

CANON 1031 §1 AND PRESBYTERAL MATURITY

1. Introduction

«*Maturitas*» and «canonical maturity» escape definition. Can one speak instead of «presbyteral maturity», or of «matrimonial maturity»? Maybe. In *Codex Iuris Canonici 1983*, c. 1031 §1's «*sufficienti gaudeant maturitate*» serves up a history rich in connotation, though the phrase itself is an innovation. «Matrimonial maturity», a notably less accessible concept, lacks *CIC 1983* expression, having surfaced primarily in Rotal jurisprudence of recent decades. Uncertain standards for what constitutes a «sufficiency» or a «minimum» compound a more basic confusion as to what might constitute «maturity». Recent discourse between the social sciences and theology perhaps has created an ambiguity not previously associated with presbyteral maturity, and has exacerbated the ambiguity currently associated with the notion of matrimonial maturity developing in praxis.

As embodied in «*sufficienti gaudeant maturitate*», *Codex Iuris Canonici 1983* c. 1031 §1 contains something new, yet very old in our Christian canonical tradition. What does the phrase mean? How much of an innovation does it represent? Any interpretation of this apparently new liceity requirement must be undertaken in light of the sources both

proximate and distant, where we best uncover what the Church intends. This issue, historically relevant, takes on an urgency for us in today's climate of suspicion, often encouraged by real or imagined clergy misconduct, for instance, or by real or imagined infidelity of some stripe or another. No bishop deliberately wants to ordain tomorrow's «problem priest» who will be ineffective in giving the community what it needs from a priest, or too effective in giving it just what it does *not* need. This caution is not at all new, however, as the history and premises of c. 1031 §1 illustrate.

Since the «particular» can help us to understand the «universal», concentration on «*maturitas sufficiens*» (c. 1031 §1) helps to illuminate the fuller context of «*maturitas*» in *CIC 1983*. The presbyteral «*maturitas*» of c. 1031 §1 refers to more than age requirements (which is, obviously, the theme of the canon taken as a whole). Indeed, «*aetas*» is but one feature of «*maturitas*» in the canonical tradition, yet it is a feature apart from which «*maturitas*» cannot be understood. But though the canon takes age as its focus, the canonical concept of presbyteral maturity pertains to more than completing one's twenty-fifth year of life outside the womb. How might one characterize this «more»?

Perhaps the danger of expecting more than what the Church requires in a mature ordinand mirrors the danger of expecting more than what the Church requires in a mature spouse. Just as standards should not be set too low, neither should the bar be set too high. But where is the bar to be set?

In this first of two successive articles, I examine certain moments in the canonical derivation of presbyteral maturity over the last two millennia. In the

companion and second article, to be published in this same journal, I consider canonical maturity in a broader context, specifically concerning the fertilization possible between presbyteral maturity and matrimonial maturity¹.

2. Some early Christian expressions

The *First Letter to Timothy* calls for the candidate to be «temperate, sensible, dignified, hospitable, an apt teacher, no drunkard, not violent but gentle, not quarrelsome, and no lover of money»². The first chapter of the *Letter to Titus* warns the candidate against arrogance and quick-temperedness, against drunkenness, violence, and greed; and admo-

¹ This article is a condensation of some major themes found in my *On the Requirement of Sufficient Maturity for Candidates to the Presbyterate (c. 1031 §1), with a Consideration of Canonical Maturity and Matrimonial Jurisprudence (1989-1990)*, Tesi Gregoriana, Serie di Diritto Canonico 30, Rome 1999. In the first part of that work, I present the problem of ambiguity as evidenced in contemporary ecclesiastical teaching and praxis regarding «*maturitas*» for orders and for marriage, after which I analyze and critique the possibility of an intersacramental analogy (orders, marriage). In the second part, I trace the history of presbyteral maturity from St. Paul up through *Pastores dabo vobis*. In the third part of that same work, I dissect – in the words of the judges themselves – Rotal treatment of matrimonial «*maturitas*» in all published and unpublished Rotal sentences of 1989-1990. In the fourth and final part, I further the analogy between orders and marriage as regards «*maturitas*».

² *1 Tim 3,2-3*. H. MAY – B. METZGER, ed., *The New Oxford Annotated Bible with the Apocrypha, Expanded Edition, Revised Standard Version (= RSV)*, New York 1977, 1442.

nishes the candidate to hospitality, to the love of goodness, and to uprightness, holiness, and self-control³. The Pastoral Letters point toward «*maturitas*» («*affectiva*», «*humana*»), but do not define it.

Illustrating an age-minimum sense of «*maturitas*», earlier incorporated into both *CIC 1917* and *CIC 1983*, *Pastores dabo vobis* offers the triple citation from the Pastoral Letters of *1 Tim* 4,14, *1 Tim* 5,22, and *2 Tim* 1,6⁴. The common theme concerns the laying on of hands. Specifically in *1 Tim* 5,22 we find the admonition: «Do not be hasty in the laying on of hands, nor participate in another man's sins; keep yourself pure»⁵. Speaking generally of *Corpus* norms, and specifically of Gratian's c. 5 of distinction 24, Gallagher has argued that *1 Tim* 5,22 fundamentally presents age as (1) an ordination requisite and (2) a feature of the larger examination which presbyteral candidates need undergo:

later canons in the *Corpus Iuris* emphasize the necessity of enquiry into three phases of the candidate's qualifications, viz., his age, knowledge, and character. [...] An investigation into the age of the candidate is clearly indicated as matter for the examination. In the case of a candidate for

³ *Tit* 1,7-8. *RSV* (cf. nt. 2), 1450. References in both *1 Timothy* and *Titus* are to those who would be bishop, a term at the time understood to include the priesthood as well as the episcopacy, the latter in its most nascent form. Indeed, these passages in *Pastores dabo vobis* (= *PDV*) revolve around the presbyterate, not the episcopacy. JOHN PAUL II, *PDV*, apostolic exhortation, 25 March 1992, *AAS* 84 (1992) 657-804. Future citations will include the English translation page number (E#), Vatican edition, 1992. Unless the source of a translation into English is marked explicitly (as with *PDV*), the translation is my own.

⁴ *PDV* (cf. nt. 3), 679 (E30), n. 15.

⁵ *RSV* (cf. nt. 2), 1444.

the priesthood it is considered a violation of the law of St. Paul to impose hands before he attains maturity⁶.

Of course, the author of the *First Letter to Timothy* makes no such explicit reference to maturity. Further, in keeping with the tone of the Pastoral Letters, particularly those cited here from *PDV*, this «law of St. Paul» addresses maturity more in its virtue-contingent sense than as an age-minimum requisite.

3. Two councils: First Nicea and Third Carthage

Before advancing to the era of Gratian and the writers of the first quarter of this millennium, five texts bearing upon presbyteral «*maturitas*» warrant brief attention, from: the First (Ecumenical) Council of Nicea (325); the Third Council of Carthage (397); the pontificates of Zosimus (417-418) and Leo I (440-461); and, finally, the Third (Ecumenical) Lateran Council (1179).

Of interest from the First (Ecumenical) Council of Nicea (325) is c. 9, which affirms in the presbyters (or perhaps, at this point, «elders») the need for examination, confession of sins, and a life above reproach⁷. Those men having been advanced

⁶ T. GALLAGHER, *The Examination of the Qualities of the Ordinand. An Historical Synopsis and Commentary*, Washington (D.C.) 1944, 9.

⁷ «Si qui presbyteri sine examinatione sunt promoti vel cum discuterentur, sua peccata confessi sunt et homines moti contra canones confessis manus imponere temptaverunt, tales regula non admittit, quia quod inreprehensibile est, catholica defendit ecclesia.» J. ALBERIGO – *al.*, *Concilium Oecumenicorum Decreta* (= *COD*), Bologna 1973³, 10.

to the presbyterate without having sufficiently fulfilled these principles are ordained illicitly⁸. The canon is noteworthy for its broad, forceful language.

