenente alla tradizione latina*—at present there are 23 Churches *sui iuris* in the Catholic Church, 22 belonging to the five Eastern traditions and one to the Latin tradition—and adds that the Apostolic Exarchate of Serbia and Montenegro is not numbered among them in the *Annuario Pontificio*, “although there are those who consider it such.”<sup>28</sup>

Two acts since then are verifiable at the *Acta Apostolicae Sedis* and change the picture. On 19 January 2015 Francis erected the Eritrean Metropolitan Church *sui iuris*, detaching the eparchies of Asmara, Barentu, Keren, and Segheneity from the metropolitan archieparchy of Addis Ababa—*novam Metropolitanam Ecclesiam sui iuris Asmarensensem appellandam constituimus*—so that a twenty-third Eastern Church came into being. On 20 March 2015 the Church of Byzantine rite in Hungary was raised to a metropolitan Church *sui iuris*, which changed its rank without changing the count.<sup>29</sup> The current total is therefore twenty-three Eastern Churches *sui iuris* and the Latin Church: twenty-four.

That reconstruction is this article’s own, assembled from an official 2010 enumeration and two official later acts. It is offered as such, and it is correctable: no official online source states the present total, and the Serbian question the 2010 sheet itself flagged remains open.

## 8.2 What can be said about each Church’s discipline

Almost nothing, from public sources—and that is a finding rather than a failure. Under canon 758 §3 the competent legislator for admitting married men is each Church’s own particular law, and particular law of the Eastern Churches is not systematically published where it can be checked. Any table that filled in twenty-three cells with confident statements of current particular law would be inventing most of them.

One official source does make a Church-by-Church statement, and it is recent enough and authoritative enough to carry weight. The introductory note to the *Pontificia Praecepta de clero uxorato orientali*, published in *Acta Apostolicae Sedis* 106 (2014) 496–499 over the signature of Cardinal Leonardo Sandri as Prefect of the Congregation for the Eastern Churches, states: *Al presente, tutte le Chiese orientali cattoliche possono ammettere uomini sposati al diaconato e al presbiterato ad eccezione delle Chiese siro-malabarese e siro-malankarese*—at present all the Eastern Catholic Churches may admit married men to the diaconate and to the presbyterate, with the exception of the Syro-Malabar and Syro-Malankara Churches.<sup>30</sup> That sentence is the single most useful public datum in this field, and its limits are equally clear: it is a statement of fact made by the competent dicastery in 2014, not a norm, and not a guarantee about 2026.

## 8.3 The twenty-four Churches

In the fourth column, P marks the twenty Eastern Churches covered by the 2014 statement that they may admit married men to the diaconate and presbyterate; X marks the two Churches the same statement names as exceptions; N marks the Church erected after that statement, which it therefore cannot reach. For all twenty-three, the competent legislator is that Church’s own particular law or special norms of the Apostolic See (CCEO c. 758 §3), and none of their particular law was examined here.

| Church <i>sui iuris</i> | Tradition           | Juridical rank                                  | 2014 |
|-------------------------|---------------------|-------------------------------------------------|------|
| Coptic                  | Alexandrian         | Patriarchal (CCEO c. 55)                        | P    |
| Ethiopian               | Alexandrian         | Metropolitan <i>sui iuris</i> (c. 155)          | P    |
| Eritrean                | Alexandrian (Ge’ez) | Metropolitan <i>sui iuris</i> , 19 January 2015 | N    |
| Syriac                  | Antiochene          | Patriarchal                                     | P    |
| Maronite                | Antiochene          | Patriarchal                                     | P    |
| Syro-Malankara          | Antiochene          | Major archiepiscopal (c. 151)                   | X    |
| Armenian                | Armenian            | Patriarchal                                     | P    |
| Chaldean                | Chaldean            | Patriarchal                                     | P    |
| Syro-Malabar            | Chaldean            | Major archiepiscopal                            | X    |
| <i>(continued)</i>      |                     |                                                 |      |

| Church <i>sui iuris</i> | Tradition          | Juridical rank                                | 2014 |
|-------------------------|--------------------|-----------------------------------------------|------|
| Melkite                 | Constantinopolitan | Patriarchal                                   | P    |
| Ukrainian               | Constantinopolitan | Major archiepiscopal                          | P    |
| Romanian                | Constantinopolitan | Major archiepiscopal                          | P    |
| Ruthenian               | Constantinopolitan | Metropolitan <i>sui iuris</i>                 | P    |
| Slovak                  | Constantinopolitan | Metropolitan <i>sui iuris</i>                 | P    |
| Hungarian               | Constantinopolitan | Metropolitan <i>sui iuris</i> , 20 March 2015 | P    |
| Albanian                | Constantinopolitan | Other <i>sui iuris</i> (c. 174)               | P    |
| Belarusian              | Constantinopolitan | Other <i>sui iuris</i>                        | P    |
| Bulgarian               | Constantinopolitan | Other <i>sui iuris</i>                        | P    |
| Croatian                | Constantinopolitan | Other <i>sui iuris</i>                        | P    |
| Greek                   | Constantinopolitan | Other <i>sui iuris</i>                        | P    |
| Italo-Albanian          | Constantinopolitan | Other <i>sui iuris</i>                        | P    |
| Macedonian              | Constantinopolitan | Other <i>sui iuris</i>                        | P    |
| Russian                 | Constantinopolitan | Other <i>sui iuris</i>                        | P    |
| <b>Latin</b>            | Latin (Roman)      | The Latin Church (CIC c. 1)                   | —    |

Three qualifications belong with that table rather than in a footnote, because each changes what a cell means. The names and ranks are the 2010 Press Office sheet's, corrected by the two 2015 acts, with English forms rendering the sheet's Italian designations. The Latin Church's own rule is that of section 4: married men are impeded by CIC c. 1042 1° except when legitimately destined to the permanent diaconate, and dispensation for the presbyterate is reserved to the Apostolic See under c. 1047 §2 3°. And “may admit married men” concerns admission to orders only; it says nothing about marriage after ordination, which CCEO canon 804 forbids in every one of the twenty-three.

## 8.4 Where the discipline actually bites: the diaspora

For most Eastern Catholics in Western countries the operative question has never been what their own Church's particular law permits at home. It has been whether a married priest of their own Church may serve them where they live, and for most of a century the answer imposed from Rome was no.

The 2014 note records the history in its own words, citing each act to its *Acta* pages. In 1890 Propaganda Fide forbade married Ruthenian clergy to reside in the United States; in 1913 the Holy See decreed that in Canada only celibates could be ordained. Three decrees of the then Congregation for the Eastern Church followed: *Cum data fuerit* (1929), whose article 12 required that priests of the Greek-Ruthenian rite going to the United States *debent esse caelibes*; *Qua sollerti* (1929), extending the prohibition to all married Eastern clergy emigrating to the Americas, Canada, and Australia; and *Graeci-Rutheni* (1930), admitting to seminary only those who had promised perpetual celibacy before the Ordinary. Then the consequence, in one sentence: *Privato dei ministri del loro proprio rito, un numero stimato a circa 200.000 fedeli ruteni passò all'ortodossia*—deprived of ministers of their own rite, an estimated 200,000 Ruthenian faithful passed to Orthodoxy.<sup>31</sup>

The note continues: because the problem persisted, the Congregation for the Doctrine of the Faith reexamined the whole question in its ordinary session of 20 February 2008 and decided that “the norm in force be maintained—which binds Eastern priests in pastoral service among the faithful in the diaspora to the obligation of celibacy, like Latin priests—while providing, in concrete and exceptional cases, for the possibility of a dispensation from it, reserved to the Holy See.” Benedict XVI approved that decision. And it observes that in the West, with *Anglicanorum coetibus*, “a discipline attentive to the concrete situation of presbyters and their families who have entered Catholic communion” had recently been adopted—an explicit link, in an official act, between the ordinariate provision of section 11 and the Eastern question.

The dispositions Francis approved on 23 December 2013 then reversed the default in two of three situations. In Eastern administrative circumscriptions (metropolias, eparchies, exarchates) erected outside the traditional territories, the faculty to permit the pastoral service of married Eastern clergy is conferred on the Eastern Hierarchs, “who will exercise it according to the traditions of their respective Churches,” together with the faculty to ordain married candidates of their own circumscription, with a duty to inform the Latin bishop of the candidate's residence in writing beforehand and obtain his opinion. In ordinariates for Eastern faithful lacking a Hierarchy of their own, the faculty

goes to the Ordinaries, who inform the episcopal conference and the dicastery in concrete cases. And where Eastern faithful have no specific administrative structure and are entrusted to the local Latin bishops, the faculty “continues to be reserved” to the Congregation, exercised in concrete and exceptional cases after hearing the relevant episcopal conferences.

Three observations. The instrument is the one canon 758 §3 provides for—*normae speciales a Sede Apostolica statutae*—so the century of restriction and its partial lifting are both operations of Eastern law rather than impositions from outside it. What changed in 2014 was the location of a faculty, not the content of any Church’s discipline. And the third situation remains reserved: where an Eastern Church has no structure of its own in a country, a married priest of that Church still ministers there only by a concrete and exceptional grant.

## 9 The Permanent Diaconate, and the Question the Code Left Open

The whole situation is a creation of the Second Vatican Council, and the Council created it in one sentence. *Lumen gentium* 29, having restored the diaconate “as a proper and permanent rank of the hierarchy,” provides: *De consensu Romani Pontificis hic diaconatus viris maturioris aetatis etiam in matrimonio viventibus conferri poterit, necnon iuvenibus idoneis, pro quibus tamen lex coelibatus firma remanere debet*—with the consent of the Roman Pontiff this diaconate may be conferred on men of more mature age, even on those living in marriage, and also on suitable young men, for whom, however, the law of celibacy must remain firm.<sup>32</sup>

Roughly fifty thousand men in the Latin Church are now clerics with wives. They were admitted under canon 1031 §2, with their wives’ documented consent under canon 1050 3°, and they were not impeded, because canon 1042 1° exempts by name the married man legitimately destined to the permanent diaconate. Every one of them is a cleric by canon 266 §1. And canon 277 §1 says that clerics are held by the obligation of observing perfect and perpetual continence.

That is not a rhetorical juxtaposition. It is the actual state of the Latin Code, and it produces the one genuinely unsettled legal question in this article’s subject.

### 9.1 Canon 288 and the argument from the exemption list

The Code does exempt permanent deacons from several clerical obligations, and it does so by an explicit list: *Diaconi permanentes praescriptis cann. 284, 285, §§ 3 et 4, 286, 287, § 2 non tenentur, nisi ius particulare aliud statuatur*—permanent deacons are not bound by the prescripts of canons 284, 285 §§3–4, 286, and 287 §2, unless particular law establishes otherwise. The list covers clerical dress, the assumption of public offices involving civil power, the administration of goods and secular commerce, and active participation in political parties and trade unions: precisely the obligations that would be impossible for a man supporting a family in the world.

Canon 277 is not on the list. From that omission the argument for binding runs directly. A legislator who enumerates the exemptions for a class has said what the exemptions are, and canon 288’s closing clause—*nisi ius particulare aliud statuatur*—shows that he knew how to leave room for more. If canon 277 §1 does not bind permanent deacons, it does so because of something outside the canons, and the strict-construction rule of canon 18, by which laws restricting the free exercise of rights are subject to strict interpretation, tends the other way as well: the obligation is the general norm, and it is exemption that must be shown.

### 9.2 The argument from the structure of the Code

The argument against binding does not rest on sentiment, and it is not the claim that the law would be too hard. It rests on other canons.

Canon 1042 1° admits a married man to the diaconate without dispensation and without any condition beyond legitimate destination to the permanent diaconate. Canon 1031 §2 requires his wife’s consent to his ordination—consent to be ordained, which is what the canon says. Canon 1050 3° requires documentary proof of the marriage and of that consent, and nothing else from her. Canon 1037 pointedly does not require him to assume the obligation of celibacy, and says so by naming only “an unmarried candidate for the permanent diaconate.” On the marriage side, canon 1135 provides that “each spouse has an equal duty and right to those things which belong to the partnership of conjugal life,” *utrique coniugi aequum officium et ius est ad ea quae pertinent ad consortium vitae coniugal*—a right of the wife, existing before the ordination and not among the things her documented consent was asked about.

On this reading, to hold that canon 277 §1 imposes perpetual continence on the married permanent deacon is to hold that the Code silently obliges a man to withhold from his wife what canon 1135 gives her a right to, on the strength of a consent she gave to a different question, and without any canon saying so. And the reading has to explain the *ideoque*: the canon obliges continence *and therefore* celibacy, so that continence and celibacy in canon 277 §1 are presented as one settlement, of which the married deacon manifestly has only half.<sup>33</sup>

### 9.3 What can actually be established about the state of the question

Three things, and no more.

First, the Code contains no canon that resolves it. Neither canon 277 nor canon 288 refers to the other, and nothing in Book IV's ordination canons speaks to the continence of a married cleric after ordination.

Second, no authentic interpretation has settled it. The competence to give an authentic interpretation of the canons of the Code belongs to the Dicastery (formerly Pontifical Council) for Legislative Texts under article 154 of *Pastor bonus*, and its published collection of authentic interpretations was checked for this article: as delivered on 25 July 2026 the collection carries interpretations of canons 87, 119, 127, 230, 299, 455, 502, 509, 684, 700, 767, 830, 910, 917, 951, 964, 1103, 1263, 1367, 1398, 1673, 1686, and 1737, together with the separately posted interpretation of canon 1041 nn. 4–5. Canons 277 and 288 appear nowhere in it.<sup>34</sup>

Third, the competent dicasteries have addressed the neighbouring ground in a way that is highly suggestive and stops short of deciding. In 1998 the Congregation for Catholic Education and the Congregation for the Clergy jointly issued the *Basic Norms for the Formation of Permanent Deacons* and the *Directory for the Ministry and Life of Permanent Deacons*, whose joint declaration states that the Directory has, besides its hortatory character, “juridically binding force” where its norms recall disciplinary norms of the Code or determine the manner of applying universal laws, and that in those cases “it is to be regarded as a formal, general, executory Decree (cf. canon 32).”

