

**GUIDELINES FOR PROFESSIONAL MINISTERS  
IN A 21<sup>ST</sup> CENTURY ECCLESIAL COMMUNITY**

**Rev. Arthur J. Espelage, O.F.M., J.C.D.**

**Editors' Note:**

**At the 2007 Guest House Institute Summer Leadership Conference in Minneapolis, MN Father Arthur Espelage, O.F.M. , a respected Canon lawyer and advisor in his religious order of priests & brothers, presented the following material.**

**These thoughtful and scholarly considerations are reflective of his long experience in the area of canon law, addiction, and priestly difficulties. These reflections are reprinted here to provide stimuli for discussion about prevention and future action among recovering persons and church leadership.**

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INTRODUCTION:

1. Our focus is not on surfacing and discussing past problems but finding and creating solutions for today and tomorrow. The tempters needed to be avoided in our discussion are: money, power, control, resolution-revenge
2. The priesthood is in transition. There are forces at work in our Church exerting strong pressures on the priestly ministry. There is concern among the people of God about arrogation of power. There are concerns about moral leadership. For example, the willingness exists in both the church and society at large to air stories and allegations of clerical sexual misconduct. Concerns are also being voiced about fiscal responsibility of church officials such as pastors and bishops.
3. Any solution in the future must be a collaborative venture involving input from “above” and “below” by ecclesiastical authority and ecclesiastical subjects. Being responsible and responsive means the ability to preach and to listen.
4. As we create guidelines, a multi-disciplinary approach is most useful: human resources, canon and civil law, education-formation, scriptural-theological contributions as well as our philosophical heritage.
5. Ultimately our goals must fall within the benchmarks of being healing, reconciling, and restoring of confidence.

STICKING TO THE CODE MAY NOT BE ENOUGH, BUT A GOOD PLACE TO START!

Laws can not address each and every aspect of human life. The popularity of *Pirates of the Caribbean* sets forth a popular saying and opinion in American culture, i.e. “The code of the Pirates [Priests] is more like guidelines, you know.” Guidelines seem more acceptable to people as they are easier to revise or discard in the face of a specific local needs. As with a human body, bones need to be held together by tendon and sengage fastening a variety of muscles covered with nerves and skin for strength, flexibility, and appearance so that the human person can function to meet a variety of needs. Laws, like bones, need guidelines and policies for flexibility, fluid movement, and the ability to respond to various needs.

A code is a systematic compilation of laws. The criminal code refers, for example to the penal laws of the jurisdiction. In the Catholic Church, we speak of the *Code of Canon Law* including both procedural laws, which define and describe how actions take place and substantive laws, which describe structures and persons. At times, laws determine matter to a

specific point, but they go no further.

Consider for example, the laws requiring scrutinies. A scrutiny comes from the Latin *scrutinium*, which is a searching study, an inquiry, inspection, as a sort of searching look or a closer watch of a person or item.

The canons on scrutinies in the Catholic Church focus more on candidates for ordination and for office holding before either ordination or installation take place. The act of discernment of the suitability of persons for orders is termed a “scrutiny” in canon 1051. This process must be carried out at each of the four major moments in the formation of priests and permanent deacons: admission, the ministries of lector and acolyte, the Diaconate and the Priesthood. The issue of scrutinies appears in present and past Vatican documents: the Instruction *Quam ingens* of 1930 and the Instruction *Magna equidem* of 1955 as well as the 28 November 1997 circular letter “Scrutinies regarding the Suitability of Candidates for Orders” by the Congregation for Divine Worship and the Discipline of the Sacraments (Prot. n. 589/97). As the Congregation notes: “The initial selection of candidates [...] should be done with care, since it is not rare, that once this first step has been taken, that seminarians advance towards the Priesthood with the attitude that each subsequent stage is a consequence and necessary prolongation of the first (cf. Canon 241, §1).”

In the past a judgment for suitability for ordination included a judgment as to his suitability for the priestly ministry. Once an Ordinary has selected and ordained an individual, the code falls silent about further “scrutiny” of an individual priestly or diaconate ministry. With the effects of the national scandal which broke in 2002, priests and deacons have had to absorb shock and sorrow the same as lay Catholics as well as deal with the tensions and stress of increases in their workloads, the uncertainties of closings and mergers of parish, and the responses toward clergy by a people enraged and bruised by the disclosures coming to light which have created vast uncertainties.

Many a bishop found an individual priest or deacon suitable for ordination, but now his priestly ministry may be problematic as he interacts with the people of God. Under present universal law there are no scrutines for performance reviews, evaluations of professional and/or sacramental ministry with respect to effectiveness, nor any requirements mandating continuing education credits. These *lacunae* are regrettable.

Changing patterns of power are taking place in the institutional church. Complaints are voiced that Catholic priests have not been sufficiently accountable to the people they serve; parishioners have often felt powerless. Since Vatican II, power has shifted slowly from hierarchy to laity with parish councils, lay pastoral ministers, and consultation with lay men and women with expertise. Catholic laity will not tolerate priests who sexually molest children, nor hesitancy on the part of hierarchy in dealing with child abuse.<sup>1</sup> Groups among Catholic laity

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<sup>1</sup> Rossetti, 121.

have their own agendas and are committed to having a seat at the table where they hold that power exists.

In this climate of change, the *Code of Canon Law* offers the bishops only a few legal remedies to encourage, or to mandate, personal reform when clergy problems arise. Understanding and interpreting these legal laws and remedies is confusing for most Catholics and even at times for canonists. Penal laws tend to be the activity of last resort for authority to deal with an alleged offending member. The effectiveness of such activity in a pluralistic society may at times be questionable.

- Penal laws in general are governed by cc. 6, §1, n. 3; 18; 15, §2; 87, §1; as well as canons 1401, n. 2; 1399; 1313, §§ 1-2. Canon 1311 states the Church has an innate [*one based on its nature and not derivative from any human power*] and proper right [*exercised in its own name rather than for another higher authority*] to coerce offending members of the Christian faithful with penal sanctions. Unlike the 1917 code, the present code does not define terms such as ecclesiastical delict that prompt the exercise of such coercive power.<sup>2</sup> The law envisions a number of different sanctions. *Medicinal penalties or censures* [cc. 1331-1335] which are to cure the guilty member; *expiatory penalties* [1336-1338] which are to punish the member;<sup>3</sup> *penal remedies* to prevent some delict; and *penal penances* to substitute or to increase a penalty [1339-1340]. These last two are more properly used to preclude ecclesiastical delicts or address problematic, yet non-delictual disciplinary situations.
- Particular penal law falls under cc. 1315-1318. Infra universal church authorities, particularly legislators enjoy expanded legislative and administrative penal discretion to be exercised with restraint according to canons 1316-1318. Green writes: “Only those with legislative authority can establish their own penal laws or penalize violations of divine or higher level ecclesiastical laws lacking a distinctive sanction [1315, §1].”<sup>4</sup> The type of penalty being discussed here is a *ferendae sententiae* that is determined in the law establishing it, or an indeterminate *ferendae sententiae* penalty determined by the competent penal authority after a formal process [e.g. c. 1365]

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<sup>2</sup>Green maintains that CIC 2195 of the 1917 code and the canonical tradition helps to clarify the meaning of similar terms. However, the present code must always be interpreted primarily in the light of Vatican II.

