

The Laicization Process

On January 30, 2009, Pope Benedict XVI conceded to the Congregation for the Clergy the Special Faculty to handle and present to the Holy Father for his approval cases of dismissal from the clerical state with dispensation from all obligations including celibacy. Below is the document followed by comments from two transitioned priests. At the bottom under "comments" you will find other interesting reflections from transitioned priests and others about this document. Click on "comments" to share your views.

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Vatican City, 18th April 2009

Prot. N. 2009 0556

To The Eminent and Most Excellent Ordinaries At Their Sees

Your Eminence, Your Excellency,

On the 30th January last, the Supreme Pontiff granted certain special faculties to this Congregation. The purpose of this Circular Letter is to present these faculties to all Ordinaries so that the reasoning behind them and the ends which they seek to accomplish are clearly understood in the manner in which they were originally intended.

The Congregation was moved to write this letter to the Most Rev. Ordinaries by virtue of its ardent desire to honour the mission and person of those priests who, faithful to their authentic priestly identity and mission, think, act and live in a counter-cultural manner in this heavily secularized moment in history, as well as to assist the Successors of the Apostles in their daily task of preserving and promoting ecclesiastical discipline for the benefit of the entire body of believers.

1. The ministerial priesthood has its roots in the apostolic succession and is imbued with sacred power[1] which consists of the faculty and the responsibility of acting in the person of Christ, Head and Shepherd[2]. "The missionary dimension of the priest is born

from his sacramental configuration to Christ the Head: this carries with itself, as a consequence, a happy and total adhesion to that which the tradition of the Church has called the *apostolica vivendi forma*. This consists in participating in a spiritually intense "new life", in that "new style of life" which has been inaugurated by the Lord Jesus and has been lived by the Apostles themselves. / . . . Certainly, a great ecclesial tradition has distinguished the sacramental efficacy from the concrete existential situation of the individual priest, in this way sufficiently safeguarding the legitimate expectations of the faithful. However, this right doctrinal precision takes nothing away from the necessary, indeed the indispensable tension leading towards moral perfection, which must find a place in every authentically priestly heart"[3]. Therefore, priests are called to continue the presence of Christ, the one high priest, embodying His way of life and making Him visible in the midst of the flock entrusted to their care[4]: this is the true source of strength for every pastoral vocation, which is constituted by the lived coherent testimony of one's consecration, nourished by prayer and penitence.

2. All this is particularly important in understanding the theological reasoning behind priestly celibacy, since the will of the Church concerning it finds its expression, ultimately, in that particularly appropriate link which exists between celibacy and priestly Ordination whereby the priest is configured to Jesus Christ, Head and Spouse of the Church. The Church, being the Spouse of Jesus Christ, wishes to be loved in the total and exclusive manner with which Jesus Christ loved her, as her Head and Spouse. Priestly celibacy is, therefore, the gift of oneself in and with Christ to His Church, and expresses the service of the priest to the Church in and with the Lord[5]. Indeed, for this reason the Church has reaffirmed at the Second Vatican Council and repeatedly in the subsequent Pontifical Magisterium the "firm will to maintain the law that demands perpetual and freely chosen celibacy for present and future candidates for priestly ordination in the Latin rite"[6]. Priestly celibacy, as indeed apostolic celibacy more generally, is a gift that the Church has received and wishes to protect, convinced as she is that this is a good for herself and for the world. To this end can.277, C.I.C. states: "§1. Clerics are obliged to

observe perfect and perpetual continence for the sake of the kingdom of heaven and therefore are bound to celibacy which is 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. §2. Clerics are to behave with due prudence towards persons whose company can endanger their obligation to observe continence or give rise to scandal among the faithful. §3. The diocesan bishop is competent to establish more specific norms concerning this matter and to pass judgment in particular cases concerning the observance of this obligation".[7]

3. The Bishop has, among other things, the duty to remind priests of their obligation to perfect and perpetual continence for the sake of the Kingdom of Heaven, an obligation freely and willingly assumed by them at the moment of their ordination. Moreover, the Bishop must always be attentive that the priest is faithful in carrying out his proper ministerial duties (Cf. can. 384, 392). In fact "Bishops, as vicars and ambassadors of Christ, govern the particular churches entrusted to them by their counsel, exhortations, example, and even by their authority and sacred power"[8]. There exists between them and their priests a *communio sacramentalis* by virtue of the ministerial and hierarchic priesthood, which is a participation in the one priesthood of Christ[9].

Certainly the bond of subordination between priests and the Bishop concerns the area of the exercise of their proper ministry, which they must exercise in hierarchical communion with their own Bishop. The relationship which exists between the Bishop and his priests cannot, in its canonical aspects, be reduced either to the relationship of hierarchic subordination of public law in the juridical system or to a dependent relationship of an employer to an employee[10]. It is not uncommon to find in society those who, misunderstanding the sacramental relationship of the Bishop to priest, mistakenly perceive it as the same as that which exists between a director of a business and his workforce.

In this type of situation, "since he must protect the unity of the universal Church, a bishop is bound to promote the common discipline of the whole Church and therefore to urge the observance of all ecclesiastical laws" (can. 392, §1) and he must be vigilant lest abuses insinuate themselves into ecclesiastical discipline (cf. can. 392, §2 CIC).

In fact the diocesan Bishop must accompany priests with particular concern, ensuring that their rights are protected (Cf. can. 384). The vast majority of priests live out their priestly identity daily with serenity and exercise faithfully their proper ministry; but, "when situations of scandal arise, especially on the part of the Church's ministers, the Bishop must act firmly and decisively, justly and serenely. In these lamentable cases, the Bishop is required to act promptly, according to the established canonical norms, for the spiritual good of the persons involved, for the reparation of scandal, and for the protection and assistance of the victims"[11]. In this context even the penalty ultimately provided for by the Bishop, "is seen as an instrument of communion that is as a means to restore what is lacking in the individual and in the common good, when members of the People of God act in an anti-ecclesial manner which is criminal and scandalous"[12].

