

THE ENTRUSTMENT OF PARISHES TO RELIGIOUS INSTITUTES
AN EXAMINATION OF CANONS 520 AND 678

by

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<i>AA</i>	SECOND <i>Vatican</i> COUNCIL, decree <i>Apostolicam Actuositatem</i>
<i>AAS</i>	<i>Acta Apostolicae Sedis</i>
Bogota (2007)	ORDO FRATRUM PRÆDICATORUM, <i>Acta Capituli Generalis Provincialium Ordinis Prædicatorum Bogotæ</i> , Rome, 2007, n.p.
c. / cc.	canon / canons
Caleruega (1995)	ORDO FRATRUM PRÆDICATORUM, <i>Acta Capituli Generalis Diffinitorum Ordinis Fratrum Prædicatorum Calerogæ in Conventu Sancti Dominici</i> , Rome, 1995, n.p.
<i>CCLA</i>	CAPARROS, E. et al. (eds.), <i>Code of Canon Law Annotated</i>
<i>CD</i>	SECOND VATICAN COUNCIL, decree <i>Christus Dominus</i>
<i>CIC/17</i>	<i>Codex iuris canonici, Pii X Pontificis Maximi iussu digestus</i>
CLSA	Canon Law Society of America
FLANNERY 1	FLANNERY, A. (gen. ed.), <i>Vatican Council II</i> , vol. 1
FLANNERY 2	FLANNERY, A. (gen. ed.), <i>Vatican Council II</i> , vol. 2
FRIEDBERG I	<i>Corpus iuris canonici: Editio Lisiensis secunda post Aemilii Ludovici Richteri curas ad librorum manu scriptorium et editionis romanae recognovit et adnotatione critica instruxit Aemilius Friedberg – Pars Prima: Decretum Magistri Gratiani</i> , Graz, Akademische Druck- u. Verlagsanstalt, 1959, Electronic reproduction, vol.1, New York, Columbia University Libraries, 2007.
FRIEDBERG II	<i>Corpus iuris canonici: Editio Lisiensis secunda post Aemilii Ludovici Richteri curas ad librorum manu scriptorium et editionis romanae recognovit et adnotatione critica instruxit Aemilius Friedberg – Pars Secunda, Decretalium Collectiones</i> , Graz, Akademische Druck- u. Verlagsanstalt, 1959, Electronic reproduction, vol. 2, New York, Columbia University Libraries, 2007.
LCO	ORDO FRATRUM PRÆDICATORUM, <i>Liber Constitutionum et Ordinationum Fratrum Ordinis Prædicatorum</i> , Rome, Curia Generalitia, 2017.
<i>LG</i>	SECOND VATICAN COUNCIL, dogmatic constitution <i>Lumen gentium</i>
Oakland (1989)	ORDO FRATRUM PRÆDICATORUM, <i>Acta Capituli Generalis Priorum Provincialium Ordinis Prædicatorum Oakland in conventu S. Alberti Magni</i> , Rome, 1989, n.p.
<i>PC</i>	SECOND VATICAN COUNCIL, decree <i>Perfectae caritatis</i>

- Providence (2001) ORDO FRATRUM PRÆDICATORUM, *Acta Capituli Generalis Electivi Ordinis Fratrum Prædicatorum Providentiæ in conventu S. Thomæ Aquinatis*, Rome, 2001, n.p.
- Rome (1983) ORDO FRATRUM PRÆDICATORUM, *Acta Capituli Generalis Electivi Ordinis Prædicatorum Romæ in Conventu SS. Dominici et Xysti*, Rome, 1983, n.p.
- Rome (1986) ORDO FRATRUM PRÆDICATORUM, *Acta Capituli Generalis Diffinitorum Ordinis Prædicatorum Abulensis in conventu S. Thomæ Aquinatis*, Rome, 1986, n.p.
- Rome (2010) ORDO FRATRUM PRÆDICATORUM, *Acta Capituli Generalis Electivi Ordinis Prædicatorum Romæ*, Rome, 2010, n.p.
- Rome (2017) ORDO FRATRUM PRÆDICATORUM, *Acta Capituli Generalis Provincialium Ordinis Prædicatorum Bononiæ*, Rome, 2017, n.p.
- SC SECOND VATICAN COUNCIL, constitution *Sacrosanctum concilium*
- StC *Studia canonica*
- Trogir (2013) ORDO FRATRUM PRÆDICATORUM, *Acta Capituli Generalis Diffinitorum Ordinis Prædicatorum Traugurii*, Rome, 2013, n.p.
- Walberburg (1980) ORDO FRATRUM PRÆDICATORUM, *Acta Capituli Generalis Provincialium Ordinis Prædicatorum apud Walberberg*, Rome, 1980, n.p.

INTRODUCTION

The *Codex Iuris Canonici* promulgated by Pope John Paul II in 1983¹ introduced a number of changes concerning the entrustment of parishes to clerical religious institutes and societies of apostolic life. Since “laws are to be related to earlier ones, and, as far as possible, harmonized with them” (c. 21), in order to gain a more complete understanding of the new law, it is helpful to review, perforce rather cursorily, the complex history of the engagement of religious in pastoral care in the Church, the entrustment of pastoral care to them, and the relationship between bishops, religious superiors and pastors in parishes entrusted to a religious congregation.²

The 1983 Code, taking inspiration from the Second Vatican Council but also making use of other developments in ecclesiastical law (including provisions for the oriental Churches) redefined the parish in more communitarian and personalist terms; with this came changes in the way the Code describes the entrustment of parishes to religious. This changed relationship is explored, and then the consequences of these changes, especially in the area of accountability.

Finally, the Order of Preachers is used as an example of how one institute has viewed its involvement in parishes.

¹ *Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus fontium annotatione et indice analytico-alphabetico auctus*, Libreria editrice Vaticana, 1989 (=Codex), English translation E. CAPARROS, M. THÉRIAULT and J. THORN, (eds.), 1989, Latin-English edition of the *Code of Canon Law* and English-language translation of the 5th Spanish-language edition of the Commentary prepared under the responsibility of the Instituto Martín de Azpilcueta, Montréal, Wilson & Lafleur Ltd, 1993 (=Code). All references to the canons of the 1983 Code will be styled “c.” for canon and “cc.” for canons, followed by the canon number(s).

² Since clerical societies of apostolic life are a relatively recent development in the history of the Church, this paper treats primarily of religious institutes. In relation to the current law, however, what is said of religious institutes applies also, *mutatis mutandis*, to clerical societies of apostolic life.

