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READMISSION TO THE CLERICAL STATE. DIOCESAN STAGE

In the Church and on behalf of the Church, priests are a sacramental representation of Jesus Christ – the head and shepherd – authoritatively proclaiming his word, repeating his acts of forgiveness and his offer of salvation, particularly in baptism, penance and the Eucharist, showing his loving concern to the point of a total gift of self for the flock, which they gather into unity and lead to the Father through Christ and in the Spirit.¹

The nature of the ministerial priesthood is based on the perspective of life-giving and active connection of the Church with Christ. Through this service the Lord in the middle of his people continues in his activity that comes solely from Him as the Head of His Body.

Thus, the ministerial priesthood renders tangible the actual work of Christ, the Head, and bears witness to the fact that Christ has not separated Himself from his Church, but continues to give life to Her through his everlasting priesthood. For this reason, the Church considers the ministerial priesthood a gift given to Her through the ministry of some of Her faithful.²

This gift, constituted by Christ, so that his mission of salvation can continue, was first granted to the apostles, and continues in the Church through the bishops, their successors, who cooperate with the priests. The identity of the priests in the Church is therefore determined by the identification with

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¹ Ioannes Paulus PP. II, *Adhortatio apostolica postsynodalis de Sacerdotum formatione in aetatis nostrae rerum condicione Pastores dabo vobis* (25.03.1992), AAS 84 (1992), p. 657-804 [henceforth cited as: PDV], no. 15.

² Congregazione per il Clero, *Direttorio per il ministero e la vita dei presbiteri* (11.02.2013), Libreria Editrice Vaticana, Città del Vaticano 2013 [henceforth cited as: DMVP], no. 1.

the mission of the Church that is being fulfilled by the priest in communion with his bishop.³

“The priest’s vocation is thus most exalted and remains a great mystery, even to us who have received it as a gift. Our limitations and weaknesses must prompt us to live out and preserve with a deep faith this precious gift with which Christ has configured us to him, making us participators in his saving Mission.”⁴

The ordination granted through the laying on of hands and the bishop’s consecration prayer creates in the priest the sense of a particular ontological unity with Christ, the High Priest and the Good Shepherd (PDV 11). The identity of the priest is therefore derived from the specific participation on the Christ’s priesthood that is granted to the ordained minister, and thus becomes a real, clear, and living image of Christ the Priest (PDV 15). It is through ordination that the priest receives as a gift the spiritual power that represents the participation on the highest authority, with which Christ leads the Church through the Holy Spirit (PO 2, 12).

This sacramental identification with the High and Eternal Priest guides the priest in a particular manner to the Trinitarian mystery, and to the ministerial communion of the Church to serve the people of God (PDV 12) not like he who is appointed to perform religious acts, but like Christ, who came not to be served but to serve, and to give his life as a ransom for many (Mt 20:28).⁵

It is no surprise to us that the internal principle, the virtue, which animates and guides the spiritual life of the priest is his imitating Christ, the Head and Shepherd, through his pastoral charity. This is a gift freely bestowed by the Holy Spirit and likewise a task and a call to the freedom and responsibility of the priest (PDV 18).

³ Sacrosanctum Concilium Oecumenicum Vaticanum II, Decretum de presbyterorum ministerio et vita *Presbyterorum ordinis* (7.12.1965), AAS 58 (1966), p. 991-1024 [henceforth cited as: PO], no. 2.

⁴ Benedictus PP. XVI, Allocutio ad Congressum Theologicum Internationalem a Congregatione pro Clero paratum (12.03.2010), AAS 102 (2010), p. 240-42; quoted after: DMVP 1.

⁵ *The New American Bible*, Confraternity of Christian Doctrine, Washington 1991.

We must not forget that every priest is unique as a person, and has his own way of being. Everyone is unique and irreplaceable. God does not eliminate the priest's personality, on the contrary, he demands all of it, because he wants to use it, so that the priest can convey the deepest and most beautiful truths through his characteristic traits, which are respected by God, and are to be respected by others (DMVP 2).

But there occurs also an unpleasant situation of the departure of a priest. Questions arise: why did he leave, did he lose the gift, exchange it for something or someone, mislay it? Those are very hard questions deeply linked with faith and the attitude of faith in the life of a priest.

However, even after the departure the gift remains, the seal of the Spirit remains. God does not reprimand, but gently appeals to such a priest. Again, and again he invites him back to the ministry to the places he had called him to, and had given him a share, a place, a gift that he does not understand and cannot contain not with his hands or his mind. God invites him to come to him. Suddenly the priest who has left ministry realizes this and begins to long to return back to ministry again. Still, the way back requires a lot of work and decisions that purify, strengthen, and form the petitioner.