Read the two relevant paragraphs of that Directory against each other. On the widowed deacon, n. 62: “the widowed deacon should be supported in living perfect and perpetual continence,” and the footnote to that sentence cites canon 277 §1. On the married deacon, n. 61: married deacons are to witness to the sanctity of marriage, and “this love grows thanks to chastity which flourishes, even in the exercise of paternal responsibilities, by respect for spouses and the practice of a certain continence”—with no canon cited, and with *a certain* continence in place of the perfect and perpetual continence the previous paragraph names.<sup>35</sup>

That asymmetry is evidence, not a decision. Two dicasteries applying canon 277 §1 by name to a widowed deacon and conspicuously not applying it to a married one, in a text they describe as executory where it recalls the Code, tells a reader something about how the competent offices read the canon. It is not an authentic interpretation and does not bind as one. Canon 33 §1 is explicit, and its wording anticipates precisely this document: general executory decrees, *etiamsi edantur in directoriis aliisque nominis documentis*—even if issued in directories or documents of another name—do not derogate from laws, and their prescripts contrary to laws lack all force. The dispute is real, it is held by serious canonists on both sides, and this article reports it without adjudicating it: a general study cannot resolve a disputed question of universal law, and a married deacon's actual obligations are a matter for his own bishop and, where he has a live question, for a canonist with the complete facts and the applicable particular law.

### 9.4 Widowhood, and the impediment that then applies

When a permanent deacon's wife dies, his position changes by operation of law and without any act of his own. He is no longer married; canon 1042 1° no longer has any application to him; and canon 1087 does apply to him, because it attaches to sacred orders and he is in sacred orders. He therefore cannot validly marry again.

The relaxation of that impediment is a dispensation reserved to the Apostolic See by canon 1078 §2 1°. Two features of the Latin law deserve exact statement here, because they are frequently reported inaccurately.

The reservation admits one narrow exception that applies to deacons and not to priests. Canon 1079 §1 permits the local ordinary, in urgent danger of death, to dispense from every impediment of ecclesiastical law “except the impediment arising from the sacred order of presbyterate.” A widowed deacon in danger of death may therefore be dispensed by his own local ordinary—and, where the ordinary cannot be reached, by those named in §2. The Eastern Code draws its danger-of-death line in the same place (CCEO c. 796 §1).

Outside that case the criteria are administrative rather than legislative, and they are stated in an official document—twice, in fact, and in both cases in a footnote. Note 44 of the 1998 *Basic Norms* records that a circular letter of the

Congregation for Divine Worship and the Discipline of the Sacraments, Prot. n. 26397 of 6 June 1997, “envisages that one only of the following conditions be sufficient for obtaining dispensation from the impediment found in can. 1087: the great and proven usefulness of the ministry of the deacon to the diocese to which he belongs; that he has children of such a tender age as to be in need of motherly care; that he has parents or parents in law who are elderly and in need of care.” Note 226 of the companion *Directory* cites the same circular letter, at its n. 8, as making “provision... for possible exceptions to this discipline.”<sup>36</sup> What is universal law, and unaffected by any of this, is only that the impediment exists, that its dispensation is reserved, and that there is no right to it.

The same two documents state the rest of the widowed deacon’s position without ambiguity. *Basic Norms* n. 38 quotes Paul VI: “Those who have received the order of deacon, even those who are older, may not, in accordance with traditional Church discipline, enter into marriage”—and adds, “The same principle applies to deacons who have been widowed.” *Directory* n. 62 asks that he be helped to understand “the profound ecclesial reasons which preclude his remarriage... in accordance with the constant discipline of the Church in the East and West.” The appeal to the East is exact: CCEO canon 804 is the same rule.

## 9.5 What the wife’s consent is, and is not

Because canon 1031 §2 and canon 1050 3° are the only two places where the universal law addresses her at all, the boundaries are worth stating. Her consent is a condition of her husband’s licit admission to orders. It is not an ordination, a canonical office, a mandate, or a commitment to any ministry. It does not incardinate her, does not subject her to the obligations of clerics, and does not appear anywhere in canon 292’s list of what he loses if he later loses the clerical state. Whatever a diocese asks of deacons’ wives—formation, presence, participation—is particular practice, and this article has surveyed no particular law.

Nor does her consent make her a party to the disputed question above. If canon 277 §1 binds her husband, it binds him by law and not by her consent; if it does not, her consent did not make it so. That is worth saying because the contrary assumption—that she consented to continence when she consented to his ordination—is common, and neither canon says it.

## 10 How the Western Discipline Was Built

*Presbyterorum ordinis* 16 makes a historical claim in a doctrinal document: celibacy “first was recommended to priests, later in the Latin Church was imposed upon all who were to be promoted to sacred orders.” This section tests that claim against the acts, at identified witnesses, and marks what each act does and does not establish. Two things are worth saying before the texts. The acts are legislative, so they tell us what was enacted and not what was practised. And every one of them reaches us through collections whose readings differ, so the honest form of a historical claim here includes its witness.

### 10.1 Elvira (c. 305): the earliest Western canon, and its three readings

The Council of Elvira in Baetica, an assembly of Spanish bishops usually dated to the first decade of the fourth century, has a canon in point. In Mansi’s edition it reads:

XXXIII. *Placuit in totum prohiberi episcopis, presbyteris, & diaconibus, vel omnibus clericis positis in ministerio, abstinere se a conjugibus suis, & non generare filios: quicumque vero fecerit, ab honore clericatus exterminetur.*

The canon is famous for two reasons. It is the earliest surviving conciliar text imposing continence—not celibacy—on clerics who have wives: its object is abstinence within an existing marriage, and its sanction is removal from the clerical honour. And its grammar is broken. *Prohiberi... abstinere* says, literally, that the clerics are forbidden to abstain, which is the opposite of what the canon plainly intends and of how the whole tradition has read it.<sup>37</sup>

Mansi himself prints the canon a second time, at coll. 245–246, in parallel columns headed *Canon XXXIII Vulgatus* and *Canon XXXIII Emendatus*—and there the addressees are bishops, presbyters, deacons, and subdeacons placed in ministry, with *quod quicumque fecerit* in one column against *quicumque vero fecerit* in the other. Three printed readings of one canon in one edition, differing in who is bound.<sup>38</sup> That is not a reason to discount the canon; it is a reason to state what it can bear. Elvira is a local Spanish council, its acts reach us through later collections, and its canon establishes that continence was legislated somewhere in the West at the beginning of the fourth century—not that it was universal, and not that it was apostolic.

## 10.2 Nicaea (325): the canon that is not about celibacy

Canon 3 of the first ecumenical council is the text most often produced as evidence here, in both directions, and it is about something else. In Percival's English:

Canon III. The great Synod has stringently forbidden any bishop, presbyter, deacon, or any one of the clergy whatever, to have a *subintroducta* dwelling with him, except only a mother, or sister, or aunt, or such persons only as are beyond all suspicion.

The Latin of Mansi's Dionysian version is to the same effect—*introductam habere mulierem, praeterquam utique matrem vel sororem, vel amitam*. The canon regulates cohabitation with women who are not close kin. It says nothing whatever about wives, and Hefele's statement of the point, printed in Percival's own volume, is the citable form of it: "when mentioning the women who might live in the clergyman's house—his mother, sister, etc.—the canon does not say a word about the wife. It had no occasion to mention her, it was referring to the *synesaktoi*, whilst these *synesaktoi* and married women have nothing in common."<sup>39</sup>

Attached to the same council is the story that the assembly considered imposing continence and was dissuaded by the Egyptian confessor Paphnutius. Socrates records it: the bishops proposed "a new law into the Church, that those who were in holy orders. . . should have no conjugal intercourse with the wives whom they had married while still laymen"; Paphnutius rose and "earnestly entreated them not to impose so heavy a yoke on the ministers of religion," urging that "all men cannot bear the practice of rigid continence" and calling intercourse with a lawful wife chastity; and the synod left the matter to individual discretion. Sozomen tells it in the same shape and adds subdeacons.<sup>40</sup>

Whether the story is historical has been disputed since the seventeenth century, and Percival prints Hefele's survey of the dispute: Baronius rejected it because Nicaea's third canon had, on his reading, already legislated celibacy—which Hefele answers by denying that reading; Valesius argued from Rufinus's silence and from the absence of Paphnutius's name in the subscription lists, arguments Hefele calls weak since Rufinus elsewhere says Paphnutius was present and the lists are imperfect; Bellarmine thought the story an invention of Socrates to please the Novatians; and Lupus and Phillips read Paphnutius as speaking only about subdeacons.<sup>41</sup> The dispute is unresolved and this article does not resolve it. What can be said is narrower and more useful: the story, if true, presupposes that no such general law existed in 325, and the objections to it, if sound, do not by themselves supply one.

## 10.3 Siricius (385): the first papal legislation

The decretal *Directa* of Pope Siricius to Himerius of Tarragona is the earliest papal act on the question, and it is a law rather than an exhortation. Its seventh chapter reports that very many priests of Christ and levites, "after long times of their consecration," have begotten offspring "both from their own wives and from shameful intercourse," and that they defend themselves by appeal to the Old Testament; it refutes the appeal by arguing that even the Levitical priests were required to live apart from their houses during their term of service; and it concludes:

*Quarum sanctionum omnes sacerdotes atque levitae insolubili lege constringimur, ut a die ordinationis nostrae, sobrietati ac pudicitiae et corda nostra mancipemus et corpora, dummodo per omnia Deo nostro in his, quae quotidie offerimus, sacrificiis placeamus.*

*Working gloss:* By these sanctions all of us priests and levites are bound by an indissoluble law, that from the day of our ordination we give over both our hearts and our bodies to sobriety and modesty, so that in all things we may please our God in the sacrifices which we daily offer.

Two features are decisive for the historiographic argument. The obligation runs *a die ordinationis*, from the day of ordination, and it is addressed to men who have wives—the abuse complained of is procreation "from their own wives." So this is a law of continence for married clergy, not a rule of celibacy. And Siricius presents it as already binding, *insolubili lege*, rather than as newly made. Whether that presentation is a description or a construction is exactly what is in dispute, and the edition used here prints Coustant's own long note on the question, recording the debate over whether Western continence law begins with this decretal or restates an older custom.<sup>42</sup>

## 10.4 Trullo (692): the East legislates against the Roman rule

Three centuries later the Council in Trullo settled the Eastern discipline in a canon that names the Roman practice and declines it:

Canon XIII. Since we know it to be handed down as a rule of the Roman Church that those who are deemed worthy to be advanced to the diaconate or presbyterate should promise no longer to cohabit with their wives, we, preserving the ancient rule and apostolic perfection and order, will that the lawful marriages of men who are in holy orders be from this time forward firm, by no means dissolving their union with their wives nor depriving them of their mutual intercourse at a convenient time. . . Nor shall it be demanded of him at the time of his ordination that he promise to abstain from lawful intercourse with his wife.

The canon goes on to require periodic continence—“they who assist at the divine altar should be absolutely continent when they are handling holy things”—and to depose anyone who deprives a cleric of cohabitation with his lawful wife. Three neighbouring canons complete the settlement: canon 6 forbids marriage after ordination to subdeacons, deacons, and presbyters on pain of deposition; canon 12 requires bishops to cease living with their wives and canon 48 provides that a bishop’s wife shall separate by mutual consent and enter a distant monastery; and canon 30 makes a grudging concession to “priests who are in barbarian churches” who wish, by agreement with their wives, to abstain—conceded “on no other ground than their narrowness, and foreign and unsettled manners.”<sup>43</sup>

Trullo’s Western reception is the other half of the story, and Percival states it flatly in the introductory note to his own translation of the canons: they have no ecumenical authority; the West “was not really represented at it at all”; when the emperor sent the canons to the Pope for signature “he absolutely refused to have anything to do with them”; and “they were never practically observed by the West at all.”<sup>44</sup> From 692 the two disciplines are formally divergent, and each of them is legislated.

## 10.5 Lateran I (1123) and Lateran II (1139): from dissolution to nullity

Western legislation hardens in the twelfth century, and the exact step it takes is the one most often misdescribed.

The First Lateran Council has two canons in point. Canon 3 forbids presbyters, deacons, and subdeacons the company of concubines and wives, and the cohabitation of women other than those Nicaea allowed. Canon 21 is the marriage canon:

XXI. *Presbyteris, diaconibus, subdiaconibus, & monachis, concubinas habere, seu matrimonia contrahere, penitus interdicimus; contracta quoque matrimonia ab hujusmodi personis disjungi, & personas ad pœnitentiam debere redigi, juxta sacrorum canonum diffinitionem, judicamus.*

Read the verbs. Such marriages are forbidden; those contracted are to be *dissolved*, *disjungi*, and the persons brought to penance. The council treats the marriage as a marriage that must be undone.<sup>45</sup>

Sixteen years later the Second Lateran Council changes one clause, and with it the institute. Canon 6 deprives of office and benefice those in the subdiaconate and above who have taken wives or kept concubines. Canon 7 forbids hearing the Masses of clerics known to have wives or concubines, and then:

... *statuimus quatenus episcopi, presbyteri, diaconi, subdiaconi, regulares canonici, & monachi atque conversi professi, qui sanctum transgredientes propositum, uxores sibi copulare praesumpserint, separentur. Hujusmodi namque copulationem, quam contra ecclesiasticam regulam constat esse contractam, matrimonium non esse censemus.*

*Working gloss:* ...we decree that bishops, presbyters, deacons, subdeacons, regular canons, and monks and professed lay brothers who, transgressing their holy purpose, have presumed to join wives to themselves are to be separated. For we judge such a union, since it is established to have been contracted against the ecclesiastical rule, not to be a marriage.

