MINISTRY OF A LAICISED PRIEST

QUESTION

In 1980, a priest received a rescript of laicisation from the Congregation for the Doctrine of the Faith. Since then, he has lived as a good Catholic layman. Several years ago, he was appointed "parish coordinator" in a certain parish, which does not have a resident priest. He has been occasionally administering the Sacrament of Anointing of the Sick in the absence of a priest in emergency situations in the local hospital. The parish is not in the same diocese in which he had served as a priest. The bishop has become aware of this and now asks: 1. May this man act as parish coordinator? 2. May he act as a valid and lawful minister of the Sacrament of Anointing of the Sick? 3. May he be an extraordinary minister of Holy Communion?

OPINION

With these questions was a copy of the rescript, issued in 1980, reducing this priest to the lay state with a dispensation from all the obligations from sacred orders. There was also an English translation of the laicisation rescript that was customarily issued during most of the pontificate of Pope John Paul II.

At present, a different formula is used. The phrase "reduction to the lay state with a dispensation from all the obligations of sacred orders" has been replaced by "dispensation from sacred celibacy and all obligations connected to sacred ordination." While there are fewer restrictions, and the tone is kinder and non-punitive, some stipulations in the most recent rescript are identical with those in the 1980 rescript.

In the light of all this, the answers to the three questions are as follows:

1. This priest may not "exercise an office in parish administration." It is not clear what the non-canonical title "parish coordinator" means, and what the role description is. In the light of cc. 17, 18 & 19, this laicised priest may be a parish coordinator if by that non-canonical term is meant a type of personal assistant or executive assistant to the priest who in fact directs or exercises the pastoral governance of the parish. In other words, if this man is really a pastoral assistant implementing the decisions and directives of the pastor (who is not resident in the parish because he is pastor of several parishes as permitted by c. 526 §1), that would be in order. However, if he is really the decision maker in many or most things (such as envisioned by c. 517 §2), he would be exercising an ecclesiastical office, and that was forbidden him in 1980 (vetitum esse ne ulimum officium pastorale gerat). The current rescript formula similarly states that such a priest is not permitted to exercise a leadership office in the pastoral sphere or exercise an office in parish administration. So the position of the 1980 rescript has not changed.

2. A laicised priest can always administer the Sacrament of Anointing the Sick validly. However, he may not do so lawfully, because he is excluded from all exercise of the sacred ministry, except for the matter mentioned in cc. 976 & 986 §2.2 These two canons speak of the right, and in fact the obligation, of a laicised priest to administer absolution to any penitent in danger of death who requests it. There has been discussion over the years in some places as to whether, in the light of cc. 976 & 986 §2, there could be a broad interpretation of can. 1003, permitting even laicised priests to administer the Sacrament of Anointing the Sick. However, it is certain that, if the Holy See were to be asked, the answer would be that the pastor of the parish (or the priest directing the pastoral care as outlined in c. 517 §2) has an obligation to arrange for a priest to be available to administer this Sacrament in his absence; and, if the pastor could not do that, the diocesan bishop would be told to arrange that. So, in summary, if this laicised priest administered the Sacrament of Anointing the Sick, his administration would be valid, but quite unlawful.

3. Being an extraordinary minister of Holy Communion, although forbidden by rescripts up to and through the 1990s, is no longer absolutely forbidden in the current rescript being issued. In fact, the current rescript specifically indicates that the local ordinary can permit a laicised priest to function in the service of lector, of acolyte and the distribution of Holy Communion. That is because laicised priests are now seen by the Church as laypersons, and are able to do whatever laypersons are permitted to do. Canon 230 §3 permits laypersons to

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2 In the 1917 Code of Canon Law (in force in 1980), this matter was treated identically in cann. 882 & 892 §2.
carry out certain listed functions “where the needs of the Church require and ordinary ministers are not available.” Canon 910 §2 applies canon 230 §3 to the administration of Holy Communion. Extraordinary ministers of Holy Communion are now generally well-accepted; and their functioning is regarded as essential and desirable in most places. In the light of the current policy of the Holy See not to list this among those activities absolutely forbidden to laicized priests, this particular laicized priest should be treated as a layperson in this regard. The policies and tests that would be applied to any Catholic layperson being considered as a potential extraordinary minister of Holy Communion should be applied to him. If he qualifies under such policies and tests, he may be appointed a priest. So, in summary, it is in order for him to be an extraordinary minister of Holy Communion, not because he is a laicized priest, but because he is a practicing Catholic layperson, in good standing in the Church, and with correct faith in the Eucharist.

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Canons 634 and 668

Religious Institutes and Government Benefit Programs

Question

Our apostolic religious institute is considering applying for government assistance from programs designed for people with limited income and meager assets such as Medicare D. Our discussions have raised this question. Do our individual sisters own none of the assets of the Community or do they collectively own these assets which will be considered in their eligibility for government assistance?

Opinion

The assets of religious institutes themselves are ecclesiastical goods and are not taxable. Such goods belong to the institute as a public juridic person; they do not belong to the religious as a community of persons or as individuals (c. 634 §1). The question, however, addresses assets of the religious members themselves.

The assets the government considers for eligibility are those a religious holds in his or her own name in accord with the nature of the religious institute (c. 668 §1, §4). If an individual religious has assets in his or her own name (patrimony or any temporal goods earned or owned prior to admission), they are taxable and such individuals should receive tax forms from the IRS. Pensions gained as a religious are usually in the name of the religious and civil law recognizes them as such. An institute must demonstrate that such pensions have been signed over to the institute by the individual religious. Even in such cases, civil law may still consider such items as belonging to the individual.

Not many religious have significant assets in their own names and most likely they would be eligible for government benefits. The institute must review each of the members’ assets before petitioning for Medicare part D or other benefits. Whatever a religious earns after profession by way of stipend, pension, insurance, etc., belongs to the institute in accord with its proper law (c. 668 §3).

Whether members of a religious institute own anything in their own right depends first on the nature of their vow of poverty as described in the institute’s

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3 The current rescript formula and translation are in Roman Replies and CLSA Advisory Opinions 2001, 15-22.