

# A Practical Guide for the Visitor (Rome 2005)

Readmission and Reintegration:  
Readmission (n. 196-198); Reintegration (n. 199);  
Offences and Punishments (n. 200-203)

by Wiel Bellemakers, C.M.

## Article 10.

### Readmission and Reintegration (nn. 196-199)

*The example of the Good Shepherd, the most inspirational image for the government of the Company, suggests the stance of opening the door to those who left for whatever reasons. More significantly, another evangelic parable, that of the Merciful Father, is appropriate. Naturally, readmission and, above all, reintegration, should be done with the guarantee that it is good for the Church, the Congregation and, of course, the confrere himself.*

Three conditions are given for readmission and reintegration:

- **The readmission and reintegration must be good for the Church.**

Here we can think of confreres who left and whose re-entering may be a blessing for the Church community. The experience of their chastened life, the acquired wisdom of life, and, at the same time, the awareness of their mistakes and lapses, if any, can be highly profitable in their contact with people. They know about being merciful and charitable. They know about being weak and picking themselves up. I know some religious who 30, 40 years ago “during the wild 60s and 70s” left, were laicized, married, and became widowers. They asked to be allowed to serve again as priests.

- **It must be good for the Congregation.**

It happened several times that a Dutch confrere who had been incardinated in a diocese asked to be allowed to come back to the Congregation; once a brother asked to be allowed to come back. In some instances this brought about violent protests among the

confreres who remembered their leaving. Hard, bitter, unjust reproaches spoken at that time by the leavers had not been forgotten. It was found unacceptable that they should come back now "to be well cared for in their old age."

– **It must be good for the confrere.**

The Congregation is not anymore what it had been 20 or 30 years ago. There are other people in the community, there are new practices, and there is a younger history. Someone wanted to return to the atmosphere of the former seminary when we celebrated the Christmas and Easter liturgies for hours in an almost mystical world. Another one still was singing from the Boyer volume the French hymns he had learned in the apostolic school in Wernhoutsburg. This is all gone. In the same way, many old stories about former days have vanished into thin air. Both would have been seriously disappointed if they had come back permanently. Indeed their old world does not exist anymore. Alluding to a biblical story one could say that the Egyptian jars have been empty for quite some time. There might be also psychological factors because of which one must advise someone for his own good against coming back.

In this matter good advice comes not only from the abovementioned mercy but also from wisdom. Only open conversations can lead to a good result.

**1° Readmission<sup>1</sup>**

196. *The Visitor, after having heard his council, has the authority to admit to the province all those admitted members who left or were dismissed. He does not have the authority to admit incorporated members. The Superior General, however, has authority to admit everyone except those who obtained a dispensation from priesthood.*<sup>2</sup>

197. *Canon 690, which is obligatory for Institutes of Consecrated Life, can serve as a guideline: "A person who lawfully leaves the institute after completing the novitiate or after profession, can be readmitted by the supreme Moderator, with the consent of his council, without the obligation of*

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<sup>1</sup> As far as I know there was only one confrere who has been readmitted after he left the Internal Seminary.

<sup>2</sup> Note 184: S 35 Auctoritas denuo admittendi aliquem in Congregationem pertinet:

1° ad Superiorem Generalem, audito suo Consilio, pro omnibus;

2° ad Visitatorem, auditis suo Consilio et Visitatore Provinciae a qua sodalis egressus vel dimissus est, pro iis qui nondum Congregationi incorporati sunt.

*repeating the novitiate. The same Moderator is to determine an appropriate probation prior to temporary profession... in accordance with the norms of canons 655 and 657.”<sup>3</sup>*

Legitimate departure includes departure

- (a) at the completion of the novitiate according to canon 653 § 2;
- (b) at the expiration of temporary profession according to canon 688 § 1;
- (c) by an indult granted to a religious in temporary profession according to canon 688 § 2;
- (d) by exclusion from subsequent profession according to canon 689 § 1 and § 2;
- (e) by an indult granted to a perpetually professed religious according to canon 691;
- (f) by dismissal according to the various categories and procedures of canons 694-703.

Whether or not a confrere, who had legitimately departed in these various categories, would actually be admitted again to the Congregation depends on the type of departure, the present condition of the person involved, and the judgment of the competent authority of the Congregation, but all those, who fulfil the requirements for any legitimate departure listed, fall under the norm of canon 690.