*Matrimonium non esse censemus:* not a marriage to be dissolved, but no marriage. That clause is the ancestor of canon 1087.

Two things complicate the standard account that 1139 created the diriment impediment, and both are visible in the same edition. Mansi’s margins refer canons 6 and 7 to the Council of Reims of 1131, canons 4 and 5. And the identical operative clause, with two small variants, had already been enacted by Innocent II at the Council of Pisa in 1135: *Hujusmodi namque copulationem, quoniam contra ecclesiasticam regulam constat esse contractam, matrimonium non esse sancimus.*<sup>46</sup> A rule that appears at Reims in 1131, at Pisa in 1135, and at the Lateran in 1139 is a rule being consolidated, not invented at a stroke.

The canonical dispute about what 1139 accomplished is genuine, and Percival prints a nineteenth-century Roman Catholic statement of it: “There is no question of the nullity of the marriages contracted by clerics before 1139. . . His successors do not seem to have insisted much upon this new diriment impediment. . . but the School of Bologna, the authority of which was then undisputed, openly declared for the nullity. . . Thus it is that this point of law has been settled rather by teaching, than by any precise text, or by any law of a known date.” Percival’s own rejoinder is that Justinian had declared such marriages null in 530.<sup>47</sup>

## 10.6 Trent (1563) and the codes

At session 24, on 11 November 1563, the Council of Trent set the impediment against the Reformers’ denial of it:

*Can. IX. Si quis dixerit, clericos in sacris ordinibus constitutos, vel regulares castitatem solenniter professos, posse matrimonium contrahere, contractumque validum esse non obstante lege ecclesiastica vel voto. . . anathema sit. . .*  
*Can. X. Si quis dixerit, statum coniugalem anteponendum esse statui virginitatis vel caelibatus, et non esse melius ac beatius manere in virginitate aut caelibatu, quam iungi matrimonio: anathema sit.*

Waterworth’s English of canon 9 gives the operative clause: if anyone says that clerics constituted in sacred orders, or regulars who have solemnly professed chastity, “are able to contract marriage, and that being contracted it is valid, notwithstanding the ecclesiastical law or vow. . . let him be anathema.” The canon defends the invalidity while naming its source in the same breath—*non obstante lege ecclesiastica vel voto*. What is anathematized is the denial that the Church’s law can have that effect, not the proposition that the law is the Church’s.<sup>48</sup>

Canon 10 is the other half, and it is about states of life rather than about clerics: it anathematizes the denial that virginity or celibacy is better and more blessed than marriage. It is a claim about the counsels, and by itself it says nothing about who may be ordained.

The 1917 Code then codified the Western rule in a single canon whose vocabulary repays comparison with the present one:

*Can. 132 §1. Clerici in maioribus ordinibus constituti a nuptiis arcentur et servandae castitatis obligatione ita tenentur, ut contra eandem peccantes sacrilegii quoque rei sint, salvo praescripto can. 214, § 1.*

Set that beside canon 277 §1 of 1983. The 1917 canon bars clerics in major orders *from marriage* and binds them to the obligation of observing *chastity*, adding that offences against it are also sacrilege. The 1983 canon reverses the order and sharpens the vocabulary: the obligation is *perfect and perpetual continence*, and celibacy follows from it. On the analysis of section 2 the later canon is the more precise of the two, because chastity is the term that binds everyone and continence is the term that names what is actually required.<sup>49</sup>

## 10.7 The acts in order

| Date   | Act                               | What it enacted                                                                                          | Witness used, and its limit                                                                                 |
|--------|-----------------------------------|----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| c. 305 | Elvira, c. 33                     | Continence of clerics who have wives; removal from the clerical honour for breach.                       | Mansi II, coll. 11–12 and 245–246. Local Spanish council; three printed readings; broken syntax.            |
| 325    | Nicaea, c. 3                      | No <i>subintroducta</i> in a cleric’s house except close kin.                                            | Percival p. 11; Mansi II col. 670. Says nothing about wives or celibacy.                                    |
| 325    | The Paphnutius account            | Nothing: a proposed law reported as not made.                                                            | Socrates I.11 and Sozomen I.23 (NPNF2-2). Authenticity contested since the seventeenth century; unresolved. |
| 385    | Siricius, <i>Directa</i> , c. VII | Continence <i>a die ordinationis</i> for priests and levites, presented as an existing indissoluble law. | PL 13, coll. 1137–1139 (Coustant). Date not verified; “existing or new” is the dispute itself.              |

| Date      | Act                           | What it enacted                                                                                                           | Witness used, and its limit                                                                                    |
|-----------|-------------------------------|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| 692       | Trullo, cc. 6, 12, 13, 30, 48 | Married presbyters and deacons keep their wives; no marriage after ordination; bishops separate; continence at the altar. | Percival pp. 364–388, English only. Never received in the West; Percival says so in the same volume.           |
| 1123      | Lateran I, cc. 3, 21          | Marriages of clerics in major orders and monks forbidden; those contracted to be <i>dissolved</i> .                       | Mansi XXI, coll. 282, 286. Dissolution, not nullity.                                                           |
| 1131–1139 | Reims, Pisa, Lateran II c. 7  | Such a union <i>matrimonium non esse</i> : no marriage at all.                                                            | Mansi XXI, coll. 489–490 and 527–528. The clause stands at Pisa in 1135 and is referred to Reims 1131.         |
| 1563      | Trent, sess. XXIV, cann. 9–10 | Anathema on denying that the impediment invalidates, and on preferring marriage to virginity or celibacy.                 | Tauchnitz 1887 (Latin); Waterworth (English). Canon 9 names the source as <i>lex ecclesiastica vel votum</i> . |
| 1917      | CIC (1917) c. 132 §1          | Clerics in major orders barred from marriage and bound to observe <i>chastity</i> .                                       | Vatican Polyglot 1918, printed p. 31. Superseded in 1983.                                                      |
| 1983      | CIC c. 277 §1                 | <i>Perfect and perpetual continence</i> , and therefore celibacy.                                                         | Holy See Latin delivery. Current law; see the Legal Scope statement.                                           |

## 10.8 What the sequence establishes

Three things, and not more.

Western legislation of clerical continence is early, local before it is general, and directed at married clergy rather than at bachelors. Nothing in the fourth-century material imposes celibacy in the sense of section 2; it imposes continence on men who have wives, which is why Siricius’s complaint is about clerics begetting children “from their own wives.”

The invalidity of a cleric’s marriage is a Western twelfth-century development, consolidated across Reims, Pisa, and the Lateran, defended at Trent, codified in 1917 and again in 1983—and stated by the Church herself, in Percival’s Roman Catholic source and in canon 1078 §2 1° alike, as an impediment of ecclesiastical and not divine law.

And the historiographic question that divides the modern literature is not answered by any of these acts, because each is compatible with both readings. Siricius says the law is indissoluble and ancient; a critic reads that as a legislator’s rhetoric, a defender as testimony. Paphnutius, if historical, shows the East resisting a proposed general law; if not, shows nothing. Trullo preserves what it calls “the ancient rule and apostolic perfection and order” while explicitly declining what it calls the rule of the Roman Church, so that each side can quote it. *Presbyterorum ordinis* 16’s own summary—first recommended, later imposed by law—fits the documents better than either extreme, which is presumably why the Council chose it.

## 11 Married Priests in the Latin Church

The Latin Church ordains married men to the presbyterate. She does it rarely, by a reserved act, and under a rule that names itself as a departure from the general norm—but she does it, and the legal instruments are public. Anyone who describes the Latin discipline as an absolute rule has described something the Church herself does not claim.

### 11.1 The 1967 opening

The provision was made in the same encyclical that reaffirmed the law. *Sacerdotalis caelibatus* n. 42 states two things at once, and its Latin marks the pairing with *hinc...illinc*, on the one hand and on the other:

*Quapropter ex primaria illa norma, quam ad regimen catholicae Ecclesiae spectantem supra commemoravimus, duo hoc loco esse statuenda censemus: hinc legem, quae eos, qui in sacros ordines ascribantur, caelibatum libere*

*ac perpetuo eligere iubet, firmam in suo iure manere; illinc licere peculiare perspicere condiciones sacrorum ministrorum, qui iam matrimonio coniuncti sive in ecclesiis sive in christianis communitatibus a catholica communione adhuc distinctis vivunt, si, plena huiusmodi communione frui sacroque postea ministerio fungi exoptantes, ad sacerdotalia officia vocentur; ea tamen ratione quae statutae iam disciplinae sacri caelibatus, a clero servandi, non obsit.*

*Official English:* "...while on the one hand, the law requiring a freely chosen and perpetual celibacy of those who are admitted to Holy Orders remains unchanged, on the other hand, a study may be allowed of the particular circumstances of married sacred ministers of Churches or other Christian communities separated from the Catholic communion, and of the possibility of admitting to priestly functions those who desire to adhere to the fullness of this communion and to continue to exercise the sacred ministry. The circumstances must be such, however, as not to prejudice the existing discipline regarding celibacy."

Two witnesses were used for that Latin and they agree word for word: the encyclical as printed in *Acta Apostolicae Sedis* 59 (1967) 674, and the Holy See's Latin web delivery. The English is the Holy See's own English delivery.<sup>50</sup> The paragraph continues by noting that the Church's authority does not hesitate to act in this matter, "as can be seen from the recent Ecumenical Council, which foresaw the possibility of conferring the sacred order of the diaconate on men of mature age who are married."

That last clause matters for this article's spine. The Council's restoration of a married diaconate and the encyclical's opening for married convert ministers are presented by Paul VI as instances of a single power: the Church's power over her own determination about who receives orders. Not a power over continence, and not a power over the impediment of canon 1087, neither of which n. 42 touches.

## 11.2 *Anglicanorum coetibus* and its complementary norms

Forty-two years later the provision became structural. Benedict XVI's apostolic constitution *Anglicanorum coetibus* of 4 November 2009 erected personal ordinariates for groups of Anglicans entering full communion, and its article VI governs their clergy.

Article VI §1 provides that those who ministered as Anglican deacons, priests, or bishops, and who fulfil the requisites of 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"; and unmarried ministers "must submit to the norm of clerical celibacy of CIC can. 277, §1."

Article VI §2 states the rule and the exception in one sentence, and the Latin is precise where the English is merely clear: *Ordinarius, omnino disciplinae in Ecclesia Latina circa caelibatum clericalem satisfaciens, pro regula ad presbyteralem ordinem dumtaxat viros admittet caelibes. A Romano Pontifice expetere poterit, can. 277, § 1 derogando, ut singulis in casibus, ad Ordinem Sacrum presbyteratus admittantur etiam coniugati viri, persedulo cautis tamen obiectivis criteriis ab Apostolica Sede comprobandis*—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," and may petition the Roman Pontiff, "as a derogation from can. 277, §1," for the admission of married men case by case, according to objective criteria approved by the Holy See.<sup>51</sup>

The word *derogando* is the technical point of the whole provision. A derogation is the partial removal of a law for a case; it is not a dispensation from an obligation already incurred, and it is not an amendment of the canon. Canon 277 §1 remains the law; the Roman Pontiff removes its application to a named man before he becomes a cleric. And what is derogated from is canon 277 §1 *entire*—continence and celibacy together—which is the only coherent reading, since a married ordinand plainly is not bound to either half.

The Complementary Norms issued by the Congregation for the Doctrine of the Faith on the same day add three operative limits at their own article 6. The Ordinary needs the consent of his Governing Council to admit candidates to orders. The objective criteria for a married-clergy petition are "determined by the Ordinary in consultation with the local Episcopal Conference and must be approved by the Holy See." And two categories are excluded outright: those previously ordained in the Catholic Church who subsequently became Anglicans may not exercise sacred ministry in an ordinariate, and "Anglican clergy who are in irregular marriage situations may not be accepted for Holy Orders in the Ordinariate."<sup>52</sup>

### 11.3 What this does and does not establish

It establishes that a married Latin presbyterate exists as a lawful, published, ordinary-course provision with named criteria and a named authority. Anyone arguing about the Latin discipline has to argue about the discipline that actually exists, which already contains this.

It does not establish that the Latin Church has changed her general norm, and the texts are careful to say so twice: *Sacerdotalis caelibatus* 42's *firmam in suo iure manere* and *Anglicanorum coetibus* VI §2's *pro regula*. Nor does it establish anything at all about ordaining married men who are not former ministers of another ecclesial communion; every instrument here is addressed to that specific ecumenical situation, and a norm addressed to a situation reaches that situation. Nor, finally, does it touch the impediment of canon 1087: an ordinariate presbyter widowed after ordination stands exactly where any other Latin cleric stands.

There is one further category the universal law recognizes but this article has not examined: the earlier “Pastoral Provision” arrangements for former Anglican clergy in the United States from 1980, and comparable case-by-case admissions of married former Lutheran and other ministers. They are named in *Anglicanorum coetibus*'s own footnote and are real, and no claim is made here about their terms.

## 12 The Modern Magisterial File

Four documents and one synod stand between the Second Vatican Council and the present law. Each belongs to a different genre and carries a different weight, and the fastest way to misuse the file is to quote them all as though they were the same kind of act.

### 12.1 The Council: what it said and what it left

*Presbyterorum ordinis* 16 has already supplied this article's controlling conciliar clause—celibacy *non exigitur quidem a sacerdotio suapte natura*—and the sentence in which the Council both refused to change the Eastern discipline and confirmed the Latin one. Two further features of that article are worth marking now that the codes have been read.