Following Nicea I, the Third Council of Carthage (397) confirmed the necessity of thorough, public examination of presbyteral candidates, for which the bishop bears ultimate responsibility⁹. More importantly, it fixed a minimal age requirement for ordination: in addition to the profession of faith, instruction in sacred writings, and erudition recognized from one's youth, the candidate had to have attained twenty-five years of age¹⁰.

Indeed, within this period of the close of the fourth and beginning of the fifth centuries, we see the demarcation of «*maturitas*» understood as a base age, beyond which interstices both reflected and somehow were seen to foster a fuller maturity, manifested in character development and progress in the virtuous life. (This implicit link between interstices and a presupposition concerning maturity becomes prominent in *CIC 1917*, as we will see shortly.)

⁸ My words, not expressly stated in the canon beyond «*tales regula non admittit*».

⁹ Canon 22: «*Ut nullus ordinetur clericus, nisi probatus vel episcoporum examine, vel populi testimonio.*» P. LABBEUS – G. COSSARTIUS (ed.), *Sacrosancta concilia ad regiam editionem exacta – curante Nicalao Coleti* (= LABBE), Venice 1728-1733, II, 1401.

¹⁰ Canon 4: «*Item placuit, ut lectores populum non saluent (et) ut ante 25 annos nec clerici ordinentur, nisi primum divinis scriptis instructi, vel ab infantia eruditi, propter fidei professionem vel assertionem.*» LABBE (cf. nt. 9), II, 1400.

4. Zosimus, and Leo I

In the 21 February 418 letter of Pope Zosimus¹¹ to Hesychius, bishop of Salona¹², we find the earliest extant composition¹³ of particular regulations regarding presbyteral examination, requisite age, testimonials, incipient dimissorials, and moral rectitude¹⁴. Toward the conclusion of the first part of the

¹¹ Pontificate 18 March 417 – 26 December 418.

¹² Latin «*Salonitanus*»; today known as Solin, a coastal city near Split. In the time of Zosimus, Salona served as capital of Illyricum, later Dalmatia, within the varying borders of Croatia. In the same year (418) as this letter was composed, Zosimus granted the pallium to Salona's bishop, indicating its strategic importance as a particular church.

¹³ Or at least the earliest cited in Gratian.

¹⁴ Specifically, from the third section: «Haec autem in singulis gradibus observanda sunt tempora. Si ab infantia ecclesiasticis ministeriis nomen dederit, inter lectores usque ad vicesimum aetatis annum continuata observatione perduret. Si major jam (et) grandaeus accesserit, ita tamen ut post baptismum statim se* divinae militiae desideret* mancipari sive inter lectores, sive inter exorcistas quinquennio teneatur: exinde acolythus, vel subdiaconus, quatuor annis: (et) sic ad benedictionem diaconatus (si meretur) accedat, in quo ordine quinque annis, si inculpate se gesserit, haerere debet. Exinde suffragantibus stipendiis, per tot gradus datis propriae fidei documentis presbyterii sacerdotium* promereri. De quo loco (si eo illum exactior ad bonos mores vita perduxerit)* summum pontificatum sperare debet. Hac tamen lege servata, ut neque bigamus*, neque poenitens, neque viduae maritus* ad hos gradus possit admitti. Sane, ut etiam defensores ecclesiae, qui ex laicis fiunt, supradicta observatione teneantur, si meruerint esse in ordine clericatus». LABBE (cf. nt. 9), III, 400. *The transcription differs in J. MIGNE, ed., *Patrologia Latina* (= PL), Paris 1878-1890, XX, 672-673. In the latter, «se» is rendered «si», which would explain Migne's inclusion of «*desideret*»

letter, Zosimus lists the ordered grades of ministry, the specifics of which he later presents in the letter's third part. He describes the presbyterate as a summit attained only upon having completed previous periodic services, skipping none. He counsels further that the age (of the candidate) satisfy or be equal to the name of presbyter («*presbyterii [...] ut et nomen aetas impleat*»)¹⁵.

Early collections all agree on «*nomen aetas impleat*», a crucial phrase which, touching our themes, presents a grammatical, contextual difficulty. One author understands Zosimus as saying that «only those who were mature and who had proved the merit of their probity by previous service may approach the exalted position of priesthood»¹⁶.

(present subjunctive active) rather than «*desiderat*» (present indicative active); «*poterit*» intervenes between «*sacerdotium*» and «*promereri*»; «*perduxerit*» is rendered «*produxerit*», a negligible alteration but an alteration nonetheless; «*bigamus*» is rendered «*digamus*», likely a transcription error; and «*neque viduae maritus*» is deleted. The history of this deleted phrase is treated in nt. letter c, *PL*, XX, 672. In contrast, J. MANSI (ed.), *Sacrorum conciliorum nova et amplissima collectio* (= MANSI), Florence – Venice – Paris – Leipzig 1759-1827, IV, 348, reads identically to LABBE.

¹⁵ «Assuescat in domini castris, in lectorum primitus gradu divini rudimenta servitii: nec illi vile sit, exorcistam, acolythum, subdiaconum, diaconum per ordinem fieri: *nec hoc saltu*, sed statutis majorum ordinatione temporibus. Jam vero ad *presbyterii fastigium* talis accedat, *ut* (et) *nomen aetas impleat* (et) meritum probitatis stipendia anteacta testentur.» LABBE (cf. nt. 9), III, 399; *PL* (cf. nt. 14), XX, 671-672; MANSI (cf. nt. 14), IV, 348. (Emphasis added.)

¹⁶ J. CHRISTENSEN, *Character Requisites for Admission to Seminaries. A Historical Synopsis*, licentiate thesis, The Catholic University of America, Washington (D.C.) 1961, 8.

There are two problems with this gloss. First, he reads «*nomen aetatis*» instead of «*nomen aetas*», though the source he cites reads «*nomen aetas*»¹⁷. Second, in so doing he misses the fuller syntactical relevance of «*presbyterii*», which connotes the worthiness due for one to be called (1) elder («*presbyterii [...] nomen*») and (2) priest («*presbyterii fastigium*»). In other words, those features making one a fit elder worthy of the name («elder») are commensurate with those features making one a fit candidate worthy to be called to the priesthood.

The grammatical difficulty is best resolved by leaving the words as are, understanding «*aetas*» to be nominative (obviously) and «*nomen*» to be accusative, and returning to take «*presbyterii*» as a genitive twice: «*presbyterii fastigium*» and «*presbyterii nomen*»¹⁸. From this word play emerges a fusion of minimum age and worthiness, one which we later see reflected in «*sufficienti gaudeant maturitate*». Again, we pause to remind ourselves where we are going: *CIC 1983* c. 1031 §1 first addresses the specifics of age requirements for the diaconate and the presbyterate, followed by the admonition that the candidates enjoy sufficient maturity («*sufficienti gaudeant maturitate*»). This reflects the thought of Zosimus: specifics of grades, ages, and interstices give way to a higher, though ambiguous requisite (i.e., «*presbyterii [...] ut [...] nomen aetas impleat*»), a requisite touching both (1) chronological age and

¹⁷ MANSI (cf. nt. 14), IV, 348. Perhaps editions might not be consistent.

¹⁸ I am grateful to John Welch, S.J., for his insight into this double usage and meaning.

(2) the personal worthiness which the candidate must enjoy, that he might satisfy the demands of so lofty an office.

The phrase of Zosimus examined here – «*jam vero ad presbyterii fastigium talis accedat, ut (et) nomen aetas impleat*» – assumes canonical gravity in that Gratian will adopt it entirely¹⁹, thus assuring its place in developing norms governing the presbyterate, and, of particular interest to us, presbyteral maturity.

