

## Brief Memorandum on the 1998 dicasterial use of the phrase “a certain continence”

In 1998, the Congregation for the Clergy called for the observance of “a certain continence” (*cuiusdam continentiae*) by married deacons in the Roman Church.<sup>1</sup> Some have asked what the phrase “a certain continence” might mean in light of the requirement of perfect and perpetual continence set out for all Roman clerics in [Canon 277](#). I know of no official interpretation of the dicasterial expression “a certain continence”, so the usual methods of canonical analysis apply to our inquiry.

The phrase “a certain continence” appears in a document designated as a “general executory decree”. Given the restrictions with which general executory decrees must be read ([1983 CIC 33 § 1](#)), the phrase “a certain continence” cannot, as a *matter of law*, derogate from any continence obligation set out in canon 277. This fact alone precludes proposing the Congregation’s expression as a mitigation of the clerical obligation of perfect and perpetual continence.

Some may wish to speculate further on the phrase. We may begin by noting, if ironically, that the word “certain” is equivocal.

“Certain” might mean something undoubtedly true (*It is certain that the Church has no power to ordain women to the diaconate -or- That no triangle in plane geometry can have more than one obtuse angle is certain*). Alternatively, the word “certain”, though not explicit, might at least have an easily-identifiable referent (*A certain resident at 1600 Pennsylvania Avenue wants her husband to quit smoking -or- Certain prominent Americans were taken in by Nazi propaganda in the 1930s*). Finally, the meaning of “certain” could be quite vague (*Certain foods are unhealthy for some people -or- Certain drivers think they own the road*). The Latin indefinite adjective translated as “certain” (here, *cuiusdam*) is susceptible, I suggest, to the

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<sup>1</sup> On 22 February 1998, the Congregation for Catholic Education and the Congregation for the Clergy issued three documents on permanent deacons, beginning with a Joint Declaration prefacing the former dicastery’s “Basic Norms for the Formation of Permanent Deacons” and the latter’s “Directory of the Ministry and Life of Permanent Deacons”. All are available in English through the United States Catholic Conference, Pub. 5-242. The call for “a certain continence” by married deacons occurs in paragraph n. 61 of the Directory, at page 124 (my emphasis):

Married deacons should feel especially obliged to give clear witness to the sanctity of marriage and the family. The more they grow in mutual love, the greater their dedication to their children and the more significant their example for the Christian community. ... 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*. This virtue fosters a mutual self-giving which soon becomes evident in ministry. (*Diaconus uxoratus peculiari se teneri officio sentiat claram reddendi testificationem sanctitatis matrimonii et familiae. Quo magis enim coniuges mutuo in amore creverint, eo amplior fiet eorum donatio filiis facta, eoque pariter erit efficacius eorum exemplum apud christianam communitatem. ... Hic amor crescit propter virtutem castimoniae, quae quidem semper floret etiam per exercitium paternitatis responsabilis, una cum acquisita coniugis aestimatione et cuiusdam continentiae consuetudine. Talis virtus adiuvat maturam hanc donationem, quae cito manifestatur in ministerio.*)

The Directory’s second reference to “continence”, in n. 62, will be discussed shortly.

same kind of equivocations in meaning.<sup>2</sup> What the dicastery had in mind, therefore, when it used the phrase “a certain continence” (*cuiusdam continentiae*) is open to many possibilities.

Let us consider three “popular” suggestions encountered in private conversations or writings, and then consider another use of the word “continence” by the Congregation for the Clergy.

First, some seem to think that *any* continence which married clerics (and their wives) happen to observe would be, by definition, “clerical continence”. *Et viola*, the law cannot *not* be satisfied. But a tautological “definition” of clerical continence is useless as a norm for conduct.

Second, some might claim that the dicastery was thinking of the Eastern model of “temporary continence”, what one might call “Trullan continence” after the Eastern Council that gave approbation to the practice.<sup>3</sup> While this understanding of clerical continence has no foundation in Western canon law, it is [a logically possible conjecture](#) as to the meaning of “a certain continence”. But, such an interpretation of clerical continence would constitute a significant derogation of Western canonical observance, and so cannot be accomplished through a “general executory decree” (even if the dicastery were intending to do that, which is not known).