The Council states the Eastern position with unusual precision: in the Eastern traditions, “besides those who with all the bishops, by a gift of grace, choose to observe celibacy, there are also married priests of highest merit,” *sunt etiam optime meriti Presbyteri coniugati*. The phrase *cum omnibus Episcopis* concedes the unmarried episcopate as a fact of Eastern practice, which is what CCEO canon 180 3° would later state as a requirement of the bond. And the Council's account of how the Latin rule arose is a historical claim in a doctrinal document: celibacy “first was recommended to priests, later in the Latin Church was imposed upon all who were to be promoted to sacred orders”—*postea in Ecclesia Latina omnibus ad Ordinem sacrum promovendis lege impositus est*. Section 10 tests that claim against the acts.

*Optatam totius* 10, on priestly formation, contains a phrase easy to read past: it addresses students “who follow the venerable tradition of celibacy according to the holy and firm laws of their own rite.” And its central sentence about how the state is to be received turns on a distinction this article has kept throughout: the students are to feel how gratefully the state is to be undertaken *non quidem solum ut lege ecclesiastica praeceptus, sed ut pretiosum donum Dei humiliter impetrandum*—not only as commanded by ecclesiastical law, but as a precious gift of God to be humbly begged for.<sup>53</sup> That the same sentence calls it both a command of ecclesiastical law and a gift to be prayed for is not a rhetorical hedge; it is the Council's whole position on the matter in eleven words.

What the Council did not do was debate the discipline on the floor. Paul VI reserved the question to himself by a letter to Cardinal Tisserant, Dean of the College of Cardinals, dated 10 October 1965 and read in the general congregation the following day. That letter is officially attested—the encyclical of 1967 cites it in its own first footnote—but its text is not published in the *Acta Apostolicae Sedis* and could not be obtained at any Holy See delivery for this article, so nothing is quoted from it here and no characterization of its terms is offered.<sup>54</sup>

### 12.2 *Sacerdotalis caelibatus* (1967)

Paul VI's encyclical of 24 June 1967 is the longest single magisterial treatment of the subject and the one most often quoted in fragments. Its structure is worth having whole, because the parts are load-bearing on each other.

It opens by naming the objections, which is unusual for the genre, and then declines to rest the law on necessity: n. 17 quotes the Council's *non exigitur* against itself and says that the Council nonetheless “did not hesitate to confirm solemnly the ancient, sacred and providential present law of priestly celibacy.” The three sections that follow set out the reasons of fittingness as christological (nn. 19–25), ecclesiological (nn. 26–32), and eschatological (nn. 33–34): configuration to Christ, who “remained throughout His whole life in the state of celibacy” (n. 21); an undivided pastoral charity, celibacy being held “as a symbol of, and stimulus to, charity” (n. 24); and the sign of the world to come, in which “they neither marry nor are given in marriage” (n. 34). None is offered as a demonstration that a married priesthood is impossible; they are *rationes convenientiae*, which is what *non exigitur* leaves room for.

Two of its passages on the East deserve exact reading, because they are quoted in both directions. Number 38 attributes the Eastern discipline to a different historical background “which the Holy Spirit has providentially and supernaturally influenced,” and expresses esteem for the Eastern clergy. Number 40 observes that “in the East only celibate priests are ordained bishops, and priests themselves cannot contract marriage after their ordination,” concluding that those Churches “also possess to a certain extent the principle of a celibate priesthood.” The observation is accurate as to the two facts, and the inference is the encyclical's own; a reader may weigh it against CCEO canon 373's parallel honouring of both states.

And n. 42, treated in section 11, is the provision that made every subsequent married-convert-priest arrangement possible. It is worth noticing where it stands: in an encyclical whose purpose was to reaffirm the law, immediately after the section defending the Western tradition. The same document that says the law “remains firm in its own right” provides the instrument for excepting from it.

### 12.3 *Pastores dabō vobis* (1992)

John Paul II's post-synodal exhortation on priestly formation returns to the terms this article began with, and states their relation directly: “In virginity and celibacy, chastity retains its original meaning, that is, of human sexuality lived as a genuine sign of and precious service to the love of communion and gift of self to others.” Celibacy is presented there as a mode of chastity, not as a substitute for it or an intensification of a different virtue.

Number 29 also records the synod fathers' own proposal in full, and the proposal is careful in a way worth noting: “While in no way interfering with the discipline of the Oriental churches, the synod, in the conviction that perfect chastity in priestly celibacy is a charism, reminds priests that celibacy is a priceless gift of God for the Church. . . This synod strongly reaffirms what the Latin Church and some Oriental rites require, that is, that the priesthood be conferred only on those men who have received from God the gift of the vocation to celibate chastity (without prejudice to the tradition of some Oriental churches and particular cases of married clergy who convert to Catholicism, which are admitted as exceptions in Pope Paul VI's encyclical on priestly celibacy, no. 42).”<sup>55</sup> Both the “some Oriental rites” and the citation of *Sacerdotalis caelibatus* 42 show a synod that knew exactly which distinctions it was making.

### 12.4 The Amazon synod (2019) and *Querida Amazonia* (2020)

The Special Assembly of the Synod of Bishops for the Pan-Amazon Region, meeting 6–27 October 2019, addressed a shortage so severe that communities went months or years without the Eucharist. Its *Final Document* n. 111 begins by affirming celibacy—“we value celibacy as a gift of God. . . and we pray that there may be many vocations living the celibate priesthood”—and quotes *Presbyterorum ordinis* 16's *non exigitur* in Spanish translation before making its proposal:

*proponemos establecer criterios y disposiciones de parte de la autoridad competente, en el marco de la Lumen Gentium 26, de ordenar sacerdotes a hombres idóneos y reconocidos de la comunidad, que tengan un diaconado permanente fecundo y reciban una formación adecuada para el presbiterado, pudiendo tener familia legítimamente constituida y estable, para sostener la vida de la comunidad cristiana mediante la predicación de la Palabra y la celebración de los Sacramentos en las zonas más remotas de la región amazónica.*

*Working gloss:* we propose that the competent authority establish criteria and dispositions, within the framework of *Lumen gentium* 26, for ordaining as priests suitable and recognized men of the community who have a fruitful permanent diaconate and receive an adequate formation for the presbyterate, who may have a legitimately constituted and stable family, in order to sustain the life of the Christian community through the preaching of the Word and the celebration of the Sacraments in the most remote areas of the Amazon region.

The document adds, in one sentence, that “in this regard, some declared themselves for a universal approach to the subject.”<sup>56</sup> Two things about the proposal are frequently misreported. It asks for ordination of men who already have a fruitful permanent diaconate, not for the ordination of married men in general; and it asks the “competent authority” to establish criteria, which is a request for an act of governance, not a claim to perform one.

Pope Francis’s post-synodal apostolic exhortation *Querida Amazonia* of 2 February 2020 does not adopt the proposal, does not reject it, and does not mention it. This is a verifiable fact about the text rather than an impression: the official English text contains no occurrence of “celibacy,” “celibate,” “viri probati,” “married men,” “ordain,” or “ordination”; the only cognate anywhere in it is the phrase “ordained ministers,” once, at n. 93.<sup>57</sup>

What the exhortation does instead is answer the underlying problem by other routes: it insists that “the exclusive character received in Holy Orders qualifies the priest alone to preside at the Eucharist,” “his particular, principal and non-delegable function” (n. 87); it says that “in the specific circumstances of the Amazon region . . . a way must be found to ensure this priestly ministry” (n. 89); it urges bishops “especially those in Latin America” to be “more generous in encouraging those who display a missionary vocation to opt for the Amazon region” (n. 90); it calls for many more permanent deacons and expanded lay responsibility (n. 92); and it warns that “it is not simply a question of facilitating a greater presence of ordained ministers who can celebrate the Eucharist. That would be a very narrow aim” (n. 93).

A reader may draw prudential conclusions from that silence, and many have drawn opposite ones. What cannot be drawn from it is a magisterial act: the exhortation neither changed the law nor pronounced on the proposal, and the law of section 3 through section 6 stands exactly as it stood in 2019.

## 13 The Arguments, Each at Its Strongest

An argument about discipline is worth having only if both sides are stated in the form their best advocates would recognize. What follows states them that way and adjudicates neither, because the Church has not, and because this article’s competence is the law rather than the prudence of the law.

### 13.1 What is not in dispute

Four things are settled by the texts already read, and no serious position on either side denies them.

Chastity binds everyone, in the form proper to each state of life, and is not what any of this is about. Marriage after ordination is excluded in both codes—CIC canon 1087, CCEO canon 804—and no party to the modern argument proposes changing that. The Eastern tradition of a married presbyterate is legitimate, ancient, and honoured by name in the Latin Church’s own conciliar teaching (*Presbyterorum ordinis* 16) and in the Eastern Code (CCEO c. 373). And the Latin obligation is ecclesiastical law: not divine law, not an entailment of the sacrament, and therefore—as a matter of possibility, whatever one thinks of the prudence—changeable by the legislator who made it.

A position that has to deny any of those four is arguing against the record.

### 13.2 The case for the Latin discipline

**Configuration to Christ.** The strongest form of this argument is not that a celibate priest is holier but that the priesthood is a sacramental representation, and that Christ’s own state was celibate. *Sacerdotalis caelibatus* 21: “Christ remained throughout His whole life in the state of celibacy, which signified His total dedication to the service of God and men.” The claim is about signification, not about merit, and it is why the argument is not answered by pointing out that married men can be holy—which no one disputes.

**The spousal sign.** *Presbyterorum ordinis* 16 draws the image out: priests “profess themselves before men as willing to be dedicated to the office committed to them—namely, to commit themselves faithfully to one man and to show themselves as a chaste virgin for Christ.” *Pastores dabo vobis* 29 makes it explicit that virginity “makes evident, even in the renunciation of marriage, the ‘nuptial meaning’ of the body.” On this reading celibacy is not the absence of a relation but the visibility of one.

**The eschatological sign.** *Presbyterorum ordinis* 16 again: priests “give a living sign of the world to come, by a faith and charity already made present, in which the children of the resurrection neither marry nor take wives.” The force of this argument is that a sign of the age to come has to be legible now, and that a discipline making celibacy optional would leave it invisible as a public sign of the priesthood, whatever it remained for individuals.

**Pastoral availability, in the canon's own words.** Canon 277 §1 gives its own reason—*indiviso corde*, an undivided heart, and *liberius*, more freely—and the reason is practical as well as theological: a man without a family has obligations that a man with one does not. *Presbyterorum ordinis* 16's fuller version is that celibacy makes priests apt "to accept, in a broad sense, paternity in Christ."

**The antiquity argument.** A body of twentieth-century scholarship argues that the Western legislation of the fourth century did not invent an obligation but codified an apostolic-age discipline of perfect continence binding married clergy, so that the Latin discipline is continuous with the earliest Church and the divergence is Eastern rather than Western. This is the strongest historical form of the case, because it shifts the burden: if it is right, the Latin rule is a preservation rather than a medieval imposition. It is a live and contested thesis, and section 10 sets out both the evidence it rests on and the reasons its opponents give.<sup>58</sup>

**The Church's freedom.** Finally, and often left unsaid: the Church has the right to determine the conditions under which she confers orders, and the fact that a norm is not required by the nature of the sacrament is not an argument that it may not be imposed. *Sacerdotalis caelibatus* 14 puts it as a positive judgment—"the present law of celibacy should today continue to be linked to the ecclesiastical ministry"—and a legislator's prudential judgment is not answered by showing that he was not compelled to make it.

### 13.3 The case for change

**It is law, and law serves.** The strongest form of this argument concedes everything in the previous subsection and observes that a law of fittingness is a means. If a means at some time and place obstructs the end—in the Amazon synod's formulation at n. 110, "a right of the community to the celebration" that "derives from the essence of the Eucharist"—then the means is reconsidered. That is not an argument against celibacy but an argument about what a disciplinary norm is for.

**The Eastern witness is not an exception.** If a married presbyterate were a concession to weakness, its position in the Eastern Code would be different from what section 7 found: the state of married clerics is *in honore habendus*, warranted by the practice of the primitive Church, in a canon whose other clause honours celibacy. A discipline honoured in one part of the Catholic Church cannot be called unsuitable in the other without saying something about the East that no Catholic document says.

**The principle is already conceded.** The Latin Church ordains married men to the diaconate as a matter of general law (c. 1042 1°) and to the presbyterate by reserved dispensation and papal derogation (c. 1047 §2 3°; *Anglicanorum coetibus* VI §2). She recognizes married Eastern presbyters, and since 2014 has restored to Eastern Hierarchs outside the traditional territories the faculty to ordain them. What is at issue, on this view, is therefore not whether a married priesthood is compatible with Latin ecclesial life but how widely the existing provisions run.

**Charism and law.** *Sacerdotalis caelibatus*, canon 277 §1, and *Optatam totius* 10 all call celibacy a gift—*peculiare Dei donum, pretiosum donum Dei*. A gift is given to whom it is given. The argument is that a law requiring the gift as a condition of orders risks two failures at once: excluding men who have the vocation to priesthood but not to celibacy, and admitting men who accept celibacy as a price. *Pastores dabo vobis* 50 makes the second half of that worry the Church's own: celibacy "should not be considered just as a legal norm or as a totally external condition for admission to ordination."

**The counter-historiography.** Against the antiquity argument stands the reading on which the New Testament and the earliest centuries attest married clergy without any general obligation of continence, the fourth-century Western canons are innovations rather than codifications, and the Eastern settlement at Trullo preserved the older practice. Section 10 sets out what each of the disputed texts actually says.