The process introduced here concerns the Congregation for Clergy, the only one which provided its instruction, not only to the ordinaries, but also to the purposes of this work. Other dicastery's did not provide any instruction, but from the interviews with them it was perceivable that their procedure is either the same of very similar.

1. Requirements for readmission to the clerical state

The first thing the petitioner, a laicized cleric, needs to realize is that he has no right for readmission, that there is no such right to support his case. As there was no right for ordination to receive the gift of priesthood, and no right for laicization as a grace, similarly he must realize that he does not have this right either.⁶

⁶ The legal basis for readmission to the clerical state can be found in the 1983 Code of Canon Law. See *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, p. 1-317 [henceforth cited as: CIC/83], can. 293. Cf. Krukowski 2005, 117.

It is a merciful and motherly act of the Church given to those who need it. And the word “need” is very important, because it demarcates the area for readmission. If the laicized cleric has no need – he does not need to return, the Church does not offer him this merciful act. He respects his decision. Just as God respects the priest and his decision. But if the need arises, the Church in his procedure he uses is very careful and prudent, with great consideration of the common good.

The common good in a case of readmission is first and foremost to uphold the dignity of the ministerial priesthood and its accompanying obligations, with great regard to celibacy. The priesthood must be protected from any scandals that may arise among the faithful as a result of the readmission of a laicized cleric back to ministry. But the salvation of the petitioner’s soul must be taken into consideration and care must be exercised so that a second vocational breakdown is avoided [Martine 2007, 493-506].

It is also important to realize that the mere shortage of priests is not grounds for readmission to the clerical state and ministry. As early as during the formation in the seminary this needs to be thought of, and the candidates for ministry formed in such a way as not to create the impression that Holy Orders can be entered into with the intention that it could be abandoned and returned to again, depending on what the individual sets his mind to. This could be quite dangerous were someone to accept the Holy Orders in such a manner. The ordinary who is willing to readmit the petitioner cannot forget this aspect in his decision making.

Another requirement concerns cases where the petitioner has incurred irregularity.⁷ A cleric who has received a dispensation from celibacy and then attempts marriage civilly anyway out of contempt for the Church should not readmitted to the clerical state and ministry until a thorough investigation of the circumstances and motives for his such actions is conducted by the ordinary [Pedone and Donlon 2001, 23].

The petitioner must have an ordinary willing to accept him – to incardinate him into his diocese. However, there are yet other conditions to be

⁷ Can. 1044 § 1 CIC/83: “The following are irregular for the exercise of orders received: 1° a person who has received orders illegitimately while avected by an irregularity to receive them; 2° a person who has committed a delict mentioned in can. 1041, n. 2, if the delict is public; 3° a person who has committed a delict mentioned in can. 1041, nn. 3, 4, 5, 6.”

met: the ordinary must not be from the territory where the cleric attempted marriage or where he lived during the marriage. In addition, if the cleric is readmitted, he cannot exercise ministry in this territory either. However, exceptions to these rules can be granted by the dicastery that is competent in the given case for proper and grave reasons.

The cleric's civil bond of marriage must be broken through divorce according to the laws of the country where he lives. A cleric who presently is in a marriage will not be readmitted.

As a rule, readmission is not granted to one who has been married more than once, even if the marriages were only civil unions. This is to prevent an unstable person from re-entering ministry. A pattern of broken marriages or relationships could be evidence of immaturity or instability, and that can prove in the readmission to the clerical state and ministry.

Another requirement concerns any children born of the marriage. They must be of majority age, taken care of, and self-supporting. The petitioner cannot have any financial responsibilities regarding the wife and children; this must already have been resolved. This is to ensure that the cleric is free from any family or financial responsibilities that may be obstacles to him serving the Church totally and wholeheartedly.

The last requirement is that the petitioner must have appropriate age and health to return to the clerical ministry, and be useful in it. No one is readmitted unless they can be useful to the people of God. If someone is of advanced age and poor health, he should not be readmitted because he would not have many years of service to the Church [ibid., 24].

2. Beginning the process

The process of readmission to clerical state for one who has been laicized begins when one approaches a diocesan bishop and asks to return to active ministry [Martine 2007, 502]. The petitioner presents the ordinary with the reasons he seeks readmission to the clerical state and ministry.

The ordinary who is willing to accept the petitioner, and incardinate him into his diocese, addresses the dicastery asking how to proceed in this case. The dicastery will send him an instruction on how to conduct the process,

which has three points.⁸ The ordinary consequently designates a priest, an instructor for the case. Even though it is not required for the instructor to be a priest, it seems to be most logical that this task is entrusted to a priest. It is important to maintain secrecy to protect the petitioner's good name [Souckar 1994, 501].