One must make clear, however, that the diocesan priest, who is not merely the passive executor of commands received from the Bishop, enjoys autonomy in making decisions both in his ministry and in his personal and private life. Thus he is personally responsible for his personal actions and for those carried out in the scope of his ministry. As a consequence, a Bishop cannot be held juridically responsible for the acts which a diocesan priest carries out in transgression of the canonical norms, universal or particular. This principle is not new and has always been part of the patrimony of the Church, means, among other things, that the criminal action of a priest, and its penal consequences as well as any eventual payment of damages, is imputable to the priest who has committed the offence, and not to the Bishop or to the Diocese, of which the Bishop is the legal representative (Cf. can. 393)[13].

4. It is reaffirmed that in exercising his judicial function, the Bishop should keep in mind the following general criteria:

(a) Without prejudicing the exercise of justice, the Bishop should encourage the faithful to resolve their differences peacefully and seek to be reconciled at the earliest opportunity, even after the canonical process has begun, thereby avoiding the prolonged animosity to which judicial processes often give rise (Cf. can. 1446 CIC).

(b) The Bishop should observe and require others to observe the procedural norms established for the exercise of judicial power, since he recognizes that these rules are no mere formality, still less an obstacle to be circumvented, but are a necessary means for establishing the facts and for administering justice (Cf. cann. 135, §3 and 391 CIC).

(c) If he receives notice of behaviour which gravely damages the common good of the Church, the Bishop should investigate with discretion, either by himself or through a delegate, the facts and the imputability of the accused (Cf. can. 1717 CIC). When he judges that he has assembled sufficient proof of the facts which gave rise to the scandal, he should proceed formally to correct or admonish the accused (Cf. cann 1339-1340 CIC). Yet when this does not suffice to repair the scandal, restore justice and bring about the rehabilitation of the person, the Bishop should proceed with the imposition of penalties, which may be applied in either of two ways (cfr. cann. 1341 and 1718 CIC)

- by means of a regular penal process in a case for which canon law requires it, given the gravity of the penalty, or when the Bishop judges it more prudent (Cf. can. 1721 CIC);

- by means of an extra judicial decree, in conformity with the procedure established in canon law (Cf. can. 1720 CIC)»[14]

5. However, one must acknowledge that situations of grave lack of discipline on the part of some clergy have occurred in which the attempts to resolve the problems by the pastoral and canonical means, foreseen in the Code of Canon Law, are shown to be insufficient or unsuitable to repair scandal, to restore justice or to reform the offender (Cf. can. 1341 CIC).

This Dicastery, with the intention of promoting the *salus animarum*, the supreme law of

the Church, and responding to the exigencies often sadly experienced by not a few Bishops in their day to day governance, decided that it was opportune to place the aforementioned special faculties before the Sovereign Pontiff for his consideration and on the 30th January last, the Supreme Pontiff conceded to this Congregation:

I The Special Faculty to treat and present to the Holy Father, for His approval in forma specifica and His decision, cases of dismissal from the clerical state in poenam with dispensation from the obligations consequent to ordination, including that of celibacy, of clerics who have attempted marriage, even if only civilly, and who, having been admonished, have not withdrawn from this state, therefore persisting in an irregular and scandalous life (Cf. can. 1394, §1); and of clerics guilty of grave sins against the 6th Commandment (Cf. can. 1395, §§1-2);

II The Special Faculty to intervene in accord with c. 1399 CIC, either by taking direct action in a case or by confirming the decisions of Ordinaries, were the competent Ordinary so to request, due to the special gravity of the violation of law and the need or urgency to avoid an objective scandal.

This is granted along with the derogation from the prescriptions of canons 1317, 1319, 1342, §2 and 1349 CIC, with respect to the application of perpetual penalties, to be applied to deacons only for grave reasons and to priests for the gravest reasons, always requiring that such cases are presented to the Holy Father for His approval in forma specifica and for His decision, and,

III The Special Faculty to handle cases of clerics, who having freely abandoned the ministry for a period of more than five consecutive years and who, after careful verification of the facts, insofar as this is possible, persist in such freely chosen and illicit absence from the ministry, taking this situation into account, to declare then their dismissal from the clerical state, with dispensation from the obligations consequent to ordination, including that of celibacy.

Once the necessary conditions are present, if a Prelate deems it appropriate to avail himself of the foregoing faculties, he should be aware of the following information and procedures.

6. This Congregation has studied the cases of clerics, priests and deacons, who: attempt marriage, even civilly and, having been warned, have not withdrawn from this

state, but instead have persevered in their irregular and scandalous conduct (Cf. can. 1394 § 1);

live in concubinage and commit other grave delicts against the sixth commandment of the Decalogue (cf. can. 1395 §1-2) and who do not demonstrate any sign of mending their ways, despite repeated warnings, nor show any intention to request the dispensation from the obligations arising from Sacred Ordination.

Often in such cases, the penalty of "suspension" and of irregularity, in the sense of can. 1044 §1, 3° 15, have not been demonstrated to be sufficiently effective or suitable to repair the scandal caused, to restore justice, and to reform the offender (Cf. can. 1341). In fact, only through dismissal from the clerical state, according to the norm of can. 292 CIC, would the cleric also lose the rights pertaining thereto and would no longer be bound by any obligations of that state.[15]

Hence, His Holiness has deigned to concede to the Congregation for the Clergy the special faculties to:

to handle and present to the Holy Father, for His approval in forma specifica and decision, cases of dismissal from the clerical state in poenam with the consequent dispensation from the obligations consequent to ordination, including that of celibacy, of clerics who have attempted marriage, even if only civilly, and who, having been admonished, have not withdrawn from this state, therefore persisting in an irregular and scandalous life (Cf can. 1394, §1); and of clerics guilty of grave sins against the 6th Commandment (Cf can. 1395, §§1-2).