The admission referred to in this canon is to the same institute to which one previously belonged or in which the novitiate was made.

The right to readmit admitted members, who left or were dismissed, pertains to the Visitor after he has heard his council and the Visitor of the province to which the member belonged.

<sup>3</sup> Note 185: Canons 655 and 657 refer to profession of temporary vows, their renewal, and perpetual profession.

Canon 655: Temporary profession is to be made for the period defined by the institute's own law. This period may not be less than three years nor longer than six years.

Canon 657 § 1: When the period of time for which the profession was made has been completed, a religious who freely asks, and is judged suitable, is to be admitted to a renewal of profession or to perpetual profession; otherwise, the religious is to leave.

§ 2: If it seems opportune the period of temporary profession can be extended by the competent superior, according to proper law, but in such a way that the entire time in which the member is bound by temporary vows does not exceed nine years.

§ 3: Perpetual profession can be anticipated for a just cause, but not by more than three months.

The right to readmit admitted and incorporated members, who left or were dismissed, is reserved to the Superior General *audito suo consilio* for the whole Congregation; reserved to the Visitor for his province, except those who obtained a dispensation from priesthood.

198. *It is not necessary to repeat the internal seminary. The Visitor should help the returning confrere update himself on Vincentian spirituality. What is to be done depends upon whatever the Visitor, having heard his council and consulted with the moderators, decides to do.*

In our Congregation the Superior General leaves the decision about the suitable probation to the Visitor. Repetition of the internal seminary could be required as the suitable probation, but the intention of the canon is certainly that the Visitor and the formators may judge a new novitiate as not necessary upon re-entrance.

There is no time specification for the duration of probation prior to temporary profession. The time in temporary profession prior to perpetual profession must be within the limits specified in canons 655 and 657.<sup>4</sup>

In case readmission to the same institute is requested, all original admission and departure records should be available to the institute in question. Additional information could be requested of the applicant in keeping with the current admission procedures of the institute.<sup>5</sup>

## 2<sup>o</sup> Reintegration

199. *There is nothing in the law about reintegration. This is the case of the confrere who, having received dispensation from the obligation of the priesthood from the Holy Father, wishes to return to the Congregation. The situations may vary greatly, with special circumstances existing on the human, moral and canonical levels.*

What path to tread will be indicated clearly in the following points.

- 1<sup>o</sup> In principle, the door should not be closed to anyone. But there is also no obligation to open it without sufficient discernment.

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<sup>4</sup> ELIZABETH McDONOUGH, O.P., in *A Handbook on Canons 573-746*, pp. 241-242.

<sup>5</sup> ELIZABETH McDONOUGH O.P., *ibid.*, p 243.

- 2° Because the dispensation from priestly obligations was given by the Holy Father, the case should be presented to the Holy See and its recommendations followed.
- 3° Before going to the Holy See, it should be clear that the confrere requesting reintegration does not have any children. If he has children, he must present proof that they are provided for. If this is not clear and sure, he should not be reintegrated.
- 4° A document attesting to his free state must also be provided. This document is absolutely necessary. If this document is missing, the confrere cannot be reintegrated.
- 5° If after attentively studying the situation, and having listened to his council, the Visitor decides that the confrere should be reintegrated, he shall express to the Superior General his willingness to receive him.
- 6° The Superior General, at least having heard his council, should clearly state his opinion on the confrere's reintegration.
- 7° The confrere should request dispensation of irregularity and permission to be received into the Community.
- 8° The Superior General might indicate some conditions about how much time should elapse before the return to vows and the exercise of ministry.
- 9° Once the entire process of reintegration is completed, the fact of reintegration, along with all the documentation gathered in the case, should be sent to the Holy See, if the Holy See demands it.
- 10° The Holy See has the final word.

In my province no laicized confrere ever asked to be allowed to come back. In other Dutch congregations I know of only one case. A religious was incardinated in a diocese after the ecclesiastical nullification of his marriage. Beforehand the bishop had been in touch with the priest's ex-spouse in order to ask her opinion. The two children were already of age.

Another religious-priest left 35 years ago. After he had received laicization. He married, but separated after four years. The last years he was active in a big city-parish. People asked that he function again as a priest. After conversations with the ex-spouse the request was blocked. Rightly? wrongly? she still was bitterly disposed towards her ex-husband.