In his 10 August 446 letter to bishops in north-west coastal Africa²⁰, Pope Leo I (Leo the Great)²¹ threads *1 Timothy* 5,22 into the norms established by Zosimus. Leo notes again the warning of *1 Tim* 5,22

¹⁹ D. 59, c. 2. Christensen exaggerates significantly in stating that «Gratian incorporated almost the entire letter of Zosimus into his *Decree*», citing D. 59, cc. 1, 2 (J. CHRISTENSEN, *Admission to Seminaries* [cf. nt. 16], 9). Indeed, in D. 59, cc. 1, 2, Gratian assumes nearly *verbatim* a fragment of the first third and much of the latter third of the epistle's first part; together this represents slightly over a third of Zosimus's letter to Hesychius. Of course, other pieces of the letter appear elsewhere in *DG*: a fragment in D. 36, c. 2; and much of the portion cited in my nt. 14 appears in Gratian's D. 77, c. 2. In total, a bit over half of Zosimus's letter to Hesychius is adapted into *Decretum Gratiani* (= *DG*). Text used here is the two-volume Venice edition of 1605.

²⁰ «Leo (urbis Romae) episcopus universis episcopis per Caesariensem Mauritaniam (in Africa) constitutis in Domino salutem», in LABBE (cf. nt. 9), IV, 635; *PL* (cf. nt. 14), LIV, 646. The placement of this letter in the historical development of sacerdotal formation has been treated elsewhere: see A. CARR, *Vocation to the Priesthood. Its Canonical Concept*, Washington (D.C.) 1950, 37; and T. GALLAGHER, *Examination of the Qualities* (cf. nt. 6), 16-17.

²¹ Pontificate 29 September 440 – 10 November 461.

regarding the sinfulness involved in the premature ordination of those not ready and worthy. He warns against ordaining the candidate prior to his age of maturity, prior to the period of examination, prior to his having served, and prior to proof of his learning²². Reinforcing the link made by Zosimus nearly thirty years earlier, Leo refers to the required moment – perhaps in a chronological sense – of readiness (explicitly now «*aetas maturitatis*»), in the same breath with the requirement that other human attributes be examined. *Decretum Gratiani* will reinforce this further²³.

5. The Third Lateran Council and Gratian

Curiously, only in 1179 does the wedding of «*aetas*» and «*maturitas*» appear in the documents of an ecumenical council. The third canon of the Third

²² «Ubi est illa beati Pauli apostoli per Spiritum Dei emissa praeceptio, qua in persona Timothei omnium* sacerdotum Christi numerus eruditur, et proinde* unicuique nostrum dicitur: “Manus cito nemini imposueris, neque communicaveris* peccatis alienis” (1 *Timoth.* v, 22)? Quid est cito manus imponere, nisi *ante aetatem maturitatis*, ante tempus examinis, ante meritum laboris,* ante experientiam disciplinae sacerdotalem honorem tribuere non probatis? Et quid est communicare peccatis alienis, nisi et talem effici ordinantem, qualis est ille qui non meruit ordinari?» LABBE (cf. nt. 9), IV, 635; *PL* (cf. nt. 14), LIV, 647. (Emphasis added.) [**PL* reads: «*omnium Christi sacerdotum*»; no «*proinde*» precedes «*unicuique*»; «*communices*»; «*meritum laboris*» replaces the «*meritum obedientiae*» of LABBE.]

²³ This phrase appears in a longer excerpt in D. 61, c. 5 (*DG*, 287-288), and in a shorter excerpt in D. 78, c. 3 (*DG*, 354).

Lateran Council²⁴ directly addresses many matters proper to the clerical state²⁵. While primarily considering the selection of bishops and related temporal affairs such as benefices and appointments²⁶, the third canon begins by confirming that if maturity of age («*aetatis maturitas*»), dignity of morals («*morum gravitas*»), and knowledge of letters («*scientia litterarum*») be investigated («*sit inquirenda*») for all those in sacred orders or holding ecclesiastic offices («*in sacris ordinibus et ministeriis ecclesiasticis*»), all the more is a bishop to be investigated²⁷. The council's supposition («*cum in*») of these three requisites does not follow from an explicit listing of them in either of the previous two canons of Lateran III, nor presage the material in any of the subsequent twenty-four.

There emerges no indication (1) of the intended meaning of «*maturitas aetatis*», (2) of the reason for the inversion from Leo's «*aetas maturitatis*», and (3) of whether or not such an inversion would have been deliberate. The council fathers would have known the sources of the tradition of requisite ages and interstices as enunciated by Zosimus seven centuries earlier, for instance, since the

²⁴ *COD* (cf. nt. 7), 212-213.

²⁵ In fact, the first two-thirds of the council's *corpus* take up matters clerical.

²⁶ Finances and ecclesiastical governance are an ongoing theme in the council's *opus*.

²⁷ «Cum in sacris ordinibus et ministeriis ecclesiasticis, et aetatis maturitas et morum gravitas et scientia litterarum sit inquirenda, multo fortius haec in episcopo oportet inquiri, qui ad curam positus aliorum, in se ipso debet ostendere qualiter alios in domo Domini oporteat conversari»; *COD* (cf. nt. 7), 212.

norms were sufficiently recognized to have been retained and codified by Gratian²⁸ several decades prior to the convention of the council fathers, even if the *Decretum* itself awaited fuller dispersion. Also, by virtue of the mention of minimum requisite ages in c. 3 of Lateran III²⁹, clearly there existed established norms observed in the breach³⁰. Equally clear would be the prominence for the council fathers of Leo's conceptualization of «*aetas maturitatis*», twice taken *verbatim* into *Decretum Gratiani*³¹. Insofar as «*aetas maturitatis*» through the ages might have become a standard reference to minimum chronological age with its correspondent moral attributes, the inversion to «*maturitas aetatis*» as found in this third canon of Lateran III warrants notice.

The weave of (1) chronological age with (2) moral attributes continues. For instance, we read in c. 3 that for episcopal election a man must be thirty years old, of legitimate birth, and of apparently commendable life and knowledge³². For nomination as dean or archdeacon a man must be twenty-five, and

²⁸ See notes 14 and 19; Gratian's D. 77, c. 2.

²⁹ See next paragraph, this text.

³⁰ The canon implies as much, since it specifies that earlier exceptional practice, at times necessary, not be an example to be treated as normative by future generations: «ne quod de quibusdam ex necessitate temporis factum est, in exemplum trahatur a posteris»; *COD* (cf. nt. 7), 212.

³¹ «Quid est [...] meruit ordinari?» See nt. 22; also, Gratian's D. 61, c. 5, and D. 78, c. 3.

³² «[...] praesenti decreto statuimus, ut nullus in episcopum eligatur, nisi qui iam trigesimum aetatis annum egerit et de legitimo sit matrimonio natus, qui etiam vita et scientia commendabilis demonstretur»; *COD* (cf. nt. 7), 212.

recommended for his knowledge and morals³³. No analogous statement attends the order of presbyters, not in this canon nor any of the canons of Lateran III. Priests receive express mention in the third canon only in that deans who assume office without being ordained priests (within the time fixed by the canons) are to be removed from office. Similarly, there is no express mention of the order of deacons, save that duly appointed archdeacons who assume office without diaconal ordination (within the time fixed by the canons) likewise are to be removed³⁴.

Several other citations of our early twelfth-century Camaldolese monk are pertinent to «*maturitas*»³⁵. The first can be treated briefly, as it is of disputed origin³⁶. Gratian accepts an undated fragment to be from the latter part of the fifth century, attributed to Pope Gelasius I³⁷. Addressed to a bishop in

³³ «Inferiora etiam ministeria, utputa decanatus, archidiaconatus et alia quae animarum curam habent annexam, nullus omnino suscipiat, [...] nisi qui iam vigesimum quintum aetatis annum attigerit, et qui scientia et moribus existat commendandus»; *COD* (cf. nt. 7), 212.

³⁴ «Cum autem assumptus fuerit, si archidiaconus in diaconum et decani [...] non fuerint praefixo a canonibus tempore in presbyteros ordinati, et ab illo removeantur officio et alii conferatur»; *COD* (cf. nt. 7), 212.