1. CHAPTER ONE – THE HISTORY OF PARISHES AND RELIGIOUS

Since the entrustment of parishes to religious is not a new phenomenon in the Church, we begin our study with a history of the institution of the parish, and the role of religious as pastors.

1.1. Pastoral Organization in the Early Church: ἐκκλησία, διοίκησις, παρoικία, μοναστήριον

“The life of the parish is the life of the Church.”³ Although the parish has become so fundamental to the experience of being a Catholic that one scholar could begin his dissertation on the constitutive elements of the parish with these words, one must remember that it is not the *parish* but the *local church* which is, by apostolic foundation, the primordial building-block of the Catholic Church.

The Greek word ἐκκλησία, accepted into Latin as *ecclesia*, is used in the New Testament to describe the gathering of Christians in each particular geographical place. Thus Paul addresses his earliest epistle τῇ ἐκκλησίᾳ Θεσσαλονικέων (“to the church of the Thessalonians”, 1 Thess 1:1),⁴ for example, and the visions of Revelation begin Ἰωάννης ταῖς ἑπτὰ ἐκκλησίαις ταῖς ἐν τῇ Ἀσίᾳ (“John to the seven churches that are in Asia”, Rev.1:4). In the words of the Second Vatican Council,

The bishop is to be considered as the High Priest of his flock from whom the life in Christ of his faithful is in some way derived and upon whom it in some way depends. Therefore all should hold in the greatest esteem the liturgical life of the dioceses centered around the bishop, especially in his cathedral church. They must be convinced that the principal manifestation of the Church consists in the full, active participation of all God's holy people in the same liturgical celebrations, especially in the same Eucharist, in one prayer, at one altar, at which the bishop resides, surrounded by his college of priests and by his ministers. [35].⁵

³ A. B. MICKELLS, *The Constitutive Elements of Parishes: A Historical Synopsis and a Commentary*, Washington, Catholic University of America Press, 1950, ix.

⁴ Biblical quotations and the abbreviation of the names of Biblical books are taken from *The Holy Bible: Revised Standard Version, Catholic Edition*, London: Catholic Truth Society, 1966.

⁵ SC 41; Footnote 35 in the document gives the following sources in St. Ignatius of Antioch, *To the Smyrnians*, 8; *To the Magnesians*, 7; *To the Philadelphians*, 4. FLANNERY 1, 14-15.

While this text uses the word *diocesis* to describe the faithful gathered around their bishop, the texts of St Ignatius referred to in the footnote all speak of ἐκκλησία.⁶ *Ecclesia* was the word that would be used by the Council in the Dogmatic Constitution on the Church.⁷ It is clear that the two words are being used with the same denotation.

Perhaps more surprising is the use of the word παροικία, taken into Latin as *parœcia* or *parocia* (parish), in most of the canonical legislation of the first millennium to refer to the local church governed by a bishop: what we would today call a “diocese.”⁸ Thus, for example, the Irish synod “of St Patrick”, declared:

Let not any bishop whatever, who goes from his own parish into one adjoining, presume to ordain, unless he has received permission from the one in whose domain he is; on Sunday he shall offer [Mass] only by invitation, and let him be content with this compliance.⁹

The word παροικία (parish) also has a scriptural origin. In classical Greek and the Septuagint (e.g. Gen 47: 9), the word meant essentially “a place of sojourn”; 1 Pet 17 speaks of τὸν τῆς παροικίας ὑμῶν χρόνον (“throughout the time of your exile.”) Thus a certain stability of the Christian people in a place is evoked, even though they are pilgrims, for “our homeland is in heaven.” (Phil 3: 20)

⁶For example, Ignatius writes “to the supremely blessed church which is in Ephesus of Asia”; (Translation of the author; original text: “τῇ ἐκκλησίᾳ τῇ ἀξιομακαρίστῳ , τῇ οὔσῃ ἐν Ἐφέσῳ τῆς Ἀσίας.” J.-P. MIGNÉ (ed), *Patrologiæ Cursus Completus*, Series Græca, Paris, Garnier, 1894, t. 5, 643.

⁷ LG 27.

⁸ L. BOUSCAREN and A.C. ELLIS, *Canon Law : A Text and Commentary*, Milwaukee, Bruce Publishing Company, 3rd ed. 1957, (= BOUSCARAN and ELLIS, *Canon Law*), 186.

⁹ D. WILKINS, (ed.) *Concilia Magnae Britanniae et Hiberniae, a Synodo Verolamiensi AD CCCCXLVI ad Londinensem A.D. CIO IO CC XVII*, London, R. Gosling et al., 1737, 3. (The translation is the author’s. Original text: “Episcopus quislibet, qui de sua in lateram progreditur parochiam, nec ordinare præsumat, nisi permissionem acceperit ab eo, qui in sua principatu est; die dominica offerat tantum susceptione, et obsequi hic contentus sit.”) Attributed to Patrick, Auxilius and Iserinus and dated 456, this text is now generally thought to be somewhat later than fifth century. (T. CHARLES-EDWARDS, “The Pastoral Role of the Church in the Early Irish Laws,” in J. BLAIR and R. SHARPE (eds.), *Pastoral Care Before the Parish*, Leicester, Leicester University Press, 1992, 78.)

During the great persecutions of the first three centuries, these two words signified a people called together with an eschatological destiny, under the leadership of a pastor-bishop.¹⁰ We can discern two models of this episcopal leadership in the ancient Church, the Pauline and the Johannine. In the former, bishops moved around, ordaining presbyters for local pastoral leadership; in the latter, the bishop remained in the city, where he alone celebrated the eucharist, surrounded, “as far as possible”¹¹ by his priests and deacons, whom he sent out to the surrounding Christian communities for ministry.¹² In neither case was there yet a distinct notion of *territory*: rather it was a question of a sacramental, mystical and eschatological structure, designed at once to strengthen the believers in a time of persecution and evangelise the non-believers, in preparation for the longed-for return of the Lord.

1.2. From Late Antiquity up to the Tridentine Reform: διοίκησις and μοναστήριον

We must now consider the development of parishes in the great sweep of history from late antiquity, when the Church gained its freedom in the Empire, to the Council of Trent.

1.2.1. The Development of the Parish After the “Peace of the Church” (4th – 7th Centuries)

The “peace of the Church” under Constantine, and the establishment by Theodosius of Christianity as the religion of the empire, wrought a dramatic change in perspective for the

¹⁰ T. BLOT, *Le Curé, Pasteur: Des origines à la fin du XXe siècle – Étude historique et juridique*, Paris, Pierre Téqui, 2000 (=BLOT, *Le Curé, Pasteur*), 7.