Such cases must be instructed by means of a legitimate administrative process, always ensuring the right of defence.

With regard to the administrative procedure (Cf. cann. 35-58, 1342, 1720 CIC), such cases are to be instructed only by clerics, and it must be ensured that:

1° the accused is notified of the accusations alleged against him and of the relevant proofs, giving him the opportunity to produce a defence, unless, having been legitimately cited, he has neglected to make himself available;

2° a careful examination is carried out, with the help of two assessors (Cf. cann. 1424 CIC) of all the proofs and the elements that have been gathered, as well as of the defence presented by the accused;

3° a Decree is issued, according to the provisions of canons 1344 – 1350 CIC, if there be no doubts about the delict having been committed and the criminal action has not become extinct according to the provisions of can. 1362. The Decree, issued according to the norm of canons 35 – 38, must contain the reasons motivating it, and have expounded therein, even if only in summary fashion, the reasons in law and in fact pertaining to the particular situation.

7. Moreover, it must always be shown that a situation exists in which discipline has been gravely breached by the cleric, and every attempt to resolve the problem through the pastoral and canonical measures already provided in the Code of Canon Law have not brought about a positive result, and no end is foreseen to this situation, thus causing grave scandal to the faithful and damaging the common good of the Church and Her spiritual mission.

In such circumstances, Ordinaries have often requested direct action from the Apostolic See, or have asked that their decisions be confirmed, in order to deal with these matters with greater efficacy and authority, sometimes even seeking the imposition of perpetual sanctions, not excluding dismissal from the clerical state, should the particular circumstances of a case require it.

Therefore His Holiness has deigned to concede to the Congregation for the Clergy the Special Faculty to intervene in accord with can. 1399 CIC, either by taking direct action in a case or by confirming the decisions of Ordinaries, were the competent Ordinary were to so request, due to the special gravity of the violation of law and the need or urgency to avoid an objective scandal.

This is granted along with the derogation from the prescriptions of canons 1317, 1319, 1342, §2 and 1349 CIC, with respect to the application of perpetual penalties, to be applied to deacons only for grave reasons and to priests for the gravest reasons, always requiring that such cases are presented to the Holy Father for His approval in forma specifica and His decision.

This provides the special faculty of intervening according to the sense of can. 1399 CIC,

either by the Dicastery acting directly itself or by confirming the decisions of Ordinaries, whenever the competent Ordinary should request this, in order to apply a just penalty or penance for an external violation of divine or canon law. In truly exceptional and urgent cases, when the offender has no intention to amend his ways, sometimes even perpetual penalties may be imposed.

Such cases must be instructed by means of a legitimate administrative process, always ensuring the right of defence.

8. This Congregation has experience of cases of priests and deacons who have abandoned ministry for a prolonged and continuous time. In these cases, after verifying the circumstances insofar as possible, the persistence of such an illicit and voluntary absence from ministry is ascertained, it was decided that the intervention of the Holy See would guarantee order in the ecclesiastical society and would preserve the faithful from falling into error communis (cf. c. 144) regarding the validity of the Sacraments.

Therefore His Holiness has deigned to concede to the Congregation for the Clergy the special faculty to:

handle the cases of clerics, who have abandoned the ministry by personal choice for a period of more than five consecutive years, and after careful verification of the facts insofar as this is possible, persist in such voluntary and illicit absence, the Dicastery, taking this objective situation into account, may declare the dismissal from the clerical state, with dispensation from the obligations consequent to ordination, including that of celibacy, for the cleric involved.

Such cases, even those pre-existing the granting of this faculty, must be instructed according to the following procedure:

Art. 1 The Ordinary of Incardination may request a Rescript of the Apostolic See by which dismissal from the clerical state is declared, along with the related dispensations from the obligations consequent to ordination, including that of celibacy, for a cleric who has abandoned ministry for a period of longer than five consecutive years, and who after careful verification of the facts, insofar as possible, persists in the voluntary and illicit absence from ministry.

Art. 2 §1 The competent Ordinary is that of the incardination of the cleric.

§2 The competent Ordinary can entrust the instruction of such procedures either in a stable manner, or on a cases by case basis, to a suitable priest from his own or another Diocese.

§3 In this procedure the Promoter of Justice, who has a duty to protect the public good, must always be involved.

Art. 3 The declaration mentioned in Art. 1 can be obtained only after the competent Ordinary, having completed the relevant investigation, has reached moral certainty regarding the irreversible abandonment from ministry on the part of the cleric, from either the declaration of the cleric himself, and/or from the depositions of witnesses, from well founded public knowledge or other indications.

Art. 4 The notification of any of the acts must be made through the postal service or by other secure means.

Art. 5 The instructor, having completed the instruction, should transmit all of the acts to the competent Ordinary with his appropriate summary, expounding his votum according to the objective facts of the situation.

Art. 6 The competent Ordinary should transmit to the Apostolic See all of the acts together with his own votum and the observations of the Promoter of Justice.

Art. 7 If in the judgement of the Apostolic See, supplementary instruction is required, that will be indicated to the competent Ordinary, with directions as to how to complete the "Acts."