<sup>3</sup>A *latae sententiae* penalty must always be expressly specified in the norm, since it is incurred ipso facto. A *ferenda sententiae*, however, may be determined in the norm or its determination may be left to the discretionary judgement of the judge.

<sup>4</sup>Green, *New Commentary*, 1536.

- The issuance of penal precepts in canon 1319 can be problematic.<sup>5</sup> The canon reflects a cautious approach to the establishment of penalties. A precept envisions a more particularized situation than does a law’s more generalized focus. It focuses somewhat more on a private good than the common good and by being personal rather than territorial in character. A precept takes cognizance of the particular circumstances of the potential offender. For example, an administrative authority [c. 134] may order an individual or a group to do or cease doing something under threat of a penalty for non-compliance [cc. 35; 49]. A bishop might threaten a priest with suspension for continuing partisan political activities [c. 287,§2]. Administrative authorities should impose penal precepts cautiously and only after careful deliberation. The code cites canons 1317-1318 on moderation in establishing penalties and special care in threatening *latae sententiae* penalties, especially censures such as excommunication.<sup>6</sup> “The code forbids precepts threatening indeterminate penalties because these depend too much on the will of the superior and hence may unduly jeopardize the rights of an alleged offender. Even more notably, the code prohibits precepts threatening perpetual expiatory penalties because of their irrevocable implications, e.g. deprivation of an office [c. 1336, §1, 2E.”<sup>7</sup>
- Moreover two norms are common to both penal law and to penal precepts, cc. 1327 and 1333, §2. These two norms impact directly on the ability of ecclesiastical authority using legal remedies on problem individuals.
- Even the more specific issue of the coercion of a member of an institute of consecrated life through penal precept by a local ordinary [c. 1320] may sound good, but application seems more confined to cc. 678; 573-746. Application is going to raise more problems than bring about the reform or the punishment of the offending member.
- Particular penal laws are interpreted in accord with c. 13 so that they bind only in the territory where they are inflicted. If the laws are personal, however, they follow the person when they leave a territory. Sometimes, it is unclear if the provision of particular law is territorial or personal.

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<sup>5</sup>Paragraph one of canon 1319 exempts from perpetual penalties; in the first place because censures according to their definition, cannot be perpetual, and, secondly, because the nature of perpetuity makes the penalties particularly heavy and, therefore, creation requires prior information, reflection, and objectivity, which the law is better equipped to guarantee. Paragraph two excludes dismissal from the clerical state, which it does by referring to c. 1317; likewise, c. 1334, §2, excludes the possibility of establishing a suspension *latae sententiae* without a determination or limit.

<sup>6</sup>The rules on individual administrative decrees [cc. 48-58] and administrative recourse [cc. 1732-1739] are applicable here.

<sup>7</sup>Thomas J. Green, *New Commentary*, 1538-1539.

As penal laws, these various approaches are often viewed by offenders and the people of God more as coercive measures than as reforming-healing measures. In a pluralistic society, coercive measures seem to have only marginal success. Accused people consider less the common good and focus on individual liberty, their personal good. They tend to follow their own path. Similarly, the offending member may have any one or more of the problems reported by treatment givers which makes them less likely to react and respond to penal measures in a positive and productive way.

“Policies” and “guidelines” of a diocese or religious community seem better placed to meet changing patterns. Technically, these are often particular law, but many people do not realize this fact. Their drawback is that guidelines and policies are based on a presumption that all will embrace and follow the policy or guideline in a particular situation. Likewise, there is a presumption that these policies or guidelines are practical and useful in a situation. Recall, for example, the humorous examples in the *Pirates of the Carribean* where the characters easily dismiss the “Code of the Pirates.”

Twenty-first century popular perceptions seem more amenable toward guidelines and policies as opposed to the creation and imposition of laws. The latter are perceived as applicable to all and admit of no deviation. Guidelines and policies, on the other hand, have connotations of more specific application and easier dispensation. Neither word appears, in Black’s Law Dictionary. Guideline is a noun which has seen use since 1785. Originally from the word *guida*, meaning to look after, to know more, it was a line by which one is guided as (a) a card or rope to aid a passer *over a difficult point* or to *permit retracing a course*; (b) an indicator of outline (as by a government) of policy or conduct.<sup>8</sup>

The word, policy, speaks more of prudence or wisdom in the management of affairs. Two usages may be pertinent to our discussion. Policy can denote a definite course or *method of action* selected from *alternatives* and in light of *given conditions* to guide and determine present and future decisions; or policy can denote a high-level over all plan embracing the *general goals* and *acceptable procedures*, especially of a governing body.

Perceptions suggest that both policies and guidelines take into account what might be termed a personal good before the common good. Both seem more historical in that they take into account specific aspects of life and attempt to weigh and organize responses in ways that consider alternatives and focus on determining what is most acceptable in a particular case.

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<sup>8</sup>Conduct is a similar word which originally was an act of leading escort. It has connotations of leading from a position of command; to act in a particular and especially in a controlled and directed manner.

## PREVENTION VS. REMEDY, OR REMEDY VS. PREVENTION?

Creating either policies or guidelines, however, presents leadership and community with a first task. Are these items to prevent future transgressions first and primarily; or are they to serve as a remedy when a problem arises or a transgression is alleged? The basics of “who,” “what,” when,” where,” and “how” may be different depending on one’s focus. Moreover, to quickly jump to the conclusion that any policy or guideline should do both makes the process even more complicated in my opinion.

Our goal in the Catholic Church is to create and maintain a sound and healthy clergy. In *Whispers in the Logia*, Rocco de Paloma states an important piece of advice. “If anything, the health and nourishment of the people of God hinges greatly on the health and nourishment its ministers maintain for themselves, and taking care of oneself in whatever way necessary is an important component of better, richer and more fruitful service.”<sup>9</sup> There are some realities which will impact on the development of policies or guidelines to meet this goal.