¹¹ These words are those of the so-called *Apostolic Tradition*, para. 22, formerly attributed to the priest Hippolytus, but (*pace*, Thierry Blot) now identified as a fourth-century East Syrian work. See M. SMYTH, “L’anaphore de la prétendue « tradition apostolique » et la prière eucharistique romaine”, *Revue des sciences religieuses* 81/1 (2007), 15 note 7.

¹² The places where these presbyters celebrated Eucharist would become known as *tituli*; Pope Evaristus (97-105 AD) is said in the *Liber pontificalis* to have instituted these in Rome. (BLOT, *Le Curé, Pasteur*, 8).

Church. The “incarnation” of the Church in society¹³ led to a large increase in the number of the faithful. This in turn led to a necessary multiplication of places of worship, so that the bishop was less and less likely to be present at Sunday eucharist, and so the role of the presbyter, the “priest of the second order,” grew in importance. At the same time, the word *diocesis* – familiar from secular Roman use – began to enter the ecclesiastical vocabulary. It was essentially identical in denotation with *parœcia*, though its secular origins meant that its connotation was administrative, while that of *parœcia* was theological and pastoral.

Finally, we must introduce both the word and the concept *monasterium*. As the “white martyrdom” gave the Church a new possibility for spiritual heroism, so a new reality entered Christian life: the monasteries or minsters. The nomenclature in ancient documents can be misleading.¹⁴ *Monasterium* does not necessarily mean a Benedictine monastery. What emerge both in Ireland and on the Continent are mother-churches, often termed *monasteria*, with smaller satellites: a pastoral network. Only some of these mother-churches were monasteries in the strict sense: others were communities of priests without formal monastic life. In northern Europe there was a haphazard collection of monasteries, private churches and secular communities, with varying degrees of secular control, while in Ireland the bishops had effective control of an extensive pastoral network.¹⁵

¹³ BLOT, *Le Curé, Pasteur*, 11, “the incarnation of the Church in a world which had become welcoming”; (translation of the author; original text : “l’incarnation de l’Église dans un monde devenu accueillant.”)

¹⁴ R. SHARPE, “Churches and Communities in Early Medieval Ireland: Towards a Pastoral Model,” in J. BLAIR and R. SHARPE (eds.), *Pastoral Care before the Parish*, Leicester, University Press, 1992 (=BLAIR and SHARPE, *Pastoral Care*), 101. As an extreme example, Sharpe points to the Irish word *manaig*, derived from *monarchus*, which simply meant a lay person economically tied to a particular church (Ibid., 102).

¹⁵ Thus the popular notion of a “monastic Church” in Ireland, effectively free of episcopal control, is a myth. Ibid., 101.

1.2.2. Emergence of Territorial Parishes and the Figure of the Pastor (8th – 10th Centuries)

It is clear that religious – in this case, the monks – played a critical role in pastoral care in the emerging parishes. In France, for example, in the Merovingian era churches were established as centres of liturgy and evangelisation, but were not yet territorial parishes.¹⁶ Under the Carolingians, the number of places of worship increased rapidly from the seventh to the ninth centuries, and they were increasingly served by monks.¹⁷ This increase was driven partly by the desire, urged on by royal instructions, to make Mass more available to the faithful, and sometimes by baser motives: an increase in churches could result in increased revenue.¹⁸ These churches were not yet “parishes” so much as satellites of the mother churches: they offered Mass on Sundays, but baptisms and funerals were reserved to the mother-churches. Only by the early tenth century or later can we speak of “parishes” in the full sense.¹⁹ As the parishes developed, so tension grew between diocesan and monastic clergy.

In theory, due to the essentially lay character of monastic life, parishes pertaining to monasteries were not served by the monks themselves, but by a secular priest presented by them to the bishop for appointment as pastor. The monastery received the parish revenues, and paid

¹⁶ H. PLATELLE, “Le paroisse et son curé jusqu’à la fin du VIIIe siècle : orientations de la recherche actuelle,” (=PLATELLE, “Le paroisse”), in MINISTÈRE DE L’ÉDUCATION NATIONALE, *Actes du 109^e Congrès National des Sociétés Savantes, Dijon, 1984 : L’encadrement religieux des fidèles au Moyen-Âge et jusqu’au Concile de Trente*, CTHS, 1985, 13.

¹⁷ BLOT, *Le Curé, Pasteur*, 21. “Under the Carolingians, many places of worship were henceforth served by monks; these religious were integrated into the local churches and took up an apostolate for which they were responsible to the bishop.” (Translation of the author. Original text: “Sous les Carolingiens, beaucoup des lieux de culte sont désormais desservis par les moines; ces religieux sont intégrés dans les églises locales et assument un apostolat dont ils rendent compte à l’évêque.”) Similarly, PLATELLE cites a study showing that about three hundred of four hundred parish churches established in Carolingian lands between 840 and 987 pertained to monks (PLATELLE, “Le paroisse,” 17).

¹⁸ A motive condemned by Hincmar of Rheims, by a local council at Toulouse in 844 and by imperial *capitulaires*. *Ibid.*, 21.

¹⁹ *Ibid.*, 22. Historians differ in their appraisal: G. Fournier quotes “parishes” such as Mâconnais in Languedoc around 915, Robert Fossier insists that the development of the parish was part of a “social revolution” in the eleventh century. (PLATELLE, “Le paroisse,” 13 and 24, n. 6).

the pastor a suitable stipend.²⁰ The ample legislation on this point, however,²¹ indicates that the rule was frequently violated,²² and other papal legislation clearly permitted the ordination of monks as priests to serve parishes.²³

England saw similar developments. As monastic life became more organised and, in a sense, distant from secular life, the monasteries or minsters were nevertheless places to which the laity came, and from which monks went out to evangelise.²⁴ Often two churches were constructed: one for the monks, the other for the laity. The latter was sometimes a wing of the monastic church, but often a separate “parish” church, served by the monks. There was a tension, but also a dynamism, between the tendency of the monk to withdraw from the world and the need to evangelise and then to minister to the evangelised.²⁵

²⁰ This is the origin of parishes united “quoad temporalia tantum” to a religious house. See *Codex iuris canonici, Pii X Pontificis Maximi iussu digestus, Benedicti Papæ XV auctoritate promulgatus*, Typis polyglottis Vaticanis, 1917, English translation in L. BOUSCAREN and A.C. ELLIS, *Canon Law*, c. 1425, §1. All references to the canons of the 1983 Code will be styled “CIC/17, c.” for canon and “CIC/17, cc.” for canons, followed by the canon number(s).

