

Securing Adequate Sustenance for Clerics

The Provisions of the Universal Law, Contextualized Particular Norms,
and Plausible Ways Forward

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The current legislation defines the adequate sustenance of clerics as both a right for the clergy and a duty for those entrusted with its provision. To avoid reducing the priesthood to a mere civil or lay function, the legislator deliberately refrains from describing this right as *ius*, opting instead for the verb *merentur*. The responsibility for organizing clerical sustenance falls to each particular church or to groupings of such churches. Indeed, the support provided to the clergy must be adapted to the specific conditions of place and time – *locorum temporumque*. More than forty years after the promulgation of this legislation, many local churches have yet to establish proper systems for clerical sustenance. This ongoing deficiency continues to create challenges for both clerics and local churches. After a thorough exegesis of canon 281 §§1-2, this paper examines its application across four distinct geographical, cultural, and socio-economic contexts, before proposing new approaches to better fulfil the *congrua sustentatio* – the suitable support – of clerics.

Introduction

Sacred Scripture recognizes the moral obligation to provide for the legitimate material needs of those engaged in pastoral ministry¹, as well as the gratuity of the ordained ministry². In this context, canon 281 §§ 1–2³ of the Code of Canon Law establishes the right of clerics to remuneration befitting their status, as well as suitable social welfare. While the supreme legislator defines the sustenance of clerics, its practical organization is entrusted to particular churches and their groupings. This universal provision, when contextualized, invites us to reflect on three essential aspects: the precise meaning of the norm, its substance

¹ Cf. Luke 10, 3-12.

² Cf. John 2, 14-16; Luke 21, 3.

³ § 1. Since clerics dedicate themselves to the ecclesiastical ministry, they deserve the remuneration that befits their condition, taking into account both the nature of their office and the conditions of time and place. It is to be such that it provides for the necessities of their life and for the just remuneration of those whose services they need.
§ 2. Suitable provision is likewise to be made for such social welfare as they may need in infirmity, sickness or old age.

and character, and the manner in which it is received and implemented across various particular churches or their groupings. Finally, it calls for thoughtful proposals to advance the fulfilment of this right. Our approach to this endeavor is, of course, canonical. Four canons of the CIC are relevant: canons 127, 269, 281, and 538.

1. The Meaning of the Norm of Canon 281 of the CIC

1.1 *The foundation of the right of clerics to adequate sustenance*

The right of clerics to adequate sustenance is founded on incardination in a particular church (ex canon 269) or another ecclesiastical institution with the right to do so⁴. According to canon 265, the purpose of this incardination is to prevent acephalous clergy, and it carries two legal consequences: the right and duty to hold offices that require Holy Orders, and the right to adequate sustenance. In effect, two conditions must be met before any incardination can take place. In accordance with canon 269, a diocesan bishop must not incardinate a cleric unless it is required by the needs or advantages of his particular church, and the provisions of the law concerning the worthy support of the cleric are observed⁵. The fact that the chapter on incardination⁶ comes immediately before the chapter on the obligations and rights of clerics in the CIC illustrates the close relationship between incardination and the right to adequate sustenance⁷.

1.2 *The constitutive elements and nature of adequate clerical sustenance*

An exegesis of Canon 281 §1 highlights some elements that constitute the right of clerics to adequate sustenance. Firstly, it should befit their condition and take into account the nature of their office. Secondly, it should be considered in the context of the circumstances of place and time. Thirdly, it is the responsibility of local churches and their various groupings to define the modalities of application of this clerical right. Also, the right is presented successively as actual, requiring remuneration befitting their condition (§1), and as applicable in cases of sickness, invalidity, or old age, requiring suitable social welfare (§2). However, as the legislator in canon 281 avoids using the concept *ius*, substituting it with *merentur*, while in other canons of the Codex dealing with other categories of the faithful, the legislator expressly speaks of their *ius* to remuneration and social welfare, the nature of the juridical element defined here is called into question. Is it a right or a mere concession by

⁴ The personal prelature, the institute of consecrated life, the military ordinariate and the clerical society of apostolic life, unless its constitutions determine otherwise. Cf. can. 266.

⁵ This is consistent with canon 117 of the CIC/17 which states the following with regard to foreign clerics: The Ordinary shall not allow the incardination of outside clerics except: 1° When the necessity or utility of the diocese requires it, and with due regard for the prescriptions of law concerning canonical title of ordination.

⁶ Cf. cann. 265-272.

⁷ Cf. Cann. 273-289; Tomás Rincón, Title III: Sacred Ministers or Clerics. Introduction, in: Ernest Caparros (Ed.), Exegetical Commentary on the Code of Canon Law: Prepared under the Responsibility of the Martin De Azpilcueta Institute Faculty of Canon Law University of Navarre, Vol. II/1, Montréal 2004, 206-207.

the competent authority? Does this mean that the right to remuneration and social welfare of the other categories of faithful is affirmed and inviolable, while the right of clerics is not as binding and remains at the discretion of the legitimate authority? The inclusion of this norm in the chapter dealing with the rights and obligations of clerics provides a clue to the correct interpretation of the term *merentur*. As suitable sustenance is not presented as an obligation incumbent on clerics, it is reasonable to consider it their right. This interpretation is reinforced by the official explanation provided by the *Pontifical Council for Legislative Texts* in the decree *De recursu super congruentia inter legem particularem et normam codicalem*⁸. The Pontifical Council clearly defines adequate sustenance for clerics as a right.