³⁵ It is worth noting the great attention Gratian gives to «*idoneitas*», «*aetas*», and «*intervalla temporis in singulis gradibus servanda sint*»: in fact, the middle sixty percent of *Decreti prima pars* densely reflects this. For specific and typical examples, see *distinctiones* 24, 25, 36, 47, 49, 59, and 77-84.

³⁶ In his introductory «*monitum*» (*PL* [cf. nt. 14], LIX, 141), Migne comments on the history of this and other disputed Gelasian pieces included in his *Appendix secunda* (*PL* [cf. nt. 14], LIX, 141-156).

³⁷ Pontificate 1 March 492 – 21 November 496.

what is modern Algeria³⁸, the piece concerns the problem of advancing to sacred orders those found lacking in character or desire. On a more positive note, Gelasius remarks that the bishop ought to be zealous in promoting to the presbyterate those acolytes or subdeacons who are more mature in age and of laudable lifestyle³⁹. In a now familiar theme, the letter's author links the requisites of (1) an implied chronological age minimum with (2) character fitness.

In his commentary («*dicta*»), Gratian himself twice directly addresses the issue of presbyteral maturity, in two well-separated distinctions (D. 41, D. 84).

First (D. 41), in a brief consideration of comportment, Gratian notes that «In walking the priest has to be distinguished, so that in the dignity of passage he might manifest maturity of disposition. Indeed disorder of body (as Augustine asserts) indicates unevenness of soul»⁴⁰.

Second (D. 84), Gratian indicates that in the worthy presbyter, wisdom of soul outweighs chronological age in importance, as necessary as the latter

³⁸ «Unde Gelasius scribit Victori episcopo»; D. 74, c. 9. The particular church to which the letter was destined probably was Victoria in Mauretania.

³⁹ «[...] si quos habes vel in acolythis, vel subdiaconis *maturiores aetate*, et quorum sit vita probabilis, hos in presbyteratum studeas promovere»; D. 74, c. 9; *PL* (cf. nt. 14), LIX, 154; not included in LABBE.

⁴⁰ «In incesso autem debet esse sacerdos ornatus, ut gravitate itineris mentis maturitatem ostendat. Incompositio enim corporis (ut Augustinus ait) inaequalitatem indicat mentis»; D. 41, c. 8, d.p.

be: «though the name be taken from old age, in fact the title of presbyter(s) nevertheless refers to maturity of wisdom more than the greying of the person»⁴¹. Though not using the word «*maturiores*» but rather «*seniores*»⁴², Gratian entitles the upcoming canon «Presbyters are called elders not so much due to age as due to wisdom»⁴³. Relevant also is the canon to which these words serve as introduction; Gratian extracts it from a letter of Pope Anacletus⁴⁴.

We read in the sixth canon (D. 84) that, for Anacletus, «greying defines wisdom» and «sagacity is men's greying»⁴⁵. Still, of the two (i.e., age and wisdom), «not because of advanced age, but on account of wisdom are presbyters so named»⁴⁶. One

⁴¹ «Presbyterorum vero nomen, quamquam a senectute sit sumptum, magis tamen maturitatem indicat sapientiae, quam caniciem corporis»; D. 84, c. 5, d.p.

⁴² One recalls the Greek etymology of presbyter as both community elder and community official on whom hands have been imposed. Indeed Gratian himself embellishes slightly on this point in his edition of Anacletus's letter; immediately after the first usage by Anacletus of a form of «*presbyter*», Gratian adds parenthetically a qualifying equivalence: «ut eligat presbyteros (*id est seniores*)»; D. 84, c. 6, emphasis added. This is the only textual change Gratian makes from this portion of Anacletus's letter as found in LABBE (cf. nt. 9), I, 525.

⁴³ «Presbyteri seniores dicuntur non tam aetate, quam sapientia»; D. 84, c. 6.

⁴⁴ Pontificate 76 – 88; from letter to Italian bishops. Complete letter from which the canon derives can be found in LABBE (cf. nt. 9), I, 522-528.

⁴⁵ «[...] canicies sapientiam designat»; «Canicium hominum prudentia est»; D. 84, c. 6. Also, LABBE (cf. nt. 9), I, 525; here the more common «*canities*», not «*canicies*» as taken by Gratian.

⁴⁶ «Non ergo propter decrepita(m) senectutem: sed propter sapientiam presbyteri nominantur»; D. 84, c. 6.

must bear in mind, of course, that discussions of advanced age are relative to the average life expectancy of persons in a given era.

For Gratian and the authors whom he considers, an elder, whether in terms of age or wisdom, would have earned that distinction at what for us today might seem a younger age, proportional to the shorter life-span of the pre-modern era.

6. Trent

Session twenty-three receives most of our attention as we scan the documents of the Tridentine conciliar reform. Two related, prior references are of note, however, at this point in our historical sweep of presbyteral maturity.

The first reference emerges in session seven's⁴⁷ second decree. The first canon of *Super reformatione* legislates that only those born from a legitimate matrimony («*ex legitimo matrimonio*») and of a mature age («*aetate matura*»), dignity of morals («*gravitate morum*») and knowledge of letters («*litterarumque scientia*») may oversee cathedral churches⁴⁸. This first reference is noteworthy because the canon explicitly lists these four requirements as derived from Lateran III, nearly four centuries prior⁴⁹.

⁴⁷ Opened on 3 March 1547.

⁴⁸ *COD* (cf. nt. 7), 687. «*Scientia litterarumque*» probably refers to basic literacy.

⁴⁹ «[...] iuxta constitutionem Alexandri III [...] in concilio Lateransi promulgatam»; *COD* (cf. nt. 7), 687. (See notes 24-34.)

Also, this marks the only explicit reference to maturity in the documents of the Council of Trent. Though the council fathers had much to say about «*idoneitas*» and virtue, they had little to say about maturity as such, expressly using that word.

The second reference worthy of note outside of the twenty-third session takes us to the second decree of session twenty-two⁵⁰. The second canon of *Decretum de reformatione* again addresses the care of cathedral churches as found in session seven's *Super reformatione*, issued some fifteen years earlier. The council fathers decreed, specifically, that

henceforth anyone who will be accepted into cathedral churches must be not merely fully endowed with distinguished birth (legitimacy), age, morals, life, and other things, which are required by the sacred canons, but also earlier constituted in a sacred order for an interval of at least six months⁵¹.

The council fathers here blend the requisites of age, interstices⁵², and character, as did Zosimus in his letter to Hesychius nearly 1150 years prior to Trent, and as does *CIC* 1983 c. 1031 §1 today⁵³.

⁵⁰ Opened on 17 September 1562.

⁵¹ «Quicumque posthac ad ecclesias cathedrales erit assumendus, is non solum natalibus, aetate, moribus, vita ac aliis, quae a sacris canonibus requiruntur, plene sit praeditus, verum etiam in sacro ordine antea, saltem sex mensium spatio, constitutus»; *COD* (cf. nt. 7), 738.

⁵² This canon, of course, refers to the interval between reception of a sacred order and the assumption of duty at the cathedral church; this interval is not a canonical interstice, which precisely denotes the minimal period of time to be passed between promotion from one order to the next.

⁵³ Though c. 1031 §1 treats explicitly of age requirements and interstices, the third (character) is implied.

These themes attain higher relief in the Council of Trent's twenty-third session, to which we now turn⁵⁴. Of exclusive interest here is its *Decreta super reformatione*.

In discussing promotion from minor orders to major, c. 11 of the reform decree legislates that no one should be advanced who lacks manifest hope of acquiring the knowledge worthy of major orders: «*nemo [...] initietur, quem non scientiae spes maioribus ordinibus dignum ostendat*»⁵⁵. It is enough that one exhibit sufficient likelihood of developing⁵⁶.

Further, this same c. 11 introduces the specifics of interstices, made precise and explicit in c. 12. This structure and tone bear a resemblance to *CIC 1983* c. 1031 §1 in four ways: a (1) sufficiency of an unquantifiable human characteristic is linked (2) to age minimums and (3) to interstices, and (4) is presented in open-ended language. The development is not quick, but occurs in degrees as the candidates ascend through each order, garnering that which is proper to their age in life⁵⁷.