First, “Bing Crosby & Barry Fitzgerald” are dead! These two media types of Catholic priests, one young, good looking and energetic and the other sweet and old, a grandfather example do not exist! No perfect priests exist in real life, but expectations for priests remain high. In one survey 80.9 % of active lay Catholics and 87.5% of priests surveyed felt that a priest’s moral conduct is to be better than other people’s conduct.<sup>10</sup> Presently, we are still determining and learning what are the long term effects on bishop-priests- laity relationships as a result of the clergy scandals of the last five years.

Second, resources are limited. The question might be debated by leadership and community as to whether it may be more beneficial to place emphasis upon remedy or prevention. Remedies often seem “messy” as personal elements become entwined with applying the guideline or the policy. Just as no two persons are exactly alike so also no two problems easily lend themselves to the easy remedy by the exact same steps of a guideline or policy. If the conclusion tips toward prevention, then seminary-formation issues arise. Most major seminaries are four year programs already loaded with remedial courses as well as core components for priestly ministry. Should there be education in the dynamics of ministry at the seminary or formation levels, or should we presume that ordinary formation will provide this expertise? There are no easy answers given our present resources.

Third, there are the “winds of change!” While many are certain that these come from the Spirit, I wonder at times. Sometimes the language is strident, and it is difficult to evaluate if

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<sup>9</sup><http://whispersintheloggia.blogspot.com>.

<sup>10</sup>Rossetti, 85.

someone wants either a “voice at the table” or “my way or the highway!” Writing either guidelines or policies in such a climate may prove challenging!

#### LOOKING FIRST AT REMEDY.

Three issues seem central to any examination. One is the issue of treatment programs. The second is the fact that remedy is difficult to achieve. The third is the problem of *fumus* (smoke) when an accusation is made.

The efficacy of treatment is a topic of discussion among many people. On the extremes, some hold that psychotherapy never works and others that it brings about individuals who are completely healed. According to one noted psychologist, “in reality, psychological treatment works extremely well in some circumstances, fairly well in others, and sadly, at times, has no effect at all.”<sup>11</sup> Using St. Luke Institute in Silver Spring, Maryland, as an example, Stephen Rossetti provides the following numbers. “Looking at the over five thousand priests and religious who have come to Saint Luke Institute about eighty percent have returned to an active and productive ministry.”<sup>12</sup> Later he comments that “another fifty-five to sixty percent of our clients have improved in varying degrees. These clients are on the road to recovery, have markedly gotten better, and they have a long journey ahead of them. Finally, there are about ten percent who have not improved in treatment at all.”<sup>13</sup>

Being neither a professional psychologist nor therapist, a canonist who looks to structures and actions as indicative of success-failure, comes to the following learning. Two factors seem to affect treatment outcomes. The first is the client himself or herself. Is he or she motivated to want to get better, to make significant life changes? The second factor is the type of problem a client brings into treatment. Again, Rossetti points out the following.

Many diagnoses have high success rates. Depression, for example, is very treatable with the advent of newer classes of anti depressant medications and recent cognitive-behavioral treatments. [...] We also find that many compulsive behaviors, such as sexual behaviors, internet addictions and spending problems respond well to treatment. [...] One diagnostic area that is resistant to change are the personality disorders. Individuals who enter treatment with narcissistic or borderline personality disorders, for example, will not exit therapy with ‘easy-to-

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<sup>11</sup>Stephen J. Rossetti, “Will I get better in treatment?” *Lukenotes* 11:1 (January/February 2007).

<sup>12</sup>Ibid.

<sup>13</sup>Ibid.

get along with” personalities.<sup>14</sup>

If we look for “keys” for success rates, the following items might be considered as important. First, the individuals must maintain continuing motivation to continue healthy living patterns. Other individuals find a key factor is ongoing participation in a 12-step program. For others, the return to a supervised environment where they are gainfully employed and supported is a key factor to their continuing success of recovery. Finally, addressing issues of continuing motivation, participation in continuing education programs, and maintaining an environment where one is periodically supervised and evaluated can be items of immense value to priests and religious as preventative measures before problems set in.

Remedy, however, is more difficult to achieve today. The reform of the offender is a difficult purpose to control. The difficulty lays with the community which must make up its mind that what it really wants is expiation, or removal, or reform, or discouragement of potential criminals. Easy resolution is a problem. As Lon L. Fuller pointed out “there is as yet no communicable science of rehabilitation, no certain way of measuring the prospects of success in individual cases, and no procedure yielding a confident measure of success.”<sup>15</sup> The *Catechism of the Catholic Church* states clearly that the “primary effect of punishment is to redress the disorder caused by the offense.”<sup>16</sup> Canon 1341 of the *Code of Canon Law* stipulates that the purpose of penalties is “to repair the scandal, restore justice, reform the offender.” Scandal in the teaching of St. Thomas is something less right in word or action that furnishes an occasion for the spiritual ruin of someone.<sup>17</sup>

St. Thomas poses the question whether it is just to inflict a punishment that is eternal for something perpetrated in a brief moment of time? (*Summa Theologiae*, 11-11, q. 66, a. 5 ad 3.) In the opinion of Michael Carragher, O.P., “the question acts as a foil to illuminate the interplay between *an agent* and *the gravity of the action performed*.”<sup>18</sup> Carragher points to St. Thomas’ focus on the will or the voluntary nature of an action and the reality that “pre-

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<sup>14</sup>Ibid.

<sup>15</sup>Lon L. Fuller, *The Anatomy of the Law* (Westport, CT: Greenwood Press Publishers, 1976) 30.

<sup>16</sup>N 2266.

<sup>17</sup>*Summa Theologiae*, 11-11, 1. 43, a.1. “*Et ideo convenienter dicitur quod ‘dicunt vel factum minus rectum praebens occasionem ruinae.’*”

<sup>18</sup>Michael Carragher, “The *Raison d’être* of Punishment,” *Processo Penale e Tutela dei Diritti nell’Ordinamento Canonico*, ed. Davide Cito (Rome: Giuffrè editore, 2005) 461

mediation obviously involves not merely time but concentration and planning.”<sup>19</sup> As St. Thomas would express it, the criminal’s psychological and spiritual stance is diametrically opposed to the requirements of community, God, and Others. He has freely chosen this option of going against God’s wishes in a serious measure.<sup>20</sup>

The existence of *fumus* (smoke) is another item which often makes actual remedies even more difficult. This is an item of great importance in the day to day life of the institutional church. The dynamics of an accusation need to be understood by both clergy and laity. The old common sense adage is that where there is “smoke” there is “fire.” In real life, this may or may not be true. About the most one can say is that in the presence of *fumus*, or smoke, there is a need to investigate to discover the source of the *fumus*. Investigation, however, is not a simple task, and those in authority need to rely on professional expertise to establish the facts in a particular situation.