²¹ To give but one example, the decree of Urban III, *De capellis monarchorum et aliorum religiosorum* X, III, 37, 1, FRIEDBERG II, 607: “In churches where monks live, the people are not governed by a monk; but a chaplain, who governs the people, is instituted by the bishop on the advice of the monks, so that his ordination and appointment and his whole manner of life depends on the bishop alone.” (Translation of the author. Original text: “In ecclesiis, ubi monarchi habitant, populus per monarchum non regatur, sed capellanus, qui populum regat, ab Episcopo per consilium monarchorum instituatur, ita ut ex solius Episcopi arbitrio tam ordinatio eius quam deposito et toius vitæ pendeat conversatio.”)

²² PLATELLE, “Le paroisse,” 18.

²³ For example, Pope Innocent III: “According to the ancient canons even monks may be ordained priests for the government of parochial churches, for which reason they must exercise the office of preaching, which is a privilege.” (Translation of the author. Original text: “Et per antiquos canones etiam monarchi possunt ad ecclesiarum parochialium regimen in presbyteros ordinari, ex quo debent prædicationis officium, quod privilegium est, exercere.”) X, III, 35, 5, FRIEDBURG, II, 599. See F. ROMITA, *De Unione Paræciæ Aliorumque Entium Ecclesiasticorum Domui Religiosæ*, Rome, Editions Desclée, 1964, 13.

²⁴ G. ROSSER, “The cure of souls in English towns before 1000,” in BLAIR and SHARPE, *Pastoral Care*, especially 268.

²⁵ See B.E. DALEY, “The ministry of disciples: historical reflections on the role of religious priests,” *Theological Studies*, 48 (1987), 605-629, and, for a valuable case study, C. STANCLIFFE, “Cuthbert and the polarity between pastor and solitary in G. BONNER, D. ROLLASON and C. STANCLIFFE, *St Cuthbert, his Cult and his Community*, Woodbridge, Boydell Press, 1989, 21 – 44.

Finally, we may note that the importance of the monastery to pastoral care was certainly not confined to the West. Monasteries offered a comprehensive range of services in Byzantium: they were places of prayer and worship, certainly, but also prisons, refuges, reformatories and nursing homes, hospitals and centres of charity. Their sheer usefulness made them central to Byzantine life.²⁶

1.3. The Council of Trent

Space does not permit tracing here the parish through the challenges of the succeeding centuries: the Gregorian reform of the eleventh century, the rise of the friars and especially their confraternities in the thirteenth century,²⁷ the devastation of the Black Death in the fourteenth, and so on. With the reforms of the Council of Trent, however, we see set in place many of the legal principles that govern the parish today.²⁸

The first instinct of Trent was to forbid the union of parishes to religious houses:

But in whatsoever unions may have to be made, whether for the causes aforesaid, or for others, parish churches shall not be united to any monasteries whatever, or abbeys, or dignities, or prebends of a cathedral or collegiate church, or to any other simple benefices....²⁹

The decree is concerned essentially with “benefices”, that is, with finances, and this is the principal perspective from which the parish is viewed in the law in the succeeding centuries. This is not to say that finances were the Council’s only focus. In the pursuit of reform, Trent re-

²⁶ See M. ANGOLD, “Church and society: Iconoclasm and After,” in J. HALDON (ed.) *The Social History of Byzantium*, Malden, Mass., Wiley-Blackwell, 2009, 244.

²⁷ BLOT, *Le Curé, Pasteur*, 28f. and 31f.

²⁸ Although the decrees of Trent were not officially received in the Kingdom of France, royal decrees pursued many of the same goals of reform, such as residence of bishops, education of clergy, and the improvement of public morality. (BLOT, *Le Curé, Pasteur*, 50).

²⁹ Council of Trent, Session 24 *De reformatione*, c. 13, in J. WATERWORTH, (ed. & trans.), *The Canons and Decrees of the Sacred and Œcumenical Council of Trent*, London, Dolman, 1848, (= WATERWORTH, *Trent*), 220.

iterated many times the authority and the duty of the bishop to visitate every institution of pastoral activity in his diocese, including those of exempt religious.³⁰

1.4. The 1917 Code

We must pass over the vicissitudes of religious, whether in parishes or not, in the years after Trent.³¹ Despite the persecutions, and the whirlwind of change which came to parishes with the Industrial Revolution, the Code of Canon Law promulgated in 1917 maintained essentially the Tridentine vision.³² A parish was essentially an *administrative territorial division* considered especially as a *benefice*. Canon 216 of that Code declared:

§1. The territory of every diocese is to be divided up into distinct territorial parts; to each part a specific church and determined population are assigned, with its own rector as pastor, who is over it for the necessary care of souls.

§3. The parts of the diocese mentioned in §1 are *parishes*; the parts of an apostolic vicariate and apostolic prelatore, if a specific rector has been assigned, are called *quasi-parishes*.

A parish could be united with a religious congregation in two possible ways: *ad temporalia tantum* (in which the religious presented a secular priest to be instituted as pastor) and *pleno iure*. Because the union of a parish *pleno iure* with a religious house – something originally forbidden by Trent – amounted to an alienation of the property of a diocese, this could not be done without an indult of the Apostolic See³³ and prior consultation with the college of consulters.³⁴

³⁰ For example, Session 6, *De reformatione*, c.3 & c. 4; Session 7, *De reformatione*, c.7, c. 8; Session 13, *De reformatione*, c.1; Session 14, *De reformatione*, c.4; Session 21, *De reformatione*, c.8.; Session 22, *De reformatione*, c.8; Session 24, *De reformatione*, c.3; c.9; c.10, all in WATERWORTH, *Trent*, 52,62,63,85,114,150, 167, 188, 208-210, 215.

³¹ E.g., the 1789 Revolution saw the flight of religious from France and a consequent end to their administration of parishes in that country. In another era, the anti-clerical laws of 1901 and 1902 saw more than twenty thousand religious expelled by the end of 1903. BLOT, *Le Curé, Pasteur*, 289, n. 280.

³² *Ibid.*, 307.

³³ *CIC/17*, c. 452, § 2. The requirement for the indult was removed by the motu proprio *Ecclesiae Sanctae* in 1966: *AAS* 58 (1966), pp. 757-77; see esp. n. 33.

³⁴ *CIC/17*, cc. 1425 §1 and §2 and 1520, §3. See S. WOYWOOD and C. SMITH, *A Practical Commentary on the Code of Canon Law*, New York, Wagner, 1952, 15.