Canon 13 further declares that those to be ordained priests must enjoy good reputation («hold good witness») and have been ordained at least one complete year, again forging the link between interstices

⁵⁴ Opened on 15 July 1563.

⁵⁵ *COD* (cf. nt. 7), 748.

⁵⁶ See also c. 18 on this: «In hoc vero collegio recipiantur [...] quorum indoles et voluntas spem afferat eos ecclesiasticis ministeriis perpetuo inservituros»; *COD* (cf. nt. 7), 750. This summary canon of Trent's twenty-third session is often referred to as its own decree (*Cum adolescentium aetas*).

⁵⁷ «[...] de gradu in gradum ascendant, ut in eis cum aetate vitae meritum et doctrina maior accrescat»; *COD* (cf. nt. 7), 748.

and the unquantifiably ambiguous⁵⁸. Finally, as we read in c. 7, all of this (birth, character, age, education, morals, doctrine, and faith) is considered as a bloc of recognizable ordination requisites, to be diligently investigated by the bishop involved, or his depute(s)⁵⁹. This semi-public undertaking builds upon earlier investigations, documented in testimonials; it takes place before and during progress through the minor orders, and continues into major orders, as mandated in c. 5⁶⁰.

The cleanest source from the documents of Trent touching *CIC 1983* c. 1031 §1 is the second sentence of c. 12. The first sentence sets minimum ages for ordination: subdeacons, twenty-two years completed; deacons, twenty-three; and priests, twenty-five. We then find the qualifying statement that bishops should remember that not everyone must be accepted into the established orders at the designated

⁵⁸ «[...] bonum habeant testimonium [...] qui non modo in diaconatu ad minus annum integrum»; *COD* (cf. nt. 7), 749.

⁵⁹ «Episcopus autem, sacerdotibus et aliis prudentibus viris, peritis divinae legis ac in ecclesiasticis sanctionibus exercitatis, sibi adscitis, *ordinandorum genus, personam, aetatem, institutionem, mores, doctrinam et fidem diligenter investiget et examinet*»; *COD* (cf. nt. 7), 747. (Emphasis added.)

⁶⁰ «Ad minores ordines promovendi bonum a parochio et a magistro scholae, in qua educantur, testimonium *habeant*. Ii vero, qui ad singulos maiores erunt assumendi, per mensem ante ordinationem episcopum adeant, qui parochio aut alteri, cui magis expedire videbitur, committat, ut nominibus ac desiderio eorum, qui volent promoveri, publice in ecclesia propositis, *de ipsorum ordinandorum natalibus, aetate, moribus et vita a fide dignis diligenter inquirat* et litteras testimoniales, ipsam inquisitionem factam continentes, ad ipsum episcopum quamprimum transmittat»; *COD* (cf. nt. 7), 746-747. (Emphasis added.)

(minimal) age, but only those who are worthy, those of proven life⁶¹.

7. Clement VIII and Benedict XIV

Less than forty years after the Council of Trent, Pope Clement VIII⁶² speaks of presbyteral maturity in his 20 August 1599 letter⁶³ to the archbishop of Lyon and other bishops of the region⁶⁴. In urging the French bishops to diligent examination of those to be ordained «*ad altiores gradus*»⁶⁵, Clement uses the language of canons five and seven (session twenty-three)⁶⁶. He remarks further on, however, of the need to seek more than the minimum development associated with a given chronological age: «A certain age [...] is prescribed to each order, but that

⁶¹ «Sciunt tamen episcopi, non singulos in ea aetate constitutos debere ad hos ordines assumi, sed dignos dumtaxat et quorum probata vita senectus sit»; COD (cf. nt. 7), 748-749.

⁶² Pontificate 30 January 1592 elected – 3 March 1605.

⁶³ CLEMENT VIII, *Dives in misericordia sua Deus*, hortatio pastoralis, 20 August 1599, in *Bullarum Diplomatum et Privilegiorum Sanctorum Romanorum Pontificum* (= BDP), Turin 1857-1872, X, 524-529.

⁶⁴ «Venerabilibus fratribus archiepiscopo Lugdenensi et episcopis in eadem provincia constitutis»; CLEMENT VIII, *Dives in misericordia sua Deus* (cf. nt. 63), 524.

⁶⁵ «[...] ut non nisi probati et examinati initientur, ita ut episcopus ipse piis et prudentibus sacerdotibus, et divinae legis peritis, atque in ecclesiasticis functionibus exercitatis secum adhibitis, de ordinandorum genere, natalibus, aetate institutione, vita, moribus, doctrina et fide diligenter inquirat atque investiget»; CLEMENT VIII, *Dives in misericordia sua Deus* (cf. nt. 63), 526.

⁶⁶ Compare nt. 65 with notes 59, 60.

does not suffice», unless the candidates to be consecrated to sacred orders be advanced in life and in manner of living, «prepared with the learning and knowledge applicable to exercising the order»⁶⁷. True for all the major orders, this bears most forcefully upon those admitted to the presbyteral order, those who are placed in holy and sensitive places, «to whom the care of souls is committed, which is the art of arts, than which nothing is more difficult or exposed to greater dangers»⁶⁸. While the word «*maturitas*» is not used, both «*aetas*» and «*sufficit*» presage *CIC 1983* c. 1031 §1.

Benedict XIV⁶⁹ clearly was impressed by the presentation of Clement VIII. On 13 September

⁶⁷ «*Aetas quidem [...] unicuique ordini praescripta est, sed non ea sufficit, nisi in vita et moribus eorum, qui sacris ordinibus initiandi sunt, senectus sit, [...] nisi ea eruditione et scientia sint instructi, quae ad ordinem exercendam pertinet*»; CLEMENT VIII, *Dives in misericordia sua Deus* (cf. nt. 63), 526.

⁶⁸ «[...] quod cum aliis sacris ordinibus observandum est, tum maxime in presbyteris initiandis, qui sublimiore loco supra candelabrum ponuntur, et tamquam lucernae accenduntur ut luceant omnibus qui in domo sunt, quibus animarum cura committitur, quae est ars artium, qua nulla difficilior, aut maioribus periculis obnoxia»; CLEMENT VIII, *Dives in misericordia sua Deus* (cf. nt. 63), 526-527.

⁶⁹ Pontificate 17 August 1740 elected – 3 May 1758. Before entering this eighteenth century, a note is in order. While perhaps less attentive to our precise theme of presbyteral maturity during the period between Clement VIII and Benedict XIV, pontiffs were not silent on related issues, especially as regards topics such as seminary formation as legislated in the continuing Tridentine Reform. See, for instance: INNOCENT XI (pontificate 21 September 1676 elected – 12 August 1689), *Sacrosancti apostolatus, Constitutio apostolica*, 17 April 1684, in *BDP* [cf. nt. 63], XIX, 530-581; INNOCENT XII (pontificate

1740, less than one month after his election as pontiff, Benedict issued the encyclical *Ubi primum*⁷⁰ to all bishops⁷¹. He admonished them to recall Paul's exhortation not to impose hands upon just anyone⁷². Regarding advancement «to sacred orders, and to the most sacred mysteries, of which nothing is more divine»⁷³, Benedict echoes Clement in insisting upon a thorough examination of the candidates, and in cautioning against precipitous or uncertain advancement of candidates from the minor orders⁷⁴.

12 July 1691 elected – 27 September 1700), *Speculatores domus*, Constitutio apostolica, 4 November 1694, in *BDP* [cf. nt. 63], XXI, 662-666; and INNOCENT XIII (pontificate 8 May 1721 elected – 7 March 1724), *Apostolici ministerii*, Constitutio apostolica, 23 May 1723, in *BDP* [cf. n. 63], XXI, 931-942.