Art. 8 The Rescript of dismissal from the clerical state, with the related dispensation from the obligations attendant upon Holy Orders, including that of celibacy, is transmitted from the Holy See to the competent Ordinary, who will provide for making it known in an appropriate fashion.

Art. 9. After the dismissal from the clerical state, in exceptional cases, a cleric who might wish to seek rehabilitation, must present that request to the Apostolic See through a benevolent Bishop.

The sincere desire of this Congregation is that each Ordinary may, in a truly paternal

fashion and in a spirit of pastoral charity, undertake to ensure that his most valued collaborators know how to live ecclesiastical discipline as "discipleship", with profound interior motivations, remembering that the daily exertion of "doing" is of little value if there is not the "being in Christ" as an authentic disciple.

Claudio Cardinal Hummes Prefect

Mauro Piacenz, Titular Archbishop of Vittoriana Secretary

[1] Cf. VATICAN COUNCIL II, Dogmatic Constitution. *Lumen Gentium*, nn. 10, 18, 27, 28; *decr. Presbyterorum Ordinis*, nn. 2, 6; CATECHISM OF THE CATHOLIC CHURCH, nn. 1538, 1576.

[2] Cfr. John Paul II, Post Synodal Apostolic Exhortation. *Pastores Dabo Vobis* (25th March 1992) n. 15: AAS 84 (1992), pp. 679-681; Catechism of the Catholic Church, 875; Congregation for the Clergy, Pontifical Council For The Laity, Congregation for the Doctrine of the Faith, Congregation for Divine Worship and the Discipline of the Sacraments, Congregation for Bishops, Congregation for the Evangelisation of Peoples, Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life, Pontifical Council for the Interpretation of Legislative Texts, Instruction on certain questions regarding the collaboration of the non-ordained faithful in the sacred ministry of Priest, *Ecclesiae de Mysterio*, (15 August 1997): AAS 89 (1997), pp. 860ff.

[3] POPE BENEDICT XVI, Allocution to the participants in the General Assembly of the Congregation for the Clergy (16 March 2009).

[4] Cf. JOHN PAUL II, Post Synodal Apostolic Exhortation, *Pastores Dabo Vobis* (25th March 1992), n. 15, l.c. pp. 679 – 681.

[5] JOHN PAUL II, Post Synodal Apostolic Exhortation *Pastores Dabo Vobis* (25th March 1992), n. 29, L.c., p. 704.

[6] *Ibid.*; Cfr. VATICAN COUNCIL II, Decree *Presbyterorum Ordinis*, n. 16; PAUL VI,

Encyclical Letter *Sacerdotalis Coelibatus* (24th June 1967), n. 14: AAS 59 (1967), p. 662; C.I.C., can. 277, §1.

[7] Cf. CONGREGATION FOR THE CLERGY, *Directory for the Ministry and Life of Priests, Tota Ecclesia*, (31 January 1994), pp. 57-60.

[8] Vatican Council II, Dogmatic Constitution *Lumen Gentium*, n. 27.

[9] Cf. VATICAN COUNCIL II, Decree *Presbyterorum Ordinis*, n. 7; JOHN PAUL II, Post Synodal Apostolic Exhortation *Pastores Gregis* (16th October 2003), n. 47 : AAS 96 (2004), pp. 887-888.

[10] Cf. PONTIFICAL COUNCIL FOR LEGISLATIVE TEXTS, Explanatory Note: Elements to establish the area of canonical responsibility of the diocesan Bishop towards clerics incardinated within the diocese and who exercise their ministry within it (12th February 2004): *Communicationes*, 36 (2004), pp. 33-38. Cf. also Congregation for the Clergy, Declaration: *Quidam Episcopi* (8th March 1982): AAS 74 (1982), pp. 642-645.

[11] Congregation for Bishops, *Directory for the Pastoral Ministry of Bishops: Apostolorum Successores*, (22nd February 2004), n. 44.

[12] John Paul II, Allocution to the Roman Rota (17th February 1979): *Insegnamenti di Giovanni Paolo II*, (1979/2) p. 412.

[13] Pontifical Council for Legislative Texts, Explanatory Note: Elements to establish the area of canonical responsibility of the diocesan Bishop towards clerics incardinated within the diocese and who exercise their ministry within it (12th February 2004), in *Communicationes*, 36 (2004) pp. 33-38.

[14] Congregation for Bishops, *Directory for the Pastoral Ministry of Bishops: Apostolorum*

successores, (22nd February 2004), p. 68.

[15] Cf. also Pontifical Council for Legislative Texts, Declaration: Concerning the celebration of sacraments or sacramentals by priests who have attempted marriage (19th May 1997): *Communicationes* 29 (1997), pp. 17-18.

From Transitioned Priests Henry and Conrad:

Questions have been raised regarding the canonical status of priests who have transitioned from the priesthood. This question is not easily answered but perhaps the following will be helpful. It all falls under “the laicization process”, which is to say, the process by which a priest is, dare we say, as they said before the 1983 code, *reduced* to the lay state (Now it is called “Losing the Clerical State”). Of course, this “reduction” is only for ecclesiastical purposes and the maintenance of order and control within the institution. It probably doesn’t mean much in the eyes of God, but makes for a power rush for those who perceive themselves as having such authority.

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The usual way in which a priest obtains an indult of laicization is as follows (an indult is a dispensation granted by the pope; the word is from the same root as “indulge”—breaking away from prescribed law).

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1) The priest makes his request known to the bishop (the so-called “ordinary”) of his diocese. At this point he is usually asked to resign any ecclesiastical offices that he holds.

