

THE RIGHT OF BISHOPS-EMERITI FOR A PLACE OF RESIDENCE IN THE DIOCESE

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Abstract

It is natural for most human beings to experience a kind of vacuum of power upon retiring from the position or authority of administration. It is also true with a bishop emeritus as a human being. He may still undergo an experience of *loss* of his pastoral office. This psychological state of a bishop emeritus could be accentuated if he – on the acceptance of his resignation from his pastoral office – cannot avail of a suitable ‘place of residence’ for him in the diocese he foliated last. It is high time for the episcopal conferences – as indicated in *Christus Dominus*, 21, *Ecclesiae Sanctae* I, 11 and in CIC c. 402 and CCEO c. 211 – to study the issue of appropriate support for a bishop emeritus.

Key Words: Bishop Emeritus, Retirement Home, Remuneration, Twin-Obligation, Place of Residence, Parish House, Clergy Home, Ambiguity, Predicaments, Status, Uncertainty.

Introduction

Readers might wonder why this issue of the right of the bishops-emeriti for a place of residence in the eparchy where they served last, is relevant. Through instances, the issue is clarified.

Firstly, a few years back, an emeritus-bishop of a diocese in the Latin Church as he was approaching his retirement age (75th year) took up the study of the canons on ‘the status of the bishops-emeriti. In his study, he said, he discovered some *ambiguity* in canon 402 as regards the ‘place of residence’ in the diocese for bishops-emeriti. He said that it is *not clear* from CIC c. 402 who is responsible for providing the ‘place of residence’ in a diocese for its bishops-emeriti.

In order to have more clarity on this issue, he had raised this issue at the forum of the Bishops’ Conference of the country, but to no avail.

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He, however, shared with me that some of the bishops-emeriti had devised their own solutions to this issue of *ambiguity* in canon 402. As he waited for an official clarity, he realized that it was time for him to tender his resignation from the office of the diocesan bishop. On receipt of his resignation by the Holy See, he realized that he had no 'place of residence' in the diocese where he served last, except to put up as a *guest* of his successor in the bishop's house. It is this status of a *guest* in the bishop's house that, he said, had caused him embarrassing situations - some of which he shared with the author.

Secondly, recently, the said author had to be admitted to a *Covid* hospital. As he was lying on the *Covid*-hospital bed - with no sufficient physical strength in him to sit or to stand or to talk - suddenly the *plight* of the above-referred bishop-emeritus flashed into his mind. One may note that it is only when the author was *incapacitated* by *Covid-19* that he could empathize with the *helplessness* of the said bishop emeritus, which revolved around: (a) the *uncertainty* of a suitable retirement home for him in the diocese and (b) the *certainty* of the degeneration of cells in the brain and body that would set in him with his advancing old age.

It is the empathy with the helplessness of the above-referred bishop emeritus that prompted the study of the afore-mentioned issue of the *ambiguity* concerning the 'place of residence' for the bishops-emeriti - especially in reference to CIC c. 402; CCEO c. 211.

Here below one can notice the outcome of this study, that is, whether or not there is *ambiguity* in the above-referred canons concerning the 'place of residence' for bishops-emeriti in the diocese they officiated last.

1. The Enigma of the 'Place of Residence' for Bishops Emeriti

As a student of canon law, the author remembers his canon law professor telling the students about the issue of 'the status of bishops-emeriti' as referred to in CIC c. 402 (cf. CCEO c. 211). Elaborating on the issue further, the professor had said that the primary source for these canons has been the Decree of the Second Vatican Council on the Pastoral Office of Bishops in the Church, *Christus Dominus* (CD), which states the following: "As the pastoral office of bishops is so important and onerous, diocesan bishops ... are earnestly requested to resign from their office if on account of advanced age or from any other grave cause they become less able to

carry out their duties. This they should do on their own initiative or when invited to do so by a competent authority. If the competent authority accepts the resignation, it will make provision for the suitable support of those who have retired and for the special rights to be accorded to them" (CD 21).

This Conciliar teaching, he said, has been elaborated in *Ecclesiae Sanctae* I (ES I), the Apostolic Letter of Pope Paul VI on Implementing the Decrees: *Christus Dominus* (CD), *Presbyterorum Ordinis* (PO), and *Perfectae Caritatis* (PC), as follows: "A bishop whose resignation from office has been accepted, may retain a place of residence in the diocese if he wishes. The diocese must provide for the bishop who resigns a worthy and appropriate living. It is the duty of the episcopal conference of the territory by means of general norms to determine the way dioceses should fulfill this obligation" (ES I, 11).