The facts, that is what one actually did and said, may be the only way to handle *fumus*. The *Code of Canon Law* provides some useful norms in an attempt to establish the facts. With respect to someone accused, canon 1728, §2 is foundational: “the accused is not bound to confess the delict nor can an oath be administered to the accused.” If the accused would make a declaration, the code offers canons 1548, §2, n.1; 1552 and 1558-1565 as helps to establish his or her facts. Similarly, the code offers provisions for the examination of witnesses in canons 1558-1571 and for their trustworthiness with canons 1573-1573. These rules may not be perfect, but they do help establish what a person “did” as no one can prove a negative, i.e. what they did not do.

## LOOKING AT PREVENTION MEASURES

### A. *Developing Best Practices a partial solution:*

Best Practice is a management idea which asserts that there is a technique, method, process, activity, incentive or reward that is more effective at delivering a particular outcome than any other technique, method, process, etc. Best Practice idea maintains that a desired outcome can be delivered with fewer problems and unforeseen complications. The notion of a best practice is not new, and history is filled with examples of people who were unwilling to accept an existing standard as the best way to do anything. Think of a standard as a kind of plumb line so that the standard must be “what is possible?” and not “what is somebody else doing?” The notion of Best Practices does not commit people to one inflexible, unchanging practice; rather it is a philosophical approach based on continuous learning and continual

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<sup>19</sup>Ibid. 462.

<sup>20</sup>*Summa Theologiae*, 1-11, 87, a. 3.

improvement.

Best organizational practices is a common sense approach to regulation as best practices balance the goals and needs of the organization, its workers and the community in which the organization is located. Thus the best practices of a large urban metropolitan diocese may differ in significant respect from small rural country dioceses, but both need to follow a set of best practices which are appropriate to their geographical and physical resources. Such practices regulate personnel administration, pastoral planning, management by objectives and other forms of administration required by a particular diocese.<sup>21</sup>

*B. As a community or organization:*

Catholic canon law provides norms and guidelines for the ministerial workplace with its provisions regarding temporal and human resources. Canons 1273 to 1289, for example, set forth a number of provisions with regard to the administration of temporal goods. Administration in this context refers to “those actions or sets of actions which are directed to preserving church property; improving property or resources; managing the collection and distribution of income from a variety of sources, including offerings of the faithful and return on investments. It also includes keeping accurate records and properly reporting income and expenses.”<sup>22</sup> The Code is less useful in enhancing and improving people-to-people relationships in the institutional church. There is a place for other resources to point out the people needs of the ministerial workplace.

*Co-Workers in the Vineyard of the Lord* is one of the newer resources; it correctly points out that the diocese and the parish provide the most immediate resource, but it points out that creativity can also come to play. Clusters of parishes or diocesan associations can come into play when centralized diocesan support is not in place.<sup>23</sup> Other resources might be state Catholic conferences or regional associations of diocesan human resources. On the national level, there is the National Association of Church Personnel (NACPA) or the National Association of Lay Ministry (NALM) which provide a variety of information and services.

*Co-Workers in the Vineyard of the Lord* highlights six human resource areas which are highly significant for present and future ecclesial ministry.

1. *Recruitment and selection:* Posting job descriptions along with a written position description is one of the more important methods for recruiting new ecclesial ministers.

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<sup>21</sup>Information on these items is often readily available at diocesan web sites which provide information on diocesan offices as well as diocesan policies and contact persons.

<sup>22</sup>John J. Meyers, “The Temporal goods of the Church,” *Commentary*, 870.

<sup>23</sup>For an example of one model, consult the website of the Diocese of San Jose in California which has organized along many creative approaches. See <http://www.dsj.org>

De Lambo points out in his study that “half or 50.8% of lay parish ministers, for example, learned of their present ministry position through direct contact and recruitment by the pastor or other parish staff.”<sup>24</sup> In 2005, 83.8 % of ministers have a written job description which is up from 74.3% in 1990 while almost six in ten lay ministers (58%) report working under an employment contract.<sup>25</sup> No two Catholic parishes are exactly the same. Job descriptions or position descriptions for clergy would highlight the particular strengths and weaknesses of a particular parish as well as its current and long term needs.

2. *Orientation and support:* Every organization exists within a culture and a history particular to itself and its mission. People new to any organization need time to become acquainted with their environment. Similarly, accommodations are sometimes needed to support an otherwise qualified individual in the workplace, as for example, individuals with disabilities. Most of us hear stories of parishes learning to adapt to a new pastor by watching his every move to figure out his priorities. Would not it be more beneficial for all concerned for new pastors, or even existing pastors, to hold “town meetings” among the parishioners to acquaint themselves of matters particular to a parish community?

3. *Regular performance appraisals:* When conducted in the context of the mission of the parish or the diocesan organization, written reflections on one’s own performance and the “feedback” from a supervisor and/or colleague provide valuable documentation with respect to strengths and achievements as well as weaknesses and deficiencies and the subsequent steps for improvement. Among our parishes today, the old maxim from the Reformation often seems to hold sway: “*Cujus regio, ejus religio!*” [Whoever rules, follow his religion!] Few pastors have formal evaluations of their ministry other than the canonical visitation of the bishop which tends to deal with temporal matters or problem matters. A number of self-appraisal evaluation instruments currently exist among other professional organizations which easily might be adapted to the professional church minister. The Canon Law Society of America, for example, uses the Executive Coordinator’s job description as the core elements for self-appraisal to which are added other commonly asked questions. The completed self-appraisal serves as focus for conversations for affirmation and/or growth between the Executive Coordinator and the Board of Governors.

4. *Compensation:* Compensation packages for salaries and benefits vary from one geographic region to another depending on the financial situation of the diocese and local

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<sup>24</sup>“In hiring decisions pastors value personal qualities more than extensive resumes and credentials. Pastors look for people with good relational skills, who are prayerful, experienced in ministry and share a similar ecclesiology.” De Lambo, *Origins* 35:374-375.