I know laicized priests of other congregations who, after their spouse passed away, either went back to their congregation or became members of the diocesan clergy.

Most important in this question seems to me that we know that it is possible to reintegrate a confrere after his receiving laicization. It will always be an exceptional event. Modesto López told us during the Meeting of the Visitors of the Congregation of the Mission, Salamanca 5-15 June 1996:

“These cases are also difficult but... are rare and joyful ones:

1. Rare in the sense that there are so few of these cases in which a confrere has left the community and has married civilly, and asks to be reincorporated into the community and into priestly ministry. In these last years we have only had one case of this kind, a confrere who at the age of 38 left the community and priestly ministry and married civilly. Seven years later he obtained a civil divorce and expressed his desire to return to the community and exercise of ministry. A period of gradual reintegration into the community began even before petitioning the Holy See. For more than a year he lived in a house of the Congregation and with a favorable vote from the Provincial and his Council, he presented a petition to Father General and his Council and from there to the Congregation of Religious. This Congregation of Religious allowed Father General the faculty of readmitting him to the community and at the time of readmission the Roman dicastery dispensed him from the irregularity so that he could exercise priesthood. He died two months later of a malignant cancer but did so within the Community and exercising priesthood.
2. Different from the cases of dispensation and expulsion these are cases producing joy, like the joy brought about in the heart of a father for the return of his prodigal son.”<sup>6</sup>

### **Article 11.**

#### **Offences and Punishments (nn. 200-203)**

*The goal of penalties in the Church is not only the rule of justice, but also to guarantee order and stimulate repentance in the one who committed the offence. There exists, first of all, censures which primarily seek to correct and move to*

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<sup>6</sup> *Vincentiana* 40, 1996, p. 358.

repentance.<sup>7</sup> There exist expiatory penalties which try to repair the damage, but without forgetting the supernatural dimension of the Church.<sup>8</sup> Then come penal remedies which serve to prevent offences and avoid or substitute penalties.<sup>9</sup> There never has been a code of penalties in the Congregation.

From the comments on criminal law of the Church, I bring to the forefront two considerations that are immensely important for all of us.

## 1. Is the Church allowed to impose punishments? Has the Church got *ius puniendi*?

At Vatican Council II the fathers declared: "... man's response to God in faith must be free: no one therefore is to be forced to embrace the Christian faith against his own will.... It is therefore completely in

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<sup>7</sup> Note 186: These censures are found in canons 1331-1333. Canon 1331: excommunication. Canon 1332: interdict. Canon 1333: suspension.

<sup>8</sup> Note 187: Expiatory Penalties are found in canon 1336, but others may be applied.

Canon 1336 § 1: Besides others penalties which the law may establish, the following are expiatory penalties which can punish an offender in perpetuity, for a prescribed time or for an indeterminate time:

1° a prohibition or an order concerning living in a certain place or territory;

2° deprivation of power, office, function, right, privilege, faculty, favour, title or insignia, even merely honorary;

3° a prohibition against exercising those things mentioned in n. 2 or a prohibition against exercising them in a certain place or outside a certain place; which prohibitions are never under pain of nullity;

4° a penal transfer to another office;

5° dismissal from the clerical state.

§ 2: The only expiatory penalties which can be automatic (*latae sententiae*) are these enumerated in § 1, n. 3.

<sup>9</sup> Note 188. Cf. CIC, canons 1339-1340. Canon 1339 § 1. An Ordinary, personally or through another, can warn a person who is in the proximate occasion of committing a delict or upon whom, after investigation, grave suspicion of having committed a delict has fallen.

§ 2. He can also rebuke a person whose behavior causes scandal or a grave disturbance of order, in a manner accommodated to the special conditions of the person and the deed.

§ 3. The warning or rebuke must always be established, at least by some document which is to be kept in the secret archive of the curia.