In the 1980 draft, the *Commission for the Revision of the Codex* explains that the word *merentur* was chosen to avoid placing the ministerial priesthood in an inappropriate economic situation⁹. In fact, it would be ambiguous to consider the ministerial priesthood as a function for which one should be remunerated, as with any civil profession. This indicates that the church cannot and should not be considered an employer of clerics. Canon 281, therefore, affirms the undeniable and inviolable right of clerics to adequate sustenance, rather than it being a mere concession from the superior. This right may be altered in cases of legitimately imposed sanctions, but it is only lost in cases of dismissal from the clerical state, as defined by canons 290 and 291.

1.3 The purpose of the right of clerics to adequate sustenance

The right to adequate sustenance for clerics aims primarily to provide them with the necessities of life in return for their lifelong service to the church. It is interesting to note that when the Roman Emperor Constantine exempted clerics from all civil duties, he deemed it necessary to specify *qui divino cultui ministerial religionis impendunt, id est qui clerici appellantur*¹⁰. This means that clerics receive sustenance suited to their status because they have dedicated themselves to the service of God and the church¹¹.

⁸ Cf. *Communicationes* 32 (2000), 162-167.

⁹ Cf. *Communicationes* 14 (1982), 172. Worthy of mention here is the remark: "The Code uses five different expressions to refer to financial support that is to be provided to clergy, and in one instance (can. 1350, § 2) simply states that the Ordinary is to take care 'to provide for' those who have been dismissed from the clerical state who are truly in need. The five expressions used are: remuneration (*remuneratio*), social assistance (*assistentiæ sociali*), decent support (*honestâ sustentatio*), support (*sustentatio*) and subsistence (or 'support') (*subsistentia*). Commentators occasionally use these terms interchangeably, or in ways that treat them as equivalent... We consider support/sustenance (*sustentatio*) and decent support (*honestâ sustentatio*) as general terms referring to the financial support due to clergy, and remuneration (*remuneratio*) and social assistance (*assistentiæ sociali*) as more specific terms. This seems to reflect the most accurate reading of how these terms are used in the Code", Phillip J. Brown, *The Perils of Bankruptcy: Rights and Obligations Regarding Clergy Support*, in: *Studia canonica* 45 (2011)1, 27-66, 32.

¹⁰ Jean Gaudemet, *L'Église dans l'empire romain (IV^e-V^e siècles)*, Tome III, Paris 1958, 99.

¹¹ In this light we underline that: "The life of sacred ministers is characterised by consecration and mission. Unlike the laity, they participate in the sanctifying, teaching and governing functions of the Church. They are called to fulfil a specific role within the Church. They devote themselves to ecclesiastical affairs", Luis Navarro, *Persone e soggetti nel diritto della Chiesa: temi di diritto della persona*, *Subsidia canonica* 1, Roma 2017, 88. In the same

The right to adequate sustenance also encourages clerics to dedicate themselves fully to their ministry, free from material concerns, and to live decently. Adequate sustenance for clerics would essentially refer to the fulfilment of all legitimate financial needs. This goes beyond mere financial remuneration to encompass the right to lodging, food, holiday provisions, and suitable social welfare in the event of infirmity¹², sickness, or old age.

2. The Responsibility for Securing Adequate Sustenance for the Clerics

Any subjective right for a person or group normally entails an obligation for third parties. In this way, the right of clerics to remuneration and social assistance entails the corresponding responsibility of various physical and legal persons at different levels within the church. Specifically, it requires the responsibility of the diocesan bishop and the faithful of the diocese, since it is based on incardination (canon 269), although it remains the duty of the church as a community of believers.

In this context, the responsibility for ensuring adequate sustenance for clerics primarily lies with the Holy See, the church's central governing institution. This responsibility is described in terms of vigilance¹³. The Holy See fulfils this role through the Dicastery for the clergy, whose specific role is vigilance. Therefore, it is not the Holy See's duty to materially provide for the sustenance of clerics. Rather, it must ensure that the particular churches adopt policies and measures capable of providing adequate sustenance for clerics¹⁴ and of administering the temporal goods of the church properly¹⁵. The *Dicastery of Evangelization* is responsible for this in all territories under its jurisdiction.

light we further underline that: "As the evangelising work of that community multiplied — as it continues to do so today — the apostles made a decision that remains binding for priests: 'We will devote ourselves to prayer and to the ministry of the Word' (Acts 6:4). Priests must devote themselves to prayer and the ministry of the Word. They must not allow themselves to become overwhelmed by circumstances that prevent them from transmitting to others the peace and serenity they need", A.C. Llovera, Il sacerdote, ministro della parola, in: Congregazione per il Clero (Ed.), *Come pastori e fratelli. A quarant'anni dalla Presbyterorum ordinis*, Città del Vaticano 2007, 120.