The first task of this instructor is to correctly assess the current canonical status of the petitioner, the laicized cleric. This means that he should investigate the circumstances of his ordination, and the reasons why he left priesthood. If the petitioner received a rescript of laicization, a copy of that rescript should be obtained. Since 1980 it has become the practice of the Holy See to state in the rescript that the individual who is leaving the clerical state should never have been ordained. Given this rationale it may be more difficult to argue for his return to the clerical state. This in itself, however, should not halt the process of return to the clerical state. It simply means that the case needs to be well presented [ibid.]. The instructor investigates if the petitioner is or was on a sabbatical, if it is authorized and determined. He inquires if a formal process of laicization was begun, but because of the slow pace of the process the petitioner lost interest and it was never completed. In a like case, even if the rescript was granted but petitioner had since abandoned the case, the rescript never took effect because it was never executed [ibid., 502].

It is the task of the instructor to investigate the way in which the petitioner left the clerical state and ministry; he inquires about the possible canonical penalties that may be inflicted on this cleric. Inasmuch as a cleric absent without permission or on what became an indefinite leave, without planning to return, is placed under suspension or censure by the competent authority. Given the particulars of the way the man left, it is necessarily required to contact his previous ordinary to determine the canonical status of the petitioner. Were any canonical penalties applied; this especially concerns the clerics bound by the can. 2388 of the 1917 Code of Canon Law.⁹ According

⁸ Congregazione per il Clero, *Riammissione al sacro ministero riabilitazione, per i casi di competenza della Congregazione per il Clero* [in the possession of the Author], no. 17.

⁹ Can. 2388: "§ 1. Clerici in sacri constituti vel regulares aut moniales post votum sollemne castitatis, itemque omnes cum aliqua ex praedictis personis matrimonium etiam civiliter tantum contrahere praesumentes, incurrunt in excommunicationem latae sententiae Sedi Apostolicae simpliciter reseruatam, clerici praeterae, si moniti tempore ab Ordinario pro adiunctorum diversitate praefinito, non respuerint, degradentur, firmo praescripto Can.

to this, a cleric in major orders falls under a *latae sententiae* excommunication who attempted marriage, even civilly. Hence, the excommunication is done away with retroactively by the can. 1313 CIC/83.¹⁰

Another important task of the instructor is to be able to identify the petitioner's marital status and its history. He may never have married. He may have established a relationship with someone that took the appearance of marriage, but it was not a marriage. This non-marital arrangement may have been of a heterosexual nature, it might have even been multiple relationships, but it could also have been of a homosexual nature. It is important to ask the petitioner whether this or these relationships were public, known to the public, or even caused a scandal or a shock.

The instructor then investigates the family life after the civil marriage. It is his task to collect all the available relevant documents relative to the civil marriage, or to all the civil marriages, were there more attempted by the petitioner, and also to collect all the divorce documents.

The petitioner could have entered marriage in the Church. If this is the case, the instructor must collect all the documents concerning such marriage, and also a document confirming the natural death of the spouse. If the petitioner's marriage in the Church was declared null, all the available documents should be collected too. Or if the marriage was dissolved according to the privilege of the faith or the Pauline privilege, again, all the necessary documents need to be collected. If the marriage was not consummated and thus dissolved, all the documents need to be collected in this case as well.

The petitioner who entered marriage in the Church, or entered into civil marriage, or only lived in a relationship with that took the appearance of marriage may be bound by natural relationships that arise with the arrival of a child into the marriage or such a relationship. This creates an obligation to provide for the spouse or partner and the child, or children born of this ma-

188, n. 5. § 2. Quod si sint professi votorum simplicium perpetuorum tam in Ordinibus quam in Congregationibus religiosis, omnes, ut supra, excommunicatio tenet latae sententiae Ordinario reservata." *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (27.05.1917), AAS 9 (1917), pars II, p. 1-593.

¹⁰ Can. 1313 CIC/83: "§ 1. If a law is changed after a delict has been committed, the law more favorable to the accused is to be applied. § 2. If a later law abolishes a law or at least the penalty, the penalty immediately ceases."

riage or relationship. It is the instructor's duty to examine if the petitioner fulfilled, or, if they are still applicable, fulfills these obligations. If he did not, or if serious breaches in fulfilling these obligations were discovered, it naturally calls into question the prudence of readmitting this person to the clerical state and ministry. This must be considered by the ordinary willing to incardinate the petitioner into his diocese [Souckar 1994, 502-503].

Provided that all these steps have proven favorable, the formal process for the return to the clerical state may be initiated.

3. Petition for rescript

After the initial steps that need to be fulfilled, we will illustrate the petition sent by the petitioner, the laicized cleric. This document demonstrates the intention – that is the need, as we have mentioned earlier, for which the petitioner seeks the grace to return to the clerical state and ministry.

