

Diaconal Categories and Clerical Celibacy

The categories of "permanent" and "transitional" deacon are not only inaccurately drawn; they are inconsistently applied in practice. Artificially splitting the order of diaconate into these two categories is having some distressing consequences for ecclesial life, especially for clerical celibacy. This challenge is passing largely unnoticed because of the reassurance that the distinction suggested by using those two labels rests on some significant foundation in reality, which it clearly does not.

DIACONATE: "A PROPER AND PERMANENT RANK."

In 1964, the fathers of the Second Vatican Council, wanting to see the sacred order of the diaconate esteemed in its own right instead of being treated merely as a stepping stone to the presbyterate, called for the diaconate "to be restored as a proper and permanent rank of the hierarchy" and expressed openness to the possibility of ordaining married men thereto (*Lumen Gentium* 29). Three years later, in his motu proprio *Sacrum Diaconatus Ordinem*, Pope Paul VI acted "to adapt present discipline to the new precepts of the Ecumenical Council and to determine the proper conditions under which . . .

the ministry of the diaconate will be more advantageously regulated" and, as is well-known, authorized the admission of married men to the diaconate.

ONE DIACONATE, NOT TWO.

Some forty years have passed since *Lumen Gentium* and *Sacrum Diaconatus Ordinem*, and the time has come, I believe, to reexamine some fundamental issues associated with the diaconate. Specifically, I will suggest that the neologistic distinction between a "permanent" and a "transitional" diaconate has artificially split, for practical purposes, the order of diaconate into two categories with distressing consequences for ecclesial life, especially for clerical celibacy. Let us begin by looking at the semantic problems caused by this novel terminology.

First, the phrase "permanent diaconate" is pleonastic, for the diaconate is, by its very nature, permanent (CCC 1570; c. 845 §1),¹ and no adjective is required to make it so. Vatican II, moreover, never called for the institution of a "permanent diaconate," but rather, urged that the diaconate "be restored as a proper and permanent rank" of the hierarchy. Second, the phrase "transitional diaconate" is oxymoronic, for the diaconate is not fundamentally a transition to anything, and no adjective can reduce it to one. The Second Vatican Council never used the phrase, "transitional diaconate," and in fact, use of the term belies the very point that the Council desired to correct, namely, treating the diaconate essentially as a transition to something else. The diaconate is no more a transition to the presbyterate than the presbyterate is a transition to episcopacy. But as semantically troubled as the basic phrases "permanent" and "transitional" diaconate are, their invention implies differences between the two "varieties" of diaconate that, upon even cursory examination, prove nearly nonexistent.

Whether labeled "permanent" or "transitional," reception of the diaconate: causes a man to enter the clerical state (c. 266 §1); results in his incardination to a specific church or institute and obliges him to obedience to the Roman Pontiff and a specific ordinary (cc. 266 and 273); inaugurates a duty of the Divine Office in accord with law (c. 276 §2 3°); broadly authorizes one to preach anywhere

(c. 764); enables one to proclaim the Gospel in the liturgy and to give homilies (CCC 1570 and c. 767 §1); makes one an ordinary minister of Baptism and of Holy Communion (cc. 861 §1 and 910 §1); occasions the obligation to pronounce the profession of faith (c. 833 6°); must be preceded by the ministries of lector and acolyte (c. 1035 §1); binds one to continence and occasions the matrimonial impediment of Holy Orders (cc. 277 §1 and 1087); makes one subject to certain penal laws and renders one liable to the specific clerical penalty of suspension (e.g., cc. 1394 §1, 1395, and 1333); enables one to serve as a sole judge in a tribunal (c. 1425 §4); and, is treated by the same process in cases of suspected invalid ordination (cc. 1708–1712).