C. 1340. § 1. A penance, which can be imposed in the external forum, is the performance of some work of religion, piety, or charity. § 2. A public penance is never to be imposed for an occult transgression. § 3. According to his own prudent judgement, an Ordinary can add penances to the penal remedy of warning or rebuke.

accord with the nature of faith that in matters religious every manner of coercion on the part of men should be excluded.”<sup>10</sup> This means that the ecclesiastical authorities ought to go quite easy on coercing by punishments. Only in this way constraint will be avoided and Christ’s way with people and sinners will be followed, as the Council described it.<sup>11</sup>

In this way we return altogether to Gratianus’s old wisdom where he says: “The good ones must put up with the bad ones”<sup>12</sup> and that “for peace in the Church the bad ones must be put up with.”<sup>13</sup>

He is convinced that it is better not to punish, but to patiently suffer. “Look, criminals must be punished, when they can be hit, the peace in the Church being preserved; in this discernment must be used. Indeed we have sometimes to wait for a long time until a lot of bad people convert: we must sometimes punish a few, so that because of their example the others will be scared and incited to conversion.”<sup>14</sup>

## 2. Is penal law indeed relevant and applicable?

In order to apply penal law it is necessary:

- that in dioceses and religious institutions there is knowledge of penal law and of the rules of a judicial penal process;
- that there are trained ecclesiastical promoters of justice and judges.

The Codex of 1917 decreed that ecclesiastical punishments could be imposed or declared only through a judicial penal process. The years that followed made it clear that, in point of fact, the decrees of CIC 1917 were impracticable because of lack of the required canonical knowledge. Outside the Roman Curia hardly any instances were able to follow the rules of an judicial penal process.

The Codex of 1983 met this problem by giving the ecclesiastical superior the possibility to make a choice. The superior or the bishop can now choose (canon 1718) for a **judicial penal process** or for an

<sup>10</sup> *Dignitatis humanae* (1965) n. 10.

<sup>11</sup> *Ibid.*, cf., n. 11.

<sup>12</sup> Quod mali sunt tollerandi a bonis, in Causa 23 quaestio 4 caput 2.

<sup>13</sup> Pro pace ecclesiae mali sunt tollerandi, in C. 23 q. 4 cc. 3 en 4.

<sup>14</sup> Ecce, quod crimina sunt punienda, quando salva pace ecclesiae feriri possunt; in quo tamen discretio adhibenda est. Aliquando enim delinquentium multitudo diu ad patientiam est expectanda: aliquando in paucis punienda, ut eorum exemplo ceteri terreantur, et ad penitentiam provocentur. In C. 12 q. 4 dictum post caput 25.

**extra-judicial decree** outside court. Major disadvantages adhere also to this solution.

The disadvantage of an **extra-judicial decree** is that in this way the suspect has less chance to defend himself and so to have a fair lawsuit. The reason is that the promoter of justice, the leader of the investigation is the same person as the decision-maker.

Moreover we can wonder whether the Church really can conduct **a penal process**.

The codex prescribes that for dismissing from the clerical status a judicial penal process is always necessary. The majority of the bishops and religious superiors prefer to look for another solution because they have so much difficulty with this method.

What to do in all those other situations where a judicial penal process is prescribed?<sup>15</sup>

If lots of canonists come up with so many objections against punishing in whatever way, then the very greatest prudence is strictly de rigueur.

One must avoid everything that can harm:

- a person who has not enough resources to defend himself;
- the person who imposes a punishment because of his possible impolitic, imprudent acting or a mixing of functions;
- the ecclesial community which also becomes a victim because of unjust acting.

The application of this prudence can be found in the following rules:

200. *The Visitor may warn through sanction with determined penalties, except perpetual expiatory ones. He may only impose sanctions after diligent reflection, in case of need, and for very serious offences.<sup>16</sup> He should seek advise from experts and rely on the advise of the Superior General.*

201. *It is not easy to impose, declare and apply penalties. On the other hand, the effectiveness of punishing with penalties is not certain. The Visitor should use those pastoral means that are within his reach to accomplish the same results as a penalty. He should make use of admonition and charitable and fraternal correction, according to canon 1339.*

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<sup>15</sup> O.a. Delicta graviora Congregationi pro Doctrina Fidei reservata, nonnisi in processu iudiciali persequenda sunt.

<sup>16</sup> Note 189: Cf., CIC, canon 1319.

202. *One can impose a penance in the external forum. This would consist of performing works of charity, religion or piety. One should never impose a public penalty for an occult transgression.*

203. *Regarding admonitions or corrections that are made and the punishments that are imposed, these should be recorded in some document stored in the provincial archives.*