The petition must contain the substantial elements that make it acceptable. We divide them into two groups: formal requirements and material requirements.

3.1. Formal requirements for the petition for rescript

The petition, being an official document, must fulfill the formal requirements to be acceptable to whom it is presented. The petition is submitted in a written form, either written by hand, typed on a typewriter, or printed out. It is addressed to the Pope, and should be written in a humble manner to show that the petitioner, the laicized cleric is aware that he has no right for this grace, but the need in his life leads him to humbly address the Pope with his request.

The petition is an administrative document beginning with a header containing the name, surname, and titles, residential address, phone number, and e-mail address. Among the important formal requirements are information about his personal life, date and place of birth, names of the parents, the place where he grew up, the schools he attended before entering the seminary, what life he had led before, what his values and priorities were, what motivated his decision in his adolescence to enter into seminary, when he received the Holy Orders, the diocese or religious institute he was incardinated into, whe-

re he was assigned, and in what years, when he left the clerical ministry, when and by whom he received laicization. The petition is hand-signed, and with a date of submission.¹¹

3.2. Material requirements for the petition for rescript

Besides the formal elements the petition must contain, the petitioner in his petition for return to the active clerical ministry addressed to the Holy Father, needs to elaborate on the material reasons leading him back to the clerical state and ministry. He must justify his need leading him to submitting this petition.

He starts the petition by describing his family background and reasons that led him to priesthood. Then he describes the formation period in the seminary, his motivations and attitudes, the struggles he might have had already during the seminary formation, and the obstacles he had to overcome. We could say that this is a *quasi*-opening of the petition, a *quasi*-introduction of the petitioner to the Holy Father, where the petitioner describes his background.

The petitioner then addresses the first years of his priestly ministry. The places he was assigned to, for how long, and how he did in those individual places of his pastoral ministry. The joys, but also the problems he encountered. The way he dealt with them, and if he had the help of a priest in these difficulties. He will continually get to the moment of the difficulty, the crisis that started to lead him away from the clerical ministry, and eventually from the clerical state. He describes the situation that he interpreted to be the trigger for him to leave.¹²

In his petition he focuses on this period, and evaluates several aspects of his priestly life. These are: 1) how he fulfilled his priestly duties at that time; 2) how he ministered the sacraments; 3) how the crisis in his life manifested in the pastoral ministry and pastoral charity to the faithful he was assigned to; 4) what spiritual life he led then – did he pray, did he go to confession, did he meditate; 5) did he have a spiritual director to strengthen and encou-

¹¹ Congregation for Clergy, Information gained from a research of archived documents concerning individual cases of clerics seeking to return to the clerical state.

¹² *Ibid.*

rage him, or was he alone; 6) on what account he decided for this solution; 7) was he afraid; 8) was he angry at the ordinary or someone else; 9) was he alone, and could not handle it by himself; 10) was he frustrated because of the place he was assigned to serve there as a priest of Christ, what he did to cope; 11) did he have a relationship during his priestly ministry towards someone that was deeper than towards Christ. These aspects he describes and elaborates on, and completes with other aspects particular in his case.¹³

After having described the circumstances of his priestly life that were filling his heart at the time, and motivated him in his decision to leave, the petitioner shifts his focus on what followed. He describes his leaving the clerical ministry. Did he do it publicly or in secret, did he meet with the ordinary, did he hear his encouragement, or did he not want to meet him? If so, why did he not want to meet him, what led him to such a decision? What options were presented to him by the ordinary to help him, was it a sabbatical year, or a stay in a clerical or religious community, was he offered therapy to overcome the difficulty he was struggling with?

Then he focuses on describing the following years of his life, where and how he lived. The first possibility is that he stayed alone. He began working in a certain profession, lived in a certain place, where he found the peace and safety he was looking for, and so on. He may have joined a parish, where he actively participated in the parish's activities, because he knew who he was. In case he has not lost his faith completely, and practiced a prayer life, he can mention how he felt spiritually.

The second possibility is that he started a relationship, or might have left the clerical state and ministry because of a relationship. Then he focuses on describing his new way of life. Did he ask for the grace of laicization, settle his relationship towards the Church, enter into sacramental marriage, and receive the sacraments? He describes how he lived in the parish community at that time, what work he did, how he provided for his wife and children. In this description of the family situation he mentions if the children are already self-supporting, if his spouse is still alive or dead. If the marriage was de-

¹³ Congregation for Clergy, Information gained from a study of archived documents: *Supplica dall'Oratore* (25.04.2017).

clared null, when did that happen, and based on what title. If there were multiple nullities, he describes each marriage in like manner.