It is to be noted that the above-quoted Apostolic Letter - *Ecclesiae Sanctae* I, 11 - is *clear* on 'the obligation of the competent ecclesiastical authority that accepts the resignation of the bishops to make provision for the suitable support of those who have retired and for the special rights to be accorded to them' (cf. CD 21) stating that (a) it is for each diocese to provide appropriate 'place of residence' in the diocese as well as an appropriate living for the bishop emeritus; and (b) the episcopal conference of each territory is to issue general norms to determine *the way* the dioceses in its territory should fulfil this obligation (cf. ES I, 11).

It is worth repeating the fact that the above-cited *Ecclesiae Sanctae* I, has made amply clear the obligation to provide an appropriate 'place of residence' in the diocese for its bishop emeritus if he so wishes to avail of it - rests on the *diocese* he officiated last. Moreover, it is also made amply clear in this *Apostolic Letter* that it is the obligation of the Episcopal Conference of each territory to issue general norms to determine the *way* the dioceses in its territory are to fulfill this obligation.

Even as the Apostolic Letter, *Ecclesiae Sanctae* I, is *clear* as regards the obligation of each diocese to provide an appropriate 'place of residence' in the diocese for its bishop emeritus, according to the bishop emeritus referred to in the *Introduction* above, there is some *ambiguity* in the canon law concerning this same obligation of the diocese. Here below one could note the analysis of the relevant

canons in both the Codes of Canon Law, that is, CIC-1983 and CCEO-1990.

1.1 The Status of Bishops-Emeriti as per Codes of Canon Law

The above-cited Conciliar teaching on the 'status of bishops emeriti as specified in the Decree, *Christus Dominus* as well as in the Apostolic Letter, *Ecclesiae Sanctae* I, has been duly adopted by the Pontifical Commission for the Revision of the Code of Canon Law (CIC) and has codified it in CIC cc. 401-402. Similarly, the same Conciliar teaching has been duly adopted by the Pontifical Commission for the Revision of the Code of Canons of the Eastern Churches (CCEO). It has been codified in CCEO cc. 210-211.

As per the canons in both CIC and CCEO, the issue of the 'place of residence' (*sedem habitationis*) for a bishop emeritus / eparchial bishop forms part and parcel of the *package* of 'a suitable and worthy provision for the upkeep (*congrua*)' of bishops emeriti/eparchial bishops.

In CIC c. 402 § 1 and CCEO c. 211 it is indicated that the diocesan bishop/eparchial bishop whose resignation from office has been accepted by the competent ecclesiastical authority acquires the title 'emeritus' of the diocese/eparchy he officiated last. It is further indicated in this *para 1* (§1) that this bishop emeritus/eparchial bishop if he so wishes, can retain or may have (*servare potest*) a 'place of residence (*sedem habitationis*)' in the diocese he officiated last, unless, because of special circumstances in certain cases, the Apostolic See provides otherwise.

A simple reading of the clause - 'can retain or may have a place of residence in the diocese' - leads one to presume that such a 'place of residence' is already *existing* or *available* in the diocese, *prior* to the acceptance of the resignation of a diocesan bishop/eparchial bishop by the competent ecclesiastical authority and to his acquiring of the title 'emeritus'.

The above presumption sounds too audacious at least in line with the case of bishop emeritus referred to in the *Introduction* above. On the acceptance of his resignation letter by the competent ecclesiastical authority, this bishop emeritus could not find a 'place of residence' in the diocese he officiated last for his retirement home, instead, he had to spend his initial retirement years as a *guest* of his

successor in the bishop's house. This is not a case in isolation – there are more such cases, which will be treated later.

At the outset, one can say that this *norm* in CIC c. 402 §1 and of CCEO c. 211 is clear about the *right* of the bishop emeritus for a 'place of residence' in the diocese he officiated last – but it seems to be *not clear* or to be *ambiguous* about the *obligation* of providing such a 'place of residence' in the diocese or better still, it seems to be *not clear* or to be *ambiguous* as whose *obligation* it is to provide such a 'place of residence' in the diocese.