### 13.4 Three arguments that do not work

*"Priests could marry until 1139."* This misdescribes the law in a way that damages the side that uses it. What the twelfth-century legislation did was change the effect of an attempted marriage, not remove a permission; the prohibition is far older, and section 10 traces it. An argument for change resting on a misstatement of when the rule began invites a rebuttal on that point alone.

*"The Eastern Churches prove the Latin rule is wrong."* They prove that it is not necessary, which *Presbyterorum ordinis* 16 had already conceded and which no defender of the discipline needs to deny. Between the necessary and the wrong lies the whole field of prudential legislation, which is where this dispute actually is.

“*Celibacy causes abuse*”—and its mirror image, that raising the question is an attack on the priesthood. The law’s own judgment about the classification of these delicts was stated in section 5: in Book VI as revised in 2021, the abuse of a minor stands under Title VI, offences against human life, dignity, and freedom, beside homicide and abduction, and not under Title V, offences against special obligations, where clerical concubinage and attempted marriage stand. That is a legislative classification of what the delict is against, and it is the only thing here within this article’s competence to report. Whether celibacy bears any causal relation to the incidence of abuse is an empirical question about which this article examined no evidence, states no conclusion, and offers no reassurance in either direction; it is answered, if at all, by research and not by canon law. What can be said is that the classification cuts against treating the crime as a variety of unchastity, and that a discipline argument which uses victims as ammunition on either side has stopped being a discipline argument.

### 13.5 What would actually have to change, and what would not

This subsection is the article’s own synthesis, offered as a way of seeing the size of the question rather than as a proposal.

If the Latin Church decided to ordain married men to the presbyterate as a general matter, three norms would carry the change. Canon 277 §1 would have to be amended, or derogated from generally rather than case by case, since it is the source of the obligation. Canon 1042 1° would have to be widened, since it is the impediment. Canon 1037 would have to be adjusted, since it presently requires the public assumption of celibacy from every presbyteral candidate before the diaconate. Nothing else in the apparatus of sections 4 through 6 is strictly necessary to the change.

And three things would not change, on any proposal actually made by anyone. Canon 1087 would stand: a man ordained unmarried could still not marry afterwards, and a widowed priest could still not remarry. The episcopate would remain unmarried, as it is in every Eastern Church by canon 180 3° and in the Latin Church by the general obligation. And the two obligations of canon 277 §1 would have to be separated explicitly rather than silently, since the question the Latin Code has already left unanswered for the married permanent deacon (section 9) would arise for every married presbyter on the day the change took effect.

That last point is why this article has insisted on the distinctions from its first page. A Church that has not settled whether *perfecta perpetuae continentia* binds a married deacon has not settled the prior question that any change to the celibacy law would put at the centre of its own discipline.

## 14 Where a Real Question Belongs

Everything in this article is a study of norms in the abstract. Not one sentence of it decides anything about any person, and several of the questions it has surveyed are exactly the kind that cannot be answered from a text: they turn on facts, on particular and proper law that has not been examined here, and on the judgment of a named authority. This closing section says where each such question goes, because a general study that leaves a reader with the impression he can act on it has done him harm.

### 14.1 The distinctions to carry into a real case

Four boundaries used throughout this article are the ones most often lost when a general statement meets a particular person. *Validity and liceity*: an act can be gravely illicit and entirely valid—ordination conferred on an impeded man is valid (c. 1024 with c. 1025 §1), while marriage attempted by a man in sacred orders is not (c. 1087). *Obligation, permission, and recommendation*: canon 277 §1 obliges, canon 277 §2 directs conduct, and *Presbyterorum ordinis* 16 commends; a commendation cannot be breached, and an obligation is not satisfied by admiring it. *The ordinary rule and its relaxations*: a *dispensation* relaxes a law for a person in a case (cc. 85–93), a *derogation* partially removes the law itself as *Anglicanorum coetibus* VI §2 does for canon 277 §1, a *rescript* is an administrative favour, and a *penalty* is none of these—anyone reporting that “Rome allows” something should be able to say which of the four is meant. *Universal, particular, and proper law*: this article examined universal and common law only, and diocesan norms under canon 277 §3, the particular law of each Church *sui iuris* under CCEO canon 758 §3, the proper law of institutes, and the ordinariate statutes may all supply the answer in a real case.

### 14.2 Who is competent

| Question                                                                                          | Where it belongs                                                                                                                                                                          | Governing norms in this article                             |
|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <b>A cleric who is considering marriage, or who has attempted one</b>                             | His own ordinary, and a canonist with the complete facts. The marriage would be invalid and the attempt a delict; neither is a matter for private resolution.                             | cc. 1087, 1394 §1; c. 194 §1 3°                             |
| <b>A widowed permanent deacon who wishes to remarry</b>                                           | His diocesan bishop, who alone can prepare the petition; the dispensation is reserved to the Apostolic See.                                                                               | cc. 1087, 1078 §2 1°; c. 1079 §1 in danger of death         |
| <b>A cleric seeking release from the obligation of celibacy</b>                                   | The Apostolic See through his ordinary. Loss of the clerical state and dispensation from celibacy are two distinct grants.                                                                | cc. 290–292                                                 |
| <b>A married permanent deacon asking what continence he owes</b>                                  | His own diocesan bishop, who is competent under c. 277 §3 to judge in particular cases, together with any particular law of his diocese. The universal question is unsettled (section 9). | cc. 277, 288; c. 277 §3                                     |
| <b>An Eastern Catholic asking whether a married priest of his Church may serve where he lives</b> | His own eparchial bishop or Hierarchy; failing that, the Ordinary for Eastern faithful, or the Dicastery for the Eastern Churches.                                                        | CCEO c. 758 §3; the 2014 dispositions (section 8)           |
| <b>A former minister of another communion seeking ordination</b>                                  | The Ordinary of the relevant personal ordinariate, or the diocesan bishop; the admission of a married man requires a petition to the Roman Pontiff.                                       | <i>Anglicanorum coetibus</i> VI; Complementary Norms art. 6 |
| <b>A diocese framing norms on clerical continence</b>                                             | The diocesan bishop, whose competence is real but bounded: more determinate norms, not relaxation.                                                                                        | c. 277 §3 with cc. 85, 291                                  |
| <b>Anyone whose rights, status, office, penalty, or marriage is actually at stake</b>             | A qualified canonist and the competent authority, with all the facts, the applicable particular law, and the current date.                                                                | —                                                           |

### 14.3 What this article is

It is a study aid: a reading of the two codes and of the identified acts behind them, verified at the sources named in the References and bounded by the Legal Scope and Currentness statement in the appendix that follows. It is not a canonical opinion, an act of any authority, a substitute for advice, or a statement of anyone's obligations. The law it describes is mutable, was checked as of 25 July 2026, and may have changed by the time it is read.

## Notes

<sup>1</sup>CIC c. 277 §1, quoted from the Holy See’s Latin web delivery of Book II, fetched, hashed, and read 2026-07-25 (see References; the exact response was byte-identical to the state already registered in this repository’s source library). The delivery prints *coelorum* and *coelibatum* with the *oe* digraph where the *Acta Apostolicae Sedis* promulgation text of the Eastern Code prints *caelibatus*; orthographic variation between and within official Latin texts is normal and carries no juridical weight. Where this article quotes an English rendering of a Latin canon inside quotation marks, the rendering is the Holy See’s own English web delivery, identified in the References; where no quotation marks appear, the English is the article’s own working gloss and the Latin governs.

<sup>2</sup>CIC c. 599, Latin delivery of Book II; English from the Vatican delivery of cann. 573–606, fetched, hashed, and read 2026-07-25. The canon is the Code’s most compact statement of the relation among the three terms: chastity is the counsel; continence is what the counsel obliges; celibacy is the state in which that continence is lived.

<sup>3</sup>CCEO c. 374, quoted from the promulgation text printed in *Acta Apostolicae Sedis* 82 (1990) 1142, read at the page image of that page in the Holy See’s archival PDF of the volume, fetched and hashed 2026-07-25 (see References). Every CCEO canon quoted in this article was read at its *Acta* page image, not merely at the volume’s OCR layer; the OCR served as a finding aid. English renderings of CCEO canons throughout are the article’s own working glosses: the Code has no official English version, and the Latin alone is authentic.

<sup>4</sup>CCC 2348, English quoted from the Holy See’s archival English delivery of the sixth-commandment article, fetched, hashed, and read 2026-07-25; Latin from the Holy See’s Latin delivery of the same article (*catechism\_lt/p3s2c2a6\_lt.htm*), fetched, hashed, and read the same day. The Latin typical edition governs; the English is an identified official delivery used as a working aid. See References for both locations.

<sup>5</sup>CCC 2349, same deliveries; the internal quotation is from the Congregation for the Doctrine of the Faith, declaration *Persona humana* (29 December 1975), n. 11, which the *Catechism* cites at that place. *Persona humana* was not separately examined for this article; the quotation is used as the *Catechism* carries it, which is the level at which the claim here is made.

<sup>6</sup>CIC c. 1395 §1 in the text of Book VI as integrally revised by *Pascite gregem Dei* (23 May 2021, in force 8 December 2021), Latin delivery of Book VI fetched, hashed, and read 2026-07-25 and byte-identical to the state registered in this repository’s source library: *Clericus concubinaris, praeter casum de quo in can. 1394, et clericus in alio peccato externo contra sextum Decalogi praeceptum cum scandalo permanens, suspensione puniantur...* Note the canon’s own limits: it reaches the *external* and *scandalous* and persistent, which is what a penal law can reach; the virtue itself is not its object.

<sup>7</sup>*Presbyterorum ordinis* 16, Latin quoted from the Holy See’s Latin web delivery of the Decree, fetched, hashed, and read 2026-07-25 and byte-identical to the state registered in this repository’s source library; the article’s Latin and English deliveries were previously registered from 2026-07-23 fetches. The formula’s three components are worth separating: *perfecta* (not partial), *perpetua* (not for a season), *propter Regnum coelorum* (the motive, drawn from Matthew 19:12, which the Council and the Code both retain in the operative sentence rather than relegating to a preamble).

<sup>8</sup>CIC c. 266 §1, Latin and English deliveries, fetched, hashed, and read 2026-07-25. The consequence matters for section 9: whatever c. 277 obliges, it obliges of deacons, because deacons are clerics. The 1972 suppression of the tonsure and of the former minor orders by Paul VI’s *Ministeria quaedam* moved the entry into the clerical state to the diaconate; that act is reported here as background and was not examined at source for this article.

<sup>9</sup>CIC cc. 1394 §1, 1395 §1, revised Book VI, Latin delivery fetched, hashed, and read 2026-07-25; English of c. 1394 §1 from the Vatican delivery of cann. 1364–1399, same date, byte-identical to the state registered in this repository’s source library. Two delicts, two different objects: status and conduct. A discipline with only one of the two would be a different discipline.

<sup>10</sup>*Presbyterorum ordinis* 16; Latin from the Holy See’s Latin delivery, English from the Holy See’s English delivery, both fetched, hashed, and read 2026-07-25 and byte-identical to the states registered in this repository’s source library. Paul VI restated the point at *Sacerdotalis caelibatus* n. 17, quoting the Council: virginity “is not, of course, required by the nature of the priesthood itself.” The claim is doctrinal, made by an ecumenical council in a decree and reaffirmed in an encyclical; it constrains what any defence of the Latin discipline may assert.

<sup>11</sup>CIC cc. 691–692, 1087, 1088, 1078 §2 1°, Latin deliveries fetched, hashed, and read 2026-07-25. Canon 692’s clause is precise about what an indult of departure does and does not reach: it dispenses the vows and the obligations arising from profession, and for a cleric it is not granted until an incardinating bishop is found (c. 693)—so a religious priest who leaves his institute remains a priest, and remains bound by c. 277. Private vows, a different institute again, are dispensed under cc. 1196–1197.

<sup>12</sup>CIC cc. 1024, 1025 §1, 1029, Latin and English deliveries fetched, hashed, and read 2026-07-25. The English delivery prints “a person a Vected by an impediment” at c. 1040 and elsewhere—an apparent ligature defect of the delivery for “affected,” recorded here rather than silently repaired, as is the Latin delivery’s “3 ab impedimento” for “3° ab impedimento” at c. 1047 §2.

<sup>13</sup>CIC cc. 1036, 1037, Latin and English deliveries, fetched, hashed, and read 2026-07-25. The “prescribed rite” is the rite of the liturgical books; the *Pontificale Romanum* was not examined for this article, and no claim is made here about the rite’s wording, only about what the canon requires of it. The canon’s structure is the point: the obligation is *assumed* by the candidate, publicly, before the ordination that will make it enforceable.

<sup>14</sup>CIC cc. 1031, 1050 3°, Latin and English deliveries, fetched, hashed, and read 2026-07-25. What the wife’s consent is and is not: it is a condition for the licit admission of her husband to orders, evidenced by a testimonial. It does not ordain her, does not make her a party to his incardination, does not commit her to any ministry, and—so far as the universal law goes—does

not create any office or obligation for her. Whatever a particular diocese asks of deacons' wives is particular practice, which this article has not surveyed.

<sup>15</sup>CIC c. 1042 1°, Latin and English deliveries, fetched, hashed, and read 2026-07-25. The married-man impediment is the *first* number of c. 1042; the second concerns those exercising an office or administration forbidden to clerics, and the third neophytes. Canon 1040 fixes the taxonomy—an impediment is perpetual, in which case it is called an irregularity, or simple—and adds a closure rule of strict construction: *nullum autem impedimentum contrahitur, quod in canonibus qui sequuntur non contineatur*, no impediment is incurred that is not contained in the canons that follow.

<sup>16</sup>CIC c. 1087, Latin and English deliveries, fetched, hashed, and read 2026-07-25. The formulation is exactly parallel to the Eastern Code's c. 804 (section 7), and both use *attentare*—to attempt—which is the technical verb for an act that has the outward form of the juridical act and none of its effect.

