

Maryknoll votes on Bourgeois' dismissal from order

Joshua J. McElwee | Mar. 7, 2012

Roy Bourgeois

The leadership of the Maryknoll Fathers and Brothers has voted on whether they will dismiss from the order Fr. Roy Bourgeois, a longtime peace activist who has come under scrutiny for his support of women's ordination.

While the outcome and timing of the vote is unclear, the order's communications manager confirmed with *NCR* on Wednesday it had taken place.

Confirmation of the vote came after Bourgeois said in a phone interview Tuesday he had received a call in late February from Maryknoll Fr. Mike Duggan, the U.S. regional superior of the order, informing him of the vote.

In a separate conversation, Dominican Fr. Thomas Doyle, a noted canon lawyer who has been serving on Bourgeois' behalf, told *NCR* he had also spoken to Duggan in February.

Doyle said Duggan told him that the order's general council, which consists of its superior general and three assistant generals, had come to a split decision over Bourgeois' removal.

As canon law mandates that at least five people vote on issues of dismissal from religious orders, Doyle said Duggan had told him that a fifth person from the order had been brought in to join the council in the vote. The fifth person was not named.

Doyle said Duggan had told him two council members voted in favor of dismissal and three members abstained.

Duggan said the council sent a letter to the Vatican with the results of the vote, Bourgeois and Doyle told *NCR*.

Responding to a request for comment on the matter, Mike Virgintino, the order's communications manager, said in a phone call Wednesday morning that "there's not much we can say."

"Early on, the Maryknoll Society and Father Roy Bourgeois mutually agreed that all discussions would be conducted privately as the matter involved Fr. Bourgeois' personal relationship with his Church," Virgintino wrote in a follow-up email. "Maryknoll has and will continue to be faithful to this agreement."

Calls to Duggan for comment were not returned Wednesday morning.

Two canon lawyers contacted by *NCR* declined to comment on the canonical issues surrounding such a vote of dismissal, citing the sensitivity of the case and the lack of specific information about what had occurred.

A third, Fr. Francis Morrissey, said it was "very difficult" to evaluate because discussion of the dismissal is "so technical" and involves "so many hypotheticals."

Doyle and Bourgeois expressed some frustration over lack of official communication from the leadership. Doyle said he has written "13 or 14" letters to Fr. Edward Dougherty, the order's superior general, in the last year

regarding the case and has received "only two responses."

In January, Bourgeois had heard from unnamed Maryknoll members that the general council had voted on his dismissal. Doyle wrote a letter Jan. 24 addressed to Dougherty, the general council and Duggan asking for clarification.

If the vote had taken place without Bourgeois being notified, Doyle wrote at the time, then "something is clearly amiss with the application of the canonical norms."

Fr. Edward McGovern, one of the order's assistant generals, replied to Doyle with a letter dated Jan. 30, which *NCR* has seen. McGovern wrote that he was replying on Dougherty's behalf while Dougherty was overseas and that the superior general would be "in further contact" once he returned to the country.

"I haven't heard from him since," said Doyle, who is most widely known for his advocacy on behalf of victims of sexual abuse by clergy. "They had voted to dismiss [Bourgeois] and they sent that to the Vatican. Roy had no clue this was going on and nor did I, and I'm his lawyer."

Bourgeois told *NCR* that he felt Maryknoll should be more open about the process "in the spirit of transparency and in the spirit of our community and openness."

Referencing the fact that he has been a member of the community for 46 years, he said that "because of the potential consequences we're dealing with here," any member of Maryknoll who faces such a situation "should have a right to what's being said to the Vatican."

"It's just not about me," Bourgeois said. "It's about transparency."

Among the possible questions raised by a vote of dismissal is what Vatican congregation Maryknoll might have contacted about the possible dismissal and what effect abstentions would have in the case, Morrissey said.

Regarding Doyle's comment that three of the five people voting had abstained, Morrissey said the canons dealing with removal of members from religious orders "don't say anything" about abstentions, "just [that] there have to be at least five" votes.

According to those canons, namely numbers 699 and 700, a dismissal can only come after an order's superior general consults with his or her general council and gives "accurate consideration of the proofs, arguments, and defenses."

If the proceedings of that discussion are secret, the canons state that the superior general must "issue a decree of dismissal with the reasons in law and in fact expressed at least summarily for validity."