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2) The bishop or his delegate interviews the priest with a prepared questionnaire, seeking information about the priest’s background, reasons for the request, etc. About 25 years ago, it was said that dispensations were being granted only to those over 60 years of age who had been in a marriage for at least ten years, or to a priest who was in proximate danger of death. It appears their desire was to save the priest from damnation if he died without this indult. But it is silly to think that this indult has any authority over the Almighty. Since the indult of laicization is granted only for very serious reasons—and apparently the simple desire to get married isn’t a sufficiently serious reason—the priest requesting the indult ordinarily must admit and offer evidence that, at the time of his

commitment to be ordained, he was psychologically unfit to make that decision—a rather degrading demand.

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3) The bishop submits the petition to Rome, along with his own notes and recommendations.

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4) The case is reviewed in Rome and, if sufficiently compelling, is submitted to the pope, who issues the indult, which they claim to be issued under God's authority.

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5) The indult is sent, not to the priest, but to the bishop. It does not take effect until the bishop, either personally or through a representative, presents it to the priest and the priest accepts it (the priest may have changed his mind in the meantime!) When the indult has been accepted by the priest, the ordinary advises him of a number of restrictions (not to live in any place where he has served as a priest, not teach in a Catholic school, not teach theology in ANY school, among others). It looks as if this priest is now considered dangerous and the Bishop is afraid he may lead others astray. However, the bishop is authorized to lift these restrictions if and as he sees fit.

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Bishops are admonished to see to it that the priest is making a mature decision after ample introspection and deliberation. Above all, they are to avoid giving the impression that this is simply an administrative function in which the request is routinely and automatically granted. Priests are to understand the seriousness of the matter and that the indult is not only the action of the Church but that God is supposedly involved as well.

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The Code of Canon Law provides for three ways in which a priest can be laicized. He can be reduced to the lay state if:

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1) It can be shown that he received Holy Orders invalidly (extremely rare).

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2) If he is living in concubinage or has engaged in seriously scandalous behavior or has abandoned his ministry for a period of at least five years, in which cases competent authority can impose the laicization. Recently new procedures were put in place by the Vatican for streamlining this route to laicization (though they do not apply in cases involving pedophilia, which require special procedures). Formerly, a bishop wishing to laicize such a priest was required to invoke a judicial trial in his tribunal; now, he can

laicize such priests through a speedier and simpler administrative process, while, however, respecting the priest's right to due process. This form of laicization is commonly referred to as "defrocking the priest," and is enacted as a penalty for what the Church considers to be the priest's crimes against the clerical state, in order to safeguard the clerical office, disavow the behavior and encourage other priests to avoid such behavior.

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3) The priest desires to be dispensed from the obligation of celibacy and removed from the clerical state, thus making him, for legal (canonical) purposes, a layman.

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There is no provision in canon law for automatic laicization, for whatever reason or cause. However, if a priest gets married (attempts marriage, in the Church's view, which presumes to act with God's authority), he is by that fact automatically suspended. This forbids him to act in the role of a priest. It takes away any faculties he may have enjoyed, such as assisting at marriages or hearing confessions. Thus, in effect, it is somewhat like laicization. One major difference, however, is that the priest is not dispensed from the obligation of celibacy, nor is he removed from the ranks of the clergy. He must first, by requesting to be laicized, offer homage to Church authority and recognize God's subjugation to this authority. Only then can he receive the sacraments.

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Dismissal from the clerical state and dispensation from the obligation of celibacy are treated as distinct issues. A priest can lose his clerical status (for example, by being "defrocked") without being released from his obligation of celibacy (though the streamlined procedures cited above seem to be designed to dispense from celibacy as well), because the Church desires to continue to have authority over the priest's sexuality. However, when a priest is released from his vow of celibacy by way of dispensation – and this is what is usually sought – he is also by that very fact removed from the clerical state, because the Church, usually, insists on celibacy within the clerical ranks.

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Excommunication is an entirely different matter. The purpose of excommunication is to draw the person toward repentance and reconciliation. Automatic excommunication (*latae sententiae*) is restricted to those situations that are explicitly named in the Code of Canon Law (e.g. breaking the seal of confession, abortion, assaulting a priest, desecrating the Sacred Species, etc.) The list includes nothing about, for example, a priest getting married without a dispensation from celibacy.

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It would certainly be nice if the dispensed priest were given some kind of rite of passage, during which he could be thanked for his years of service to the Church, etc., but the hierarchy probably deems this imprudent because it might encourage other priests also to leave. It is too bad that the dispensed priest becomes a pariah of sorts—someone who couldn't "cut the mustard" and "walk the line." Often the priest is perceived as losing his faith. For most of them, however, leaving the priesthood was in response to a maturing faith that could no longer accept a Church claiming such authority over themselves and over God. From the Church's point of view, he leaves in shame, and should be seen by the faithful as leaving in shame, so that other priests will be discouraged from leaving. However, the majority of people served through his ministry still respect him and even feel compassion for him, especially with respect to the heavy yoke of celibacy that the Church lays on his shoulders. Normally, 80% or more of the laity wish the transitioning priest well and are saddened to see him leave. Statistics have repeatedly shown that they would prefer that celibacy became optional for the priest and that their pastor could remain with them as a married priest.

From transitioned priest John Horan:

An Open Letter to Cardinal Hummes
Eminence Claudio Cardinal Hummes, O.S.F.

Dear Cardinal Hummes:

Congratulations on the new responsibility you have just taken on. This past April, Pope Benedict XVI granted you the power to dismiss from the priesthood and release from the obligation of celibacy, priests who are living with women, who have abandoned their ministry for more than five years or who have engaged in seriously scandalous behavior. I am one of those you will be dismissing - not for the scandal part but for the woman part. It is a big job you have taken on. World wide, there are many thousands of us and, to add to the challenge, most bishops have no idea who or where we are. We have been on the "pay no mind" list for such a long time that tracking us down will be quite a headache.