<sup>17</sup>CIC cc. 1078, 1079, 1080, Latin and English deliveries, fetched, hashed, and read 2026-07-25. Canon 1080 §1 supplies the second urgent case—the impediment discovered when everything is prepared for the wedding—and there the exception is wider: it excludes precisely the impediments of c. 1078 §2, so the sacred-orders impediment at any grade is reserved. The two urgency canons therefore differ, and the difference is not a slip: the danger-of-death canon narrows the reservation to the presbyterate; the everything-is-ready canon does not. The Eastern Code draws the same narrow line at CCEO c. 796 §1, excepting *impedimentum ordinis sacri sacerdotii*.

<sup>18</sup>CIC c. 1394 §1 in the text of Book VI as revised by *Pascite gregem Dei* (23 May 2021, in force 8 December 2021); Latin delivery of Book VI and English delivery of cann. 1364–1399 fetched, hashed, and read 2026-07-25, both byte-identical to the states registered in this repository's source library. Section 2 of the canon reaches a perpetually professed religious who is not a cleric. The cross-references are to c. 194 §1 3° (removal from ecclesiastical office by the law itself for a cleric who has attempted marriage even civilly) and c. 694 §1 2° (a religious who has attempted marriage even civilly is to be held *ipso facto* dismissed from the institute).

<sup>19</sup>CIC Book VI, Part II, Titles V and VI (cc. 1392–1398), Latin and English deliveries fetched, hashed, and read 2026-07-25. The 2021 revision's relocation of these delicts is a matter of the promulgated text's own structure, which is all that is claimed here; the drafting history was not examined. What follows from the structure is limited but real: the legislator classifies the abuse of a minor as an offence against that person, not as a failure of a cleric's special obligations.

<sup>20</sup>CIC cc. 290–293, 976, Latin deliveries fetched, hashed, and read 2026-07-25; English of cc. 290–293 from the Vatican delivery of cann. 208–329, same date. Canon 976's survival across c. 292 is a deliberate piece of drafting and the clearest instance in this part of the Code of the distinction between the power of orders, which ordination confers permanently, and the faculty to exercise it, which the Church governs. Nothing in this article establishes what any particular former cleric may do; that is a question for his ordinary.

<sup>21</sup>Each row was extracted verbatim from the exact fetched Latin book page for the canon in question and, where an English rendering is quoted in the article's prose, from the exact fetched English canon-range page. The table's third column is the article's own compressed working gloss and is not offered as a translation of record; the second column carries the wording that governs. The set is bounded by the article's subject: canons bearing on chastity, continence, celibacy, admission to orders, the marriage impediment, the associated delicts, and loss of the clerical state.

<sup>22</sup>*Acta Apostolicae Sedis* 82 (1990), archival PDF at the Holy See's *Acta* archive, fetched and hashed 2026-07-25 (SHA-256 recorded in this leaf's research records and in the source-library artifact record). Page images of pp. 1043, 1044, 1061, 1096, 1121, 1142, 1144, 1145, 1213, 1214, 1221, 1222, and 1336 were rendered from that exact PDF and read visually; the OCR layer produced by the volume's scanning software agreed with the visual reading at every phrase quoted here, and where it did not—it drops the entire clause fixing the Code's entry into force—the image governs. One page carrying a canon cited but not quoted in Latin (p. 1220, the opening list of c. 795 §1) was read at the text layer only, and this article marks that lower ceiling here rather than concealing it. The volume PDF is a restricted artifact: the Holy See's portal terms do not grant repository redistribution, so it is identified by hash and retrieval route and its bytes are not reproduced here. English renderings of CCEO canons in this article are the article's own working glosses; the Latin governs. The Canon Law Society of America's Latin–English edition of the Eastern Code exists and was deliberately not used, so that no reading here depends on an unofficial translation.

<sup>23</sup>*Orientalium Ecclesiarum* 5, Latin and English quoted from the Holy See's web deliveries of the Decree, fetched, hashed, and read 2026-07-25. Article 6 of the same Decree adds the corresponding instruction to Easterners themselves—they “can and should always preserve their legitimate liturgical rite and their established way of life,” *suos legitimos ritus liturgicos suamque disciplinam semper servare posse et debere*—and to Latins who deal with them. The Decree's protection of Eastern rite and way of life is a distinct claim from *Presbyterorum ordinis* 16's explicit honour for married presbyters; this article keeps them apart.

<sup>24</sup>CCEO c. 762 §1, read at the page image of *Acta Apostolicae Sedis* 82 (1990) 1214. The same page carries two further comparative details worth noting. Canon 760 §2 provides the Eastern law's route to a stable diaconate—a candidate not destined for the priesthood may be ordained deacon after the third year of the studies of c. 354—and canon 761's required declaration is verbally fuller than CIC c. 1036: the Eastern candidate testifies that he will receive the sacred order *and the obligations annexed to that order, obligationes eidem ordini adnexas*, which in the East is the natural formula precisely because those obligations differ with the candidate's state.

<sup>25</sup>CCEO c. 180, read at the page image of *Acta Apostolicae Sedis* 82 (1990) 1096. *Sacerdotalis caelibatus* n. 40, quoted from the Holy See's English web delivery of the encyclical, fetched, hashed, and read 2026-07-25. The practice by which Eastern

bishops are taken from among monastic or celibate clergy is not established here from particular law; the claim made is only that the common-law requirement is stated as absence of a marriage bond.

<sup>26</sup>CCEO cc. 285 §2, 390 §§1–2, 394–398, read at the page images of *Acta Apostolicae Sedis* 82 (1990) 1121, 1144, and 1145. Canon 394 is the Eastern parallel to CIC c. 290 and repeats its opening premise verbatim in substance—*Sacra ordinatio semel valide suscepta numquam irrita fit*—while naming the second mode of loss as the penalty of *deposition* rather than dismissal. The division of labour in c. 397 is the point of interest here: the Patriarch’s competence is drawn precisely along the line of the celibacy obligation, because in the East that line runs through the clergy rather than around it.

<sup>27</sup>CCEO cc. 27, 28, quoted from the Holy See’s Latin web delivery of the Eastern Code’s text as published with *Sacri canones*, fetched, hashed, and read 2026-07-25. That delivery prints *Ritus, de quibus in Codice agitur* where the *Acta* print of c. 28 §2 may be checked; the substance quoted here is not affected. The four juridical ranks are fixed by cc. 55 (patriarchal), 151 (major archiepiscopal), 155 §1 (metropolitan *sui iuris*), and 174 (other *sui iuris*).

<sup>28</sup>Holy See Press Office, daily bulletin B0602 of 7 October 2010, annexe *Scheda informativa sulle Chiese cattoliche orientali* [01356-01.02], with the companion sheet on the production of particular law [01357-01.01], fetched, hashed, and read 2026-07-25. The sheet’s own juridical tally is internally consistent: six patriarchal Churches (Coptic, Syriac, Maronite, Armenian, Chaldean, Melkite), four major archiepiscopal (Syro-Malankara, Syro-Malabar, Ukrainian, Romanian), three metropolitan (Ethiopian, Ruthenian, Slovak), and nine other Churches *sui iuris* of Byzantine tradition (Albanian, Belarusian, Bulgarian, Croatian, Greek, Italo-Albanian, Macedonian, Russian, Hungarian). The sheet is a 2010 snapshot: its incumbents and statistics are stale, and it is used here only for the enumeration and the ranks, corrected by the two later acts recorded below.

<sup>29</sup>Apostolic constitution *In Erythraea nova constituitur Ecclesia Metropolitana Asmarensis*, 19 January 2015, *Acta Apostolicae Sedis* 107 (2015) 246, read at the text layer of the Holy See’s March 2015 *Acta* fascicle, fetched and hashed 2026-07-25; corroborated at AAS 107 (2015) 1075 (*Erectio Ecclesiarum*, recording both the Eritrean erection of 19 January 2015 and the Hungarian erection of 20 March 2015) and 1078, in the October 2015 fascicle, and at the Holy See Press Office bulletin B0048 of 19 January 2015, which carries the Italian announcement and enumerates the four suffragan eparchies. These are text-layer readings of born-digital *Acta* fascicles.

<sup>30</sup>Congregation for the Eastern Churches, *Pontificia Praecepta de clero uxorato orientali*, *Acta Apostolicae Sedis* 106 (2014) 496–499, in the June 2014 fascicle of the *Acta*, fetched and hashed 2026-07-25 and read at its text layer (the fascicle is born-digital, not a scan). The act is in Italian; there is no Latin version in the *Acta*. Dated at the Congregation’s offices 14 June 2014 and signed by Cardinal Leonardo Sandri, Prefect; the papal approval it records is of 23 December 2013, in an audience granted to the Prefect following the Congregation’s plenary session of 19–22 November 2013. The two dates are frequently conflated; the act distinguishes them. The statement quoted is a dicasterial statement of the state of affairs in 2014, not a promulgated norm about each Church, and this article treats it as such.

<sup>31</sup>*Pontificia Praecepta de clero uxorato orientali*, AAS 106 (2014) 497 and notes 4–7, which cite *Cum data fuerit* at AAS 21 (1929) 152–159, *Qua sollerti* at AAS 22 (1930) 99–105, and *Graeci-Rutheni* at AAS 22 (1930) 346–354, and attribute the estimate of 200,000 to V. Pospishil in *Diakonia* 11 (1976). The three decrees were not examined at their own *Acta* pages for this article; they are reported as the 2014 note quotes and cites them, which is the level of the claim made here. The estimate of defections is the note’s, carried at that level.

<sup>32</sup>*Lumen gentium* 29, Latin and English quoted from the Holy See’s web deliveries of the Constitution, fetched, hashed, and read 2026-07-25. Note the sentence’s internal contrast, which the English preserves: the married candidate and the young celibate candidate are provided for in a single clause, and the celibacy law is said to remain firm *for the latter*. The Council’s restored diaconate is thus, from its first legislative formulation, a clerical state with two different regimes inside it. *Optatam totius* 10 was drafted for the other side of the same question, and its opening phrase is easy to miss: it addresses students “who follow the venerable tradition of priestly celibacy *according to the holy and firm laws of their own rite*,” *secundum proprii ritus sanctas firmasque leges*—the Council legislating for seminarians while conceding, in the same breath, that the applicable law is the law of the candidate’s own rite.

<sup>33</sup>CIC cc. 18, 266 §1, 277 §1, 288, 1031 §2, 1037, 1042 1°, 1050 3°, 1135, Latin and English deliveries, fetched, hashed, and read 2026-07-25. The number of permanent deacons in the Latin Church is stated here in round terms as widely reported background and was not verified at a statistical source for this article; nothing in the argument depends on the figure. This subsection states two contending readings; it does not resolve them, and the resolution is not the author’s to give.

<sup>34</sup>Dicastery for Legislative Texts, *Interpretationes authenticae* (collection page dated 4 June 2002 in its URL), fetched, hashed, and read 2026-07-25, together with the dicastery’s index page of the same date, which links a further authentic interpretation of c. 1041 nn. 4–5 announced through the Holy See Press Office bulletin. The canon list above was extracted from the exact fetched page. Bounded negative result: this establishes that no authentic interpretation of cc. 277 or 288 appears in that collection as delivered on that date; it cannot exclude an interpretation promulgated elsewhere, an act not carried on that page, or a future act. The canon numbers 1398, 1673, and 1686 in the collection belong to the pre-2021 and pre-2015 numbering of their books and are listed as the page prints them.

<sup>35</sup>Congregation for Catholic Education and Congregation for the Clergy, *Basic Norms for the Formation of Permanent Deacons* and *Directory for the Ministry and Life of Permanent Deacons*, both dated 22 February 1998 and published together in a single Holy See delivery, fetched, hashed, and read 2026-07-25; the quotations are from the joint declaration and from Directory nn. 61–62 with their notes 222–226. The English delivery prints a corrupted word in n. 61 (“authentic interpersonal relationships, OIC, and the capacity...”), an evident defect of the delivery recorded rather than repaired; nothing quoted here depends on it. The documents were not published in *Acta Apostolicae Sedis* so far as this article could establish, and their

force is that of the joint declaration's own description. The inference drawn in the text—that the asymmetry between nn. 61 and 62 is evidence of how the dicasteries read c. 277 §1 in 1998—is the article's own reading and is offered as such.

<sup>36</sup>*Basic Norms for the Formation of Permanent Deacons* n. 38 with note 44, and *Directory for the Ministry and Life of Permanent Deacons* n. 62 with note 226, in the Holy See delivery fetched, hashed, and read 2026-07-25. The circular letter itself—Congregation for Divine Worship and the Discipline of the Sacraments, Prot. n. 26397 of 6 June 1997—was not located at any Holy See delivery and was not examined; what is reported here is what two official 1998 documents say it envisages, which is the level of the claim. Three consequences of that ceiling: the wording of the conditions is the 1998 documents' and not the circular's; the conditions are alternatives, on the documents' own statement (“one only. . . be sufficient”); and nothing here establishes that the same practice governs in 2026, since an administrative practice can be changed without any published act.

<sup>37</sup>Council of Elvira, canon 33, read at the page image of J. D. Mansi, *Sacrorum conciliorum nova et amplissima collectio*, tomus II (Florence 1759; Welter reprint, Paris 1901), coll. 11–12, Internet Archive item [sacrorumconcilio0002phil](#), leaf 21, fetched and read 2026-07-25. The ampersands are as Mansi prints them. No public-domain English translation was verified at an identified witness, and none is offered here as one: the working sense is that bishops, presbyters, and deacons, or all clerics placed in ministry, are to abstain from their wives and not beget children, and whoever does otherwise is to be removed from the clerical honour. Given the syntax, no argument in this article rests on a translation.