<sup>25</sup>Descriptions of work relationships between pastors and lay ministers is progressively more professional with the use of terms like team member, staff member and colleagues where terms implying a subordinate status such as employee, helper or friends have declined. De Lambo, *Origins* 35:375.

cost of living.<sup>26</sup> Canons 230 and 231, however, address the issue of decent remuneration for lay ecclesial ministers.<sup>27</sup> The *CLSA Commentary* comments that provisions for a just family wage that respects the standards of civil law and meets the necessities of the person's family applies to both men and women in church service; it is a *ius* or right recognized by church law.<sup>28</sup> Among developing issues, *Co-Workers in the Vineyard of the Lord* highlights the "portability of benefits"<sup>29</sup> and "expectations about time given to ministry" as matters to still be determined with respect to compensation. For clergy, compensation may also be an area for exploration and consideration. The publicity surrounding clergy and thefts of parish funds in the last year or so raise a number of questions as to why these thefts occurred and how financial accountability might be better provided. Clergy salaries or financial compensation in the Catholic Church traditionally are low in comparison to Protestant and Jewish counterparts. Some people may argue that there are other benefits such as housing, food and car allowances, but these often are not recognized by parishioners or the general population. Within the ranks of the clergy, it is conceivable that some develop a sense of entitlement which "justifies" fiscal mismanagement.

5. *Transitions and terminations:* While De Lambo's study points out that most lay ecclesial ministers consider their ministry a "lifetime church ministry," people do move from one diocese to another. Exit interviews preserve the best of one's ministerial efforts while "outplacement and severance assistance can make the time of transition less stressful for the individual."<sup>30</sup> Most pastors and priests move to new parishes every six

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<sup>26</sup>Between 1990 and 2005, most categories of lay parish ministers have doubled their annual earnings. "Two thirds either strongly agreed (22.5%) or agreed somewhat (45.7%) that their annual earnings were adequate for their personal, family, or religious congregational needs. [...] Of the one-third who do not find their annual earnings adequate, "nearly four in 10 (37.8%) do not believe that their parishes have the resources to compensate them adequately." De Lambo, *Origins* 35:376.

<sup>27</sup>C. 231, § 2. Without prejudice to the prescript of can. 230, §1 and with the prescripts of civil law having been observed, lay persons have the right to decent remuneration appropriate to their condition so that they are able to provide decently for their own needs and those of their family. They also have a right for their social provision, social security, and health benefits to be duly provided." *CIC*, 69.

<sup>28</sup>"The canon implements the Church's own social justice teaching internally to church work. It is a further specification of the general principle on employees found in canon 1286, making it clear that these principles apply as well to persons who work without contract and in a more ministerial type of service." James H. Provost, "The Obligations and Rights of the Lay Christian Faithful, *Commentary*, 170.

<sup>29</sup>"In terms of major benefits, parishes are on par with private industry and in some instances better. With respect to medical and dental insurance, and pensions, the parishes compare favorably with the private sector; only in respect to life insurance do they fall somewhat short." De Lambo, *Origins* 35:376.

<sup>30</sup>*Co-Workers in the Vineyard*, 44.

or nine years on schedules pretty well set in a diocese. The last year is normally one of transition for the old pastor and apprehension on the part of parishioners on who will succeed.

6. *Grievance procedures*: Today's civil society is extremely litigious, and it should be no surprise to anyone that resources for dispute resolution are effective remedies to reduce tensions that might lead to voluntary departures and dismissals.<sup>31</sup> More importantly, such grievance procedures have a positive impact on improving morale among all employees and supervisors. What grievance procedures exist at a parish or deanery level when the people of God are aggrieved by a pastor's style or activity. It would seem most advantageous to have some intermediate body to deal with this matter before calling the chancery or the bishop's office.

### C. *Implementing Personal Initiatives*:

As an individual minister, clergy need to lessen the blurring of their private and professional life. There will always be more ministerial needs than resources, but the concept of embracing a "twenty-four, seven" priest is filled with danger. Rest, relaxation, and recreation with friends are the "three Rs" to help us differentiate this blurring. Associated with this blurring is the fact that twenty-first century society will likely continue to be highly suspicious of clergy and litigious with respect to the actions of clergy that appear to be misconduct.

Most Catholics today are well aware of the sound byte: "one strike and you're out!" to which some quip: "one accusation and you're out!" Twenty-first century ministers need to realize that no one is able to prove a negative! All that one can do is demonstrate what actions one actually took. That task may seem so easy, but over a period of time the details of what transpired tend to be forgotten by human beings.

– *Physical, mental, spiritual care of self*: These are the traditional categories addressed in books on the priesthood as well as at retreats and days of recollection for clergy. Treated more often as exhortations rather than anything else, their implementation is left to the person with informal or infrequent "checks" by bishops or major superiors. Authorities, may ask for example, when was the last time you had physical, but avoid more qualitative discussion of the priest's physical health and medical evaluations. Even fewer are the questions of the clergy man and those around him as to stress, pressures, and how he or others see manifestations of his spiritual life lived out each day. Living up to expectations of ecclesiastical authority as well as one's parishioners leaves many priests and deacons today more like the "energizer bunny" who marches hither and thither with his base drum!<sup>32</sup>

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<sup>31</sup>Here the Catholic Church seems prepared. See USCCB, *Procedures for Resolving Conflict* (Washington: USCCB, 2002)

<sup>32</sup>There is nothing new in this particular observation which was described more than twenty-five years ago as a serious problem by the Bishops Committee on Priestly Life and Ministry in *The Priest and Stress* (Washington: USCCB, 1982) 20-22.

– *Record Keeping*: Most clergy keep their schedules in both formal and informal fashions. Many of us write notes to ourselves to remember to do something on a certain day and time. Likewise, many will record their upcoming events in the popularly used Liturgical Calenders. But these written notes tend to be discarded. Given the fact that today one finds individuals going back twenty or more years to make an accusation, there are few priests who could validate what they were doing on a particular day in that year. There is a value for electronic calendars which are updated on the computer. They are inexpensive, they store large amounts of information in a small space, and they may be a useful source of personal protection if one is recalled to remember a long past incident.

– *Learning ethical & value oriented behavior*: Many clergy will probably consider this item of personal development as already fully developed and not needing further introspection. We will say that we have the same ethical and value training instilled in us by our parents and the discipline of the seminary. And yet, we as priests do change as we grow older or mature. As we do so, are we not better able to deal with more complex ethical situations; or do we issue more “black and white” answers to such questions? Do not the values we hold central in our life as men and priests undergo some transformation? Why do people sometimes find us to be “rude” or to seem to be “arrogant” in dealing with others? Why do we seem to have more “bad days” than good ones?