⁷⁰ BENEDICT XIV, *Ubi primum*, Epistola encyclica, 13 September 1740, in *Benedicti XIV Pont. Opt. Max. Opera Omnia* (= *BenOp*), Prato 1839-1847, XV, 3-6.

⁷¹ «Epistola: Encyclica et Commonitoria ad omnes Episcopos.» The salutation reads: «Venerabilibus Fratribus Patriarchis, Primatibus, Archiepiscopis, et Episcopis»; BENEDICT XIV, *Ubi primum* (cf. nt. 70), 3.

⁷² «Apostoli vero praeceptum, ut ne manus cuiquam nimis propere imponantur»; BENEDICT XIV, *Ubi primum* (cf. nt. 70), 4.

⁷³ «[...] ubi de promovendis [ad] Sacros Ordines, et ad Sacratissima Mysteria, quibus nihil est divinius»; BENEDICT XIV, *Ubi primum* (cf. nt. 70), 4.

⁷⁴ «[...] qui in inferiore aliquo Ordine jam sint constituti, suo quasi jure patere debet aditus ad sublimiorem; sed studiose, magnaeque adhibita diligentia investigandum a vobis est, an eorum, qui priora susceperint ministeria, talis fuerit vivendi ratio, et in sacris scientiis progressio, ut vere judicandi sint, quibus dicatur: ascende superius: cum alioquin expediat in inferiori potius aliquos remanere gradu, quam cum suo majori periculo, et aliorum scandalo ad altiorem.» BENEDICT XIV, *Ubi primum* (cf. nt. 70), 4.

Benedict soon after, in two distinct treatments, affirms the minimum ages legislated by Trent for each order. In fact, together with texts already cited from Gratian and Trent's twenty-third session, Benedict's precise iteration of minimum ages in *Etsi Pastoralis*⁷⁵ and *Eo quamvis tempore*⁷⁶ form the bulk of the sources⁷⁷ for *CIC 1917* c. 975. (*CIC 1917* c. 975 is an important «fons» of *CIC 1983* c. 1031 §1, though it does not treat explicitly of «*maturitas sufficiens*»)⁷⁸. Still, if *Etsi Pastoralis* and *Eo quamvis tempore* restate the minimal requirements of Trent quite clearly, then the fuller (and, in Benedict's *opus*, earlier) criteria of *Ubi primum* complement them. Coincidentally, *Ubi primum* is listed in the Gasparri annotations as a source of *CIC 1917* c. 974 §1, which (as will be seen shortly) is a companion to *CIC 1917* c. 975, in turn noted as one of two primary sources for *CIC 1983* c. 1031 §1⁷⁹. (*Optatam totius* 12 is the other *fons* listed.)

⁷⁵ BENEDICT XIV, *Etsi Pastoralis*, Constitutio apostolica, 26 May 1742, in *BenOp* (cf. nt. 70), XV, 197-212, especially 206, number 19.

⁷⁶ BENEDICT XIV, *Eo quamvis tempore*, instructio, 4 May 1745, in *BenOp* (cf. nt. 70), XV, 515-525, especially 519, number 19.

⁷⁷ Listed in the Gasparri annotated edition (Rome 1918).

⁷⁸ *Etsi Pastoralis* (cf. nt. 75) and *Eo quamvis tempore* (cf. nt. 76) are also both listed by Gasparri as sources of *CIC 1917* c. 974 §1, a canon of lesser but related interest to us, as we will see.

⁷⁹ PONTIFICIA COMMISSIO CODICI IURIS CANONICI AUTHENTICE INTERPRETANDO, *Codex Iuris Canonici. Fontium Annotatione et Indice Analytico-Alphabetico Actus*, Vatican City 1989, 284.

In recalling that a certain, minimal age is assigned to each order by church law⁸⁰, Benedict cautions that the fulfillment of that age (while necessary) is not in itself sufficient for advancement to sacred orders: «*agendum sit: non enim sufficit aetas*»⁸¹. In short, «in fact progress is better made by having fewer ministers, but good, fit, and useful, rather than many, who might be worthless in the building up of the body of Christ, which is the Church»⁸².

8. Clement XIII through Pius X, and movement toward *CIC 1917*

Clement XIII⁸³ is the first of a series of pontiffs to write about problems surrounding clergy preparation, doing so with few specifics regarding maturity and age requisites. Statements concerning the need to ensure certain levels of education and moral living are clear, though general.

In the first substantial letter of his papacy, *A quo die* of 13 September 1758⁸⁴, Clement refers to Paul's admonition to Timothy regarding the premature im-

⁸⁰ «[...] aetas...] quae per sacras Ecclesiae leges unicuique Ordini praescripta est»; BENEDICT XIV, *Ubi primum* (cf. nt. 70), 4.

⁸¹ BENEDICT XIV, *Ubi primum* (cf. nt. 70), 4.

⁸² «Melius enim profecto est pauciores habere Ministros, sed probos, sed idoneos, atque utiles, quam plures, qui in aedificationem Corporis Christi, quod est Ecclesia, nequicquam sint valituri»; BENEDICT XIV, *Ubi primum* (cf. nt. 70), 4.

⁸³ Pontificate 6 July 1758 elected – 2 February 1769.

⁸⁴ CLEMENT XIII, *A quo die*, Epistola encyclica, 13 September 1758, in *BenOp* (cf. nt. 70), XXVII, 30-37.

sition of hands, and encourages bishops to ordain only worthy men, taking particular care with those who will be pastors/parish priests. He offers few specifics⁸⁵. Exactly seventeen years later, also on Christmas Day, Pius VI⁸⁶ follows Clement's lead. In the first substantial letter of his pontificate⁸⁷, Pius refers to *1 Tim* 4,14, encouraging bishops to «bring forth the grace which is in you through the imposition of hands» so as to lead the faithful⁸⁸. The first obligation he lists is to maintain a qualified clergy. Neither does Leo XII⁸⁹ offer specifics, though he shows concern that adolescents receive quality education in seminaries and convents, and that bishops realize that the poor have a certain primacy in the hierarchy of those needing pastoral care⁹⁰. In 1829, Pius VIII⁹¹ presents what would be his only substantial writing and, like his predecessors here mentioned, gives scant attention to clergy issues. On seminaries, Pius merely reminds bishops to care for seminaries that they might produce an educated clergy, a task remanded to them by the Tridentine fathers⁹².

⁸⁵ CLEMENT XIII, *A quo die* (cf. nt. 84), 34-35.

⁸⁶ Pontificate 15 February 1775 elected – 29 August 1799.

⁸⁷ PIUS VI, *Inscrutabile divinae sapientiae*, Encyclica, 25 December 1775, in *BenOp* (cf. nt. 70), XXX, 181-186.

⁸⁸ «[...] suscitetis gratiam, quae est in vobis per impositionem manuum»; PIUS VI, *Inscrutabile divinae sapientiae* (cf. nt. 87), 182.

⁸⁹ Pontificate 28 September 1823 elected – 10 February 1829.

⁹⁰ LEO XII, *Charitate Christi*, 25 December 1825, in *BenOp* (cf. nt. 70), XXXII, 356.

⁹¹ Pontificate 31 March 1829 elected – 30 November 1830.

⁹² «In id porro impensiori quadam sollicitudine advigiletis in seminariis, quorum omnis procuratio vobis peculiariter est a Tridentinis patribus adtributa»; PIUS VIII, *Traditi humilitati*, Epistola encyclica, 21 May 1829, in *BenOp* (cf. nt. 70), XXX, 26.

There is, in fact, a probable reason for the reticence typical of these four popes on issues pertinent to «*maturitas*»: given that Trent had spoken clearly and solemnly, little more needed to be said other than an occasional word of confirmation. Pius VIII said as much, and Pius IX⁹³ makes a similar allusion in *Qui pluribus*. Speaking on a variety of topics pertinent to the faith, Pius reminds church leaders of the responsibility given them by Trent to maintain good seminaries⁹⁴.