<sup>38</sup>Mansi II, coll. 245–246, read at the page image of leaf 138 of the same item. The rubric there is *De episcopis & ministris, ut ab uxoribus abstineant*, and Mansi notes that the Council of Worms received and approved the canon at its c. 9. The section immediately following is headed *Continentia legem semper ordinibus sacris annexam in ecclesia, explicata concilii Nicaeni historia de Paphnutio*—so the eighteenth-century apparatus already treats Elvira and Paphnutius as one question, and already takes a side.

<sup>39</sup>Nicaea, canon 3: English from H. R. Percival (ed.), *The Seven Ecumenical Councils of the Undivided Church* (= *Nicene and Post-Nicene Fathers*, second series, vol. XIV; New York: Charles Scribner's Sons, 1900), p. 11, read at the page image of leaf 52 of Internet Archive item [sevenecumenicalc00perc](#); Latin from Mansi II, col. 670, read at the page image of leaf 350 of item [sacrorumconcilio0002phil](#); both fetched and read 2026-07-25. Mansi's Greek column at col. 669 is set in a heavily ligatured eighteenth-century fount and is not transcribed here; his own note records the variant *epeisakton* for *syneisakton*. The Hefele passage is quoted from Percival p. 52, where it appears as an attributed block quotation from Hefele's *History of the Councils*, vol. I, pp. 435ff.; the Greek term is transliterated here. Mansi prints a second Latin recension at coll. 687–688 which was located in the volume's optical text but not read at the page image, and nothing here rests on it.

<sup>40</sup>Socrates Scholasticus, *Historia ecclesiastica* I.11, and Sozomen, *Historia ecclesiastica* I.23, quoted from *Nicene and Post-Nicene Fathers*, second series, vol. II (New York: The Christian Literature Company, 1890), pp. 18 and 256, read at the page images of leaves 51 and 289 of Internet Archive item [selectlibraryofn02scha](#), fetched and read 2026-07-25. The volume's running head prints the Socrates chapter as I.10, and its editor's note to Sozomen refers to “the perverted text of the *Canones Nicaeni*” in Rufinus—transmission caveats recorded by the witness itself. Gelasius of Cyzicus, regularly cited as a third witness, was not obtained at any direct witness for this article and is reported here only as Hefele reports him.

<sup>41</sup>Percival, *Seven Ecumenical Councils*, pp. 51–52, read at the page images of leaves 92 and 93. The section is headed “Proposed Action on Clerical Celibacy” with the bracketed note “[The Acts are not extant.]”; after one introductory paragraph of Percival's own, the discussion is an attributed quotation of Hefele. The 1900 printing gives “Ballarmin” for Bellarmine; the name is normalized here and the printing's form recorded. Percival's own framing sentence is worth having: “Often the mind of a deliberative assembly is as clearly shown by the propositions it rejects as by those it adopts.” Contrary to a common description, there is no excursus on clerical marriage attached to Nicaea in this volume; Percival's excursus of that title stands at pp. 365–368, under Trullo canon 6.

<sup>42</sup>Siricius, *Epistola I ad Himerium Tarraconensem*, cap. VII, nn. 8–10, in J.-P. Migne, *Patrologiae cursus completus, series Latina*, tom. XIII (Paris 1845), coll. 1137–1139, reprinting Coustant's edition; read at the page images of leaves 587 and 590 of Internet Archive item [patrologiaeacur13mign](#), fetched and read 2026-07-25. Migne's apparatus records the letter's presence in all the ancient canonical collections and its division by Dionysius Exiguus into fifteen chapters, together with manuscript variants (*calcatos canones* for *calcatos*; *perscriptione* for *praescriptione*). The letter's date, conventionally 10 February 385, was not verified at the witness because the subscription page was not read, and is therefore not asserted here. The scan of this volume duplicates several leaves; navigation was by column number.

<sup>43</sup>Council in Trullo, canons 6, 12, 13, 30, and 48, quoted from Percival, *Seven Ecumenical Councils*, pp. 364, 370, 371, 379, and 388, read at the page images of leaves 405, 411, 412, 420, and 429, fetched and read 2026-07-25. Percival prints English only for the Trullan canons; no Greek witness was obtained, and none is quoted. Canon 13's appeal to “they who assembled at Carthage” is contested: Percival prints Fleury's judgment that the citation “is a misunderstanding of the decree, caused either by malice or by ignorance,” along with Van Espen's and Antonius Augustinus's rejections of the canon and Gratian's gloss confining it to the East. Those Western rebuttals are reported here as the reception history they are, not as a determination of the canon's meaning.

<sup>44</sup>Percival, *Seven Ecumenical Councils*, p. 356, read at the page image of leaf 397. The following page's account of Sergius I's refusal and of the later partial receptions under Constantine, John VIII, and Hadrian I was read only in a transcription and not at the page image; it is summarized here as reception history and no wording is quoted from it. Percival's volume prints Trullo without asserting its ecumenicity, which is why the same volume can be cited for both the canon and its Western rejection.

<sup>45</sup>First Lateran Council (1123), canons 3 and 21, in Mansi, *Sacrorum conciliorum nova et amplissima collectio*, tomus XXI (Venice 1776; Welter reprint, Paris 1903), coll. 282 and 286, read at the page images of leaves 154 and 156 of Internet Archive

item `sacrorumconcilio0021joan`, fetched and read 2026-07-25. Canon 3 and canon 21 are distinct canons of the same series, not two numberings of one; Mansi's headnote at col. 281 explains that Baluze printed the canons from the Anianum manuscript in a different order and with variant readings, which Mansi records in his margins. The edition spells *diffinitionem*.

<sup>46</sup>Second Lateran Council (1139), canons 6 and 7, Mansi XXI, coll. 527–528, read at the page image of leaf 277; Council of Pisa (1135), Mansi XXI, coll. 489–490, read at the page image of leaf 258; both fetched and read 2026-07-25, and the Lateran II page re-read at the image during production review. Mansi's marginal references at coll. 527–528 are *Remen. an. 1131 c. 4* beside canon 6 and *Conc. Rem. an. 1131 c. 5 & sic deinceps* beside canon 7, with Gratian cross-references. The Pisan text substitutes *quoniam* for *quam* and *sancimus* for *censemus*, and Mansi's margin there cross-refers to Lateran II. The variant changes the construction, not the ruling.

<sup>47</sup>Percival, *Seven Ecumenical Councils*, p. 367, read at the page image of leaf 408, within the “Excursus on the Marriage of the Clergy” at pp. 365–368; Percival is there quoting *L'Ami du Clergé* of 6 August 1896. The same page records the point that matters juridically and is unchanged in current law: “The diriment impediment of Holy Orders is of ecclesiastical obligation and not of divine, and consequently the Church can dispense it.” Percival's Justinian claim is reported as he makes it; the Roman-law texts were not examined for this article.

<sup>48</sup>Council of Trent, session XXIV (11 November 1563), canons 9 and 10 *de sacramento matrimonii*. Latin read at the page image of p. 147 of *Canones et decreta sacrosancti oecumenici Concilii Tridentini*, editio stereotypa undecima (Leipzig: Tauchnitz, 1887), reprinting the Roman edition of 1834, Internet Archive item `canonesetdecreta00coun_0`, leaf 154, re-read at the image during production review; English read at the page image of p. 195 of *The Canons and Decrees of the Sacred and Ecumenical Council of Trent*, trans. J. Waterworth (London: Burns and Oates, Ltd.), Internet Archive item `cu31924029369760`, leaf 468. The copy of the translation is an undated reprint of the 1848 London edition. The Leipzig edition prints *solenniter, caelibatus, quum, iungi*; other editions differ orthographically. Waterworth's own footnote glosses *anteponendum* as “preferred before,” which flags the disputed word in canon 10.

<sup>49</sup>CIC (1917) c. 132 §1, read at the page image of printed page 31 of the *Codex Iuris Canonici* (Rome: Typis Polyglottis Vaticanis, 1918), Internet Archive item `codexiuriscanoni00cath`, leaf 85, fetched and read 2026-07-25 and retained as a tracked public-domain page image in this repository's source library. Gasparri's *fontes* note 4 to the canon cites Gratian's distinctions 27, 28, 31, 32, 33, and 81, C. XXVII q. 1, and the Decretals' titles *de vita et honestate clericorum*, *de clericis coniugatis*, and *qui clerici vel voventes matrimonium contrahere possunt*—the medieval material of this section, as the 1917 legislator's own apparatus identifies it. The cross-reference to c. 214 §1 concerns those ordained under grave fear and was not examined here.

<sup>50</sup>*Sacerdotalis caelibatus* (24 June 1967) n. 42. Latin: *Acta Apostolicae Sedis* 59 (1967) 674, read at the text layer of the Holy See's archival PDF of the volume, fetched and hashed 2026-07-25; that PDF's page rasters could not be rendered by the tools available here, so the *Acta* reading is a text-layer reading and not a page-image reading, and this article says so. Corroborating witness: the Holy See's Latin web delivery of the encyclical, fetched, hashed, and read the same day, which agrees verbatim at every word of n. 42 except that it prints *posset conferr* for *posset conferri* in the following sentence—a defect of that delivery, recorded and not repaired. English from the Holy See's English web delivery, same date. The encyclical's authority is that of an encyclical letter: authoritative non-definitive papal teaching, which in n. 42 also exercises the governing power it describes.

<sup>51</sup>*Anglicanorum coetibus* art. VI, Latin and English quoted from the Holy See's Latin and English web deliveries of the constitution, both fetched, hashed, and read 2026-07-25. The constitution's own note 15 cites AAS 59 (1967) 674 for *Sacerdotalis caelibatus* n. 42—the page verified above—and its note 16 identifies the “Statement *In June*” as a Congregation for the Doctrine of the Faith statement of 1 April 1981, in *Enchiridion Vaticanum* 7, 1213. That statement was not examined for this article and nothing here rests on its content; the discrepancy between the body's incipit-style name and the note's date is reported as the document prints it. The constitution's spelling *Sacerdotalis coelibatus* in the English text, against *caelibatus* in the Latin, is likewise as printed.

<sup>52</sup>Congregation for the Doctrine of the Faith, *Complementary Norms for the Apostolic Constitution Anglicanorum coetibus*, art. 6 §§1–2, quoted from the Holy See's English delivery, fetched, hashed, and read 2026-07-25. The delivery carries a footnote recording that art. 5 §2 “was added to the text of the Complementary Norms according to a decision of the Ordinary Session held on 29 May 2013, approved by Pope Francis on 31 May 2013,” so the page delivers the amended text; the amendment does not touch art. 6. The Norms are an act of a dicastery under the constitution, subordinate to it, and—like the constitution—particular law for the ordinariates, not universal law.

<sup>53</sup>*Optatam totius* 10 (28 October 1965), Latin and English from the Holy See's web deliveries, fetched, hashed, and read 2026-07-25; AAS 58 (1966) 713–727, n. 10 at p. 719. The Latin's opening restriction, *secundum proprii ritus sanctas firmasque leges*, is rendered in the English delivery as “according to the holy and fixed laws of their own rite.” The Decree's own formula—ecclesiastical law *and* gift—is the exact pairing that CIC c. 277 §1 would carry into the Code with *peculiare Dei donum*.

<sup>54</sup>Publication-local negative result, bounded. *Sacerdotalis caelibatus* n. 2, note 1, in both the Holy See's English and Latin deliveries and in the *Acta* print at AAS 59 (1967) 659: *Cf. Epistula die x mensis Oct. anno MDCCCCLXV ad Eminentissimum virum Eugenium Tisserant Card. data, posteroque die in generali Concilii congregatione lecta*—the Vatican web Latin delivery prints *eirum* for *virum*, a delivery defect recorded here. The Holy See's index of Paul VI's 1965 letters lists one letter to Cardinal Tisserant, *Laeto animo* of 9 November 1965, on the date of the Council's closing, and a search of the whole of AAS 57 (1965) located no other. The October letter's text belongs to the *Acta Synodalia* of the Council, which the Holy See has not digitized. What the encyclical does say about the reservation is only that Paul VI had promised the Council Fathers “to give

new luster and strength to priestly celibacy in the world of today.” The frequently repeated date of 11 October is the date the letter was read, not its date.

<sup>55</sup>*Pastores dabo vobis* (25 March 1992) nn. 29 and 50, quoted from the Holy See’s English web delivery, fetched, hashed, and read 2026-07-25; the Latin (AAS 84 [1992]) was not collated. Two features of the quoted proposition are load-bearing for this article: it says “the Latin Church and some Oriental rites,” conceding that celibate discipline is not exclusively Latin; and it identifies the convert-clergy exception by its exact instrument, *Sacerdotalis caelibatus* n. 42. Number 50 adds the formation principle that celibacy “should not be considered just as a legal norm or as a totally external condition for admission to ordination.”

<sup>56</sup>Synod of Bishops, Special Assembly for the Pan-Amazon Region, *Documento final*, n. 111, quoted from the Holy See Press Office daily bulletin B0820 of 26 October 2019, which publishes the document’s Spanish text; fetched, hashed, and read 2026-07-25. There is no English text in that bulletin, and the document was not published in *Acta Apostolicae Sedis*. The Spanish prints *constituída* with that accent. The phrase *virī probati*, universally used in reporting, does not occur in n. 111. On genre: a synodal final document is a consultative act of an assembly presented to the Roman Pontiff; it is not itself an act of the papal magisterium and enacts nothing. Number 110, immediately preceding, grounds the request in “a right of the community to the celebration” deriving from the essence of the Eucharist.