– *Maintaining Professional Boundaries & Understanding Violations*: Lots of stories exist about excuses made for social gaffs of priests such as a little too much to drink. Professional boundaries change more and more frequently in modern society due to many factors, both nationwide and local. We often hear priests say that what they said and did twenty years ago could never be said or done today. Given the seemingly increasing number of complaints arising from the people of God, perhaps it is time for clergy to look at the general issue of professional boundaries, including boundary violations that might lead to sexual misconduct.

“*Boundaries* are the limits that allow for safe connections between individuals. A boundary is that defining space which clarifies ‘you’ and ‘me.’ Our understandings of what are acceptable boundaries grow out of our family of origin. Persons with unclear boundaries establish the ‘locus of control’ outside themselves. They allow others to define who they are, what they think, where they go. Intimacy for this individual can easily lead to abuse if those with whom they relate prove untrustworthy. The professional is considered the person of power in the relationship. There are variable sources which create professional power: the individual’s sense of personal power; societal ascription given to the position an individual occupies and/or accumulation of expert knowledge.”<sup>33</sup>

“*Professional boundaries* are the spaces between the [clergyman’s] power and the client’s vulnerability. The power of the [priest] comes from the professional position and the

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<sup>33</sup>Nancy Ellett Allison, Ph.D., “The Professional and Boundary Issues.”  
[Http://www.advocateweb.org/HOPE/theprofessionalandboundaryissues.asp](http://www.advocateweb.org/HOPE/theprofessionalandboundaryissues.asp).

access to private knowledge about the client. Boundary violations can result when there is a confusion between the needs of the [priest] and those of the client. Such violations are characterized by excessive personal disclosure by the [priest], secrecy or even a reversal of roles. *Boundary crossings* are brief excursions across boundaries that may be inadvertent, thoughtless, or even purposeful if done to meet a special therapeutic need. *Professional sexual misconduct* is an extreme form of boundary violation and includes any behavior that is seductive, sexually demeaning, harassing or reasonably interpreted as sexual by the client.”<sup>34</sup>

“A *Zone of Helpfulness* is in the center of the professional behavior continuum. This zone is where the majority of client interactions should occur for effectiveness and client safety. *Over-involvement* with a client is on the right side of the continuum; this includes boundary crossings, boundary violations and professional sexual misconduct. *Under-involvement* lies on the left side; this includes distancing, disinterest and neglect, and it can also be detrimental to the client and the priest. There are no definite lines separating the zone of helpfulness from the ends of the continuum; instead, it is a gradual transition of melding.”<sup>35</sup>

“The *Zone of Helpfulness* recognizes that both under-involvement and over-involvement create moral boundaries issues for health care for professionals. Behaviors at both ends of the spectrum constitute boundary crossings and inhibit therapeutic relationships. For example, doing extra tasks in the home, as simple as this may seem at the time, leads to patient expectations that this is standard practice and creates an unrealistic view of the health care professional’s role. On the other end of this spectrum is being too distant or under-involved. [...] The goal of the professional would be to strive for the therapeutic spectrum in the middle of this zone.”<sup>36</sup>

“*Boundary violation* is more a process rather than a single event. Few professionals ‘decide’ to take advantage of an individual. Yet when professionals deny or remain unaware of their personal significance, power, or authority they will begin the process of boundary violation by misusing that power. And any time a professional exploits a relationship to meet personal needs rather than the needs of the client, the boundaries have slipped and the professional is in peril.”<sup>37</sup> This is the standard known to society in the United States, and it will be the one applied to clergy engaged in ecclesiastical ministry.

If the clergy accusations of sexual misconduct with minors over the past five years have taught anything, they indicate that among the clergy are those who do not understand the concept of professional boundaries nor the need to seriously address their maintenance. Sexual misconduct, as for example rape, is less about sexual satisfaction and much more about power, control, and manipulation of another. Serious education for future ministers in the Church must

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<sup>34</sup>Source: SCSBN (National Council of State Boards of Nursing).

<sup>35</sup>Ibid.

<sup>36</sup>Shelly Bolin Morton, RN, BSN, “Revitalizing Professional Boundaries Policy Into Meaningful Practice Improvement,” *Home Health Care Management & Practice* (June 2004) 16:255-260.

<sup>37</sup>Allison, op cit.

set out clear and well-publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other church personnel in positions of trust who have regular contact with children and young people.<sup>38</sup>

#### ONE ILLUSTRATION – GROOMING LEADING TO MISCONDUCT:

If I might illustrate this problem with a digression into “grooming” as a boundary violation which leads to more serious concerns, as for example sexual misconduct. Most violations are ambiguous and difficult to evaluate when they first come to light in the public forum. Boundary violations may lead to sexual misconduct, or they may not. In some cases, extreme sexual misconduct, such as assault or rape, may be habitual behavior, while at other times, it is a crime of opportunity. Regardless of the motive, extreme sexual misconduct is not only a boundary violation, it is criminal behavior.”<sup>39</sup>

Not all boundary violations constitute grooming! Public opinion may jump to the conclusion that “he was setting me up for something” but feelings must yield to facts. The professionals understand grooming to be legally demonstrated when an act of sexual misconduct takes place, and the series of boundary violations can be cited as intended by the perpetrator to be causative of the sexual act.

Thus “grooming” is the term often used to describe the process by which the offender prepares his/her victim for the sexual assault. Grooming is the way the sex offender gains access to the intended victim, and ensures continued opportunities to sexually molest. The visible signs of grooming listed below are methods an offender uses to manipulate the intended victim and the surrounding community and gain their acceptance and trust.

Experts point out that grooming behaviors in isolation may be perfectly harmless. In combination or repeated pattern they may be otherwise. Use the following signs to alert yourself that a person may be a potential risk to have around children. At the same time, be aware that not everyone who meets some of these criteria is a child molester. The criteria should not be used to label someone, but can alert everyone to a need to supervise children more closely.<sup>40</sup>

There are a number of visible signs of grooming which the non-professional might recognize. More importantly, professional ministers in the twenty-first century must understand the signs and dynamics of grooming. Groomers often appear as:

**CHARMING:** They exhibit a superficial charm, focused on looking good in the community. Some more prominent members of the community may engage in developing a pristine image through lots of community service

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<sup>38</sup>Art. 6, *Charter for the Protection of Children and Young People*.