If he, however, did not ask for laicization, and attempted civil marriage, he still describes the situation in the family, how he provided for his wife and children, how he raised them, and led, or did not lead them to God; if not, then why. He describes his situation in the place where he lived, if he attended the church services, and wanted to join a parish. In his description he focuses on whether his wife died, or if they had a civil divorce; if so, in which court and when, and whether the children are self-supporting.

After the description of the situation he focuses on how he overcame this crisis, and this period of his life. If he needed to forgive, what led and strengthen him to forgive? How did he overcome the crisis of faith, and of vocation? Who, or what measures helped him? In this part he should write openly and sincerely about this conversion in his life. Slowly the need begins to reveal, as we have mentioned earlier, that leads him to return. It is not only the state of emotion that sustains the petitioner, the laicized cleric in his decision to return, but it is the fruit of a gradual maturation, and development of his clerical vocation.

In this part he openly admits and regrets his decision to leave the clerical state and ministry, and the consequential violation of celibacy. He realizes that this decision was not right; he does not blame anyone for having caused this in his life anymore, but realizes his personal failure.¹⁴

4. Acceptance of the petition for rescript by the diocesan bishop

The acceptance of the petition by the ordinary willing to incardinate the petitioner into his diocese is a very important step, which will consequently provide space for the work of the instructor, who will meet with the petitioner in person, and start to act in the process. The purpose is to create a certain self-diagnostic of the petitioner, to get to know his current situation, but also the situation that preceded his leaving the clerical state and ministry.

¹⁴ Ibid.

4.1. Preliminary examination of the petitioner's situation

After the petitioner has delivered the written and signed petition to the ordinary willing to incardinate him into his diocese, it is again time for the instructor to once again closely examine the reasons leading the petitioner back to the clerical state. He interviews the petitioner thoroughly, focusing on the four areas of interest important for the Holy See.

The first area of interest is the area of financial and moral obligations the petitioner has for dependents. The second area addresses the reason why the individual left the active ministry and why he seeks to return. It is important to inquire about the reasons and background that led to his decision to leave the clerical state and active ministry as well as what now motivates his desire to return. The third area to be covered in particular is the area of personal development, of seminary and priestly formation, and the formation that should take place before the return to the clerical state and ministry. The place and the form needs to be specifically mentioned. It is useful to mention the length of the formation that will be required, and suggest a spiritual director. The fourth area of focus is the preclusion of scandal that might result from the return of the petitioner back to the clerical state and ministry. If there are any sensitive areas uncovered during the interview, where the scandal might occur, they need to be properly reviewed, and the readmission considered. The Apostolic See can request from the ordinary who is willing to incardinate the petitioner a guarantee that the petitioner will not serve as a priest in those places where he lived as a laicized priest [Schumacher and Jarrell 1990, 73-75].

In addition to these areas the interview covers also factual information that the petitioner stated in his petition. This includes his own biography that he mentioned in the opening of the petition, and that concerns his family, parents, the years of studies prior to entering the seminary. His way of life, and the priorities he had before entering the seminary. What led him to this decision, and how he grew his vocation prior to entering the seminary? What relationship he had towards his friends?

The instructor asks about the seminary or seminaries the petitioner attended during his seminary formation, and how he felt during that time. He asks about the things he encountered, what was pleasant for him, and what was difficult, what he had to deal with, what he had to overcome. Then the ques-

tions shift to his university studies – the faculties he attended during the seminary formation, and after receiving the Holy Orders; the academic degrees he gained; was he academically active, did he publish books, if so, what books; did he participate in conferences, and on what topics.

Another important area is the moment of receiving the Holy Orders, and the first years of the priestly ministry. How did he feel during the moment of ordination? Did he have doubts, or was he looking forward to it; did he have any reservations against something in the priestly life, against celibacy, or did he openly accept everything with clarity in his decision? How did he embrace the places he was sent to; did he embrace them or was he dissatisfied? If he was dissatisfied, how did it manifest in his life? As a protest or hardness, bitterness, anger, aversion, unwillingness to cooperate with another priest, priests or laypeople? Or was it manifested by frequent absences from the parish, or seeking other, non-priestly relationships?

The instructor now focuses on the time of the priestly ministry; the places where the petitioner served, and for how long. The instructor very attentively observes the answers, and the behavior of the petitioner during this interview, as the petitioner is to state clearly and explicitly his desire to be incardinated in the particular diocese, where the ordinary intends to accept him. It should be stated clearly, without any guidance from the instructor, but as his personal desire, which stems from the need of the return to the clerical state and ministry [Souckar 1994, 611-12].

4.2. Examination of the reasons leading the petitioner to leave the clerical state

After the initial examination of the petitioner's situation the instructor turns his attention to reasons which led the petitioner to leave the clerical state and ministry. The instructor must be a very experienced priest, and deeply rooted in faith, to be able to rightly determine what the petitioner reveals from his heart as his motives. The instructor must be an experienced spiritual director to understand the individual motives that were coming to the petitioner's life, and which he interpreted as leading him to leave the clerical state and ministry.

