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THE OBLIGATION TO LEAD A HOLY LIFE FOR THOSE DISPENSED FROM CELIBACY

Introduction

In the 1983 Code of Canon Law,¹ as in the 1917 Code of Canon Law,² the legislator upheld the principle according to which the loss of the clerical state, in addition to the situation regulated in can. 290, 1° CIC/83, does not carry with it a dispensation from the obligation of celibacy³ which is exclusively granted by the Roman Pontiff. Since the sacrament of orders imprints an indelible mark (*character indelebilis*) and cannot be repeated or administered only for a certain period of time,⁴ it is not possible to transfer on the theological level to the secular state (*reductio theologica ad statum laicalem*), but only on the legal [Skonieczny 2018, 84]. Thus, dispensation from celibacy causes a loss of the clerical state only in the legal sense, never in the theological sense [ibid., 399]. This principle is reaffirmed in the *Catechism of the Catholic Church*: “It is true that someone validly ordained

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¹ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, p. 1-317 [hereinafter: CIC/83].

² *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (27.05.1917), AAS 9 (1917), pars II, p. 1-593 [hereinafter: CIC/17]. Can. 213 § 2: “Clericus tamen maior obligatione caelibatus tenetur, salvo praescripto can. 214.”

³ There is the necessity to distinguish celibacy undertaken for religious reasons from the single state in the human and sociological sense, P. Skonieczny argues that the concept of celibacy as a religious phenomenon should be specified, e.g. as: *church celibacy*, *priestly celibacy*, *celibacy for the kingdom of heaven* [Skonieczny 2018, 16-17].

⁴ *Catechismus Catholicae Ecclesiae*, Libreria Editrice Vaticana, Città del Vaticano 1997 [hereinafter: CCE], no. 1582.

can, for grave reasons, be discharged from the obligations and functions linked to ordination, or can be forbidden to exercise them; but he cannot become a layman again in the strict sense, because the character imprinted by ordination is for ever. The vocation and mission received on the day of his ordination mark him permanently” (CCE 1583). Thus, the dispensation from celibacy granted by rescript as an administrative activity relates to the duties and rights of the clergy on the legal level. According to can. 292, a cleric who has lost the clerical state loses with it the rights proper to the clerical state, and is no longer bound – without prejudice to can. 291 – by any obligations of the clerical state, is prohibited from exercising the power of orders, without prejudice to can. 976, and thus deprived of all offices, roles and of any delegated power.

1. The concept of holiness in the Holy Scriptures

The Hebrew word *qodesh*, meaning holiness, comes from the root *qdsz*, the meaning of which can be derived from the Canaanite verb *qadad* containing the idea of “cutting off,” “separating” from what is secular (Hebrew *hol*). In turn, the Greek equivalent of the analysed concept is the word *hagiotes* containing the same root as the verb *hagiadzein* (holiness) and the adjective *hagios* (holy) [Baran 2013, 401].

Holiness in the Old Testament is an essential attribute of Yahweh, which distinguishes Him from the gods and deities of the pagan nations: “Who is like you among the gods, o Lord? Who is like you, magnificent among the holy ones? Awe-inspiring in deeds of renown, worker of wonders” (Ex 15:11). In essence, holiness belongs only to Yahweh, and everything to do with Him is entitled to be called sacred. In this sense, places where Yahweh is present are sacred (Ex 3:5; Ps 20:7) or persons who serve Him (Ex 28:36; Lev 21:6-9). The New Testament does not change the link between holiness and God, but emphasizes that God’s holiness is made present in Jesus Christ, His Church, and in believers. The holiness of God is shared not only by individual believers, but also by the entire community of God’s people, which, being partakers of God’s holiness, should live in a holy manner, in accordance with the gift received: “But you are «a chosen race, a royal priesthood, a holy nation, a people of his own, so that you

may announce the praises» of him who called you out of darkness into his wonderful light” (1Pet 2:9) [Słomka 2002, 867].

2. The universal call to holiness

The vocation and destiny of Christ’s faithful to holiness is the result of Christ’s explicit exhortation: “[...] be perfect, just as your heavenly Father is perfect” (Matt. 5:48). Jesus accepted the call to holiness that God addressed to His people in the Old Testament and proclaimed it with the word and the example of His messianic life. In the so-called on His sermon on the mount, He left the Church a code of Christian holiness (Matt. 5:1-12).