Difficulties often arose in the interpretation of these canons, not in the least because canonists often disagreed about them; for this reason, agreements *præter iurem* were accepted and even encouraged by the Holy See.³⁵ In fact, in 1930 the Congregation of the Council privately issued a “sample agreement for entrusting parishes to religious families”, and an updated version was circulated in 1960.³⁶

Meanwhile, certain developments in the Oriental law marked an advance on the provisions of the 1917 Latin code, and foreshadowed what would be adopted in 1983. In particular, the motu proprio *Cleri sanctitati* spoke of a written contract between the exarch and the religious;³⁷ it also allowed the union of parish with a religious house, but did not allow that a moral person be pastor: a priest must be appointed.³⁸

³⁵ PETRINUS, “Contracts Determining the Status of a Religious Parish,” in *The Jurist*, 9 (1949), 65-66; K.J. DUNN, *The Commitment of a Parish to Religious in the 1983 Code of Canon Law by Means of a Written Agreement*, Rome, Pontificia studiorum Universitas a S. Thoma Aq. in Urbe, 1992, (=DUNN, *Commitment*), 43; KAIN, S.E., *Written Agreements between Bishops and Religious for Entrusted Diocesan Works*, Canon Law Studies 550, Washington, Catholic University of America, 1996, (=KAIN, *Written Agreements*), 11.

³⁶ KAIN, *Written Agreements*, 20.

³⁷ PIUS XII, motu proprio *Cleri sanctitati*, 2 June 1957, in *AAS*, 49 (1957), c. 491, §1.

³⁸ *Ibid.*, 490, §1, 2°. These canons were a source for both the Fathers of the Second Vatican Council and the drafters of the new Code for the Latin Church. (DUNN, *Commitment*, 62).

2. CHAPTER TWO— FROM THE SECOND VATICAN COUNCIL TO THE PRESENT

Pope John XXIII's great council of *aggiornamento*³⁹ (“updating”) and *ressourcement*⁴⁰ (“return to the sources”) wrought profound changes in the Catholic Church, its theology, its structures, and, in consequence, its laws.

2.1. The Parish in the Texts and Context of Vatican II

Three characteristics mark the concept of the parish in the documents of the Second Vatican Council: the theology of *communio*, the parish as a part of a diocese (which is the legal expression of the local Church) and the apostolate of the laity.

2.1.1. The Theology of *communio* : the Parish as a *cœtus fidelium*

Promulgating the new Code in 1983, Pope John Paul II emphasised the ecclesiology of the Council as the basis for Code's revision:

The fundamental basis of the ‘newness’ which, while never straying from the Church's legislative tradition, is found in the Second Vatican Council and especially in its ecclesiological teaching, generates also the mark of ‘newness’ in the new Code. Foremost among the elements which express the true and authentic image of the Church are: ... the Church as the people of God (cf. *LG* 2), and its hierarchical authority as service (*LG* 3); ... the Church as a communion...⁴¹

³⁹ The word *aggiornamento* was first used in 1959 by Pope John XXIII when announcing the Council in reference to the up-dating of the Code of Canon Law (AAS 51 [1959], 68). However, in 1961 he referred to the entire work of the Council as “aggiornamento della strutture” (“updating of the structure”) of the Church, (AAS 55 [1963], 232). Paul VI also used the word also in this broader sense: for example, in his first Christmas Address to the Diplomatic Corps, 28 December, 1963 (AAS 56 [1964], 49), and to the Roman Nobility, 14 January 1964, where he spoke of “questo enorme problema dell’aggiornamento” (“this enormous problem of updating”) (AAS [1964], 196).

⁴⁰ The French origin of this word suggests the so-called *nouvelle théologie* which developed in the decades prior to the Council. It sought a renewal of the Church by a “return to the sources”, namely Scriptures and the Fathers: a more profound theology than the manualist or neo-scholastic school which had been current at least since Leo XIII. It influenced the theology of the Council deeply, but its influence is indirect in the canons of the new Code, whose *fontes* tend to be either the former Code or the texts of Vatican II itself. It can be seen, for example, in the considerable enhancement of the dignity and powers of a diocesan bishop. See below, 2.1.3. Note that the oldest sources given for cc. 375 – 411 (“On Bishops”) are a Response of the Sacred Consistorial Council (25 April 1917) for canon 377, and the encyclical *Humani generis* of Benedict XV (15 June 1917) for canon 386 (*Codex* 107, 110).

⁴¹ JOHN PAUL II, apostolic constitution *Sacrae Disciplinae Leges*, 25 January, 1983, in AAS 75, (1983), xii, English translation in *Code*, 53.

The teaching of the Council on *communio* has been reflected – in the decrees of the Council itself and in subsequent legislation – by new or renewed structures at the universal, diocesan and parochial levels: for example, the Synod of Bishops, the episcopal conference and the council of priests, and the parish pastoral and financial councils.

In treating of the bishop, the Council strengthened his position in the Church. The fullness of the priesthood was predicated of the bishop,⁴² and his authority as pastor was affirmed as belonging to him *per se*, not as a delegation from the pope.⁴³ At the same time, the diocesan bishop has limits designed to preserve communion and restrict arbitrariness: not just the reservation of certain powers to the pope, but the collegial bonds of the episcopal conference and the consultative bodies established of clergy and laity.⁴⁴

In an analogous way, the Council strengthened the position of the parish priest as a pastor in his own right, a co-worker with the bishop,⁴⁵ while recommending community life with other priests, collaboration with the laity and leadership in involving them in apostolic activity.⁴⁶

Whereas the 1917 Code had approached the parish primarily from the aspect of *benefice*, and then as a *division* – typically territorial – of a diocese, the 1983 Code abolishes the notion of benefices, and treats the parish primarily as a *coetus fidelium*:

⁴² *LG*, 21: “The holy synod teaches, moreover, that the fullness of the sacrament of orders is conferred by episcopal consecration, that fullness which both in the liturgical tradition of the Church and in the language of the Fathers of the Church is called the high priesthood, the acme of the sacred ministry.” (FLANNERY 1, 373.)

⁴³ *CD*, 8: “Bishops, as the successors of the apostles, enjoy as of right in the dioceses assigned to them all ordinary, special, and immediate power which is necessary for the exercise of their pastoral office, but always without prejudice to the power which the Roman Pontiff possesses....” (FLANNERY 1, 567).