For the petitioner this is the opportunity to openly talk about what he felt at the time of seminary and priestly formation, what he thinks was the reason

why he left the clerical state. Since he is already in the position of willing to return, his perception of the past will also be calmer than at the time of his leaving. He himself starts to reveal the motives, which were subjective – as he perceived and interpreted them. Many reasons for leaving might appear seemingly dominant at first, but following the interview further we come to conclusion, that these subjective motives were not dominant in the decision-making, but only a jumping-off place for other reasons hidden behind them.¹⁵

Thus, the instructor in an effort to guide the petitioner invites him to a more detailed look and examination of motives, so that he can uncover and name even those motives he could not have before. It could be his personal failures, his negligence's, traits he did not form well, or did not form at all, and suddenly realized he cannot stand the difficulties, or feels very vulnerable. Especially in regards to celibacy, if the priest does not cooperate with it, and develop it, he can start perceiving it as something foreign that is not for him, and that he wants to escape [Rossetti 2017, 18].

Another area where the instructor accompanies the petitioner in examining the reasons for leaving is prayer: how much time he devoted to it? What places he assigned for it? Priest is a man of prayer. If he does not pray enough, difficulties start to appear in his life. The instructor invites the petitioner to ponder on how he prayed, if his prayer was only shallow, or personal. With shallow prayer he only fulfilled his duty, but did not create a relationship with Him who invited him, called him, and given him a great gift. Conversation with Him offers guidelines on how to develop this gift. If his prayer was not personal, it might have been because he was afraid of some things coming to surface. He did not pray so that he would not hear. Here an experienced instructor creates space for the petitioner to get to know himself, maybe for the first time, and what is hidden inside of him. Personal hurts, failures, pain from not being accepted, pain from not understanding, and not knowing, pain from loneliness he is sinking into, so he does not want to pray; all of this is influencing him. The instructor invites him to look himself in the face. Missing love for prayer is sometimes another reason leading to leaving the clerical state and ministry.

¹⁵ Congregation for Clergy, Information gained from a research of archived documents concerning individual cases of clerics seeking to return to the clerical state.

The next area to be examined is sacramental life. The petitioner must truthfully look at himself – how he received the sacraments at that time, especially the sacrament of penance, in what state he received the Eucharist, in what state he ministered the sacraments and sacramentals?¹⁶

Pastoral ministry and pastoral charity. This is another area where the instructor leads the petitioner to get to know his motives, and be able to reveal them, and name them correctly. Whom did he want to pastor to? Who was important for him? Why? How much time did he devote to children, to the young, to parents, to old people, to the sick in hospitals and at home; how much time did he devote to visits and conversations? Did he have it clear, or did he manage it spontaneously, heedlessly, or in an undisciplined manner? Or did he eventually choose who he would visit, and where he would go, with his motive not being pastoral charity, but gain – either material or financial, or gain in relationships? These questions are very important for the petitioner to answer – how he acted in this area before his leaving the clerical state and ministry?

Another area to be addressed concerns priestly community. The petitioner should specify the clerics who he was handling the situation with, who and how helped him and advised him. He should also take a look at the priestly community he had, who he sought to spend time with, and talk about the joys, and the difficulties. Priestly loneliness is a very bad advisor in priestly difficulties; it seems to bring wisdom and clarity, but in reality, it only brings darkness, falsehood, anger, resentment, and the desire to get away from it.

4.3. Examination of the family background

In this examination the instructor focuses on the family background. He can start with the closest family background, where the petitioner grew up. The examination of this background can bring more light to the reasons for leaving, but also for return. This examination checks if he grew up in a complete or incomplete family. If his parents and family were believers, if they practiced catholic life, or not. If the family was functioning, or there were any defects present. If there were defects, the instructor notes when they started, and how they affected the petitioner in his adolescence. Here we also

¹⁶ Ibid.

touch the adolescence itself, how we felt, how he managed to deal with particular stages of adolescence. Was he alone or did he have friends? Were there any priests or religious people among these friends? After the family background, the instructor moves his attention to the new family the petitioner started, or the new relationship that started in his life after leaving the clerical ministry, and the clerical state.

The first case is if he never got married. He must be asked why he did not get married, what led him to this decision.

The second case is when he does not get married, but is in a live-in relationship with women. An expert opinion letter is crucial, as it will provide an answer if the petitioner is suitable for return to the clerical state and ministry.