I have seen your picture on Wikipedia. You seem like a kind man and your vitae demonstrates that you have Doctor of the Church quality brains. You clearly have some iron in your soul as demonstrated by your advocacy for homeless, indigenous people and your stance against the dictatorship in Brazil. But you have been away from parish work

for a long time and prolonged exposure to the curia can cause cataracts. I am appealing to your kindness, brains and iron.

First off, understand that this project is a matter of paperwork, a re-organizing of files in cabinets, a clearing of the priesthood balance sheet. It has nothing to do with protecting the good of the church, avoiding scandal or getting things right in the eyes of God. God knows the Catholic Church has a good deal of work in those areas, but releasing thousands of us from the obligation of celibacy should be about around 10,000th on the Vatican to do list.

Secondly, some historical context needs to be established. You may not realize it, but the Vatican has zig-zagged for years about laicizations. Under Paul VI when large numbers were leaving, there was a fairly straightforward, but slow process. John Paul II pursued a much harder line, apparently in the belief that he could stem the tide by making laicizations virtually impossible. It didn't work. The unintended consequence was to diminish the credibility of the process. In his later years, he switched to a strategy wherein a petitioner had to lie, and state that he never really had a vocation at all. Most of us could say that we had a genuine vocation to priesthood, but not to celibacy. Now, Pope Benedict has done a complete about face. Forgive us if we are a little confused but the Vatican has changed its strategies like most of us change socks.

I left the Vatican priesthood during the late 1980's when the church was NOT granting formal dispensations from the obligation of celibacy. During my "exit interview" with Cardinal Bernardin he said that I could apply for a dispensation, but it would not be granted until I was much, much older. I remarked that the Vatican was playing hardball. He agreed, but his eyes told me that he had no stomach for such silly tactics. (By the way, what SHOULD be on the Vatican "To Do" list is to put Joe Bernardin on the canonization track.)

So, let's be clear. In the 1980's the Vatican would not grant that which was asked for and now, 20 years later, will take that which has not been offered. In light of this context, please be careful about tossing out phrases like "abandon our ministry." This revisionist bit of history is a lie, pure and simple.

I am no ecclesiastical prognosticator, but I have to believe that you are on anyone's short list for Pope. The Congregation for Clergy is a big job and this chance to clean up the

sacerdotal balance sheet is litmus test of the first degree. But you should know that it is only important in Vatican circles and in diocesan offices. Everywhere else, Catholics find it funny and upon deeper reflection, really quite infuriating.

I will give you an example. My wife and I have been in a civil marriage for the last 19 years. We couldn't get married in the Catholic Church because I didn't have a dispensation the Vatican wouldn't give. Our marriage has been full of consensual sex. When my wife found out that our sex, in the eyes of the Vatican, was causing serious scandal, she laughed right out loud. "Our lawn is a scandal", she said. "Our consensual sex is a sacrament." I fear most women married to ex-priests will not, like my wife, find this particularly funny. They will instead fume and wonder out loud why the Holy See has such a hard time seeing real scandal and such an easy time manufacturing fake scandals.

This notion that our church will become "leaner and purer" are concepts best applied to cuts of meat and not the Church of Jesus. Cardinal Hummes, if your kindness, brains and iron could only understand how absurd this all is to all of us, if only you could muster up a real giggle about these forced dispensations, you would surely make a terrific Pope.

Best Wishes,
John Horan
Ordained; May 13, 1981

Left the Vatican Priesthood; June 10, 1988

For those of you who would like to drop Cardinal Hummes a line, here is his contact information: His Eminence Claudio Cardinal Hummes, O.S.F.

Official web site: <http://www.clerus.org>

Mailing Address: Palazzo delle Congregazioni, 00193 Roma, Piazza Pio XII, 3

Telephone: 06.69.88.41.51 Fax: 06.69.88.48.45.

John Horan, a former Chicago priest, recently retired from Chairperson of WEORC. John is currently directing two Chicago charter high-schools. WEORC is an association of priests, religious women and men who have moved from full time ministry in the Church to other work. More information can be found at: www.weorc.blogspot.com.

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For more information about priests leaving the priesthood see www.leavingthepriesthood.com.

If you have any questions or comments about the laicization process, please click on “comments” below to share your thoughts.

The Laicization Process blog was developed by transitioned priests Henry and Conrad. Conrad was granted a licentiate in Canon Law in 1985.

Comments

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Anonymous said...

I've seen that. It was really hurtful when I received the letter telling me I am suspended, however, I have the philosophical transition. The question I have is can they say I did not leave in good standing if I resign without requesting laicization?

July 14, 2009 12:46 PM

Conrad said...

Anonymous,

Normally, the question would arise if the suspended priest is seeking admittance to a priestly role in another diocese. If you were on a quest for such a role, your bishop could certainly say that you are not a priest in good standing. After all, you aren't! Aside from such a scenario, I doubt the matter would ever come up—and I would wonder why it should make a difference—but, yes, it certainly could.

Conrad

July 14, 2009 4:42 PM

Conrad said...

P.S.

The document presumes that the Church is speaking with the authority of God

Himself. Considering the many blunders the Church has made in the past, it is amazing that she can still honestly claim such a charter.

The document seeks to establish, in section 2, a supposedly indispensable link between celibacy and the priesthood, but, contrary to all rules of argumentation, it starts, not with facts, but with the law. It does call the link “appropriate,” not “essential, so as to leave wiggle room for married priests in the Eastern Rites and for converted Protestant ministers in the Latin Rite. All of which weakens the argument for the necessity of mandatory celibacy for priests.

