

RE: Communiqué from an official of the Roman Rota

The priest seems interested in two things here: the correction of an injustice committed against him and the changing of the more general situation of the treatment given to other priests in similar circumstances. In both cases, I think the competent authority would be the Congregation for the Clergy.

As far as the more general situation is concerned, the Congregation has been studying this question and has been asking bishops for a copy of their policy for dealing with these situations. From this point of view, the Congregation would probably be interested in the story as an example or illustration of what is actually happening (at least from the perspective of a priest involved).

As far as the priest's own situation is concerned, it would probably be difficult to have a formal recourse to the Congregation against whatever action the bishop took in regard to the priest since the time limits would have expired (within ten days has to ask the bishop to reconsider the decision - can. 1734 - and then he has to have recourse to the Congregation within fifteen days of the negative response - can. 1737, 2).

However, some situations are such that it still might be possible to have formal recourse.

For example:

- if it is a question of the priest's financial support from the diocese (can. 281, 2 and 130, 1), even now if he is in financial need, he could request assistance from the diocese and if he refuses, he could then have recourse to the Congregation;
- if he has been suspended by the bishop and he believes can. 1358, 1 applies ("Remissio censurae... recedenti autem denegari nequit") he can ask that the suspension be lifted and if the bishop refuses he could have recourse to the Congregation;
- if the bishop invoked the provisions of can. 1722 without having begun a canonical process, or if the canonical process was not pursued, the priest could ask that those provisions be lifted.

Furthermore, even if the time limit for a formal recourse has expired the priest can still present the case to the Congregation asking it to intervene on its own authority to correct what he perceives as a gross injustice etc. A lot depends on what the bishop did or did not do in the priest's case. If he "dropped" the priest without taking any formal canonical action, the Congregation could at least insist that the bishop make some definite canonical provision - which might then give the priest a chance to have recourse against that decision.