<sup>39</sup>SCSBN (National Council of State Boards of Nursing

<sup>40</sup>Carla Van Dam, *Identifying Child Molesters: Preventing Child Sexual Abuse by Recognizing the Patterns of the Offenders*. ©Haworth Press, Inc. (2001) Pages 142-160.

activities, so they will be seen as pillars of the community. They are extremely popular; they get along with everyone. He has a smile for everyone. They can change gears automatically, and be automatically serious, if this is what it takes to get the person to like them. He is known by everyone publicly as a great guy. He is known as a good friend. The behavior is a public image, controlled to support private behavior.

**BEING HELPFUL:** is a specific strategy relied upon by the molester to gain access to their victims. They seem to have a knack for anticipating the needs of the adults responsible for children, knowing what others need and being available with offers to help out by baby-sitting, driving, doing repair work, etc., often before the adults have even identified the need for the assistance. Often overly friendly, going out of their way, without ever asking for anything in return.

**PEER-LIKE PLAY:** Molesters play with kids at their level. Wives often see these men “as like being married to another kid,” but then confusing this irresponsible and childlike behavior as a strength and evidence of their skills as fathers. Non-molesting adults, while playing with children typically maintain an adult orientation when the need arises. For example, when they are making sand castles with kids and someone starts throwing sand, they step into their role as adults and re-direct the potentially harmful behavior.

**PREFER THE COMPANY OF CHILDREN:** Many child molesters have far fewer contacts/interactions with adults than they do with kids. Many continue babysitting into adulthood, preferring babysitting to socializing with peers. Many do not have same age friends, often considering a particular child to be his best friend.

**ROUGH HOUSING AND TICKLING:** Rough housing and tickling children in the presence of other adults is a way of desensitizing the children to touch and serving to confer adult approval on subsequent interactions, since the kids knew the earlier activities had been met with acceptance by their parents. There is lots of touching, including inappropriate touch in front of adults. Sometimes when confronted, the molester will act offended and continue.

**INSIDER STATUS:** Many molesters gain insider status almost immediately, without having to proceed through the stages of familiarity ordinarily required to become a member of the group. One strategy employed by one sex offender was to show up unannounced at a kids’ birthday party. These parties are typically very busy activities, sometimes described as organized chaos. Into the mix enters the sex offender,

immediately starting to play games with the kids that keep them laughing, jumping up and down waiting for their turn. Even though the adults in charge may feel awkward, how can they argue with someone who was such a hit with the kids and was at the same time helping them out? He stays and chats later with the parents. How can you appear ungracious to this sort of fellow?

At the core of the grooming process is “emotional seduction.”<sup>41</sup> The target victim may be a child who feels unloved and unpopular; children with family problems who spend time alone and unsupervised, who lack confidence and self-esteem, and who are isolated from their peers. The target may be an impaired adult. Predators engage or “recruit” their victims in different ways; many use a combination of forced teaming and charm. A predator will usually introduce secrecy at some point during the grooming process. Later on, secrecy joins hands with threats: “If you tell your mother what happened, she will hate you.” “Your story will kill her.” “No one will believe you!” Or “I’ll kill you.” The forging of an emotional bond through grooming leads to physical contact! The first physical contact between predator and victims often nonsexual touching designed to identify limits; an “accidental” touch, an arm around the shoulder, a brushing of hair. Nonsexual touching desensitizes the child. It breaks down inhibitions and leads to more overt sexual touching – the predator’s ultimate goal.

Grooming a child for sexual abuse goes beyond professional boundary crossings and boundary violations; in fact, it constitutes a separate and distinct type of behavior! According to the Texas police website “Offenders spend a great deal of time and energy in the process of grooming the child.” Three distinct actions take place: First, they generally gain the child’s trust and confidence to begin the process; secondly, they introduce the child to sexual types of touch so that the child is gradually desensitized to the touch; thirdly the sexual offender manipulates the child to keep the sexual touching secret.” Police officials describe a variety of techniques: bribery, threats of harm to the child, threats of harm to the offender, withdraw of affection, break-up of the family, or taking advantage of the child’s innocence, i.e. “Everybody does this,” or “if you tell anyone, I’ll just say you were lying.”<sup>42</sup> Interpol in a 1 December 2006 posting lists similar dynamics. “The majority of sex offenders groom their victims, this can take months, even years, and often begins with the process of grooming the parents of the child.”<sup>43</sup> In the opinion of Interpol, the “most crucial” part of the grooming process is “to be able to control the child to the extent that he can sexually abuse him or her with the knowledge that the child will not disclose to another adult the fact that they have been sexually abused.” Techniques used

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<sup>41</sup>Gregory M. Weber, “Grooming Children for Sexual Molestation” at [http://www.vachss.com/guest\\_dispatches/grooming.html](http://www.vachss.com/guest_dispatches/grooming.html).

<sup>42</sup>[Http://www.texaspolicecentral.com/childsex.html](http://www.texaspolicecentral.com/childsex.html)

<sup>43</sup>“The paedophile may recognize that a family were having difficulty in managing the logistics and finances of the household and befriend them with offers of assistance, both financial and in kind. Eventually having gained the trust of the parent the offender then offers to baby sit or take the child on outings during which time he then moves on to begin the process of grooming the child victim.”

according to Interpol include many different ways, fear, oppression, favors, threats against either the child or their parent, making the child feel guilty about what has happened or by using a combination of these methods.”<sup>44</sup>

– *Understanding misconduct*: The word *misconduct* does not appear in the *Code of Canon Law* nor the *Code of Canons of the Eastern Churches*. Rather the codes address the topic according to the provisions of the loss of ecclesiastical office.<sup>45</sup> Those provisions focus more on steps which ecclesiastical authority may take to remove one from office rather than on the actions of an individual.<sup>46</sup> This stance may have created in the past the false impression that an individual could conduct himself more or less as he willed without few checks and balances in how he spoke to others or conducted activities with others. Some may even have considered themselves as “beyond the law” for all practical purposes.

Civil law is clearer and focused on the individual rather than on the authority removing one from office. Misconduct in office is defined in civil law as corrupt misbehavior by an officer in the exercise of the duties of the office or while acting under color of the office; it includes any act or omission in breach of a duty of public concern by one who has accepted public office.<sup>47</sup>

Twenty-first century ministers may well not only have to deal with scrutiny of their words and actions, but even deal with *fumus*, that is *smoke*, concerning their activities. Again, the age old saying is that “where there is smoke there is fire” is known to many people

– *Curbing curiosity and the anonymous computer/internet*: Every child learns the saying that “curiosity killed the cat!” But even if the child knew “why,” most adults forget that saying once they are of majority. Likewise, in the privacy of their own home many have discovered the anonymity of the computer and the internet to explore their curiosity.