From the document (quotations from which are here shown in quotation marks):
“The Church, being the Spouse of Jesus Christ, wishes to be loved in the total and exclusive manner with which Jesus Christ loved her, as her Head and Spouse...”
How can an institution “wish” anything of the sort? It’s a very exalted image and it has a certain oratorical ring to it, but it would logically demand that all, clergy and laity alike, should offer her the gift of celibacy “for the kingdom.” And How can we love the church as a spouse (AAARGH!); How does one have sex with an institution? It’s so confusing it’s thoroughly unpersuasive!

“Priestly celibacy ...expresses the service of the priest....”

Any Rites that have ordained married ministers to the priesthood, are left a-begging here. There, again, goes the argument for the necessity of celibacy.

“Priestly celibacy, as indeed apostolic celibacy more generally, is a gift that the Church has received and wishes to protect, convinced as she is that this is a good for herself and for the world.”

“The Church” here obviously means “The Hierarchy.” The Church, as “The People of God” thinks differently! After all, sexuality is also a precious gift!

“Clerics are obliged to observe perfect and perpetual continence for the sake of the kingdom of Heaven.”

So what happens to the Kingdom of Heaven if clerics are not celibate? Personally, I think I could have “adhered to Christ” much more easily and effectively without the sexual tension that enforced celibacy constantly imposes. Even the Church

recognizes that relief of concupiscence is one of the purposes of marriage, and, in fact, it also happens to be an effect. The committed sexual union is far, far more sacramental than a brief imposition of hands in the ordination ceremony. Love begets love. I am convinced that the love of a woman in a committed relationship would have made me far, far more effective in my priestly ministry than celibacy ever could.

“Often in such cases, the penalty of "suspension" and of irregularity... have not been demonstrated to be sufficiently effective or suitable to repair the scandal caused, to restore justice, and to reform the offender. In fact, only through dismissal from the clerical state would the cleric also lose the rights pertaining thereto and would no longer be bound by any obligations of that state. Hence....” There’s quite a conundrum here. The priest who marries is suspended but not laicized, so canonically he are still obliged to observe celibacy until he is laicized! One way around that, for the priest, is to switch to other faiths, as many have done, rendering them no longer Catholic, and therefore not bound by the laws of the Catholic Church. They have issued their own Emancipation Proclamation! Imagine that! They have regained honor, righteousness and status, even in the Church’s eyes, by formally leaving the Catholic Church! A conundrum, indeed!

August 8, 2009 3:29 PM

Anonymous said...

Please plainly explain what is a priest's "punishment" for engaging in a sexual relationship with a woman?

Is he excommunicated? Can he confess and return?

I would have to believe that there are a fair amount of priests that have broken the celibacy vow.

August 18, 2009 7:55 PM

Conrad said...

Dear Anonymous,

No particular penalty is levied for a priest’s engaging in sex with a woman. He is expected, of course, to repent, confess and reform. In some instances this is probably done, though there are instances in which it is not. As long as it is a

secret tryst known only to the couple, the hierarchy is obviously not in a position to enforce any penalty anyway, and a fellow priest who hears his confession is bound by the seal of confession to keep it to himself.

If, however, the priest is openly living with a woman and is obviously involved in a sexual relationship with her that has become well known and therefore constitutes scandal, it is now possible for the bishop, under the new rules and directives, to intervene and initiate a cause for forced laicization (commonly called “defrocking.” Of course, the priest has a right to defend himself against accusations of this kind (which may have been maliciously made), and this right must always be safeguarded.

What percentage of priests have had sexual relationships is known to God alone. Those who have had sex don’t broadcast the fact, and their confessors can’t. I think that priests would believe the percentage to be lower than would the laity.

August 18, 2009 10:33 PM

Anonymous said...

Conrad, Thank you for your response. I have another question. I heard a priest refer to the vow of celbacy as the "pain of Celibacy"
Can priests organize as a group to demand a change?

There is power in numbers!

Also, they would have the laity on their side.

August 21, 2009 5:01 PM

Conrad said...

Dear Anonymous,

I can well imagine that celibacy has been called many, many things, few of them complimentary! I’ve never heard the “Pain of Celibacy.” A clerical and Hispanic acquaintance spells it “Sillybato.” Incidentally, the “vow” of celibacy is only an implicit one. Candidates for priesthood do not formally take a vow; they merely promise obedience to the bishop and the church, which demands celibacy of them in virtue of a church (read “man-made”) law.

There is nothing that I know of to keep priests, or anyone else for that matter,

from organizing and demanding change. Some such organizations already exist, for example CITI (Celibacy Is The Issue—see http://www.rentapriest.com/web/?_p=1001). However, most of the priests who would be interested in such organizations have already left the priesthood, and those who are still in the priesthood are not likely to organize for such a purpose. Some are perfectly content and happy living a celibate lifestyle, God bless 'em. Others, especially in the hierarchy, fear the logistics of a married priesthood (it's much easier to maintain control over a celibate priest than over one with a wife!). Still others are simply content to leave the matter to the hierarchy. Some are probably so blindly loyal to the Church and its law that they wouldn't even allow themselves to think of the possibility of change. Underneath it all, the Church has never really shaken off the Jewish and Victorian attitude that sexual activity is, somehow, defiling and unbecoming a man of the cloth. All of which makes me rather pessimistic about the possibilities for a change.

When I would, as I often did, discuss my frustrations with our inflexible Church with a trusted priest-friend, he would invariably respond with "Give it 500 years!" To which I would invariably reply, "I don't HAVE 500 years!"

August 23, 2009 8:51 AM

Henry said...

See open letter to Cardinal Hummes at end of this blog.

October 15, 2009 8:33 PM

bobclarkkc said...