Since CIC c. 402, §1 and CCEO c. 211 have the Apostolic Letter of Pope Paul VI (1966), *Ecclesiae Sanctae* I as its primary source, one is to re-read this primary source for some light at the end of the tunnel of ambiguity. In *para* §2 of *Ecclesiae Sanctae* I, 11, it is indicated that the diocese is to provide for a 'place of residence' in the diocese and for a 'worthy and appropriate living' for its bishop emeritus. This clarity is construed from the term 'besides' used in the following sentence: "A bishop, whose resignation from office has been accepted, may retain a place of residence in the diocese if he so wishes. The diocese must, *besides*, provide for the bishop who resigns, a worthy and appropriate living." The dictionary meaning of the term 'besides' is 'in addition to', 'above', and 'beyond'. The term 'besides' therefore links together *two obligations* of the diocese: (a) the obligation to provide for a 'place of residence' for the bishop emeritus in the same diocese, and *in addition* (b) the obligation to provide a worthy and appropriate living for the bishop emeritus.

The issue of the above-referred *package* of 'a suitable and worthy provision for the upkeep (*congrua*)' of bishops-emeriti/eparchial bishops can be treated in the light of a similar package for the *clerics* in general. CIC c. 281 §2 indicates that clerics deserve just remuneration for their services to the diocese that can provide for the necessities of their life. Likewise, suitable provision is to be made for such social welfare as the clerics may need in infirmity, sickness, or old age.

This issue of just remuneration for the clerics and suitable provision, especially for their old age, is treated in greater detail in CCEO c. 390 §2, probably because the Oriental Churches have both *celibate* and *married* clergy. For example, it is indicated in this canon that the married clergy has the right to suitable pension funds, social security, and health benefits– for themselves and their *families*.

Further on, it is stated in CCEO c. 390 §2 that in order that this right for suitable pension funds, social security as well as health benefits to be effectively put into practice, the clerics are bound by an obligation on their part *to contribute* to the fund referred in CCEO c. 1021 §2 according to the norm of the particular law. Now it is indicated in CCEO c. 1021 §2 that wherever social security and health insurance have not been suitably arranged for the clergy, the particular law of each Church *sui iuris* will provide for the creation of institutes safeguarding these benefits and put them under the vigilance of the local hierarchy.

Even as the above-cited CCEO c. 390 §2 stresses the obligation of the clerics, in general, to contribute to the *fund* referred to in CCEO c. 1021 §2 as per the norm of the particular law, it can be presumed that the Bishops' Conference of a territory/country would devise mechanisms to *top up* such fund for the clerics in general – a kind of a 'corpus fund' that accrues *interest* which is sufficient enough for the disbursement of funds to those who are entitled to their pension funds, social security and health benefits. It is common knowledge that clerics – both celibate and married – while in office tend to move from one presbytery to another. By the time they reach their retirement age, their retirement home will have been ready for their occupation – lest they become homeless on their retirement from office. To this end, as far as my information goes, most dioceses have established *clergy homes* for their retired clerics.

What is said above concerning the fund for the clerics in general (cf. CIC c. 281 §2) could also be applied to the bishops, who are also clerics even though they are endowed with the charism of bishops or with an ecclesiastical dignity higher than that of the order of presbyters and deacons. Even as it has been noted above from CIC c. 402 and CCEO c. 390 that the provision of law for retirement benefits for the bishops emeriti too are made, yet as per the bishop emeritus mentioned in the *Introduction* above, this provision of law is *ambiguous* or better still it is not clear as who is responsible to provide a 'place of residence' for the bishop emeritus in the diocese he officiated last. Here below, I want to analyze the issue in reference.

1.2 Ambiguity Concerning Place of Residence for Bishop emeritus?

If one reads down the text in CIC c. 402 §1 one is to *presume* that once the resignation of a Bishop in the office is accepted by competent

ecclesiastical authority a *place of residence* for this Bishop emeritus will have been made ready, in the diocese, for his immediate use, if he so wishes (*si id exoptet*). But this *presumption* has proved to be too audacious for some of the bishops-emeriti encountered by the author. For example, the bishop-emeritus mentioned in the *Introduction* above, at the time of the encounter with the author, was *without* a suitable retirement home for him in the diocese, where he officiated last – hence was his consternation. This bishop-emeritus – himself being a canonist – sensed the above-mentioned *ambiguity* in CIC c. 402. In order to seek clarity on this issue, he said to have raised it in different forums of the Bishops' Conference of India – but it was to no avail, as most of the bishops seemed to show no interest in the issue.