The biblical truth about the universal call to holiness was raised especially in the papal teaching in the twentieth century. This subject was raised by Pope Pius XI in the encyclicals *Rerum omnium perturbationem*⁵ of January 26, 1923 and *Casti connubii*⁶ of December 31, 1930, emphasizing that the faithful of every state and profession, are called to a full Christian life and perfect love. Pope Pius XII taught similarly in the Apostolic Constitution *Provida Mater Ecclesia*⁷ of February 2, 1947 and in the *Annus sacer*⁸ of December 8, 1950 and *Nel Darvi*⁹ of July 1, 1956.

The truth about the universal call to holiness was significantly deepened by the Fathers of the Second Vatican Council, especially in the Dogmatic Constitution on the Church.¹⁰ Chapter V of *Lumen Gentium*, entitled *The Universal Call to Holiness in the Church*, is described as the “great charter of holiness.” The Council Fathers distinguish the ontological holiness that characterizes God himself from the moral holiness that every human being should strive for [Wróblewski 2015, 164]. “Therefore in the Church,

⁵ AAS 15 (1923), p. 49-63. Pius XI promulgated the encyclical under analysis on the 300th anniversary of the death of St. Francis de Sales, who postulated striving for holiness of all states [Pryszmont 1980, 5-17].

⁶ AAS 22 (1930), p. 539-92.

⁷ AAS 39 (1947), p. 114-24.

⁸ AAS 43 (1951), p. 26-36.

⁹ AAS 48 (1956), p. 573-77.

¹⁰ Sacrosanctum Concilium Oecumenicum Vaticanum II, Constitutio dogmatica de Ecclesia *Lumen gentium* (21.11.1964), AAS 57 (1965), p. 5-75 [hereinafter: LG].

everyone whether belonging to the hierarchy, or being cared for by it, is called to holiness [...]” (LG 39). Because of God’s call and justification in Christ, through the sacrament of baptism, Christ’s faithful have become true children of God and partakers of the divine nature, “by God’s gift, they must hold on to and complete in their lives this holiness they have received” (LG 40). The Fathers of *Vaticanum II*, emphasizing the universal call to holiness, refer to God as the model and ultimate reason for holiness. They see the universality of the call to holiness in the truth about God’s holiness, the holiness of Christ and the holiness of the Church. Holiness, therefore, first belongs to God and is His attribute, and then it is a gift that God gives to man in Jesus Christ through the power of the Holy Spirit [ibid.].

3. The obligation to lead a holy life according to the 1983 Code of Canon Law

The Code legislator raises the obligation to strive for holiness several times in: can. 210 belonging to Title I: *De omnium christifidelium obligationibus et iuribus*, Part I: *De christifidelibus*, Book II: *De populo Dei* and can. 276 and 278 § 2 belonging to Chapter III: *De clericorum obligationibus et iuribus*, Title III: *De ministris sacris seu de clericis*, Part I: *De christifidelibus*, Book II: *De populo Dei*. Considering the above, it should be stated that the legislator obliges all Christ’s faithful in general to lead a holy life (can. 210), and – due to their special role – specifies and additionally motivates the clergy (cann. 276, 278 § 2).

3.1. The obligation to lead a holy life of Christ’s faithful – can. 210

The analysed provision in the Code is new, because the legislator in CIC/17 did not proclaim such an obligation. The source documentation of CIC/83¹¹ in relation to can. 210 points to *Lumen gentium*, nos.

¹¹ Pontificia Commissio Codici Iuris Canonici Authentice Interpretando, *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus. Fontium annotatione et indice analytico-alphabetico auctus*, Typis Polyglottis Vaticanis, [Civitas Vaticana] 1989, footnote to can. 210.