Pontifical reticence on «*maturitas*» and age abates in subsequent decades. In the first year of his tenure, in his first major teaching, Pius X⁹⁵ takes up briefly the necessity of sound formation for those to be advanced to the priesthood. Quoting a passage now familiar to us from the *Letter to the Ephesians* (4,13), Pius insists that seminarians be trained so as to be worthy ministers: «wherefore, though the exhortation pertains to all the faithful “that we (might) attain mature manhood, to the measure of the stature of the fullness of Christ”, nevertheless it principally regards him who administers the office of priest, who therefore (is) “another Christ”»⁹⁶. Several sentences later Pius turns

⁹³ Pontificate 16 June 1846 elected – 7 February 1878.

⁹⁴ «Quare Vobis nihil antiquius, nihil potius esse debet, quam omni opera, sollertia, industria clericorum Seminaria ex Tridentinorum Patrum praescripto instituere, si nondum existunt»; PIUS IX, *Qui pluribus*, Epistola encyclica, 9 November 1846, in *Pii IX Pontificis Maximi Acta*, Rome 1854-1878, I, 19.

⁹⁵ Pontificate 4 August 1903 elected – 20 August 1914.

⁹⁶ «Quamobrem, etsi ad fideles omnes pertinet hortatio “ut occurramus in virum perfectum, in mensuram aetatis plenitudinis Christi”; praecipue tamen ad illum spectat qui sacerdotio fungitur; qui idcirco “alter Christu”»; PIUS X, *E supremi apostolatus*, Epistola encyclica, 4 October 1903, *ASS* 36 (1903-1904) 135. English Scripture: *RSV* (cf. nt. 2), 1420.

to *1 Tim* 5,22 and the warning against a premature imposition of hands upon presbyteral candidates, for very often the fitness of the priests reflects itself in the formation of the faithful⁹⁷. The maturity mentioned in *Eph* 4,13 is age-bound but implies fitness, for we read in the next verses that those having attained maturity

may no longer be children, tossed to and fro and carried about with every wind of doctrine [...] (but rather) [...] are to grow up in every way into him who is the head, into Christ, from whom the whole body, joined and knit together by every joint with which it is supplied, when each part is working properly, makes bodily growth and upbuilds itself in love⁹⁸.

It is this maturity of *Eph* 4,13 which leads to the readiness of the maturity of *1 Tim* 5,22, which is understood to be a fitness associated with, and confirmed by, age.

«*Maturitas*», referring in the broader sense to fitness and readiness for sacred orders which age supposedly brings, is treated elsewhere by Pius X, if in a more peripheral manner. For instance, a century and a half after *Ubi primum*, by inverse argumentation Pius X reiterates a point made earlier by Benedict XIV. Benedict had written in *Ubi primum* that it is better to have fewer priests of higher quality rather than many of lesser. Writing to the archbishops and bishops of Italy⁹⁹, Pius cites Paul's familiar warning

⁹⁷ «Quum vero ad hoc ventum erit ut candidati sacris initiari debeant, ne quaeso excidat animo quod Paulus Timotheo perscripsit: "Nemini cito manus imposueris"; illud attentissime reputando, tales plerumque fideles futuros, quales fuerint quos sacerdotio destinabitis»; PIUS X, *E supremi apostolatus* (cf. nt. 96), 135.

⁹⁸ *Eph* 4,14-16. *RSV* (cf. nt. 2), 1420.

⁹⁹ PIUS X, *Pieni l'animo*, Epistola encyclica, 28 July 1906, *ASS* 39 (1906) 321-330.

to Timothy about the imposition of hands. In frank and forceful language, he laments the ordination of many simply for the sake of numbers. Particularly in places where there exists an abundance of willing candidates, it is incumbent upon bishops to choose their ordinands carefully.

We know there to be cities and dioceses where, far from being able to lament a scarcity of clergy, the number of priests is far superior to the need of the faithful. Indeed, what reason (is there), venerable brethren, to render so frequently the imposition of hands? If the scarcity of clergy cannot be reason enough to hurry into an affair of so great a gravity (then) – where the clergy exceeds the needs – there is nothing which excuses from the more discerning precautions and the total rigor in the selection of those who might be admitted to the sacerdotal honor¹⁰⁰.

Pius X begins *Pieni l'animo* by citing what he terms the deplorable spirit of insubordination and independence among Italian clergy¹⁰¹. Throughout the letter, his concern is debatably more with a suitability which is based upon external manifestation and discipline than one based upon the priest's inter-

¹⁰⁰ «Sappiamo esservi città e diocesi, ove, lungi dal potersi lamentare scarsità nel clero, il numero dei sacerdoti è di gran lunga superiore alla necessità dei fedeli. Deh! qual motivo, o Venerabili Fratelli, di rendere così frequente la imposizione delle mani? Se la scarsità del clero non può essere ragione bastevole a precipitare in negozio di tanta gravità; là dove il clero sovrabbonda al bisogno, nulla è che scusi dalle più sottili cautele e da somma severità nella scelta di coloro, che debbano assumersi all'onore sacerdotale»; PIUS X, *Pieni l'animo* (cf. nt. 99), 323.

¹⁰¹ «Abbiamo infatti sott'occhi le lettere di non pochi fra voi, o Venerabili Fratelli; lettere piene di tristezza a di lagrime, le quali deplorano lo spirito *d'insubordinazione e d'indipendenza*, che si manifesta qua e là in mezzo al clero»; PIUS X, *Pieni l'animo* (cf. nt. 99), 321-322.

nal attitude. For Pius, such propriety would apply not only to behavior manifesting good morals, but with equal force to behavior manifesting proper belief in, and assent to, sound doctrine¹⁰². The preparation and development of a fit and orthodox clergy was of no small concern to Pius, for seminarians and priests alike¹⁰³. To that end, the blend of virtue and doctrine remains a common theme for Pius¹⁰⁴, reaching concise expression in *Sacrorum antistitum* of 1910: integrity of life is bound together with correctness of doctrine, and both are equally required of those to be promoted to the clerical state¹⁰⁵. He concludes the lengthy sentence by in-

¹⁰² In fact, Pius had just written twelve months earlier: «Ac merito quidem: non enim promiscuum est, doctus sit an indoctus sacris initietur; sed ea prorsus ratione qua castis rectisque moribus commendari illum oportet, eadem et doctrina exornari necesse est;» PIUS X, *Sacrosancta Tridentina Synodus*, Motu proprio, 16 July 1905, in *Pii X Pontificis Maximi Acta*, II, 149-150.

¹⁰³ For an example of his concern for those already in major orders, see Pius's «exhortatio ad clerum catholicum»; PIUS X, *Haerent animo*, Exhortatio, 15 August 1908, *ASS* 41 (1908) 555-577.

¹⁰⁴ And the Roman Curia at large. For example, the Secretariate of State echoed: «[...] nihil plus in ordinando, ut rite vocetur ab episcopo, requiri quam rectam intentionem simul cum idoneitate in iis gratiae et naturae dotibus reposita, et per eam vitae probitatem ac doctrinae sufficientiam comprobata, quae spem fundatam faciant fore ut sacerdotii munera recte obire eiusdemque obligationes sancte servare queat: esse egregie laudandum»; «Letter of the Secretary of State to C. DeCormont», 2 July 1912, *AAS* 4 (1912) 485.

¹⁰⁵ «Duo igitur haec ad promovendos clericos omnino requirantur; innocentia vitae cum doctrinae sanitate coniuncta»; PIUS X, *Sacrorum antistitum*, Motu proprio, 1 September 1905, *AAS* 2 (1905) 667.

sisting that candidates be «upright and mature in knowledge and also in work»¹⁰⁶. It is worth noting that *Sacrorum antistitum* is listed as one of over five dozen *fontes* of *CIC 1917* c. 974 §1 (though it is *CIC 1917* c. 975 which is annotated as a source of *CIC 1983* c. 1031 §1).