The lack of interest of the above-referred Bishops on the issue of retirement homes for bishops-emeriti could be in line with the golden adage: '*why cross the bridge before reaching it*' or put it simply: why think of retirement home while one is still young and in office. The above-mentioned Bishop-emeritus himself seemed to have come face to face with the *ambiguity* in *canon 402* only when he was nearing his retirement age. While he was busy raising the issue of the retirement home for bishops-emeriti in different forums, it was time for him to tender his resignation to the Supreme Pontiff (cf. CIC c. 401 §1) – and thus he had to remain put, temporarily, in one of the rooms of the Bishop's House. Even as the new in-coming diocesan Bishop was accommodative to him, the said Bishop emeritus seemed to be not content with the present *ad-hoc* arrangements and therefore, he was looking for a *suitable* retirement home for himself in the diocese, where he officiated last, as was his *right*, in line with CIC cc. 401 § 1 and 402 §1.

During the discussion with the above-referred bishop-emeritus, the author realized that this bishop was insisting on his rights as bishop-emeritus. But the author could not argue with him then and there as he could not bring to his memory the sources for CIC c. 402 the bishop was referring to. A later reference to the sources, especially the earlier mentioned Apostolic Letter, *Ecclesiae Sanctae* I, it dawned on the author that it was the diocese, where a bishop-emeritus officiated last, held an inter-related *twin* responsibility: (i) to provide a *place of residence* for the bishop emeritus in the diocese he officiated last, which he may retain it if he wishes; and (ii) *besides*, the

diocese must provide for the Bishop, who resigns, a worthy and appropriate living (cf. ES I, 11).

It is to be noted that the alleged *ambiguity* referred to by the bishop-emeritus mentioned in the *Introduction* above, concerning the 'place of residence' for the bishop emeritus does not ensue from the above-cited Apostolic Letter, *Ecclesiae Sanctae* I, 11, as it is very clear about the twin-responsibility of a diocese towards its bishop emeritus, that is, to provide: (i) a 'place of residence', *besides*, (ii) appropriate support for the bishop emeritus in the diocese he officiated last. The alleged ambiguity, therefore, could be attributed to the canons in both the Codes of Canon Law (CIC and CCEO), which were to translate the Conciliar doctrine into canonical language. The core of the Conciliar doctrine on the status of bishop-emeritus seems to have been lost in translation. Here below, an analysis could be made of the relevant canons of CIC-1983 as well as CCEO-1990.

1.3. Pinpointing the Source of the Alleged Ambiguity in the Codes of Canon Law

The above-referred Conciliar doctrine is to be found in CIC c. 402 and CCEO c. 211. Earlier above (2.1), both these canons have been analyzed, and it has been noted that the alleged *ambiguity* seems to revolve around the issue of whose *obligation* it is to provide such a 'place of residence' to the bishop emeritus in the diocese. It is noted from the above-referred Apostolic Letter, *Ecclesiae Sanctae*, I, 11, that it is mandatory for the *episcopal conference* of each territory to determine, by means of *general norms*, the way dioceses should fulfil the above twin-obligation (cf. ES, I, 11). This mandate seems to have been encoded in CIC c. 402 §2 as follows: "The Bishops' Conference must ensure that suitable and worthy provision is made for the upkeep of a Bishop who has resigned (*congruae et dignae Episcopis renuntiantis sustentationi*), bearing in mind the primary obligation (*prinmaria obligatione*) which falls on the diocese which he served."

The above encoding of CIC c. 402 §2 falls short of the *core* teaching in *Ecclesiae Sanctae* I, 11 concerning the obligation of the *episcopal conference* of each territory to determine, by means of *general norms*, the way dioceses/eparchies should fulfill the above twin-obligation. The *core* of this Conciliar teaching is 'the obligation of the episcopal conference of each territory to determine, by means of general norms, the way dioceses should fulfil the twin-obligation of (i) providing an 'a place of residence, *besides*, (ii) appropriate support

for the bishop emeritus or eparch in the diocese/eparchy he officiated last. However, canon 402, §2 does make mention of the responsibility of the episcopal conference on two counts: the episcopal conference is to ensure that (a) 'suitable and worthy provision is made for the upkeep of a Bishop who has resigned'; and that (b) 'this responsibility falls on the diocese, which he served, as its primary duty.