39-42 and *Apostolicam actuositatem*, no. 6.¹² Requirements addressed to all Christ's faithful, carried out in accordance with their own position, concern striving for: 1) a holy life; 2) promoting the growth of the Church; 3) continual sanctification of the Church (can. 210).¹³ The canon has undergone a number of modifications, especially due to the imprecise definition of *pro propria quisque conditione* [Cenalmor 2004, 57].¹⁴

The proclaimed fundamental duty of all Christ's faithful to lead a holy life, taking into account their own position, is justified by the general obligation and, at the same time, the right of every human being to seek the truth concerning God and to accept and act upon the truth that has been known (can. 748 § 1). The main motive of the analysed obligation is to receive the sacrament of baptism, which is the foundation of the whole Christian life, the gate of spiritual life (*vitae spiritualis ianua*) and the gate that opens access to other sacraments (CCE 1213), which implies the obligation to strive for personal moral perfection in accordance with the evangelical command of Christ to lead a perfect life (cf. Matt. 5:48) and to multiply the holiness of the entire ecclesial community. The analysed obligation has two aspects: 1) private – consisting in achieving personal holiness by every Christ's faithful; and 2) collective – consisting in multiplying the holiness of the whole Church, which is the Mystical Body of Christ, with which each believer is organically connected [Krukowski 2005, 26].

Leading the life of a saint is primarily a religious and ethical duty, which, however, due to the wording of can. 210 should also be interpreted as a legal obligation. The analysed disposition of the Code legislator expresses the expectations of the church community that every Christ's faithful should lead a holy life, due to the fact that the fulfilment

¹² Sacrosanctum Concilium Oecumenicum Vaticanum II, Decretum de apostolatu laicorum *Apostolicam actuositatem* (18.11.1965), AAS 58 (1966), p. 837-64.

¹³ Can. 201: "Omnes christifideles, secundum propriam condicionem, ad sanctam vitam ducendam atque ad Ecclesiae incrementum eiusque iugem sanctificationem promovendam vires suas conferre debent."

¹⁴ Pontificia Commissio Codici Iuris Canonici Recognoscendo, *Schema Legis Ecclesiae Fundamentalibus cum Relatione* (20.09.1969), Typis Polyglottis Vaticanis [Civitas Vaticana] 1969, p. 12, can. 11; Eadem, *Schema Legis Ecclesiae Fundamentalibus. Textus emendatus cum Relatione de ipso Schemate deque emendationibus receptis* (30.11.1970), Typis Polyglottis Vaticanis, [Civitas Vaticana] 1971, p. 16, can. 11.

of this obligation influences the growth and development of the holiness of the whole Church [Sobański 2003, 98]. Can. 210 should therefore be interpreted as an attempt to legally adopt the principles or ecclesiological elements dispersed in the teaching of the Fathers of the Second Vatican Council [Olszewska 2017, 40].

3.2. The obligation of clergy to lead a holy life – cann. 276, 278 § 2

Although all Christ's faithful are called to lead a Christian life and perfect love (LG 40), the legislator in can. 276 § 1 obliges clergy in a special way, the more so because, being consecrated to God by receiving the sacrament of Holy Orders, they become stewards of God's mysteries for the service of His people. The content of the analysed canon, which is an almost literal repetition of the Decree on the Ministry and Life of Priests: "Priests are bound, however, to acquire that perfection in special fashion. They have been consecrated by God in a new manner at their ordination and made living instruments of Christ the Eternal Priest that they may be able to carry on in time his marvellous work whereby the entire family of man is again made whole by power from above,"¹⁵ slightly modifies the corresponding can. 124 CIC/17,¹⁶ which ordered the clergy to lead outside and inside a life 'holier' than the lay members of Christ's faithful.¹⁷ However, the Fathers of *Vaticanum II* clearly stated that, in the order of holiness, all the baptized are equal, although this holiness is expressed in various ways, and the call to derives not only from the sacrament of baptism, but also from many other reasons that urge even more strongly its achievement. With regard to clergy, the new entitlement is consecration to God through ordination [Rincón 2004, 225].

The Code legislator indicates pious practices that are to help clergy achieve holiness: 1) faithful and tireless fulfilment of the pastoral ministry;

¹⁵ Sacrosanctum Concilium Oecumenicum Vaticanum II, Decretum de presbyterorum ministerio et vita *Presbyterorum ordinis* (07.12.1965), AAS 58 (1966), p. 991-1024.