¹² This infirmity can be either physical or moral.

¹³ *Competens est ad clericorum vitam, disciplinam, iura atque obligationes quod spectat*, John Paul II, Ap. Co. Pastor bonus, (28 iun. 1988), art. 95, §1, in: AAS 80 (1988), 884.

¹⁴ Without prejudice to the right of bishops and their conferences, the Congregation for the Clergy examines matters regarding priests and deacons of the secular clergy, with regard to their persons and pastoral ministry, and with regard to resources available to them for the exercise of this ministry; and in all these matters the Congregation offers timely assistance to the bishops", John Paul II, Ap. Co. Pastor bonus, art. 93; Francis, Ap. Co. *Prædicare Evangelium*, art. 113 § 1. The Dicastery for the Clergy deals with all matters relating to priests and deacons of the diocesan clergy, with regard to their persons and pastoral ministry, and everything needed for the fruitful exercise of the latter. In these matters, it provides suitable assistance to the Bishops; Art. 115. § 1. The Dicastery offers assistance to diocesan Bishops and Episcopal Conferences in their respective activities of governance with regard to the life, discipline, rights and obligations of clerics, and it cooperates with them concerning the permanent formation of clerics. It ensures, furthermore, that diocesan Bishops or Episcopal Conferences provide for the sustenance and social welfare of the clergy in accordance with the law.

¹⁵ Cf. Pastor bonus, art. 98; *Prædicare Evangelium*, art. 118, 1°.

Secondly, it is the duty of episcopal conferences and groupings of particular churches to provide adequate sustenance for clerics. While each diocese must have the means to fulfil its mission independently, canon 1274 §4 suggests, upon examination of each situation, that diocesan institutes federate to ensure the proper organization of clerical sustenance, taking into account the principle of communion, which is the theological foundation of the conference of bishops.

Thirdly, the diocesan bishop, in his capacity as chief pastor and father of the diocese, is particularly responsible for ensuring adequate sustenance for clerics serving in his diocese. He is responsible for establishing general diocesan norms on the administration of the temporal goods of the church and on the sustenance of clerics. This duty is not attached to him as an individual, but to the office he holds. Through various mechanisms that consider the socio-economic context in which it finds itself, the diocese ought to ensure adequate sustenance for clerics.¹⁶

Fourthly, the diocesan community of the faithful must ensure that clerics who serve it are adequately provided for. This specific duty of the faithful regarding the adequate sustenance of clerics is affirmed in canon 222 §1, according to which they are all 'obliged' to provide for the needs of the church or to help it achieve its ends. Among the church's objectives for which it acquires temporal goods is the adequate sustenance of clerics.¹⁷

3. The Subjects of the Right to Adequate Sustenance

It is worth noting that every cleric deserves adequate sustenance, regardless of their office. However, a cleric who willingly refuses to exercise the ministry or who, without just cause, refuses to hold an office implicitly renounces their right to sustenance for as long as this situation lasts.

In the case of clerics to whom an office cannot be given, or who cannot exercise the ministry due to canonical penalties, the right to adequate remuneration and suitable social welfare is not automatically lost.¹⁸ A canonical penalty modifies the juridical patrimony of a subject without cancelling it. In this case, a cleric under a canonical penalty retains his clerical status, and his right to adequate sustenance cannot be suspended unless he is dismissed from the clerical state.

¹⁶ By "diocese", we mean the ecclesiastical division, the portion of the people of God. Cf. can. 369.

¹⁷ Cf. Cann. 290-291. The individual only loses his right to adequate sustenance in cases of loss of the clerical state. In all other cases, this right may be altered but not lost.

¹⁸ Cf. can. 1350 §1.

4. The Reception and Application of the Right of Clerics to Adequate Sustenance by Local Churches

As previously mentioned, although it is the duty of the universal church to organize itself to ensure adequate sustenance for clerics, it is particularly the responsibility of groups of particular churches, diocesan bishops, diocesan communities, and parishes or diocesan structures in which clerics fulfil their pastoral ministry to ensure this. In effect, as clearly stated by canon 281 §1, the sustenance of clerics is to be organized according to place and time. More than four decades after the promulgation of the Codex, how has adequate sustenance for clerics been organized in various geographical areas?