⁴⁴ For a fuller discussion, see E. CORECCO, *Canon Law and Communio: Writings on the Constitutional Law of the Church*, Vatican City, Libreria editrice Vaticana, 1999, especially p. 69.

⁴⁵ “Parish priests are in a special sense collaborators with the bishop. They are given, in a specific section of the diocese, and under the authority of the bishop, the care of souls as their particular shepherd. [*tamquam pastoribus propriis*]”, *CD* 30; FLANNERY 1, 581.

⁴⁶ *Ibid.*

A parish is a certain community of Christ's faithful stably established within a particular Church, whose pastoral care, under the authority of the diocesan Bishop, is entrusted to a parish priest as its proper pastor.⁴⁷

This is as much a theological shift as a juridical one, from a perspective heavily influenced by secular administrative law to one based on the theological notion of *communio*.

2.1.2. The Parish as a Division of a Diocese

It remains true, of course, that administratively, a parish is a part of a diocese.⁴⁸ The new focus on *persons* and *community*, however, means that territoriality is now considered a characteristic of secondary rank. It has been moved from its place in the very definition of a parish, and placed a few canons later in the current Code, as a description (not a definition) of the most common kind of parish:

518. As a general rule, a parish is to be territorial, that is, it is to embrace all Christ's faithful of a given territory. Where it is useful however, personal parishes are to be established, determined by reason of the rite, language or nationality of the faithful of a certain territory, or on some other basis.

2.1.3. The Parish as a Communitarian Apostolate

Describing the parish as a "kind of cell" with the diocese, the Decree *Apostolicam Actuositatem* of Vatican II presented the parish as an "obvious example" of the apostolate at the level of community:

The parish offers an outstanding example of community apostolate, for it gathers into a unity all the human diversities that are found there and inserts them into the universality of the Church. The laity should develop the habit of working in the parish in close union with their priests, of bringing before the Ecclesial Community their own problems, world problems and questions regarding man's salvation, to examine them together and solve them by general discussion. According to their abilities the laity ought to cooperate in all the apostolic and missionary enterprises of their ecclesial family.⁴⁹

⁴⁷ Canon 515, §1.

⁴⁸ *Christus Dominus* explicitly describes the parish as "a specific section of a diocese." CD 30; (FLANNERY1, 581).

⁴⁹ AA, 10. FLANNERY 1, 777 - 778.

The same document affirms that the apostolate of the laity “is so necessary within the Church communities that without it the apostolate of the pastors is often unable to achieve its full effectiveness.”⁵⁰

2.2. The Parish and its Pastor in the New Code

We may now examine the constitutive elements of the parish and the figure of the parish priest as pastor in the new Code in more detail.

2.2.1. Constitutive Elements of a Parish (c. 515 §§1-3)

Canon 515 §1, quoted above, begins its definition of a parish as “a certain community of Christ’s faithful.” From the beginning, the emphasis is on *people* rather than territory, income, or the clergy.⁵¹ This community is “stably established within a particular Church”. Here we see the more ancient and scriptural title of ἐκκλησία used to describe the diocese. From a canonical point of view, the stability of a parish is assured by the fact that it is a public juridic person by virtue of the law itself, (c. 515 §3) for a public juridical person is by nature perpetual (c. 120; cf. c. 320 §2). The pastoral care of this community is then entrusted to the *parochus* as its proper pastor.

The juridical personality of the parish does raise some unresolved questions not unrelated to the focus of this paper. What is the essential element of which this personality is based? It is clearly not simply a free association of the parishioners, since it is established by the bishop, and, in the usual case of a territorial parish, includes as parishioners all Latin rite Catholics within its bounds, whether they wish to be so considered or not. This must be considered in conjunction

⁵⁰ Ibid.

⁵¹ Cf. DE PAOLIS, V., “De Parœciis Institutis Religiosis Commissis vel Committendis,” in *Periodica de Re Morali Canonica Liturgica*, 74 (1985), (=DE PAOLIS, “De Parœciis”), 390.

with the description of the parish as *pars diocesis*.⁵² As far as all juridical acts are concerned, it is the parish priest who “acts in the person of the parish,” ensuring that ecclesiastical goods are administered properly.⁵³

2.2.2. The *parochus ut pastor* (c. 519)

The description of the *parochus* in c. 519 is far richer in its ecclesiology than that of the former Code. The old code, with its hierarchical focus, spoke of “a priest or moral person upon whom a parish is conferred in his own right with the care of souls to be exercised under the authority of the Ordinary of the place.”⁵⁴ Indeed, it is not too much to say that the old Code was concerned mainly with *pastors* rather than *parishes*,⁵⁵ and indeed the *office* of pastor rather than his person.⁵⁶ The new Code, with the emphasis on authority as service,⁵⁷ does not speak of conferring a parish on a priest but of a parish being entrusted to him.⁵⁸ It refers to him as exercising “the pastoral care of the community entrusted to him”⁵⁹, and refers to his sharing in the three-fold ministry of Christ: teaching, sanctifying and ruling.⁶⁰ The new Code also draws in the cooperation of other clergy and the laity “in accordance with the law”.⁶¹

⁵² Clearly, the parish is non-collegial: its affairs are not “decided by its members participating together to make decisions.” (c. 115 §2.) This is very clear from c. 535.

⁵³ Canon 535.

⁵⁴ *CIC/17* c. 451§1 : “Parochus est sacerdos vel persona moralis cui paroecia collata est in titulum cum cura animarum sub Ordinarii loci auctoritate exercenda.”

⁵⁵ DE PAOLIS, “De Paroeciis,” 390 : “In Codice 1917 non habetur tractatio de paroeciis quantum potius de parochis.”

⁵⁶ *Ibid.*, 391.

⁵⁷ See above, note 41.

⁵⁸ Canon 515, §1.

⁵⁹ Canon 519, “cura pastoralis communitatis sibi concredita fungens.”

⁶⁰ Canon 519, “docendi, sanctificandi et regendi.” *Lumen Gentium* refers to the priest “in a certain sense making the bishop present.” *LG*, 28 b; (A. BORRAS, *Les Communautés Paroissiales : Droit canonique et perspectives pastorales*, Paris, Les Éditions du Cerf, 1996, 96.) (=BORRAS, *Les Communautés Paroissiales*).

⁶¹ Canon 519, “ad normam iuris.”

2.3. The Entrustment of a Parish to a Clerical Religious Institute (c. 520)

The pastoral demands of parishes and the shortage of diocesan priests have meant that many parishes are served by parish priests who are religious. We must now examine the possibilities by the Code, what form a written agreement between should be agreed between the bishop and the institute, and the status of existing agreements and “acquired rights” after 1983.