Nonetheless, CIC c. 402 §2 or CCEO c. 211 is not clear as to how the episcopal conference of each territory is to exercise the above responsibility, or rather it is not as explicit as the *Ecclesiae Sanctae* I, 11 is, as how the episcopal conference of each territory is to exercise its responsibility, that is, by determining, by means of general norms, the way dioceses/eparchies are to fulfill their twin-responsibilities towards their respective emeriti-bishops/eparchs. It is such *faulty* encoding of the *core* teaching of *Ecclesiae Sanctae* I, 11 in CIC c. 402 §2 or CCEO c. 211 that seems to be the source of the alleged ambiguity in the said canons. As per the bishop emeritus mentioned in the *Introduction* above, the episcopal conference of India has not yet issued any *general norms* to determine the way dioceses/eparchies are to fulfill their twin responsibilities of providing: (i) a 'place of residence', *besides*, (ii) appropriate support for the bishop emeritus in the diocese he officiated last.

As a consequence of the above lacuna, the said bishop emeritus had to spend the initial years of his retirement as a *guest* of the incoming bishop in the bishop's house - to the embarrassment of both the bishops. Besides, it could be noted that in the *absence* of such general norms from the episcopal conference of India, some of the bishops-emeriti interpreted the provision in CIC c. 402 or CCEO c. 211 in their own way and made their own *make-shift* arrangements for their retirement-homes. Below, one could note the reasons why such arrangements for retirement homes could be described as *make-shift* arrangements.

2. Twin-Obligation of the Diocese as per CIC C. 402

It is worth repeating what has been noted above concerning the *absence* of general norms from the part of the episcopal conference to determine the way the *dioceses/eparchies* are to make provisions for (i) a 'place of residence; and (ii) appropriate support for bishops emeriti/eparchs in the dioceses/eparchies, they officiated last. In the absence of general norms from the part of the episcopal conference of

India, *different* diocesan bishops – as they were nearing their resignation from their office – acted *differently* concerning the ‘place of residence’ in the diocese for its bishop emeritus. In the absence of a ‘place of residence’ in their diocese for the bishop emeritus, (i) some diocesan bishops put up a ‘place of residence’ in the diocese for the bishop emeritus of the diocese; (ii) other diocesan bishops made make-shift arrangements for their personal purpose of retirement; (iii) some other diocesan bishops preferred to retire at their ancestral homes; and (iv) still some other diocesan bishops preferred to remain *undecisive* concerning their retirement-homes till the time their resignation from their pastoral office was accepted by the competent ecclesiastical authority.

A brief survey conducted by the author showed that some dioceses had earmarked special rooms for their bishop emeritus in their already established *clergy homes*. It is surprising that to this date, some dioceses do not even have a clergy home. In such circumstances, it is noted that the diocesan bishop, nearing his retirement age, put up a clergy home, which included special rooms for the bishop-emeritus of the diocese.

Even as CIC c. 402 §2 mentions the primary obligation of the diocese to provide for the suitable and worthy upkeep of the bishop emeritus in the same diocese, all diocesan bishops are presumed to know, as per canon law, that a diocese is a *juridical person, ipso iure* (cf. CIC c. 113-; see also CCEO c. 921 §2). Further on, it is indicated in CIC c. 393 or in CCEO c. 190 that in all juridical transactions of the diocese, the diocesan bishop acts in the *person* of the diocese. Hence, as per CIC c. 393, the *diocesan bishop* is acknowledged by universal law as being competent to represent and act in the name of the diocese as a public juridical person (cf. CIC c. 118).

It is evident from the above exposition that the juridical act of putting up a ‘place of residence’ for the bishop emeritus in the diocese is one of the juridical transactions which a diocesan bishop is required to put on in the *person* of the diocese, as acknowledged by the universal law, as being competent to represent and act in the name of the diocese. However, this does not seem to have been as evident or as clear to some of the diocesan bishops that the juridical act of putting up a ‘place of residence’ in the diocese for the bishop who resigns from his office is one of the juridical transactions of the diocese. This lack of clarity seems to have been attributed by some of

the bishop emeriti to the *absence* of general norms on the part of the episcopal conference of each territory in ensuring – as per CIC c. 402 §2 – that it is the primary obligation of each diocese to make suitable and worthy provision for the upkeep (*congrua*) of a Bishop who has resigned from its office.

Nevertheless, this norm in CIC c. 402 §2 seems to refer only to *one* of the twin-obligation of the diocese – a twin obligation that has been made quite explicit in *Ecclesiae Sanctae* I, 11. In other words, the primary obligation referred to in CIC c. 402 §2 does not seem to include the obligation of the diocese in providing a ‘place of residence’ (*sedem habitationis*) in the diocese for its bishop emeritus, if he wishes to avail of it, as it is clearly indicated in *Ecclesiae Sanctae* I, 11. It is probably not clear to the episcopal conference of each territory itself concerning its obligation that is mentioned in CIC c. 402 §2. In order to refresh oneself, this canon could be quoted here *verbatim*: “The Bishops’ Conference must ensure that suitable and worthy provision is made for the upkeep of a Bishop who has resigned, bearing in mind the primary obligation which falls on the diocese which he served”.