4.1 An Example of an Organization for the Sustenance of Clerics in the West: Italy

In Italy, the fulfilment of clerics' rights to adequate remuneration and social assistance is based on the so-called *Pattizia Convention* between the Italian state and the Holy See, as set out in the protocol of November 15, 1984.¹⁹ The *Commissione Paritetica*, established to implement the agreement to revise the Concordat of February 18, 1984 between the Italian State and the Holy See, had to take into account the principles of the Italian constitution. In effect, the democratic state cannot commit to directly providing for the clergy. This could discriminate against other religious groups. However, the state recognizes that it is the Republic's responsibility to ensure there are no obstacles of any kind that could prevent individual freedoms or the full development of social, economic, and religious life. It is within this institutional framework that support for the Catholic Church in Italy is provided through the so-called *otto per mille* allowance, according to contributors' free choice. In fact, every citizen is free to allocate part of their tax return to the Catholic Church. Additionally, the state provides financial support to the *Istituto Centrale per il Sostentamento Clero*, enabling it to fulfil its duties towards priests exercising their pastoral ministry within the territory of the Italian Bishops' Conference.

However, ensuring adequate sustenance for clerics remains the responsibility of each particular church. To guarantee the remuneration and social security of all priests in an efficient, just, and charitable manner, the *Commissione Paritetica* has introduced a system of financial equalization between the various Italian dioceses. Clerical remuneration is therefore provided for by three complementary bodies: the ecclesiastical institution in which the cleric carries out his ministry; the Diocesan or Interdiocesan Institute for the Sustenance of Clerics; and the Central Institute for the Sustenance of Clerics, in accordance with the law *nisi aliter eisdem provisum sit*²⁰.

¹⁹ Cf. Accordo tra la Santa Sede e la Repubblica italiana che apporta modificazioni al Concordato Lateranense (18 feb. 1984), in: AAS 77(1985), 521–531.

²⁰ Cf. can. 1274 §1.

4.1.1 The Diocesan Institute for the Sustenance of Clerics

In accordance with the Italian Episcopal Conference's regulations, each diocesan institute must submit its budget estimates and a detailed financial report to the central institute. The central institute is responsible for providing for any surplus needs and plays the role of regulator and guarantor of the effectiveness of financial equalization for all dioceses and clerics exercising pastoral ministry within the territory of the bishops' conference. Similarly, the diocesan bishop and the national episcopal conference oversee the proper functioning of the diocesan institute.²¹ The diocesan institute is also responsible for administering the diocesan patrimony set aside for the sustenance of clerics. It is particularly responsible for ensuring that the diocesan bishop and all other persons respect the established norms and procedures.²²

4.1.2 The Central Institute for the Sustenance of Clerics

This institute is the implementation of article 21 of the *Norme circa gli enti e beni ecclesiastici in Italia e circa la revisione degli impegni finanziari dello Stato italiano e degli interventi del medesimo nella gestione patrimoniale degli enti ecclesiastici*. In concert with the diocesan and inter-diocesan institutes, the central institute plays a pivotal role in ensuring equitable remuneration and comprehensive social insurance for clerics. The impetus for establishing a central institute, alongside the diocesan bodies, arose from the necessity to achieve financial equalization. This central institute is tasked with integrating all available resources, thereby eliminating disparities and guaranteeing that every cleric enjoys a dignified standard of living. The financial stewardship exercised by each diocesan institute thus extends beyond the well-being of its own incardinated clerics, impacting all those engaged in pastoral ministry throughout the Italian Episcopal Conference. To foster parity among priests serving under similar pastoral and socio-economic conditions, the Italian Bishops' Conference has instituted a minimum income threshold that every priest must attain. Sources of income may differ – whether a priest serves in a parish, as a chaplain, or as a teacher – but all who minister outside their home diocese are required to report their earnings annually to the appropriate diocesan or regional institute. These institutes, in turn, relay this information to the central institute. Following thorough administrative and financial review, the central institute supplements individual incomes as necessary, ensuring that each priest reaches the minimum standard established by the national episcopal conference. Through

²¹ Cf. *Agostino De Angelis*, L'inserimento degli istituti di sostentamento del clero nella Chiesa particolare, in: *Il sostentamento del clero nella legislazione canonica e concordataria italiana*, (Studi Giuridici XXVIII), Città del Vaticano 1993, 127–133.

²² In this light the Statutes of the diocesan institute for clerics' sustenance states: The I.D.S.C.'s purposes are as follows: a) to provide, where necessary, for the integration of the remuneration due to clergy serving the diocese up to the level set by the Italian Episcopal Conference, to ensure their adequate and dignified sustenance; b) to carry out, where necessary and after consultation with the central institute for the support of the clergy (I.C.S.C.), supplementary and autonomous welfare and social security functions for the clergy; and c) to maintain appropriate contact with local civil administrations within its area of competence, *Conferenza Episcopale Italiana*, Statuto dell'istituto diocesano per il sostentamento del clero, art. 2.

this coordinated system, all diocesan priests are assured a level of remuneration that enables them to meet their essential needs with dignity.

