



SHEPHERDING THE SHEPHERDS

THE PASTORAL CHALLENGES OF
CARING FOR PRIESTS WHO ARE
ACCUSED, SUSPENDED OR
LAICISED

GOOD SHEPHERDS AND BAD SHEPHERDS



INCARDINATION

- ▶ Every priest must belong somewhere, whether he is incardinated in a diocese or belonging to a religious community.
- ▶ **QUESTIONS**
- ▶ What are the rights and obligations of priests and their Ordinaries towards one another?
- ▶ What is a reasonable response of a bishop/religious superior towards one of his priests who has been accused of wrongdoing?

The Dogmatic Constitution on the Church, *Lumen Gentium*

- ▶ Places strong emphasis on the relationship of priests with their bishops, with whom they are ‘united ... in sacerdotal dignity’ as ‘prudent co-operators with the episcopal order’. Priests constitute ‘one priesthood with their bishops’, a priesthood and mission in which they all share, and they are urged to look ‘sincerely ... upon the bishop as their father’, while the bishop is to ‘regard his priests who are his co-workers, as sons and friends’.

The Decree on the Ministry and Life of Priests

- ▶ Enjoins that, by virtue of bishops and priests sharing the same priesthood, ‘the bishop should regard priests as his brothers and friends’ while priests for their part ‘must respect [in the bishop] the authority of Christ’ and ‘*stand by their own bishop in sincere charity and obedience*’

CANON 384

He is to have a special concern for the priests, to whom he is to listen as his helpers and counsellors. He is to defend their rights and ensure that they fulfil the obligations proper to their state. He is to see that they have the means and the institutions needed for the development of their spiritual and intellectual life. He is to ensure that they are provided with adequate means of livelihood and social welfare, in accordance with the law.

ORDINATION AND INCARDINATION

- ▶ For the priest, and indeed deacon, obligations and rights flow from incardination, the juridical bond by which, for life, the cleric is incorporated into a particular Church, usually to serve in a diocese.
- ▶ At the same time he becomes the responsibility of the bishop and his successors. Incardination is a juridical fact, an automatic consequence of ordination as a deacon, when a candidate receives the juridical status of ‘the clerical state’, and it forms the fount not only of a cleric’s ministry but of his life.
- ▶ From incardination into the diocese or a religious order stems the duty of canonical obedience to his bishop, or other Ordinary. The general obligation of obedience, placed upon all of Christ’s faithful to their sacred pastors (c. 212 §1) is raised to a higher level for those in the clerical state as a ‘special obligation to show reverence and obedience to the Supreme Pontiff and to their own Ordinary’ (c. 273).

Pontifical Council for Legislative Texts, *Explanatory Note*

- ▶ The relationship between the priest and his bishop, as the, ‘arises from ordination and incardination’. More precisely, the priest’s service: ‘... is attached to a stable and lasting involvement that he has assumed, not with the person of the bishop, but with the diocese through incardination ...’

REMUNERATION

- ▶ The Council's decree *Presbyterorum Ordinis* stressed that priests are worthy of receiving a just recompense, with means of support for their needs when infirm and elderly.
- ▶ Canonically, these conciliar statements find expression in clerics having the right to 'remuneration that befits their condition, taking into account both the nature of their office and the conditions of time and place (c.281 §1), entitlement to receive 'suitable provision ... for such social welfare as they may need in infirmity, sickness or old age' (c.281 §2) and recognition that they may 'take a rightful and sufficient holiday every year' (c. 283 §2) These provisions may be seen as the priest's right corresponding to the bishop's correlative duty to provide them with adequate means of livelihood (c. 384).

OFFICE HOLDER VS EMPLOYEE

- ▶ ‘Whilst in no sense an employee of the Diocesan Bishop, the Particular Church, through the person of the Diocesan Bishop, is bound to protect the rights of clerics within the diocese including, but not limited to, their physical welfare and material support’ (The Directory on the Canonical Status of the Clergy, CBCEW, 2009)

SUSPENSION OR DISMISSAL: CANON 1350

- ▶ ‘Unless it concerns dismissal from the clerical state, when penalties are imposed on a cleric, provision must always be made so that he does not lack those things necessary for his decent support’ (§1)
- ▶ ‘In the best manner possible, however, the Ordinary is to take care to provide for a person dismissed from the clerical state who is truly in need because of the penalty’ (§2)

ALLEGATIONS OF ABUSE

- ▶ In any case where abuse is alleged one aspect which has to be taken seriously is canon 220, which says that ‘no one may unlawfully harm the good reputation which a person enjoys...’. That this is reiterated in canon 1717 §2 in terms of the preliminary investigation when an accusation has been made (‘care is to be taken that this investigation does not call into question anyone’s good name’) suggests the idea that anyone accused’s is *innocent until proven guilty*. This is an important point, since in the early days of dealing with cases of abuse, much of the actual procedure suggested that the perception was the opposite. The revised Book VI of the Code of Canon Law (1983) makes it clear that ‘*any person is considered innocent until the contrary is proven*’ (canon 1321 §1).

THREE FOUNDATIONAL PRINCIPLES

- (i) the right to be heard
- (ii) the presumption of innocence
- (iii) the right to one's good name

CASE STUDY 1

- ▶ Father A has been informed by the Vicar General in a phone call that allegations have been made against him, but has not been told what they are. There is a delay in finding out what these are as Bishop B wants to meet with him face-to-face, so that he can see what his reactions are when he confronts him with the accusations. Fr A commits suicide before the meeting.

CASE STUDY 2

- ▶ Bishop C meets with a victim who claims that a priest, Fr D, abused her several years ago. Without hearing Fr D's side of the story, Bishop C apologises to the victim, and tells her that he believes her.

CASE STUDY 3

- ▶ Father E is accused of an offence and suspended. The civil authority drops the case finding no evidence whatever to substantiate the allegation. Following internal investigations by the diocesan safeguarding officers, the priest is restored to ministry. What level of emotional or spiritual support might he expect from his bishop, before and after?

CASE STUDY 4

- ▶ Fr F, a member of a religious congregation for over 50 years, received a prison sentence. On the advice of the Holy See, he is not being laicised. He wants to return to his previous community which runs a retreat centre. On his release, what support might he expect from his religious community?

CASE STUDY 5

- ▶ Father G is convicted of an offence and laicised. He is subsequently found to be living in extreme poverty. Can he expect anything from his former bishop?

CASE STUDY 6

- ▶ Fr H is accused of an offence, but has not yet been charged. Bishop J tells him that he is not entitled to help with legal fees as this would be an inappropriate use of charitable funds.

CASE STUDY 7

- ▶ Fr K, a member of a religious community, has received a suspended sentence for possession (downloading but not creating) illegal images of children, and is a registered sex offender. He is living alone, at a distance from his community, but is not laicised as the Holy See refused the request from his religious congregation. Though the Holy See suggested a return to ministry after a period of penance and therapy, the congregation have not allowed him such a return. His case featured widely in the media. His long-standing friend, Bishop L, within whose diocese Fr K lives, wants to give him pastoral support and encourages him to frequent his house, and tries to get him a job, firstly within the diocesan archives, and then with an overseas charity (without disclosing the full facts of Fr K's conviction).

POSSIBLE WAYS FORWARD

- ▶ Accommodation
- ▶ Adequate support
- ▶ Finance

AND FINALLY.....