On the topic of pornography and the use of the internet, many clergy are uninformed. The internet does not offer the anonymity that many presume. Clergy need to realize and accept that there are professional boundaries which they should not cross in the use of their computers on the internet. Church law is not stated in the *Code of Canon Law* on but certain activities certainly are considered as crimes. The *praxis* of the Congregation for the Doctrine of the Faith clearly states:

“Included also is the possession of, or downloading from the internet of, pedophilic [sic] pornography. This type of behavior is also a civil crime in some nations. While “browsing” may be involuntary, it is difficult to see how

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<sup>44</sup><http://interpol.com/Public/Children/SexualAbuse/Default.asp>

<sup>45</sup>CIC Can. 184, §1 and CCEO, Can.

<sup>46</sup>Antonio S. Sanchez-Gil suggests in his commentary that the law reflects the historical development of the theology on “proper pastor” found in church law. *Exegetical Commentary*, II/2: 1282-1287.

<sup>47</sup>Gifis, *Law Dictionary*, 302-303.

“downloading” could be considered so, since not only does it involve making a choice or choosing a specific option, but often involves payment by credit card and the furnishing of personal information by the purchaser which can be traced back to him. Some priests have been incarcerated for possession of thousands of pornographic photos of children and youth. According to the praxis of the CDF such behavior is considered a *delictum gravius*.<sup>48</sup>

With respect to the use of a personal computer to visit pornographic websites, one may wish to consult the work of Richard Wortley and Stephen Smallbone, *Child Pornography on the Internet* published the U.S. Department of Justice: Office of Community Oriented Policing Services. The one hundred plus page report is available on the internet.<sup>49</sup> They provided information that the problem of internet child pornography revolves around three items: production, distribution and downloading.<sup>50</sup>

It may surprise some, but by visiting and viewing these sites, one has “downloaded.” As Worley and Smallbone state “images do not need to be saved to the computer’s hard drive or to a removable disk to constitute downloading.”<sup>51</sup> They go on to state that

In most cases, however, users must actively seek out [child] pornographic websites or subscribe to a group dedicated to child pornography. In fact, it has been argued that genuine child pornography is relatively rare in open areas of the Internet, and, increasingly those seeking to find images need good computer skills and inside knowledge of where to look. Most child pornography is downloaded via newsgroups and chat rooms. Access to websites and online pedophile groups may be closed and require paying a fee or using a password.<sup>52</sup>

The authors have also indicated that

Specific child pornography websites may be created, or child pornography images may be embedded in general pornography sites. However there is a debate about

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<sup>48</sup>Msgr. Charles Scicluna, “The Procedure and Praxis of the Congregation for the Doctrine of the Faith regarding *Graviora Delicta*,” Proceedings for the Fortieth Annual Conference of the Canon law Society of Australia and New Zealand (September 18-21, 2006), 4-5.

<sup>49</sup>Richard Wortley is an Associate Professor in the School of Criminology and Criminal Justice at Griffith University in Brisbane, Australia. He is a past national chair of the Australian College of Forensic Psychologists. Stephen Smallbone, Ph.D. has eight years as a correctional psychologist and currently is senior lecturer in Criminology and Criminal Justice at Griffith University and Director of the Griffith Adolescent Forensic Assessment and Treatment Center.

<sup>50</sup>See *Child Pornography on the Internet*, 8 - 12.

<sup>51</sup>*Ibid.* 12.

<sup>52</sup>*Ibid.*

how much child pornography is available on the web. Some argue that it is relatively easy to find images. Others argue that, because of the vigilance of ISPs and police in tracking down and closing child pornography websites, it is unlikely that a normal web search using key words such as child porn would reveal genuine child pornography. Instead, the search is likely to find legal pornographic sites with adults purporting to be minors, ‘sting’ operations, or vigilante sites.<sup>53</sup>

Evidence of one’s visits to pornographic sites come to light when technicians examine the computers in questions. They are often able to identify the log files which show who was logged into the computer and when; the modem logs which record when a computer was connected to the Internet; and web browser history entries which show a person’s online activity. Technicians and others could also examine his e-mail and any chat logs and other online communications.

What do these illustrations have to do with Guidelines for Professional Ministers a 21<sup>st</sup> Century Ecclesial Community? They concretize the goals which we must set as benchmarks for healing, reconciling and restoring confidence in ecclesiastical ministers in just these areas. Thirty-five years ago when I was ordained, I remember the only professional boundary constantly repeated by my old professor was to “keep a desk between yourself and woman client in the parlor!” He would be speechless as the complexity of ministry today.

## CONCLUSION

First, clergy may be a group “set apart” among the people of God for special designated ministry in the ecclesial community, but they are not by that ordination free or immune from human problems and difficulties which arise amid all of the people of God. Future clergy may never again have that “privileged position” among their people that the ordained held in previous generations. On one hand this shift allows them to draw closer to walking in the footsteps of Christ in his public ministry; on the other hand, the people of God will be more and more willing to demand accountability and transparency among the clergy.

Second, collaboration among all of the people of God must translate into structures and actions which promote the common good as well as the private or individual good of members. At the universal level, the *Code of Canon Law* provides both structures and actions, but these need to be supplemented by structures and actions which meet national, regional, and even local conditions and needs. In the introduction, I used the terms “preach and listen” as illustrating being responsible and responsive. The 21<sup>st</sup> century will not be hospitable to Catholicism as an institution. Society grows more pluralistic and the transformation in communicating information allows individuals to define and determine the limits and activities of all institutions in their lives. Laws, guidelines, and policies may well be useful vehicles to persuade people that the

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<sup>53</sup>Ibid. 10.

common good of all of the people of God can exist along with the individuals personal good.

Third, Catholicism as an institution must learn from the expertise of other institutions in modern life. There is no need to reinvent the wheel as the saying goes; there is a need to see how the wisdom and experience of other disciplines can be incorporated and affirm our clergy as persons while supporting and validating their ministry. Similarly, there are other groups or organizations within the Catholic community which can contribute to this conversation.

Finally, the formulation and implementation of guidelines and policies at the local level need not wait for imposition from “above.” Healing, reconciling, and restoring confidence can take place in two ways. Every individual and every group of individuals, as for example a diocese or religious community can develop measures to remedy problems as well as formulate prevention measures. Education of those involved will be more than providing intellectual content; it will require persuasion that the measures are valuable instruments for real living in a real if imperfect ecclesial community.