While the central institute is important for the practical implementation of financial and economic equalisation, it is not central in itself. This means that it is merely a practical instrument for the proper administration of available resources. The diocesan or regional institutes are not subordinate to the central institute; rather, they cooperate in the same ecclesial mission, each with very specific prerogatives.²³

4.1.3 *The Institute for Social Assistance*

In Italy, there is already a compulsory insurance scheme whose services may not adequately meet people's needs. In this context, the legislation enables the Church to organize an additional social insurance system²⁴, which is not entrusted to a new, separate body, but to the central institute and diocesan or inter-diocesan institutes for the support of clerics. In the Italian context, one of the statutory purposes of these institutes is therefore to provide social assistance for clerics.²⁵

4.2 *An Example of an Organization for the Sustenance of Clerics in Asia: India*

In India, the adequate sustenance of clerics is organized according to particular rites. This is in accordance with the principle of *locorum temporumque*, which states that the sustenance of clerics should be contextualized. The Code of Particular Canons of the Syro-Malankara Catholic Church provides for this in three main canons:

Can. 293. The clerics who offer service for the benefit of the eparchy shall be given adequate financial support for their well-being by the eparchy. For this purpose, the provisions, such as, the priest's welfare fund from the parishes and institutions, and the income from landed and other properties assigned for this purpose, are to be formed into a common fund in the *eparchy*. For the social security of its clerics, the eparchy should institute a priests' provident fund and insurances as per civil law.

Can. 294. The eparchy shall bear the medical expenses of the priests enrolled in the eparchy in accordance with the norms of the eparchy. The eparchy shall make proper arrangement to cover its clerics with medical insurance as per the norms of civil law.

²³ The central institute has the following purposes: a) to provide diocesan and interdiocesan institutes with the necessary resources to support the clergy, enabling the remuneration of priests serving the diocese to be integrated up to the level set by the Italian Episcopal Conference (CEI); b) to carry out supplementary and autonomous welfare and social security functions for the clergy; c) to maintain relations with Italian administrations regarding its activities and in the interests of diocesan and interdiocesan institutions supporting the clergy, *Conferenza Episcopale Italiana*, Statuto dell'istituto centrale per il sostentamento del clero, art. 16.

²⁴ Cf. can. 1274 §2.

²⁵ Cf. *Ministero Italiano dell'Interno*, Legge del 20 maggio 1985, n° 222, art. 27, comma 1; *Conferenza Episcopale Italiana*, Determinazioni relative allo svolgimento delle funzioni previdenziali integrative e autonome in favore dei vescovi emeriti e dei sacerdoti inabili all'esercizio del ministero previste dalla delibera C.E.I. n° 54, in: *Notiziario della conferenza episcopale italiana* (1989), 142-145.

Can. 295. With due regard for CCEO, cc. 1021 §2 and 297 §2, each eparchy is to provide suitable means for the wellbeing of its clerics, especially the retired and the sick, according to the law of the eparchy.²⁶

The Syro-Malabar Church also has particular norms for the adequate sustenance of clerics. In this ecclesial reality, parishes must deposit a monthly allowance with the eparchy's financial services, while clerics are responsible for their own insurance and social security. These norms may differ from one eparchy to another, since each eparchy can have its own particular norms.

In the state of Odisha, which comprises six Latin Catholic dioceses, each diocese organizes the sustenance of its clerics according to its own financial capacity. As a result, the level of support provided to clerics varies from one diocese to another. Most parishes in this region are not financially self-sufficient, making it the exclusive responsibility of the diocese to ensure the well-being of its clerics. However, there is no dedicated diocesan or provincial fund established for their adequate support, as recommended by canon 1274 §1. While a formal system for clerics' social insurance is lacking, provisions are nonetheless made for their welfare in retirement. Notably, a retirement home within the diocesan hospital in Balasore (Jyothi Hospital) has been established to facilitate ongoing care in cases of illness.

In Kerala, there is a special fund for clerics, and a trust called the *Association of the Diocesan Clergy Pala* (ADCP) has been established in the Diocese of Pala's Statutes. This trust is responsible for the administration of the *Priests' Welfare Fund* and other welfare arrangements for the sustenance of priests.

4.3 An Example of an Organization for the Sustenance of Clerics in Africa: Cameroon

In most dioceses in Cameroon, the sustenance of clerics is often left to the particular community or institution in which they serve. However, the ecclesiastical province of Bamenda and a few other dioceses have well-structured policies for the sustenance of clerics, albeit with limited resources. In the Bamenda ecclesiastical province, there is a fund for the adequate sustenance of clerics in each diocese, along with provincial health and social insurance.