The third case is if the petitioner only entered into civil marriage, and never asked for the grace of laicization, but he wanted to be married. Did he take care of the children that were born in this relationship, did he provide for them, and was he a father for them? Now, when the children are already independent, and his wife died, he wants to return to the clerical state, and the clerical ministry. In some cases, the marriage itself does not even last, it breaks up, and they divorce. Here again we need to ask the question of how the petitioner behaved towards his wife, and the children that were born.

The fourth case is when the petitioner, after having left the clerical ministry, and the clerical state, asked the Holy Father for the grace of laicization, and a dispensation from celibacy, and entered into a proper sacramental marriage. In the examination he describes how he lived in this marriage, what relationship he had with his wife and children, how he was able to take care of them in all aspects, if the children are baptized, and raised in the Catholic faith, if they receive the sacraments, and if they are independent and self-supporting now?¹⁷

If it turns out that the petitioner is bound by natural obligations to his wife and children, he cannot yet return to the clerical state and ministry at that

¹⁷ Based on the research conducted in the years 2017-2018 among the formators in Slovakia, the Czech Republic, and Italy. They provided valuable information concerning the life of clerics.

moment, but is obliged to fulfill his natural obligations arising from his way of life.

The task of the instructor is to collect all the available information and documents, connected to the petitioner's family background, and present them to the ordinary who is willing to incardinate the petitioner into his diocese. The ordinary then decides if and when he incardicates him.

4.4. Examination of the petitioner's current life situation

In this examination the instructor focuses on the current situation of the cleric. Where does he live, in what conditions, where does he work, or is he retired? What lifestyle does he live, is he active in the place where he lives, or is he like a stranger? Does he have friends, do the local people know him to be a laicized cleric?

The examination of the current life provides the ordinary, willing to incardinate the petitioner into his diocese, with the opportunity to see what relationship the petitioner has towards clerics and laypeople. That will help him to decide if his readmission will be really beneficial to his diocese based on his personal character traits.

The interview should also address the holistic health of the petitioner [Souckar 1994, 612].

5. The opinion of the ordinary of the petitioner's actual residence

After the instructor has collected all the necessary information from the particular examinations, the ordinary who intends to incardinate the petitioner into his diocese addresses the ordinary where the petitioner currently lives with a request to send him his opinion on the petitioner's readmission to the clerical state.

The ordinary of the diocese where the petitioner lives turns to the competent parish office, and the priest who is assigned there with questions concerning the petitioner's life in the parish. The questions can be of the following nature: Is he known to the pastor? Is he actively participating in the life of the parish? Does he receive the sacraments regularly? What is his family like, or, if he is alone now, what was his family like? Did he provide for his wife and children? What reputation does he have among the pari-

shioners? How does he get along with them? What reputation does he have at work? How does he get along with people at work? The pastor can also approach several reliable parishioners to express their opinion on the petitioner, but in all discretion, and while maintaining the privacy, and the good name of the petitioner.

If the petitioner is active in certain pastoral activities that go beyond the parish, the ordinary will also address his colleagues or superiors in these activities, so that they can comment on his behavior.

After the ordinary where the petitioner currently lives has collected all the necessary information, he writes his opinion to the ordinary willing to incardinate the petitioner into his diocese. In his opinion he expresses himself clearly and openly, he either recommends the readmission, or advises the ordinary of the difficulties that appeared, or are appearing in the life of the petitioner, and leaves the decision to the ordinary.¹⁸

6. The opinion of the ordinary willing to admit the petitioner

At this stage all pertinent documents are collected and arranged in an orderly file. In addition to the usual certificates and other records it may be appropriate to include some favorable recommendations on behalf of the petitioner. In particular, a favorable letter of recommendation from his former ordinary has been known to make a positive impression on officials in the dicastery [Schumacher and Jarrell 1990, 75]. A letter of recommendation from the petitioner's pastor, who gave his opinion to the ordinary of his diocese, might also be included.

Once the ordinary has collected the information and reviewed the sources, the case proceeds at his discretion. Should he consider it opportune to present the case to the dicastery, he will write a cover letter and a *votum*. The ordinary's letter, the petition to the Holy Father, the transcript of the interview of the petitioner, and other collected documents are then prepared for communication to the competent dicastery.

The material is to be sent to the Roman Congregation that originally granted the rescript of laicization [Souckar 1994, 612]. Prior to 1989 requests for

¹⁸ Ibid.

laicization were sent to and handled by the Congregation for the Doctrine of Faith. Then a special commission was established in the Congregation for Divine Worship and the Discipline of Sacraments for these cases.¹⁹ Since the congregation that granted the rescript of laicization retains the petitioner's file, that same congregation receives the materials relative to the request to return to the clerical state.

This step concludes the first stage of the process that is on the diocesan level. The ordinary who is willing to incardinate the petitioner writes his *votum*.