9. *CIC 1917*; Pius XI and Pius XII

In a search of *CIC 1917* for precursors to «*maturitas sufficiens*» in *CIC 1983* c. 1031 §1, two canons emerge as relevant: *CIC 1917* cc. 974 §1¹⁰⁷, and 975¹⁰⁸, neither of which uses the word «*maturitas*». The former cites «*aetas canonica*» as requisite for licit ordination, while the latter sets forth concretely the minimal canonical ages for the subdiaconate (twenty-one years, completed), the diaconate (twenty-two years), and the presbyterate (twenty-four years). Canonical age twice receives attention in these consecutive canons, i.e., *CIC 1917* cc. 974 §1, and 975.

¹⁰⁶ «Providendum, ut [...] sint probi et maturi in scientia simul et opere»; PIUS X, *Sacrorum antistitum* (cf. nt. 105), 667. In quotation marks, this phrase has no footnoted source in the *AAS* text.

¹⁰⁷ *CIC 1917*, c. 974 §1: «Ut quis licite ordinari possit, requiruntur: 1° Recepta sacra confirmatio; 2° Mores ordini recipiendo congruentes; 3° Aetas canonica; 4° Debita scientia; 5° Ordinum inferiorum susceptio; 6° Interstitiorum observatio; 7° Titulus canonicus, si agatur de ordinibus maioribus».

¹⁰⁸ *CIC 1917*, c. 975: «Subdiaconatus ne conferatur ante annum vicesimum primum completum; diaconatus ante vicesimum secundum completum; presbyteratus ante vicesimum quartum completum».

In *Ad catholici sacerdotii*¹⁰⁹, Pope Pius XI¹¹⁰ reviewed with bishops around the world the status of, and requisites for, the sacred ministries. After explicitly referring to *CIC 1917* c. 973 §3 and encouraging ordinaries to great caution regarding whom they ordain, Pius iterates the familiar words of Paul to Timothy (*1 Tim* 5,22) and Leo the Great's explication of same¹¹¹. Pius dedicates large sections of the letter to learning, virtue, fitness, and discipline – making it similar in theme to *Menti Nostrae*¹¹² of Pius XII¹¹³, which followed *Ad catholici sacerdotii* by a mere fifteen years. While the priestly obligations regarding education and the moral life are detailed in both letters, neither *Ad catholici sacerdotii* nor *Menti Nostrae* addresses maturity as such. Writing specifically for the missions, Pius XII briefly had introduced related notions (e.g., «*de vitae sanctimonia*», and learning in the sacred as well as profane disciplines) a

¹⁰⁹ PIUS XI, *Ad catholici sacerdotii*, Littera encyclica, 20 December 1935, *AAS* 28 (1936) 5-53.

¹¹⁰ Pontificate 6 February 1922 elected – 10 February 1939.

¹¹¹ «Quod legis praescriptum hanc S. Pauli ad Timotheum sententiam quodammodo refert: "Manus cito nemini imposueris, neque communicaveris peccatis alieni". "Quid est cito manus imponere" – quemadmodum S. Leo Magnus, Decessor Noster, commentatur – "nisi ante aetatem maturitatis, ante tempus examinis, ante meritum oboedientiae, ante experientiam disciplinae, sacerdotalem honorem tribuere non probatis?"»; PIUS XI, *Ad catholici sacerdotii* (cf. nt. 109), 42.

¹¹² PIUS XII, *Menti Nostrae*, Exhortatio apostolica, 23 September 1950, *AAS* 42 (1950) 656-702.

¹¹³ Pontificate 2 March 1939 elected – 9 October 1958.

decade earlier, in his *Saeculo exeunte octavo* of 1940¹¹⁴.

Pius XII's call to holiness reaches its loftiest tone in an allocution prepared for Italian seminarians of Puglia, words never delivered due to his death. Seminarians must be diligent in their studies and preparation, that they might become perfect men so as to be perfect priests. Canon law requires their freedom from defect or irregularity. Further, there is an equivalence between the priesthood and sanctity; they are practically synonyms¹¹⁵. Pius's allocution was quoted most approvingly in the 1959 encyclical letter of his immediate successor, John XXIII, entitled *Sacerdotii Nostri primordia*¹¹⁶.

¹¹⁴ PIUS XII, *Saeculo exeunte octavo*, Epistola encyclica, 13 June 1940, *AAS* 32 (1940) 249-260, especially 256-257.

¹¹⁵ «Innanzitutto, *perfetti*, ossia provvisti delle doti necessarie all'esercizio del sacro ministero. [...] Non si diventa sacerdote perfetto, se non si è, in qualche modo, uomo perfetto. A questo concetto sembrano ispirarsi i sacri canoni, che esigono nell'ordinando l'esenzione da taluni difetti ed irregolarità. Tale esigenza è, per così dire, condivisa dal popolo cristiano, che brama riconoscere nel proprio pastore un uomo distinto dagli altri per doti e virtù anche naturali, una "persona superiore" per qualità intellettuali e morali, quindi, colto, intelligente, equilibrato nei giudizi, sicuro e calmo nell'agire, imparziale ed ordinato, generoso e pronto al perdono, amico della concordia e nemico dell'ozio, in una parola, il "perfectus homo Dei". [...] A questa perfezione [...] deve aggiungersi la perfezione propria dello stato sacerdotale, ossia la santità. [...] [c'è] la equivalenza, e quasi sinonimia, tra Sacerdozio e Santità»; PIUS XII, *Quam Summus*, allocutio (undelivered, published posthumously), *AAS* 50 (1958) 969.

¹¹⁶ Pontificate 28 October 1958 elected – 3 June 1963. JOHN XXIII, *Sacerdotii Nostri primordia*, Littera encyclica, 1 August 1959, *AAS* 51 (1959) 545-579.

I will conclude this historical sweep of presbyteral maturity by commenting on the links between *CIC 1917* and *CIC 1983* on the point in question.

CIC 1917 c. 975 gave rise to *CIC 1983* c. 1031 §1, in that c. 1031 §1 designates precise canonical ages (canonical minimums) in the manner of its predecessor. Further, *CIC 1917* c. 974 §1 yielded to *CIC 1983* c. 1031 §1 its requirement of a canonical age for licit ordination, which we can understand as maturity-related in the context of *CIC 1917*. For instance, the 1917 legal notion of maturity was linked to chronological age as seen in *CIC 1917* c. 600, 1° («*vir maturae aetatis*») and *CIC 1917* c. 623 («*nisi professis aetate animoque maturis*»). Thus, there existed a manner of thinking in which maturity could be said to relate to the «*aetas canonica*» requirement of *CIC 1917* c. 974 §1 for licit ordination, a requirement made age-specific in the subsequent canon (*CIC 1917* c. 975). Of course, at least expressly declared as such, «*maturitas sufficiens*» is not a *CIC 1917* requirement for presbyteral (or any other) ordination. The fact remains that «sufficient maturity» did not appear in *CIC 1917*.

10. Two concluding observations

First Observation: In saying so *little* about what is required in a mature presbyteral candidate, Zosimus presupposes a lot. He presupposes the standards to be known (even if not always followed), and he presupposes that these standards can be adapted appropriately to local circumstances (even if results might be uneven). In saying so *much* about what is required in a mature presbyteral candidate, a modern

pontiff also presupposes a lot, but in a completely different way. He presupposes presbyteral candidates to possess remarkable capacity for living the truly virtuous life.

Second Observation: One risk is to expect *minimally* enunciated standards be fulfilled simply because they are presupposed to be common knowledge. A different risk is to expect *maximally* enunciated standards to be fulfilled simply because they are delineated in painstaking (albeit lofty, even inspiring) detail.

Looking ahead to the second of these two articles, we meet a paradox as we take up the matter of matrimonial maturity. *CIC 1983* c. 1031 §1 explicitly indicates a maturity requirement with a refined and deep history which bears examination, some of which I have undertaken here. This same code makes no such explicit reference to matrimonial maturity, whose history is only arguably deep, and hardly refined. In the next and last of these two articles, we turn to an examination of some features of what each can say to the other.

ROBERT GEISINGER, sj