The sustenance of retired priests is formally harmonized by the National Episcopal Conference, which, following the norm of can. 538, has promulgated a general decree in the *Complementary Norms to the Code of Canon Law for Cameroon*, following prior approval by Rome. It reads:

"In accordance with the provisions of the can. 538 §3 of the Code of Canon Law, the National Episcopal Conference of Cameroon decrees that, while observing natural justice, equity, and

²⁶ For retired priest exists specific regulations to see to their adequate sustenance. Can. 307. A priest of the eparchy, when he retires from active pastoral ministry, has the right to a dignified support with residence. Can. 308. The eparchial bishop is to provide a decent support to the retired priests of his eparchy, in consultation with the presbyteral council, and as per the laws of the eparchy.

the customs and particularities of each diocese, Every bishop shall: - ensure that there is a specific pension fund for his incardinated retired priests, capable of providing them with suitable accommodation and subsistence; - provide priests incardinated in his diocese who are incapacitated before reaching retirement age with sufficient assistance for housing and subsistence. Each ecclesiastical province shall: - establish an *Opus Securitatis* with statutes approved by the Holy See.”²⁷

Social insurance for clerics is better organized within the various dioceses of the Episcopal Conference. In many cases, solidarity structures such as *Opus Securitatis*, *Entraide Missionnaire Internationale* (EMI), and *Solidarité de la Province Ecclésiastique de Douala* (SOPRED) cooperate with the dioceses.

In Cameroon, as in some other Churches that have been evangelized more recently, the financing of institutes for the sustenance of clerics, where they exist, and the financing of the life of the Church in general, still depend to a great extent on foreign funding, although local contributions are growing.

4.4 An Example of an Organization for the Sustenance of Clerics in Latin America: Brazil

Brazil has clearly defined policies regarding the adequate sustenance of clerics at diocesan and provincial levels. Indeed, the Brazilian National Episcopal Conference has established a clear table of emoluments for each of its 19 regions.

Each diocese has a council responsible for the sustenance of clerics. Although this council is not officially designated as a *Special Institute for Clerical Sustenance*, as stipulated in canon 1274 §1, it possesses the same prerogatives.

In the Archdiocese of Londrina, for instance, special statutes for clerical sustenance are in place, known as the *Regimento para assuntos administrativos e econômicos*.

Special funds for the adequate sustenance of retired clerics also formally exist in the different dioceses. In the Archdiocese of Londrina, a certain percentage is deducted from the remuneration of clerics engaged in pastoral ministry each month to support the retirement home for clerics financially.

This survey of the diverse models for clerical sustenance across geographical, cultural, and economic landscapes illuminates both the earnest aspirations and tangible initiatives of local churches to ensure the well-being of their clergy. Yet, as with all human institutions, lapses in policy or shortcomings in management can undermine these rights, leading to adverse repercussions not only for the clerics themselves but for the broader ecclesial community.

²⁷ *Conférence Épiscopale du Cameroun*, Les normes complémentaires au Code de droit canonique, Yaoundé 2012, can. 538 §3.

5. The Consequences of Failing to Provide Clerics with Adequate Sustenance

The lack of proper organization to ensure suitable sustenance for clerics, in accordance with canon 281 §§1-2, causes many problems, particularly in certain churches. We believe that these problems are the direct consequence of clerics' right to adequate sustenance not being satisfied. Such deficiencies give rise to a host of challenges: persistent inequalities and rivalries among clerics, mismanagement of the church's temporal goods, the temptation toward business ventures and careerism, and, at times, diminished obedience to ecclesiastical authority. In the absence of a well-structured and effective system for clerical sustenance, many may experience frustration and a sense of abandonment, as disparities and jealousies take root. When the provision for clerics is left to individual pastoral units, and minimum standards of support are neither clearly defined nor upheld, some enjoy abundance while others struggle to meet their most basic needs. Over time, these imbalances foster rivalry—especially among those repeatedly disadvantaged—and threaten to erode the bonds of fraternal communion.²⁸

Another problem arising from the financial insecurity of clerics in certain areas is the poor management of the church's temporal goods. While the norms on the administration of the temporal goods of the Church are often well known, their application requires more than mere knowledge.²⁹ The stewardship of the Church's temporal goods is a matter of considerable delicacy, transcending mere technical proficiency; indeed, lapses in integrity can be as detrimental as deficiencies in expertise. Faced with precarious circumstances, clerics may sometimes depart from sound administrative practices in their efforts to secure their legitimate needs.

Also, the lack of economic security experienced by clerics whose sustenance is not guaranteed may cause some of them to engage in illegal economic activities in their search for survival. In effect, canon 286 formally prohibits clerics from engaging in commerce. It states: "Clerics are forbidden to practice commerce or trade, either personally or through another, for their own or another's benefit, except with the permission of the lawful ecclesiastical authority". This norm is an application of the one on priestly evangelical poverty and simplicity of life.³⁰ It also prevents clerics from being carried away by greed and avarice, and from incurring the contempt of the laity.³¹ Although these norms exist and are well

²⁸ Cf. *Benedict XVI*, Ap. Ex. *Africae munus* (19 nov. 2011), n° 108, in: *AAS* 104 (2012), 287.

²⁹ Cf. cann. 1273-1289.

³⁰ Cf. can. 282.