To John Horan - I'm grateful for your message. I left the priesthood in 1989 (Kansas City, KS) and was married by a non denominational minister in 1996. Over the past four years I have tried to "get things right" with the church going through our Tribunal with hopes of having our marriage blessed by the church. I complied with all the "hoops" and had witnesses write letters, etc...The priest at the Tribunal said that my case might "take awhile" since it was was a more "normal situation" - priest who married a woman. He had 5 or 6 pedophile cases that go much quicker. There was also the pressure to finish these pedophile cases in order to avoid lawsuits (I don't get it...). Very confusing - I didn't know if should laugh or cry... I was informed over a year ago that my "case" is in Rome w/ a Cardinal Hummes. I

met with our pastor and explained my situation. He informed me that we should not receive any sacraments until our marriage is blessed by the church. We stopped attending church, frustrated at the time it took to "reconcile". A new pastor arrived recently and we went back to attending church. Sadly, my conversation with the former pastor taught me to do one thing: keep my mouth shut & stay under the radar. I am a social worker with 20 years experience in mental health. My wife works for Hospice. We both would like to offer our talents to the church but feel like we have to keep a low profile until the marriage issue is resolved. It doesn't seem right. I asked two other former priest friends (both therapists) if they went, or are going through, the dispensation process for their marriages. Their answer - NO WAY. They both thought I was crazy. Given the time and frustration experienced by this process, I think they may be right. I just don't get it. So many of us could be of service to the church but are so limited in serving because of this fear of "scandal".

John, I haven't read the church document you submitted but I read your blog and say "right on" to your comments...Thanks for your post..Bob Clark, Prairie Village, KS 11/26/09

November 26, 2009 5:38 AM

e said...

My boyfriend is now going through all this process of laicization.

He tells me he was not a priest, he was a 'step' before becoming one, when he decided he wanted to leave the Church. For what I read here this process seems to be only for priests, is there the possibility that he is lying to me???? No I am in absolute shock!!!!

I do not want to think he is lying, but now I just can't help to feel this horrible fear!! he has been waiting for the answer from the Vatican, but the way he says it, it seems to be just a matter of few months and here I am learning that it could take YEARS!!!!!!

I am from a latin background and now I am living in an Anglosaxon country, I do not want to think that this man, who I feel I know or knew, is taking advantage of

my stupidity and lack of knowledge about the life of priests. I know he was living in another part of the country and since he left the 'congregation' (that is how he refers to it) he moved to this other city, where he is teaching in a Catholic elementary school!!!!

We have already talked about many things, I love him I really do and I am terrified now, because what if he is lying to me? we have talked about sex and we decided to wait until marriage, after all it is the right thing to do, I come from a very traditional catholic family. He is 42 and I am 34 now, so we have even started planing the wedding date and how my family will come from my country, but today when I suggested I would make an appointment with the priest of my parish to talk about the marriage preparation sessions he told me we cannot make it official yet!! until he gets the answer from the Vatican, and it seems it can take FOREVER!!

Is this process only for priests?? (if that is the case the guy has been lying to me!)

He has never been married.

He is not a pedofiliac (at least not that I know) so how long could it take?? is there any way to know how long this process can take??

Could you recomend me any other good website to learn more about this??

Please I need help!

January 11, 2010 1:26 AM

Henry said...

e,

He may be referring to being ordained a Deacon (one step before ordination to the priesthood) and that's what is being dealt with through the laicization. Conrad

assisted with this blog, maybe he can give you more information about if going through the laicization process is necessary for a Deacon.

January 11, 2010 7:25 AM

Henry said...

e,

Conrad had difficulty posting on the blog so I am posting his response for him below.

e,

I'm sure that Henry is assessing the situation correctly, and that your friend was ordained as a "transitional", rather than as a "permanent" deacon. A transitional deacon is ordained in one of a series of steps leading to priestly ordination (one step away); a permanent deacon never intends to be ordained a priest. In either case, a promise of lifetime celibacy is demanded as a condition for ordination. Being ordained a deacon makes the subject a member of the clergy and gives rise to the impediment of Orders, effectively preventing the person from entering a marriage that the Church would recognize as valid.

For whatever comfort it might be, laicization of a deacon is granted for less serious reasons than is the laicization of a priest. In either case, the process can seem very long (yes, forever!) for interested parties. I am presuming that he went through the prescribed channels of making his petition through the bishop of the diocese for which he was ordained (or his diocese of residence, with permission from the diocese of ordination).

I see no reason to believe that your boyfriend is lying to you, at least not about the process of laicization. Fact is, he himself has no way of knowing how long the process will take. "Months" (less than a year) is reasonable. My own dispensation was granted in ten months.

If everything is in order and above board between you two, your decision to postpone sex until after marriage is, of course, admirable, and postponing the marriage until the laicization is granted bespeaks your fidelity to the Church.

The facts of your case do, however, prompt me to give voice to some reservations.

A suspicion arises in one's mind from the circumstances of your somewhat advanced ages and the fact that he fled the transitional diaconate so quickly after ordination (the span between diaconate and priesthood is normally less than a year). This could suggest that his decision to seek ordination was impulsive; would a decision to marry be equally immature at this point? Is this man capable of a lifelong commitment at this time? (Interestingly enough, this might also be instrumental in getting the dispensation granted!)

Is he being honest with you about his sexual orientation, or is he possibly a closet homosexual? Not that that would prevent you from getting married, but it would certainly be something that must be honestly shared, put on the table and dealt with.

I would strongly suggest a pre-marriage seminar such as the Engaged Encounter, or some other form of premarital counselling, in which such suspicions, if they exist, could be surfaced and resolved.

God bless, and good luck!

Conrad

January 12, 2010 3:27 PM