<sup>57</sup>*Querida Amazonia* (2 February 2020), official English delivery, fetched, hashed, and read 2026-07-25; the searches reported are case-insensitive literal searches over the text extracted from that exact response. Bounded negative result: it establishes absence of those strings in that delivery of that translation, which for terms as basic as “celibacy” and “ordination” is strong evidence of the text’s silence, but it is a search over one language of one delivery and is correctable. The exhortation’s own account of its relation to the *Final Document* is at nn. 2–3: “I will not go into all of the issues treated at length in the final document. Nor do I claim to replace that text or to duplicate it”; “I would like to officially present the Final Document. . . I have preferred not to cite the Final Document in this Exhortation, because I would encourage everyone to read it in full.”

<sup>58</sup>Reported at literature level. The principal modern statements of the apostolic-continenence thesis are C. Cochini, *Origines apostoliques du célibat sacerdotal* (Paris: Lethielleux, 1981; English, San Francisco: Ignatius, 1990); A. M. Stickler, *The Case for Clerical Celibacy* (San Francisco: Ignatius, 1995); R. Cholij, *Clerical Celibacy in East and West* (Leominster: Fowler Wright, 1988); and S. Heid, *Zölibat in der frühen Kirche* (Paderborn: Schöningh, 1997; English, San Francisco: Ignatius, 2000). The principal statement of the contrary position is R. Gryson, *Les origines du célibat ecclésiastique du premier au septième siècle* (Gembloux: Duculot, 1970). None of these works was consulted at source for this article; they are named so that a reader can find the debate, and no claim here rests on any of them.

## A Scope, Method, and Qualifications

### A.1 Reader, question, and claim

This is a discursive canon-law article for a serious general reader able to follow documentary argument, and secondarily for students of canon law, for clergy and candidates and their families, and for anyone who has to write or speak accurately about the subject. Its governing question: what does the current law of the Catholic Churches oblige of clerics in the matter of chastity, continence, and celibacy; on what authority; with what effects; and how do the Latin and Eastern disciplines differ?

Its claim, argued rather than announced: the three words name three different things—a virtue binding every baptized person by state of life, an abstention from sexual activity, and an unmarried status with three distinct juridical faces—and almost every serious confusion in this field is a collapse of one into another. From that distinction the rest follows: the Latin Church obliges continence and *therefore* celibacy (CIC c. 277 §1), attaches the obligation by a public act before the diaconate (c. 1037), enforces it by a diriment impediment (c. 1087) and a penal norm (c. 1394 §1), and relaxes it by two distinct acts of two distinct authorities (cc. 290–292); the Eastern common law obliges chastity of celibate and married clerics alike (CCEO c. 374), honours both states by name (c. 373), and refers the admission of married men to each Church’s own particular law or to special norms of the Apostolic See (c. 758 §3), while agreeing exactly with the Latin Code that no cleric may marry after ordination (c. 804); the two codes’ divergence is a Western development rather than an Eastern departure, and CCEO canon 2 requires the Eastern canons to be read from the Eastern legal tradition rather than against a Latin norm; and the Latin Code has left one question genuinely unsettled—whether canon 277 §1’s continence binds the married permanent deacon—which no authentic interpretation resolves.

### A.2 Method and source hierarchy

The article is governed by the repository’s articles profile under both its faith-and-theology and its canon-law rules. Concretely, that meant: the controlling text is the official law, never a commentary or an unofficial translation; promulgation and effective dates were verified at the promulgating acts; validity was kept apart from liceity, obligation

from permission and recommendation, the ordinary rule from dispensation, derogation, and rescript, and legislation from administrative act; no Latin canon was applied to an Eastern Catholic or the reverse; and each document was cited at its own authority level.

| Source class                         | Function in the article                                                                                                                                                                                                            | Governing boundary                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CIC 1983</b>                      | The Latin discipline, worked canon by canon (sections 2–6, 9, 11).                                                                                                                                                                 | Holy See Latin web deliveries of Books I, II, IV, VI, with the English canon-range deliveries as identified working aids, all fetched and hashed 2026-07-25; Book VI in the <i>Pascite gregem Dei</i> revision. Web deliveries, not <i>Acta</i> pages. Delivery defects recorded, not repaired.                                                           |
| <b>CCEO 1990</b>                     | The Eastern common law (sections 7–9).                                                                                                                                                                                             | Quoted from the promulgation text, <i>Acta Apostolicae Sedis</i> 82 (1990), read at thirteen page images rendered from the Holy See’s archival volume PDF; one further page read at the text layer and marked. No official English exists; all English is the article’s labelled working gloss. The CLSA Latin–English edition was deliberately not used. |
| <b><i>Acta</i> acts (2014, 2015)</b> | The Eastern diaspora norms and the Churches <i>sui iuris</i> (sections 7–8).                                                                                                                                                       | Born-digital <i>Acta</i> fascicles, fetched and hashed 2026-07-25, read at their text layers; page rasters not required because the fascicles are not scans.                                                                                                                                                                                              |
| <b>Conciliar and papal teaching</b>  | <i>Presbyterorum ordinis</i> 16, <i>Optatam totius</i> 10, <i>Lumen gentium</i> 29, <i>Orientalium Ecclesiarum</i> 5–6, <i>Sacerdotalis caelibatus</i> , <i>Pastores dabo vobis</i> , <i>Querida Amazonia</i> (sections 3, 9, 12). | Holy See Latin and English web deliveries, fetched and hashed 2026-07-25; <i>Sacerdotalis caelibatus</i> n. 42 corroborated against <i>AAS</i> 59 (1967) 674. Each cited at its own genre: conciliar decree, encyclical, post-synodal exhortation. <i>AAS</i> collation performed only where stated.                                                      |
| <b>Dicasterial acts</b>              | <i>Anglicanorum coetibus</i> complementary norms; the 1998 deacon documents; the collection of authentic interpretations (sections 9, 11).                                                                                         | Holy See deliveries, fetched and hashed 2026-07-25. Executory decrees and administrative acts are marked as such; c. 33 §1 governs their force.                                                                                                                                                                                                           |
| <b>Historical acts</b>               | Elvira, Nicaea, Siricius, Trullo, Lateran I and II, Trent, the 1917 Code (section 10).                                                                                                                                             | Each at the identified witness named in the References, with the transmission and authority caveats stated at the claim. The 1917 Code was read at a page image of the 1918 Vatican Polyglot printing. Historical practice is never presented as present law.                                                                                             |
| <b>Modern scholarship</b>            | The historiographic dispute (sections 10, 13).                                                                                                                                                                                     | Named at literature level from the disputants’ standard positions; not consulted at source; not adjudicated.                                                                                                                                                                                                                                              |

### A.3 Included and excluded scope

Included: the three obligations and their distinction; the Latin discipline of admission, obligation, impediment, penalty, and loss of the clerical state; the Eastern common law and the 2014 diaspora norms; the Churches *sui iuris* and their ranks; the permanent diaconate and the unsettled continence question; the development of the Western discipline at identified acts; the convert-clergy and ordinariate provisions; the magisterial file from the Council to 2020; and the theological arguments on both sides, stated and not adjudicated.

Excluded: the particular law of any diocese, eparchy, or Church *sui iuris*; the proper law of religious institutes and societies of apostolic life beyond the canons that name them; the statutes of the personal ordinariates; the liturgical

books, including the rite in which the obligation of canon 1037 is assumed; the New Testament evidence and the patristic corpus except as they appear in the identified legal acts; Orthodox and other non-Catholic law, which governs no Catholic; the empirical literature on clerical sexual abuse; clergy statistics; and every concrete case.

## A.4 Material qualifications

1. Vatican web texts are dated delivery states, not the *Acta Apostolicae Sedis*. Four delivery defects were found and are recorded where they occur: the English Code delivery’s “a Vected” for “affected”; the Latin Code delivery’s “3 ab impedimento” at c. 1047 §2; the Latin *Sacerdotalis caelibatus* delivery’s *posset conferr* and *eirum*; and the deacon documents’ “OIC”. Others are not excluded.
2. CCEO has no official English version. Every English rendering of an Eastern canon here is the article’s own working gloss, made from the *Acta* Latin and marked as a gloss; the Latin governs, and a reader relying on the English for any purpose should return to the Latin.
3. The *Acta* volume PDF for 1990 is a scanned volume with an OCR layer; its quoted canons were read at page images. The 1967 volume’s page rasters could not be rendered by the tools available, so AAS 59 (1967) 674 is a text-layer reading corroborated against an independent delivery. The 2014 and 2015 fascicles are born-digital and were read at their text layers.
4. The enumeration of the Churches *sui iuris* in section 8 is the article’s own reconstruction from a 2010 official information sheet plus two verified 2015 acts. No official online source states the present total. The Serbian exarchate question the 2010 sheet itself raised is left open.
5. The fourth column of the Churches table reports one dicasterial statement of 2014 and no Church’s particular law. It is not a statement of any Church’s current discipline, and the Eritrean row is expressly outside the 2014 statement’s reach.
6. The disputed question of section 9 is reported and not resolved. The evidential weight given to the asymmetry between *Directory* nn. 61 and 62 is the article’s own reading of an executory document that cannot in any case change the law.
7. The bounded negative results are bounded: the absence of an authentic interpretation of cc. 277 and 288 is asserted for one dicastery collection as delivered on one date; the silence of *Querida Amazonia* is asserted for one language of one delivery by literal search; the unobtainability of the 1965 Tisserant letter, of the 1997 circular letter, and of a current official enumeration of the Churches is asserted for the routes actually tried.
8. Historical claims about acts not examined at their own witnesses—the 1929–1930 Eastern decrees, the “Statement *In June*,” the Pastoral Provision, *Ministeria quaedam*—are carried at the level of the documents that cite them, and the article says so at each.
9. Round figures (the number of permanent deacons; the estimate of Ruthenian defections) are reported background, not verified statistics, and no argument here depends on them.
10. The article’s own synthesis—the three-term analysis of section 2, the reading of the *ideoque*, the reconstruction of the Churches’ count, the “what would have to change” analysis of section 13—is labelled as synthesis where it occurs and is attributed to no source.

## A.5 Legal Scope and Currentness

**Governing law.** For the Latin Church: the 1983 *Codex Iuris Canonici*, promulgated by John Paul II by the apostolic constitution *Sacrae disciplinae leges* of 25 January 1983 and in force from 27 November 1983, as amended—including Book VI as integrally revised by *Pascite gregem Dei* of 23 May 2021, in force 8 December 2021. For the Eastern Catholic Churches: the 1990 *Codex Canonum Ecclesiarum Orientalium*, promulgated by John Paul II by the apostolic constitution *Sacri canones* of 18 October 1990 and binding from 1 October 1991, as amended.

**Authoritative language and translations.** Latin governs both codes. The Latin canons were verified at the Holy See’s Latin web deliveries (CIC) and at the *Acta Apostolicae Sedis* promulgation text (CCEO). The Holy See’s English web delivery of the 1983 Code is an identified translation used as a working aid and is quoted as such; where it diverges from the Latin, the Latin governs and the divergence is reported. The Eastern canons have no official translation and are glossed by the article.

**Jurisdiction and persons.** Latin conclusions bind only the Latin Church (CIC c. 1); Eastern conclusions bind only the Eastern Catholic Churches (CCEO c. 1). Nothing here may be transferred across that line. The persons addressed by the norms discussed are candidates for and recipients of sacred orders, their spouses where they have them, and the authorities named in the canons.

**Universal, particular, and proper law.** Universal and common law only. No particular law of any diocese, eparchy, or Church *sui iuris*, no proper law of any institute, and no ordinariate statute was examined. Where the universal law refers a matter outward—CIC c. 277 §3, CCEO cc. 374 and 758 §3—this article stops at the referral, and a universal capacity is never described as a current local practice.

**Material facts assumed.** None. Every norm is analyzed in the abstract; no person’s status, obligations, penalty, marriage, office, or petition is assessed.

**Amendments checked.** The canons quoted were checked at the current deliveries and, for CCEO, at the promulgation text, on the as-of date. Known post-promulgation amendments material to this subject were checked: the 2021 integral revision of Book VI, which supplies the text of cc. 1394–1398 used here; and Benedict XVI’s *motu proprio Omnium in mentem* of 2009, whose amendments to Book IV do not touch any canon quoted here. The published collection of authentic interpretations was checked and contains none for the canons at issue. This is a check of the canons used, not a completed survey of every amending act.

**As-of date: 25 July 2026.**

**Referral.** This is a study aid, not canonical advice. Rights, penalties, marriage status, sacramental access, office, and every concrete application belong to the competent ecclesiastical authority or to a qualified canonist with the complete facts, the applicable particular law, and the current date. Section 14 sets out where particular questions go.

## A.6 Notes, rights, and review

The numbered Notes carry exact citations, verification dates, evidentiary ceilings, and claim-local qualifications; no indispensable premise lives only in a note. Latin is quoted where the original governs; English is either quoted from an identified official delivery or supplied as a labelled working gloss. Official Holy See texts and the Internet Archive’s page images of the 1918 Vatican Polyglot printing retain their own status: the former are quoted briefly with attribution from registered dated states and remain outside the project’s CC BY 4.0 grant; the latter reproduce a public-domain 1918 printing. The *Acta* volume PDFs are identified by hash and retrieval route and are not redistributed, the Holy See’s portal terms not granting repository redistribution. Project-created prose, tables, and organization are project content.

This revision received internal argumentative, source-consistency, quotation, rights, and production review by the authoring agent. Independent review—canonical, historical, theological, and Eastern-canonical—is outstanding; no imprimatur, nihil obstat, or ecclesiastical approval is claimed, and internal checking is not independent review. The publication language for this work is: source-audited working article.

## B References

Every web source below was fetched over HTTPS, hashed (SHA-256), and read on 2026-07-25; the exact response hashes and the retained artifacts are recorded in the repository’s source library and in this leaf’s **research/** records. Official texts remain under their own rights.

### Law

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