³¹ On this, Pope Clement XIII writes: "Verum quum ab ipsis Ecclesiae incunabulis usque ad hanc nostra tempora, nihil apertius, nihil districtius, aut Conciliorum Decretis, aut praedecessorum Nostrorum et communicationem Sedis Apostolicae Constitutionibus statutum legatur, nihil a Sanctis Patribus, Ecclesiarumque Pastoribus frequentius aut impensius inculcatum appareat, quam ut Ecclesiae Ministri, cum Clerici, tum Monachi, a temporalium lucrorum cupiditate abstinere, et a saecularium negotiorum sollicitudinibus arcere se debeant: cumque non solum spirituales censurae, sed etiam gravissimae temporales poenae in eos decretae fuerint, qui Canonicas Regulas hac in re infringere aut violare praesumpserint", *Clemens XIII*, Epi. Cum primum (17 sep. 1759), § 3, in: *Petri Gasparri, Codicis iuris canonici fontes*, Vol. II, Romae 1928, 588-589.

known, clerics are exposed to, and often get involved in, business in order to ensure their personal financial security when the local Church fails to do so.

Moreover, since the material needs of clerics are typically entrusted to the communities or institutions where they serve – and given the disparities in financial resources among these entities – a spirit of competition can arise among clerics seeking appointments that promise a higher standard of living. This pursuit of more desirable positions, motivated primarily by material security, risks overshadowing the pastoral priorities and spiritual values emphasized by *Christus Dominus*, in which the Council states that “in forming a judgment on the suitability of a priest for the administration of any parish the bishop should take into consideration not only his knowledge of doctrine but also his piety, apostolic zeal and other gifts and qualities which are necessary for the proper exercise of the care of souls.”³²

Another problem that may not be directly caused by inadequate sustenance for clerics, but which could worsen if it is not guaranteed, is disobedience to the bishop and to any other superior. Canon 273 teaches: “Clerics have a special obligation to show reverence and obedience to the Supreme Pontiff and to their own Ordinary.” This relationship of subordination does not engender generalized submission. The duty of obedience is limited to the exercise of ministry and general clerical duties.³³ Nevertheless, the norm clearly calls for an attitude of attentive listening and respect toward the legitimate superior. Yet, when a cleric’s sustenance is not assured and survival becomes a struggle, the reverence owed to the bishop or legitimate superior may erode, as the cleric ceases to perceive the superior as the benevolent and caring father that role presupposes.

The challenges faced by some clerics are often intensified when, within the same geographical and historical context, many endure financial hardship while others enjoy material comfort. Although a fair distribution of limited resources at diocesan, provincial, or national levels may not resolve every issue, it would undoubtedly mitigate disparities among clerics within a given diocese, episcopal province, or country. Achieving such equity demands heightened diligence from those entrusted with safeguarding the clerics’ right to adequate sustenance, as well as a more systematic approach aligned with the prescriptions of canon law.

6. Proposals for Efficiently Providing Clerics with Adequate Sustenance

6.1 Local Legislations

The first thing the local churches that have not yet organized adequate sustenance for their clerics must do is recognize it as an inalienable right and legislate on it at diocesan, provincial, and national levels. Given the limited economic resources of most local churches, it would be more efficient to implement provincial, regional, or national policies on clerics’

³² *Vatican Council II*, Decretum de pastoralis episcoporum munere in Ecclesia Christus Dominus (28 oct. 1965), in: AAS 58 (1966), n° 31, 689.

³³ Cf. *Communicationes* 36 (2004), 33–38.

sustenance (and other financial matters), without prejudice to the provisions on the autonomy of each particular church.

Before diocesan norms governing the adequate sustenance of clerics can be established, it is essential first to institute regulations for the administration of the Church's temporal goods. These regulations must conform to universal law and address all matters delegated to lower-level legislators. Such norms are indispensable for the effective financial management of parishes and other diocesan structures. Accordingly, diocesan bishops are called to establish all requisite structures and bodies within the diocesan curia.³⁴

As clerics are at the center of the whole process, the training provided in major seminaries should be revised, with a particular focus on admission criteria, community life, and the values of fraternity and charity in the priesthood.

6.2 Financial Perequation

In light of the challenges local churches face with ineffective policies for supporting their clergy, we propose the economic concept of *perequation* to optimize the utilization of available resources³⁵. Rooted in the principles of the common good and solidarity, this economic approach – when effectively implemented – can foster a genuine sense of belonging among clerics to a shared priesthood. Such solidarity helps to alleviate the pronounced inequalities that persist in certain regions among clerics serving under similar conditions, offering them a measure of protection against precariousness. The Italian model, though not without its imperfections, is founded on these ideals of solidarity and communion, which lend it a degree of stability, even as state support remains a significant factor.