2.3.1. Entrustment Distinguished from the Appointment of an Individual Religious

In the former Code, there were two ways to address the pastoral need to have religious serve as pastors. A religious priest, with the agreement of his superior, could be appointed a parish priest, without any long-term commitment on either part.⁶² In other words, the institute could not expect that the next pastor would be from its number, nor was it expected necessarily to present a priest for appointment once the term of the incumbent ended. The other solution was to unite the parish to an institute *pleno iure*, so that the institute itself became the *parochus*, and appointed a priest as its vicar to exercise the actual pastoral care. Though this situation was fairly common, it amounted to an alienation of the property of a diocese, was considered legally an exception to the norm, in that it required an Apostolic Indult.⁶³

The requirement for the indult in the case of a union *pleno iure* was removed in 1966 by the motu proprio *Ecclesiae Sanctae*,⁶⁴ acknowledging that pastoral needs required this solution quite frequently, and that this could and therefore should⁶⁵ be regulated locally. Nevertheless, the “personalist” emphasis of the Council required a new approach. *Ecclesiae Sanctae* decreed that

⁶² See BOUSCAREN and ELLIS, *Canon Law* 190.

⁶³ *CIC/17*, c. 452, § 2.

⁶⁴ PAUL VI, motu proprio *Ecclesiae Sanctae*, 6 August 1966, n. 33, §1 in *AAS*, 58 (1966), 771-772.

⁶⁵ By virtue of the principle of subsidiarity. “It is not possible to speak of Vatican II ecclesiology without considering the Church's express adoption of the principle of subsidiarity as a guiding norm and the full implications of this choice for the Church's ecclesiology and canon law.” (P. J. BROWN, “The 1983 Code and Vatican II Ecclesiology: The Principle of Subsidiarity in Book V,” *The Jurist*, 69 [2009], 584).

parishes could no longer be united to chapters of canons;⁶⁶ while nothing was said about parishes united *pleno iure* to religious institutes, logic required that only a natural person, and not an institution – a moral or juridical person – could be a pastor.

The solution adopted by the Code is found in c. 520.

§1. A juridic person is not to be a pastor. With the consent of the competent superior, however, a diocesan bishop, but not a diocesan administrator, can entrust a parish to a clerical religious institute or clerical society of apostolic life, even by erecting it in a church of the institute or society, with the requirement, however, that one presbyter is to be the pastor of the parish or, if the pastoral care is entrusted to several *in solidum*, the moderator as mentioned in c. 517, §1.

§2. The entrusting of a parish mentioned in §1 can be made either perpetually or for a specific, predetermined time. In either case it is to be made by means of a written agreement between the diocesan bishop and the competent superior of the institute or society, which expressly and accurately defines, among other things, the work to be accomplished, the persons to be assigned to the parish, and the Financial arrangements.

This solution, in which the institute presents a priest to the bishop for appointment as pastor (or moderator of a team *in solidum*)⁶⁷ gives religious parish priests the full dignity of their role as pastors, which they genuinely exercise as parish priests and not as mere “vicars.”⁶⁸ Nevertheless, it remains true that they do so in the name and on behalf of the institute, to which the parish has been entrusted.⁶⁹ The priest thus appointed then is accountable to both the diocesan bishop and his superior, either of whom can remove him without the other’s consent.⁷⁰

⁶⁶ Ibid., n. 21 (2); this is now incorporated in c. 510.

⁶⁷ See cc. 523, 525, 1° and 682 §1.

⁶⁸ Under the former Code, a religious parish priest was legally a vicar of the institute; see *CIC/17*, c. 471. The former law distinguished, between the habitual care of souls residing in the institute, and the actual care residing in the vicar. The new Code does not repeat this terminology. (A.S. SÁNCHEZ-GIL, “Commentary” in A. MARZOA, J. MIRAS & R. RODRÍGUEZ-Ocaña [eds.], *Exegetical Commentary on the Code of Canon Law*, Montreal, Wilson & Lafleur, 2004, II / 2, 1289).

⁶⁹ See, for example, DE PAOLIS, “De Parœciis,” 408: “Although a physical person should be nominated pastor, this pastor is however himself a member of a certain religious community, in whose name he acts.” (Translation of the author. Original text: “Quamvis parochus persona physica nominatus sit, iste parochus tamen est membrum alicuius communitatis religiosæ, cuius nomine agit.”)

⁷⁰ Canon 682 §2; cf. c. 538, §2.

It is important to note that in can. 520 the parish is *entrusted* to a religious institute. This word “entrusted” is the same that is used of the *parochus* in c. 515 §1.⁷¹ While the institute is not the parish priest, it has a responsibility for the parish, not only in the moment of presenting a priest to the bishop for appointment, but also in ensuring that the parish is well served by its pastor. This responsibility of the institute will be discussed in greater detail in Chapter Three.

This, then, is the replacement in the new Code for the entrustment *pleno iure* in the 1917 Code. One should note that it is still possible for the bishop, with the consent of the superior, to appoint, in accordance with cc. 681 – 682, a religious priest as a parish priest *without* entrusting the parish to the institute. In this case the responsibilities of the religious superior are considerably less, and are essentially confined to c. 678 §2 and §3: to ensure that the religious is faithful to the discipline of the institute, and that the superior and bishop act by way of mutual co-operation.

2.3.2. The Written Agreement: Matters to be Included

Canon 520 §2 specifies that an entrustment of a parish may be “either perpetually or for a specific, predetermined time” and that “In either case it is to be made by means of a written agreement between the diocesan bishop and the competent superior of the institute or society.” Three things must be “expressly and accurately defined” (though others are not excluded) in this written agreement: the work to be accomplished, the persons to be assigned to the parish, and the financial arrangements.

⁷¹ The verb is *committere*. Some commentators take exception to the use of this word here. A. BORRAS, for example, writes, “The expression ... is not a happy one”, suggesting that entrustment should be made to the religious priest under canon 682 §1. This, however, would in fact eliminate the very idea of a “religious” parish, and lead to an impoverishment of the local Church. Borras has failed to appreciate the rich spiritual contribution which religious parishes make to the local Church. (A. BORRAS, *Les Communautés Paroissiales*, 112, note 9).

Since it is already obvious from the very fact of entrustment that “the work to be accomplished” is, in the broad sense, the administration and pastoral care of a parish, the Code surely means more than to state the obvious here. It expects some precision.