7. Sending the request with the diocesan bishop's *votum* to the Apostolic See

After the whole file with all the necessary statements has been collected, and is fully complete, the ordinary has several options of delivering the documents to the competent congregation.

The first option is to send the documents to Rome through the nuncio, which means sending it to the nunciature with a request to deliver these documents to the competent congregation [ibid.].

The second option is that either the ordinary himself, or someone whom he trusts takes the documents to Rome, to the competent congregation. It is up to the ordinary which way he chooses to deliver the documents. In both cases secrecy and discretion must be maintained, and, of course, the good name of the petitioner. That is why the documents are collected and kept in a sealed envelope, or, with a greater amount of the documents, in a box tied with a string, to maintain secrecy as much as possible.

8. Adding important elements as specified by the Apostolic See

After reviewing the dossier, the congregation will inform the ordinary of its opinion on the whole case, and the petitioner. If the documents provided by the ordinary are sufficient, and the congregation is satisfied, and inclined

¹⁹ Segreteria di Stato, Lettera *Con riferimento* al Prefetto della Congregazione del Culto Divino e della Disciplina dei Sacramenti (8.02.1989), Prot. N. 230.139, "Notitiae" 25 (1989), p. 485.

to allow the petitioner to be readmitted to the clerical state, and active clerical ministry, the life of the petitioner comes to another stage, the period of formation.

The congregation informs the ordinary of their position in written, and in written determines the length of this period, based on the information provided by the ordinary. Should the petitioner have been away from active ministry since before the Second Vatican Council, for example, there is likely a greater need for theological updating compared to a man who was inactive for ten to fifteen years [ibid., 613].

Conclusion

The identity and the need is what the petitioner must feel in his lay life. On one hand he has the seal of a cleric in his heart, but he lives his life as a layperson. He himself must resolve this, and realize who he really is. After this realization a decision continually develops in his life – he wants to return. He wants to live a life of his heart, where the seal of the Christ’s priest is.

We presented the main conditions the petitioner must meet. Those are: he must realize it is a grace, a motherly act of the Church given to those who need it. It is not his right. That is why he must be very humble, and go through certain penance in his life to be purified. He must have an ordinary willing to incardinate him into his diocese. He must not be bound by any marriage. His children must be taken care of and self-supporting. He must be of good health, and age appropriate for ministry.

The petitioner must firstly approach the ordinary with a request to incardinate him into his diocese. Then he writes a petition to the Holy Father that must meet all the formal and material requirements.

After the petition has been accepted by the ordinary, the examination of the petitioner’s situation begins. This is done by the ordinary through a priest-instructor. He reviews the reasons for leaving the clerical state, the reasons for return to the clerical state, the family status and background, and the life situation of the petitioner. Then the ordinary of the place where the petitioner was incardinated is approached to give his opinion. After that the ordinary willing to accept the petitioner writes his opinion, and all this is sent to the Congregation for Clergy, asking for an instruction on how to proceed.

The dicastery answers, and defines how to proceed further, when the formation is to start, and how long it is to take.

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Readmission to the Clerical State. Diocesan Stage

Summary

The legislator in the can. 293 of the 1983 Code of Canon Law states: "A cleric who loses the clerical state cannot be enrolled among clerics again except through a rescript of the Apostolic See." The cleric, who left the clerical state, accepted the lay state, and over the years realized that this decision was wrong, rediscovered his lost identity of a priest, and is in the position of a humble petitioner asking for the grace of readmission to the clerical state, can be given this grace from the Church. However, he must realize that he has no right to be readmitted to the clerical state. If he humbly asks for this grace, the Church will consider all the necessary circumstances, and can grant him this grace.

Key words: cleric, clerical state, rescript, procedure, grace

Ponowne włączenie do stanu duchownego. Etap diecezjalny

Streszczenie

Ustawodawca w kan. 293 Kodeksu Prawa Kanonicznego z 1983 r. stanowi: „Duchowny, który utracił stan duchowny, nie może ponownie być włączony do duchowieństwa, chyba że przez reskrypt Stolicy Apostolskiej”. Duchownemu, który utracił stan duchowny i został przeniesiony do stanu świeckiego, a po latach zdał sobie sprawę z tej decyzji i uznał ją za błędną, odkrył swoją utraconą tożsamość kapłańską i pokornie prosi o ponowne włączenie do stanu duchownego, Kościół może tej łaski udzielić. Powinien jednak zdawać sobie sprawę, że nie ma prawa do ponownego

włączenia do stanu duchowego. Jeśli z pokorą prosi o tę łaskę, Kościół rozważy wszystkie niezbędne okoliczności i może tę łaskę mu przyznać.

Słowa kluczowe: duchowny, stan duchowny, reskrypt, procedura, łaska

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