¹⁶ Pontificia Commissio Codici Iuris Canonici Authentice Interpretando, *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus. Fontium annotatione et indice analytico-alphabetico auctus*, footnote to can. 276 § 1.

¹⁷ Can. 124 CIC/17: "Clerici debent sanctiorem prae laicis vitam interiorem et exteriorem ducere eisque virtute et recte factis in exemplum excellere."

2) nourishing at the twofold table of the sacred Scripture and the Eucharist; 3) daily praying of the Liturgy of the Hours according to the own and approved liturgical books; 4) participating in spiritual retreats in accordance with the provisions of particular law; 5) regular practice of mental prayer; 6) frequent practice of the sacrament of penance and reconciliation; 7) special veneration to the Blessed Virgin Mary; 8) practicing other general and special means to holiness (can. 276 § 2).¹⁸

In striving for holiness, it may be helpful for clergy to use the one proclaimed in can. 278 the right of association. Secular clergy should especially appreciate those associations which, having statutes approved by competent authority, stimulate their own holiness in the exercise of their ministry through an appropriate and properly approved rule of life and fraternal support, and foster the unity of the clergy with one another and with their own bishop (can. 278 § 2).

4. A dispensation from the obligation of celibacy as a means to lead a holy life

A dispensation from celibacy can never be interpreted as a right granted indiscriminately to all clerics, because it is a grace granted by the Roman Pontiff for reasons specified by law [Kiwior 1992, 174]. Granting dispensation from the obligations arising from the ordination received is undoubtedly painful for the ecclesial community and constitutes a great wound inflicted on the holiness of the Church, because the faithful have the right to demand from clergy fidelity to the sacrament of orders, despite

¹⁸ The legislator in can. 125 CIC/17 obligated the local ordinaries to instruct and encourage all the clergy to confess frequently, to do spiritual meditations every day, to visit the Blessed Sacrament, pray the rosary and make an examination of conscience. Can. 125: "Curent locorum Ordinarii: 1° Ut clerici omnes poenitentiae sacramento frequenter conscientiae maculas eluant; 2° Ut iidem quotidie orationi mentali per aliquod tempus incumbant, sanctissimum Sacramentum visitent, Deiparam Virginem mariano rosario colant, conscientiam suam discutient." Moreover, all secular clerics, without exception, should participate in a retreat at least every three years for the time that their own ordinary assigns them. Can. 126: "Omnes sacerdotes saeculares debent tertio saltem quoque anno spiritualibus exercitiis, per tempus a proprio Ordinario determinandum, in pia aliqua religiosave domo ab eodem designata vacare; neque ab eis quisquam eximatur, nisi in casu particulari, iusta de causa ac de expressa eiusdem Ordinarii licentia."

the difficulties and problems that may befall them. However, it should also be remembered that the Code legislator recognizes the salvation of souls as the highest law of the Church (*salus animarum suprema lex*) (can. 1752). Thus, dispensing from celibacy is aimed at helping the clergyman to achieve salvation by improving his situation of sacramental life, and ultimately it is the Church's concern for the spiritual welfare of the petitioner and his relatives [Ossowski 2013, 131].

The papal rescript granting dispensation from celibacy carries a number of effects, which can be grouped into: 1) basic, which are provided for by the Code legislator, related to the loss of the clerical state; 2) the so-called prohibitions not resulting from the loss of the clerical state, the subject of which is primarily Article 5 *Praeterquam aliis*;¹⁹ 3) model, referred to only in the rescript [Skonieczny 2018, 84]. According to can. 292, the first group should include: a) loss of rights related to the clerical state; b) the removal of all offices, roles and of any delegated power; c) not being subject to the duties of the clergy, especially celibacy. Along with the papal rescript, specific prohibitions are imposed on the clergyman, not related to the loss of the clerical status, which differ from the legal effects enumerated in can. 292. These bans find their legal basis in positive non-code law, i.e. in Article 5 § 2, § 3, § 4, § 5 and § 7 PA. They can be systematized in three groups, according to: a) *munus santificandi* – the dispensed cannot be an extraordinary minister of Holy Communion and cannot fulfil the ministry of a lector and acolyte; b) *munus directivum* – the dispensed cannot function as a pastoral director or participate in the administration of the parish; c) *munus docendi* – the dispensed may not perform any role in seminaries or other institutes equivalent to them (*nullum munus*); in institutes of higher education dependent on the ecclesiastical authority, he cannot exercise a governing role; and in institutes of minor studies dependent on ecclesiastical authority, he cannot exercise a governing role or teach theological discipline [ibid., 232-39]. Additional effects resulting