Morrissey, who is an Oblate of Mary Immaculate who teaches at Ottawa's Roman Catholic University of Saint Paul, said another canon, which addresses the taking up of juridical acts, may be applicable in this case.

That canon, namely 127, states that "an absolute majority of those present" is required in some cases where the law prescribes that a superior general "requires the consent or the advice of some college or group of persons" in taking certain actions.

While Morrissey said he was unclear about whether that canon would apply in this situation, he also said simply that "two out of five would not be a majority of those present."

In an earlier email request for comment Wednesday morning, a statement from the Maryknoll Fathers and Brothers said the order communicates with "many congregations and dicasteries" of the Vatican.

"On this matter, and on the many matters at Maryknoll in which we preach the Gospel and assist the poor people in our world where we serve in mission, the Society continuously dialogues privately and in confidence with the Holy See on how best to carry out our mission," the statement read.

Canon 700 also states that a dismissal decree "does not have effect unless it has been confirmed by the Holy See." It also states that the dismissal "must indicate the right which the dismissed possesses to make recourse to the competent authority within ten days from receiving notification."

While as a missionary society the order normally functions under the Vatican's Congregation for the Evangelization of Peoples, Morrissey said which congregation they contacted regarding the vote could depend on the grounds the order was using to consider Bourgeois' removal.

For example, Morrissey said if the order was using Bourgeois' 2008 participation in a women's ordination ceremony as the key reason for removal, their letter on the matter would likely have gone instead to the Congregation for the Doctrine of the Faith.

In October 2008, that congregation gave Bourgeois 30 days to recant his "belief and public statements that support ordination of women" or face automatic excommunication. Bourgeois never recanted, saying he could not in good conscience do so.

Whether the priest was formally excommunicated is unclear, because the Vatican never issued a public statement to that effect.

Last year, Bourgeois received two formal warnings from his order that if he continued his "campaign in favor of women priests and failed to recant publicly your position on the matter," he faced dismissal and laicization.

In an Aug. 16 letter to the order, Doyle had asked that reputable theologians be brought in to examine the case "in order to look much more deeply" into two central issues: the church's claim that the teaching on women's ordination is infallible and the right of a Catholic "to act and think according to the dictates of his conscience" even if the conclusions put one in conflict with the church's highest authorities.

According to a press release from 2008, the general council for the Maryknoll Fathers and Brothers consists of four men, including Dougherty, McGovern and Maryknoll Frs. Paul Masson, the Society's vicar general, and Jose Aramburu, an assistant general.

According to the release, council members serve six-year terms.

According to the Maryknoll order's constitutions, which are available online, the process for dismissal of members from the order is to follow the provisions of canon law "with appropriate adaptations being made."

"Once the decree of dismissal has been confirmed by the Congregation for the Evangelization of Peoples, the dismissed member may not be readmitted to the Society, nor may he claim any compensation for services rendered to the Society or to the missions," reads the appropriate section of the constitutions.

In his interview, Doyle said the vote regarding Bourgeois' removal from the order is "especially interesting now," considering the stance the U.S. bishops' conference is taking regarding freedom of conscience over a controversial federal mandate requiring coverage of contraceptive services in health care plans.

"All these American bishops are speaking about freedom of conscience and exercise of religion," said Doyle. "But they will not respect one of their own people who wants to appeal to the same dynamic."

For his part, regardless of the uncertainties surrounding the dismissal vote, Bourgeois said the fact that several members of the council had apparently not endorsed his dismissal has given him a "glimmer of hope."

"I'm always talking about solidarity -- that we should be in solidarity with women called the priesthood -- and I felt it was a very good expression of solidarity with a member of the community," Bourgeois said. "To be very honest, I felt some joy and a glimmer of hope because I am fighting ... to stay in our community."

Citing the fact that he has spent 46 years with the order, 40 of those as a priest, Bourgeois said he was "grateful for the happiness, the meaning, and the hope that I found in my vocation as a priest and with my Maryknoll community."

"I just feel that I have a right like others to express openly disagreements about church teachings, without fear," he said. "Without being threatened with excommunication or the loss of one's pension."

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Editor's Note: A previous version of this story incorrectly reported how certain members of the Maryknoll Fathers and Brothers' general council voted in a ballot to remove Fr. Roy Bourgeois from the order. We cannot confirm how individual council members voted. We regret the error.

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