Conversely, no deacon, whether he be designated “permanent” or “transitional”: can confer Confirmation (c. 882), consecrate the Eucharist (c. 900), administer absolution (c. 965), or celebrate Anointing of the Sick (c. 1003 §1); hold any of several ecclesiastical offices entailing the full care of souls (c. 150); be chosen as diocesan administrator *sede vacante* (c. 425); need be invited to a particular council or diocesan synod (cc. 443 and 463); can serve as an episcopal vicar of any sort (cc. 478 §1 and 1420 §4); can be appointed to a chaplaincy (c. 564); can impart blessings other than those expressly approved for “deacons” (c. 1169 §3); or, be appointed as an exorcist (c. 1172 §2). This catalogue of enablements and disablements common to “permanent” and “transitional” deacons could be lengthened, but these should suffice to show that the similarities between “permanent” and “transitional” deacons vastly outweigh the differences. This is how it should be. There is, after all, only one level of orders involved here, namely, *the* diaconate.

This brings us to the only significant difference between “permanent” and “transitional” deacons in the West. Aside from a few disciplinary matters such as clerical garb, the right to conduct certain personal business affairs, and one’s eligibility for certain civil offices (see c. 288), the only obvious difference between “permanent” and “transitional” deacons is that the former may be, and generally are, married, while the latter are single (c. 1031). But before discussing even this difference, one must ask: Is it as neat as it appears?

IS THE ONE SIGNIFICANT DIFFERENCE AS NEAT AS IT APPEARS?

Consider that some “permanent” deacons are not married, either because they were ordained while single, or because their wives later died. A “transitional” deacon who declines to go on to presbyterate cannot be prevented the exercise of his order except in accord with law (c. 1038), meaning that a “transitional” deacon can end up functioning as a “permanent” deacon, while a “permanent” deacon can go on to the presbyterate without first being re-ordained to the “transitional” diaconate. Finally, in the wake of the “Pastoral Provision” of the 1980s, many Protestant ministers who have come into full communion with the Church have been ordained, even though married, to the “transitional” diaconate and then on to presbyterate, and doubtless more married men will be so ordained as a result of the personal ordinariates projected for Anglicans. In short, the categories of “permanent” and “transitional” deacon are not only inaccurately drawn, they are inconsistently applied in practice.

But beyond all of this, the most serious objection to semantically alleging some kind of major distinction in the diaconate is that the words *permanent* and *transitional*, which purport to describe *oppositeness*, mask a profound *singular* effect within the clerical state, specifically on clerical celibacy.

Recalling that there is virtually no difference (aside from marriage) between “permanent” and a “transitional” deacons, and noting that the vast majority of the tens of thousands “permanent” deacons ordained since 1967 have been married, one can scarcely see the “permanent” diaconate, as it has actually developed, as anything less than a direct challenge to *clerical* celibacy in the West. This challenge, however, passes largely unnoticed because of the reassurance that no change is underway for the majority of married clerics in the West who are *only* “permanent” deacons, and not “transitional” deacons headed toward the presbyterate—as if the distinction suggested by the use of the two labels rests on some significant foundation in reality, which it clearly does not. Add to this the pressure being exerted against clerical celibacy by the ordination of married men as deacons and priests under various recent mechanisms and one must conclude that Western *clerical* celibacy is in an unprecedented crisis.

Now, I use the term *crisis*, not necessarily to imply something negative, but rather in its Greek sense to mean “at a crossroads” or “having arrived at a point for choice.” It is not for me to decide whether a retreat from clerical celibacy might be good for the Roman Church, in which case, indeed, the introduction of a “permanent” diaconate would be an obvious step in the right direction, as would the expanding use of “pastoral provisions” and “personal ordinariates.” Nevertheless, it is appropriate to point out that a major challenge to clerical celibacy seems, in fact, to be underway, and that Roman rhetoric in defense of clerical celibacy, of which there has been much, is being regularly undermined in practice.

FIVE SUGGESTIONS.

Assuming that, on the one hand, clerical celibacy should be preserved as “a special gift of God by which sacred ministers can adhere more easily to Christ with an undivided heart and are able to dedicate themselves more freely to the service of God and humanity” (c. 277 §1, and *Presbyterum Ordinis* 16), and on the other, that the conciliar openness to seeing some married men admitted to the diaconate should be respected, what to do? I have five suggestions.