Third, some might suggest that married deacons are exempt from the obligation of continence, but that married priests (and their wives) are held to it. While this interpretation of “a certain continence” has no foundation in Western canon law, it is [a logically possible conjecture](#) as to the meaning of the phrase. But, as above, such an interpretation of clerical continence would be a significant derogation of how the Roman Church has interpreted the obligation of clerical continence, and is therefore not proper to a “general executory decree”. Besides, the dicastery is speaking expressly of the continence to be observed by married deacons, so any interpretation that effectively exempts *deacons* from the obligation seems excluded by the very topic of the document.

Of these three possible meanings of the phrase “a certain continence”, one is a useless tautology, one is beyond the authority of a general executory decree to effect, and one is both beyond the authority of the general executory decree to effect and is belied precisely by the diaconal focus of the document. The difficulty of interpreting the dicasterial expression remains.

So we return to the dicasterial document itself for possible insight on our question, for within the Directory (at n. 62) there is a second appearance of the concept of “continence”, this time, in regard to widowed deacons: “In particular, the widowed deacon should be supported in living in perfect and perpetual continence.” A footnote cites to Canon 277 § 1. But even this phrase is not helpful, I think, toward elucidating the obligations of married deacons in regard to continence for the following reasons.

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<sup>2</sup> See, e.g., Allen & Greenough, NEW LATIN GRAMMAR (1903) nn. 309-310 (quidam: *a certain one*), and Bennett, LATIN GRAMMAR (1895) n. 252, 3a (quidam: *a sort of, a kind of*).

<sup>3</sup> See, e.g., Thomas McGovern, PRIESTLY CELIBACY TODAY (Scepter/Four Courts/Midwest Theo. Forum, 1998) 58-69; Alfons Maria Stickler (Austrian prelate, 1910-2007), THE CASE FOR CLERICAL CELIBACY, trans. B. Ferme, (Ignatius Press, 1995) 69-81.

First, and most obviously, the dicastery is not talking about the obligation binding *married* deacons in this passage, but rather is talking about *widowed* deacons. For dicastery views on the obligations of *married* deacons, one must consult dicastery statements on *married* deacons.

Second, granting that a married man does not formally commit to celibacy at the time of his ordination, he nevertheless incurs the matrimonial impediment of holy Orders ([1983 CIC 1087](#)). Thus, upon the death of his wife, a widowed cleric is *automatically* bound to celibacy and, precisely as a celibate, he is bound by natural law to continence. No dicasterial statement was necessary to make this point, for the obligation of widowed (and per force, celibate) deacons to perfect and perpetual continence is unquestioned. The dicastery reference here is not tautological, but it is rhetorically superfluous.

Third—and setting aside for now my interpretation of Canon 277 whereby married deacons are *already* expected to live in perfect and perpetual continence—the dicastery’s focus on widower’s lack of future sexual activity as warranting “particular support” seems to imply that the primary impact of marriage in a man’s life is sex. That strikes me as an unfortunate diminution of the sacramental, vocational, and personal entirety that *marriage* is in a married man’s life.

Upon the death of a wife, a married man’s whole way of relating to the world changes. He no longer receives the personal support of the cherished human being who alone knew him better than his own parents did or his own children ever will. His identity *qua* husband ends, and he ceases to draw on the sacrament of Matrimony for his spiritual life. If a personal observation will be excused, while I have been spared the experience of losing a wife, among the men I know who have lost their wives, not one of them has expressed to me that *continence* was that part of their grief in which they most needed “particular support”. The adjustments needed to live continently are, by definition, smaller than the adjustments needed to live celibately, and it is celibately, not just continently, that the widowed deacon must henceforth live. But further thoughts on this are outside my expertise and the subject of this Memorandum.

In sum, no clearly satisfactory legal interpretation of the dicastery’s phrase “a certain continence” as applied to married deacons seems to exist, which leaves, I think, but one possibility.

The dicastery was not certain as to what kind of continence obligation applied to married deacons, but it knew that some sort of obligation must apply, and therefore used the indefinite word “*cuiusdam*”(certain) to preserve the concept without defining it. Given the near total inadvertence to the requirement of clerical continence that had set in by the late 1990s, I think it significant that the dicastery expressed even this much concerning the obligation. Indeed, rather than suggesting a dicasterial mitigation of Canon 277—which would be impossible for a document of this sort to achieve in any event—the Directory’s use of the phrase “a certain continence” can just as well, nay better, be seen as a first step toward reinvigorating the obligation of perfect and perpetual continence for married clerics in the Roman Church.

Edward N. Peters, JD, JCD  
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