By way of summing up the above exposition, it could be said that the mandate given to the Bishops’ Conference in CIC c. 402 §2 in view of ensuring that a diocese/eparchy fulfills its primary obligation towards its bishop-emeritus may come into force *only* after it issues *general norms*, as envisaged in *Ecclesia Sanctae* I, 11 to determine the *way* the dioceses/eparchies are to fulfill their obligation towards their respective bishops-emeriti. It could, therefore, be concluded that in the *absence* of general norms on the part of the episcopal conference of each territory in determining the *way* the dioceses/eparchies are to fulfill their twin-obligation or primary obligation towards their bishops-emeriti, *different* diocesan bishops may interpret, *differently*, the canonical norms encoded in CIC c. 420 §2 or CCEO c. 211.

3. Different Outcomes from Different Interpretations of CIC c. 402

The argument of this Paper started with a concrete example of a bishop emeritus – who, despite being a canonist himself, had to spend his retirement years as a *guest* to his successor in the bishop’s house – to the embarrassment of both the bishops. As he was nearing his retirement age, and seeing that his diocese had no ‘place of residence’ for its bishop emeritus, this diocesan bishop is said to

have made some attempts for a *make-shift* arrangement for his own retirement home in the diocese. Even in this attempt, he was not successful to the date of the acceptance of his resignation by the competent ecclesiastical authority – hence he ended up as a *guest* to his successor in the bishop’s house.

This brief survey shows that in the *absence* of the above-mentioned general norms on the part of the episcopal conference of each territory, *different* diocesan bishops – as they were nearing their retirement age – are said to have interpreted the norms *differently* in CIC c. 402 – and hence there emerged *different* outcomes concerning the ‘place of residence’ for the bishops-emeriti in the diocese they officiated last. Below, brief examples of how different outcomes emerged from the various interpretations of CIC c. 402 could be cited. However, this survey does not refer to any case in the Oriental Churches.

3.1. Retirement Home in One’s Ancestral Home

Some years back, on his retirement, one diocesan bishop in Western India had chosen to settle down in his own *ancestral home* in a rural environment. But soon, he realized that his *house helps could not take care of his health issues* in that environment. He soon moved to the residence of his nephew, a medical practitioner in a city environment. Commenting on the plight of this Bishop emeritus in reference, the bishop-emeritus mentioned in the *Introduction* above said that, according to him, one’s *ancestral home* is not the right place to retire for *consecrated* ministers, especially for those endowed with ecclesiastical dignity of a Bishop. As for him, he added, he had decided never to retire in his *ancestral home* – even though his nephews and nieces would love to have him around.

3.2 Retirement Home in a Bungalow

As he was nearing his retirement age, a diocesan bishop in Central India, who had built up his diocese from scratch, put up a new bishop’s house for the in-coming diocesan bishop. He chose to retain the *old bishop’s house* as his retirement home – a modest bungalow that was originally a family house. He even had made arrangements for a Lay Brother to assist him with all his retirement home needs. But gradually, he said to have realized that his *health* issues could not be taken care of from this isolated bungalow.

Even though he said to have planned to move *closer* to a Nursing home run by Religious Sisters, the main hurdle for him seemed to have been finding a place of residence closer to this nursing home. Sensing that putting up a new residence closer to the said nursing home would cost him a fortune, the bishop emeritus is said to have devised a strategy. He said to have focused on the parish residence closer to the nursing home. When the parish priest planned to go abroad on a summer substitution programme, this bishop-emeritus volunteered to substitute him in the parish in his absence. This bishop emeritus moved with his bag and baggage and the Lay Brother to this parish residence as his new retirement home. When the said parish priest returned from abroad, the said bishop emeritus is said to have *refused* to vacate the parish residence and politely asked him to look out for another residence for himself.

3.3. Retirement Home in a Sisters' Convent or in a Parish House

As he was nearing his retirement age, a diocesan bishop in North India had made arrangements for his retirement home that was attached to a *convent* of Religious Sisters in the diocese. Even as the Religious Sisters of the said convent took care of all his needs, he soon was afflicted by some *amnesia*. Despite their great love and care for this bishop emeritus, the said Religious Sisters seemed to have been at a loss as to how to deal with the issue at hand.