First, for all the reasons outlined above, we must abandon the ersatz distinction between the terms *permanent* and *transitional* diaconate. Four decades of misuse on this point will not disappear overnight, I know, but at the official level at least, references to the first level of Holy Orders should reflect the reality, clearly understood by the Council, that such an order is *one*, namely, *the* diaconate.

Second, amend canon 1031 so that an unmarried candidate for *the* diaconate may still be ordained at age twenty-three, but that a married candidate for *the* diaconate may not be ordained until (say) age fifty (instead of the current age thirty-five), and then only with the *informed* consent of his wife (discussed below). Simply leave intact the impediment against ordaining married men to the presbyterate (c. 1042, 1°).

Third, amend (or better, abrogate) canon 288 by which various exceptions to clerical obligations are made for “permanent” deacons (some of which exceptions need to be reconsidered in any event), and instead treat such matters, if necessary, in particular law. This

flexible approach, suited to the fact that one and the same order is comprised of married and unmarried men, is already being used to adjust other clerical obligations such as the Divine Office (c. 276, §2, 3°). Any remaining individual situations probably are better addressed by personal precept rather than by attempting regulation in universal law.

Fourth, because the ministerial duties of a “permanent” (or better, “married,” if an adjective is desired, and I am not sure that one is desirable) deacons are identical to those of a “transitional” deacon, and because these diaconal duties usually will be carried on for much longer periods of time by married men than by single, raise the level of education offered to married diaconal candidates to the same level required for extended, competent ministry by unmarried men in *the* diaconate. This will require some modification of canons on the education of clerics (e.g., cc. 235–236 and 1032), for at present those norms are worded to accommodate what is ultimately an unsustainable distinction between a “permanent” and a “transitional” diaconate. In pursuing this reform, one should recall that married candidates for the diaconate—being older, likely employed, or involved in childrearing—will need a flexible education schedule. Expect, moreover, that raising the education level for ordination to *the* diaconate will reduce the number of men, particularly married men, willing to and capable of completing a formation program sufficient for ordained ministry.

Adopting these four suggestions will go far to correct the inappropriate terminological categories that have marked the diaconate since the late 1960s and will foster appreciation of the diaconate as a single, esteemed level of Holy Orders, while still honoring the conciliar openness to accepting some married men into *the* diaconate. Nevertheless, while these suggestions can and should be assessed on their own merits without adverting to the more pressing issue of the diminution of clerical celibacy in the West, eventually that issue—namely, respect for the requirement of “perfect and perpetual continence for the sake of the kingdom” binding clerics in the Western Church (c. 277, §1)—must be considered.

As I have argued elsewhere (“Canonical considerations on diaconal continence,” *Studia Canonica* 39 [2005]: 147–180), all clerics in the West, including married permanent deacons, are canonically

bound to observe perfect sexual continence. This fundamental requirement, though patent in the law and claiming at least a millennium's worth of unbroken observance in the Roman Church, was suddenly and almost universally forgotten in the postconciliar move to admit married men to Western Holy Orders (specifically, to the diaconate, and more lately to the priesthood). I have already discussed the situation of married men who were ordained to the diaconate without having been advised of this obligation, so I do not readdress their situation here. Rather, my concern is for the future. Assuming that my reading of the canon law on clerical continence is correct, I offer one last suggestion.

Recover the value of, educate future candidates for, and expect compliance with the canonical obligation of "perfect and perpetual continence" by *all* men entering Western Holy Orders and their wives (noting, for example, the remarkable and twice-iterated requirement of spousal consent to ordination in cc. 1031, §2 and 1050, 3°). Such a profound renewal of clerical discipline will have several effects, including: greatly reducing the number of married men seeking admission to *the* diaconate in the first place; aligning those married men who do receive diaconal orders more closely with the figure of Christ, his presbyters, and his bishops; and correcting the popular misperception that "permanent" deacons are not really clerics in the full sense of the word.

They most certainly are.

1. In this article, CCC will designate the *Catechism of the Catholic Church* and references to the *Code of Canon Law* will be abbreviated as "c." followed by the canon and section (if applicable) numbers.

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