

**Brief memorandum** in support of the assertion that an exception to the general clerical obligation of continence in the Roman Church ([1983 CIC 277 §1](#)) was proposed for married deacons during the canonical revision process, but was removed by Pope John Paul II shortly before the 1983 Code was promulgated.<sup>1</sup>

In October of 1966, the *Coetus de Sacra Hierarchia* began to formulate early drafts of canons on clergy that would not appear for public comment for another decade. Looking at 1917 CIC 132-133 (key norms, of course, in regard to clerical celibacy and “chastity”), members of the coetus discussed, with obviously divergent views, celibacy and continence, diaconate and priesthood, and the continued use of traditional terminology versus emerging conciliar language.<sup>2</sup>

Two points from this meeting are noteworthy.

A) The coetus was moving away from using the traditional term “chastity” to describe the clerical obligation today known more accurately as “continence”. In this regard, the coetus was building on conciliar awareness that the word “chastity” was not sufficiently specific to describe the obligation to which clerics are bound. Inconsistency of terminology is evident in conciliar documents and deserves to be the object of a fuller separate study;<sup>3</sup> until then, I suggest that the coetus was at least clearer than was the Council that *continence* is the specific manner in which clerical chastity is to be lived. The coetus used the specific word “continence” in its first draft of what would eventually become law in Canon 277 § 1.

B) Some members of the coetus believed that [Lumen gentium](#) [29?, 42?] had overturned the obligation of continence for married deacons. For reasons I have suggested in the *Studia* article, and which I can develop in more detail later, it is incorrect to hold that *Lumen gentium* departed from the ancient and unbroken Western obligation of clerical continence, but, what is important here is that some members of the coetus *thought* that *Lumen gentium* had done so and therefore, they believed that an explicit exception from the general clerical obligation of continence for married deacons was needed. So motivated, the coetus drafted an exception to what would eventually be Canon 277 § 1, and it was *that* exception which, after appearing successively in the 1977 Schema de Populi Dei, the 1980 Schema Codicis, and the 1982 Schema Codicis, was eliminated by John Paul II in late 1982.<sup>4</sup>

In brief, what John Paul II removed from the proposed 1983 Code was a provision that its authors had drafted expressly to exempt married deacons from the general clerical obligation *of continence*.

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<sup>1</sup> See Edward Peters, “Canonical considerations on diaconal continence”, [Studia Canonica 39 \(2005\) 147-180](#), at 169-171.

<sup>2</sup> See *Communicationes* 16 (1984) esp. 174-178. I have posted [scans of the Coetus notes](#) to enable researchers to reach their own conclusions about those exchanges.

<sup>3</sup> In the meantime see, e.g., Roman Cholij, “Priesthood and celibacy according to recent Church teaching”, in Congregation for the Clergy, *PRIESTHOOD: A GREATER LOVE, A SYMPOSIUM ON ... THE CONCILIAR DECREE PRESBYTERORUM ORDINIS* (Archdiocese of Philadelphia, 1997) originally titled *Sacerdozio: Un Amore Più Grande* (1997) 249-256, at 252-253.

<sup>4</sup> See Edward Peters, *INCREMENTA IN PROGRESSU 1983 CODICIS IURIS CANONICI*, (A Legislative History of the 1983 Code of Canon Law), Foreword by Raymond Cdl. Burke, (Series Gratianus, Wilson & Lafleur, 2005) at 225.