Recently, a bishop emeritus, in Eastern India – as he was nearing his retirement age – had made arrangements for his retirement home, attached to a *parish-house* in the diocese. It is too early to say how this arrangement will work out. Besides, there is no clarity as regards the availability of *professional* medical assistance for the bishop emeritus.

3.4. Retirement Home in Diocesan Clergy Home

I had the privilege of meeting a bishop emeritus, in South India, in his retirement home within the premises of the diocesan *clergy home* he had built just before his retirement. The entire clergy home has been built on row-bungalows lines with 1B2H1K facilities. A kitchenette attached to each bungalow gave its residents the freedom to prepare their own snacks as and when required – without disturbing the main kitchen staff. Moreover, the said bishop emeritus had engaged a room boy to take care of all his personal needs.

The minus point that one could foresee in this type of clergy home was the lack of clarity concerning the access to the *professional* services of doctors and nurses for the inmates of this clergy home.

3.5. Retirement Home in the Clergy Home Attached to a Hospital

A diocesan bishop, in Western India - while he was still in office but nearing his retirement age - had planned for his retirement home that would be *part* of the diocesan clergy home to be attached to a hospital of a Religious Congregation of Sisters. Even though the said Religious Congregation had already put up its hospital on the plot of land in the vicinity of the existing diocesan clergy-home, the *terms and conditions* for the Mutual Agreement between the two parties (civilly registered societies) could not be finalized during the term of office of the bishop who was nearing his retirement age.

It was learnt later from the concerned officials of both parties that it was not easy for them to come to a mutual agreement on the said *terms and conditions* for various reasons. Since the clergy-home was not, legally, an integral part of the hospital, it was difficult for these officials to finalize the issue of rendering *professional* services of doctors and nurses to the inmates of the clergy-home, viz., daily check-ups of the inmates of the clergy-home and their timely hospitalization in the hospital.

3.6. Retirement Home in the Clergy Home in the Diocesan Hospital

In a diocese in South India, special rooms have already been earmarked for bishops- emeriti in its clergy home, which is established in one of the wings of its *diocesan hospital*. Being an integral part of the diocesan hospital, this clergy-home enjoys the privileges of being administered by one and the same *hospital administrator* (a diocesan priest) - who takes the responsibilities of providing (a) the professional services of hospital doctors and nurses to the inmates of the clergy-home in the same manner as they do to other patients in the other wings of the hospital; and (b) Sisters of a Religious Congregation (also as official hospital staff) also to assist the inmates of the clergy-home in their *other personal* and *special needs* of the clergy.

This type of retirement home is the advantage over the type mentioned in *no. 4.5* above is that this type in *no. 4.6* is that it is administered by one of the same *hospital administrators* in coordinating the professional services of the doctors and nurses of

the hospital as well as in coordinating the professional services of the sisters of the Religious Congregation in the clergy home. The disadvantage of the former type (*no. 4.5*) is that it had *two administrators*, one for the clergy home and the other for the hospital – a system with in-built bureaucratic delays in the decision-making process, which can be fatal in emergencies.

The type of retirement home described in *no. 4.6* seems to me to be an ideal model that could be adopted by other dioceses – because it provides for the *professional services* of hospital doctors and nurses. These professional services are *basic* in caring for those afflicted with illnesses, especially during advancing old age. It has been noted above that in most types of retirement homes, such professional services were lacking – and hence was the cause that had led the said bishop emeritus in case *no. 4.1* to shift their retirement homes from one location to another.

4. Urgent Need to Clear the Ambiguity in CIC c. 402

I have mentioned a few situations on the *plight* of the bishops-emeriti due to the lack of *clarity* in CIC c 402 and lack of *general norms* from an episcopal conference of each territory – as envisaged in *Ecclesiae Sanctae* I, 11 – concerning the retirement homes for bishops-emeriti in the dioceses, they officiated last. Even as each bishop emeritus is free to choose his own retirement home, the diocese, where he officiated last, cannot abdicate its responsibility of making a ‘place of residence’ available in the diocese for its bishop emeritus to choose from. Even as CIC c. 402 §1 seems to give the freedom of choice to the bishop emeritus – if he so wishes (*si id exoptet*) – it is too audacious to expect a bishop emeritus, especially in the so-called mission-dioceses, not to avail of the ‘place of residence’ provided by the diocese, which he officiated last.