6.3 The Establishment of the Institutes and Common Funds of canon 1274

The universal legislator established the institutes and common funds outlined in canon 1274 to ensure the effective management of the church's temporal goods. These institutes and funds are mandatory unless clerics receive remuneration befitting their status and suitable social welfare by other means. Consequently, it is necessary for all particular churches to establish: an institute for the sustenance of clerics at the level of the national episcopal conference; an institute at the provincial or national episcopal conference level; and an institute at the diocesan level. Even when a central or national institute exists, the creation of a diocesan institute for clerics' sustenance remains obligatory under canon 1274. The presence of a central institute does not absolve the diocese of its responsibility toward incardinated clerics and those exercising pastoral ministry within its territory. Additionally, institutes for the social welfare of clerics should be established at the provincial or national level, along with a fund for other diocesan needs. While this fund is not directly related to the adequate sustenance of clerics, it is nonetheless relevant, as it promotes sound financial and

³⁴ Cf. can. 469.

³⁵ Cf. Jean Yawovi Attila, *Péréquation financière: un défi pour l'autosuffisance économique des jeunes Églises*, Venise 2011.

administrative practices. Adequate sustenance for clerics cannot be ensured if the local church's finances are poorly administered.

Furthermore, as the remuneration and social welfare of clerics are fundamentally economic matters, they should be addressed using appropriate financial methodologies and in accordance with local norms and institutions. Mutualization, moreover, presupposes the existence of resources before any redistribution can occur. To ensure these proposals do not remain purely theoretical, local Ordinaries will require the expertise of economic specialists to tailor these recommendations to their specific geographical and economic contexts.

6.4 Proposal to Modify the Existing Norm to Better Satisfy the Clerics' Right to Sustenance

We may well ask whether, beyond the obligation to establish the various institutes and common funds prescribed by canon 1274 CIC/83, the universal legislator should also require national episcopal conferences to enact specific complementary regulations regarding clerics' remuneration and social welfare. In this spirit, we propose amending canon 281 by adding a fourth paragraph, whereby the universal legislator would mandate national episcopal conferences to establish complementary norms for the adequate sustenance of clerics, analogous to canon 538 §3, which obliges such conferences to provide for the sustenance of retired parish priests (those who have reached the age of seventy-five). This approach could offer a promising path forward in universal law and merits careful consideration. If there exists a clear legal provision for parish priests who have reached retirement age, why should there not be a similar provision for those still engaged in pastoral ministry? New circumstances call for new ordinances from the lawgiver.

Conclusion

Taking into account the various historical and cultural backgrounds, the economic circumstances of the different particular churches, and the proper charisms of the various clerical religious institutes, the right of clerics to adequate sustenance is either well organized and provided for, or not properly addressed. In many local churches, it is often left to pastoral units to provide for clerics' material needs. Our analysis reveals that the question of adequate sustenance for clerics is not yet well organized in many local churches.³⁶

To fulfil this right of clerics with limited financial resources, it is essential to foster a sense of communion among clerics (and those training to become clerics), not only at the diocesan level but also at provincial, national, and universal levels. This education in a greater sense of communion and charity is important because individualism cannot facilitate the establishment of common, suitable sustenance models. Without giving the economic aspect excessive importance in the life and ministry of diocesan priests, we maintain that it is

³⁶ The adequate sustenance of clerics should be understood as receiving a remuneration befitting their status, as well as a suitable social welfare. This remuneration should provide for their basic needs and the fair payment of those whose services they require. Cf. Canon 281 §§1-2.

a topic worthy of consideration. Paying attention to and studying financial and organizational matters is important in the life of the Church. Nevertheless, although the adequate sustenance of clerics is clearly defined as a right, the same legislator links it to the obligation of maintaining a simple way of life (ex canon 282 §1).³⁷

Finally, although the realities may and do differ from one country to another and from one diocese to the next, the problems and challenges they face are similar, if not identical. The methods proposed herein may conveniently be applied in most local churches with appropriate adjustments.

Die angemessene Versorgung der Kleriker wird in der geltenden Gesetzgebung als ihr Recht und als Pflicht derjenigen definiert, die für deren Sicherstellung verantwortlich sind. Um jedoch zu vermeiden, das Priestertum als eine zivile oder laienhafte Funktion zu betrachten, bezeichnet der Gesetzgeber dieses Recht nicht als *ius*, sondern verwendet vielmehr das Verb *merentur*. Sie muss von jeder einzelnen Kirche oder von Zusammenschlüssen einzelner Kirchen organisiert werden. Tatsächlich ist die Versorgung des Klerus *locorum temporumque* sicherzustellen, das heißt, unter Berücksichtigung der örtlichen und zeitlichen Gegebenheiten. Mehr als vierzig Jahre nach der Promulgation der geltenden Gesetzgebung ist sie noch immer nicht von allen Ortskirchen ordnungsgemäß organisiert worden. Diese Situation verursacht sowohl für die Kleriker als auch für die Ortskirchen Probleme. Nach einer Exegese der Norm von can. 281 §§ 1-2 untersucht der vorliegende Beitrag einige ihrer Anwendungen in vier unterschiedlichen geografischen, kulturellen und sozioökonomischen Kontexten, bevor Wege vorgeschlagen werden, um die *congrua sustentatio* der Kleriker besser zu gewährleisten.

³⁷ Clerics should lead simple lives and avoid anything that suggests worldliness.