¹⁹ Sacra Congregatio pro Doctrina Fidei, Normae substantiales *Praeterquam aliis* de dispensatione a sacerdotali coelibatu ad instantiam partis (ad usum internum Sacrae Congregationis) (14.10.1980), in: Congregatio de Cultu Divino et Disciplina Sacramentorum, *Collectanea documentorum ad causas pro dispensatione super „rato et non consummato” et a lege sacri coelibatus obtinenda inde a Codice Iuris Canonici 1917*, Libreria Editrice Vaticana, Città del Vaticano 2004 [hereinafter: PA], p. 157-58.

from the papal rescript are: a) the dispensation from religious vows; b) the remission of a censure; c) the obligation to leave; d) a work of love or piety; e) other optional additional effects, e.g. in order to avoid scandal.

In the area of securing and enabling the dispensed from celibacy to lead a holy life, the most important should be the restoration of the full opportunity to participate in the sacramental life of the Church, including marriage according to canon law,²⁰ and the remission of a censure, if such the clergyman requesting a dispensation suffered.

Conclusions

The analysis of the issues raised allows to draw conclusions *de lege lata*:

1. Apart from the case mentioned in can. 290, 1°, loss of the clerical state does not entail a dispensation from the obligation of celibacy, which only the Roman Pontiff grants (can. 291).

2. The Code legislator, referring to the teaching of the Fathers of the Second Vatican Council, emphasizes the equality of all the baptized in the order of holiness. Hence, in can. 210 proclaims the principle of the universal call to holiness. Due to the consecration to God entitled by receiving the sacrament of orders in can. 276 and 278 § 2 obliges the clergy to pay special attention to leading a holy life.

3. The papal rescript restores to the dispensed from celibacy the possibility of full participation in the sacramental life and the remission of a censure, thus becoming an expression of the Church's concern for his salvation.

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²⁰ Taking care that the liturgy is held discreetly, without splendour and greater sumptuousness (*sine pompa vel exteriore aparatu*).

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The Obligation to Lead a Holy Life for Those Dispensed from Celibacy

Abstract

The legislator in can. 210 of the 1983 Code of Canon Law obliges all Christ's faithful to lead a holy life, and in cann. 276 and 278 § 2, with regard to the sacrament of orders, clergy. In the order of holiness, however, all the baptized are equal. The loss of the clerical state, except in the cases mentioned in can. 290, 1°, does not entail any dispensation from the obligation of celibacy. The rescript of the Roman Pontiff gives the dispensed from celibacy the possibility of full participation in the sacramental life, including marriage according to canon law, and the remission of a censure.

Key words: Christ's faithful, clerical state, sacrament of orders, dispensation from celibacy, rescript

Obowiązek prowadzenia życia świętego dyspensowanych od celibatu

Abstrakt

Ustawodawca w kan. 210 Kodeksu Prawa Kanonicznego z 1983 r. zobowiązuje do prowadzenia życia świętego wszystkich wiernych chrześcijan, zaś w kan. 276 i 278 § 2, ze względu na sakrament święceń, duchownych. W porządku świętości jednak wszyscy ochrzczeni są równi. Utrata stanu duchownego, oprócz wypadków podniesionych w kan. 290, 1^o, nie niesie z sobą dyspensy od obowiązku celibatu. Reskrypt Biskupa Rzymskiego przywraca dyspensowanemu od celibatu możliwość pełnego uczestnictwa w życiu sakramentalnym, w tym zawarcia małżeństwa według prawa kanonicznego oraz zwalnia z cenzur.

Słowa kluczowe: wierni chrześcijanie, stan duchowny, sakrament święceń, dyspen-
sa od celibatu, reskrypt

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