However, a religious bishop emeritus may enjoy this freedom of choice – because he can also choose to return to his Religious Institute for his retirement, albeit without an active and passive voice in this institute. Other instances where this freedom of choice could be used by a bishop emeritus – as indicated in CIC c. 402 §1 – would require stretching one’s imagination to the limits, viz., (i) if a bishop emeritus, owning millions of dollars, decides to put-up his own retirement-home; or (ii) if a bishop emeritus, renouncing the world, joins monastic life. These last two instances would be the rarest of such instances. An instance of a diocesan bishop – while he was still

in office in a diocese in the European Union – having put up a luxurious bungalow for his retirement home. When the social media publicized this instance as a kind of scandal in the Church, Pope Francis is said to have criticized this diocesan bishop not for putting up his own retirement home but for the *opulence* that oozed from this retirement home.

The emphasis in CIC c. 402 §1 seems to be on the *freedom of choice* that a bishop emeritus has. Instead, CIC c. 402 §1 should have been framed in such a way that the emphasis would fall on the *primary responsibility* of the Church to provide a ‘place of residence’ for the emeritus-bishop in the diocese, which he served last. This primary responsibility of the Church would at least be *commensurate* with the *earnestness* which – as per the Conciliar teaching and CIC c. 401 – is required of a diocesan bishop in tendering his resignation from his office either due to completion of his 75th year of age or due to his becoming *unsuited* for the fulfillment of his office due his illness or some other grave reason. The Conciliar teaching and canon 401 are explicit in assuring that the competent ecclesiastical authority would make appropriate provisions (*providebit*) on the acceptance of the resignation of such a diocesan bishop (cf. *Christus Dominus*, 21; *Ecclesiae Sanctae* I,11; CIC c. 401).

The Conciliar teaching in the above-cited documents seems to me to be concerned *more* about the importance and burdensomeness of the *pastoral office* of the diocesan bishops, to the extent that their advanced age or illness or some other grave reason is considered to be rendering them *unsuited* to hold their *pastoral office* in their respective diocese. The same concern could have been encoded – *unambiguously* – in the Codes of Canon Law concerning the status of the diocesan bishops who tender their resignations from the pastoral office of their respective diocese. In other words, the same concern encoded in the Codes of Canon Law towards the *dignity* of the *pastoral office* of the diocesan bishop could have also been encoded concerning showing, explicitly, the concern of the Church towards the *human dignity* of the *person* of the *pastor*/diocesan bishop who tenders his resignation from his pastoral office in the diocese. Any shortfall in this regard could smack of the ‘throw away culture’ on the part of the Church concerning its bishops-emeriti.

Conclusion

It is natural for most human beings to experience a kind of *vacuum of power* upon retiring from the position of one's *political power*. Even as one continues to be the bearer of the *charism of the bishop* – hence as the bearer of *spiritual power* – a bishop emeritus, as a human being, may still undergo an experience of *loss* of his pastoral office, a kind of a *vacuum of political power*. This psychological state of a bishop-emeritus could be accentuated if he – on the acceptance of his resignation from his pastoral office – cannot avail of a suitable 'place of residence' for him in the diocese he officiated last.

The above exposition has shown that the canons in the Codes of Canon Law are not as *unambiguous* as the Conciliar teaching is in *Christus Dominus*, 21 and *Ecclesiae Sanctae* I, 11. It has been noted in the above exposition that, as per this Conciliar teaching and the CIC c. 402 and CCEO c. 211 the burden of making provision (*providebit*) for the bishops-emeriti falls on the *episcopal conference* of each territory. This burden of the episcopal conference of each territory consists of issuing *general norms* to determine how each diocese has to fulfill its twin obligation of making provision for: (i) a 'place of residence', *besides*, (ii) appropriate support, for its bishop emeritus.

It has been noted in the above exposition that as a consequence of the absence of such *general norms* from some episcopal conferences, different outcomes have emerged out of different interpretations of CIC c. 402 or CCEO c. 211 on the part of the diocesan bishops, as they were nearing their retirement age: some were of personal make-shift arrangements, and others were adjustments in the existing diocesan clergy homes.

It is high time for the episcopal conferences – as indicated in *Christus Dominus*, 21 and *Ecclesiae Sanctae* I, 11 and in CIC c. 402 and CCEO c. 211 – to study the issue in reference and to issue general norms to determine the *way* each diocese has to fulfill its above-mentioned twin-obligation, as a primary duty, towards its bishop emeritus.