The written agreement therefore should detail what precisely are the responsibilities of the parish for existing and possible future services within the parish: for example, chaplaincy to hospitals and retirement and nursing homes, existing and future schools (both Catholic and non-Catholic), prisons, tertiary institutions and other entities within the parish’s territorial bounds. If the entrustment is perpetual, or long-term, a general clause should include possible future institutions, and possibilities for ministry.

The clauses concerning “persons to be assigned to the parish” would not name the priest to be presented as parish priest, since that will change from time to time, but would rather specify the number of personnel to be assigned to parish work, and whether any priests will be presented to the bishop for appointment by him as pastors *in solidum* (c. 517 §1) or as parochial vicars (cc. 547, 548 and 682 §1).

The financial arrangements will vary, but could and should include the following:

- a) the remuneration of the pastor, co-pastors *in solidum* and any parochial vicars;
- b) the ownership of free offerings made by the faithful;
- c) the diocesan taxes to which the parish is subject, and any exemptions from them;
- d) the right of the religious congregation to hold special appeals in the parish for its own purposes, such as support of the missions, support of vocations promotion and the training of new religious, and any restrictions placed on such appeals (without impinging

on any established rights of the institute, such as the right of mendicant religious to beg⁷²);

- e) arrangements for the use of buildings belonging to the diocese or the parish for the purposes of the institute;
- f) the payment of rental to or by the institute for parish property used by the institute for its own purposes, or of property owned by the institute and used by the parish;
- g) arrangements in the event of the institute ceasing to serve the parish – for example, the terms on which the diocese might purchase the house adjoining the church for use as a presbytery, and any expectation that the diocese would be given “first option” for such a purpose;
- h) the record-keeping obligation of the pastor in relation to sacraments conferred not only in the parish church but in other churches and chapels that might exist within the parish boundaries.

While it is not essential, it might serve to reduce possible confusion if the contract included certain rights and obligations which the institute possesses by law or privilege. These could include, for example, the above-mentioned right of mendicants to beg for alms,⁷³ the right of the institute to establish within the church entrusted to it the associations attached to it, and the obligation to obtain the written permission of the bishop to establish such associations elsewhere in the diocese.⁷⁴ The obligations of c. 678 could well be recalled, namely that “the religious are subject to the power of bishops ... concerning the care of souls, the public exercise of divine

⁷² Canon 1265; the right of mendicants to beg can be regulated, but not extinguished, by the Conference of Bishops.

⁷³ See above, note 72.

⁷⁴ Canon 312 §2.

worship, and other works of the apostolate”⁷⁵, saving the right of the institute to observe any liturgical forms proper to them⁷⁶, and that “in exercising an external apostolate, religious are also subject to their proper superiors and must remain faithful to the discipline of the institute.”⁷⁷ The obligation to respect the intention of donors, and particularly their intention to donate to the parish or the institute (which are separate juridic persons) could be mentioned. The right and obligation of the institute to share its spiritual patrimony with the people of the parish could be noted, including the promotion of its typical devotions, the veneration of its saints and the observance of its calendar, while always observing the feasts and solemnities of the local church according to law.⁷⁸ The rights and obligations concerning accountability detailed below in Chapter Three – notably the right of both the Major Superior and the bishop to conduct visitation and have access to the financial records of the parish – would be especially useful to mention. All these should be written not as terms of the contract – for it is not within the power of the parties to alter them – but as a note or appendix, since they establish the context in which the contract will operate.

2.3.3. The Status of Pre-Existing Entrustments and Acquired Rights

What is the status of parishes united *pleno iure* to religious houses prior to the 1983 Code?

*Persona iuridica ne sit parochus.*⁷⁹ This opening clause of c. 520 seems clear enough, may be translated “A juridical person may not be a parish priest.” One may note, however, that it is

⁷⁵ Canon 674 §1.

⁷⁶ All institutes have a proper *Rite of Profession*; some, like the Dominicans, have an extensive *Proper*, which includes not only the institute’s saints, but various alternative rites and prayers for blessing palms, ashes, candles and so on, and for holding certain processions and other rites.

⁷⁷ Canon 674 §2.

⁷⁸ S. CONGREGATION FOR DIVINE WORSHIP, Instruction *Calendaria Particularia*, 24 June, 1970, note 16 (d), in *AAS*, 62 (1970), 655, English translation in INTERNATIONAL COMMISSION ON ENGLISH IN THE LITURGY, *Documents on the Liturgy 1963 – 1979: Conciliar, Papal and Curial Texts*, Minnesota, the Liturgical Press, 1982, 1249.

⁷⁹ Canon 520, §1.

phrased in the subjunctive, a weaker form of the verb than the imperative originally proposed in the course of the Code's revision.⁸⁰ The question therefore arises: what is the situation of those parishes united *pleno iure* to a religious institute prior to the promulgation of the 1980 Code?

The general principle is that laws refer to the future, unless they are expressly retroactive.⁸¹ Also, if we compare c. 520 with c. 510, we see a distinct difference. In c. 510:

§1. Parishes are no longer to be united with chapters of canons. Those which are united to a chapter are to be separated from it by the diocesan bishop.

This canon repeats essentially the norm of the *Ecclesiae sanctae* n. 21, §2. On 25 June 1979, the Pontifical Commission for the Interpretation of the Decrees of the Second Vatican Council was asked whether these provisions in *Ecclesiae sanctae* applied to parishes joined *pleno iure* to religious institutes, and whether such unions must therefore be broken and prohibited in the future; the Commission replied in the negative.⁸² The two cases are quite different, as De Paolis points out.⁸³ Since the injunction of c. 510 requiring the separation of parishes united to chapters of canons is not repeated in c. 520 for parishes united to religious institutes, it may seem that these remain with the status they enjoyed under the former Code. Certainly they remain perpetually entrusted to the religious institute, as the new Code preserved existing "acquired rights."⁸⁴ De Paolis, however, who is followed by others,⁸⁵ argues that the new Code

⁸⁰ Both the 1977 and 1980 *schema* were phrased in the imperative: "Persona iuridica parochus ne esto." PONTIFICI COMMISSIO CODICIS IURIS CANONICI, *Schema canonum Libri II, De Populo Dei*, Roma, Typis Polyglottis Vaticanis, 1977, c. 353; Pontifici Commissio Codicis Iuris Canonici, *Schema Codicis Iuris canonici* (Patribus Commissionis Reservatum), Roma, Libreria Editrice Vaticana, 1980, c. 459.

⁸¹ Cf cc. 7 and 9.

⁸² *AAS*, 71 (1979), 696: "I. Utrum normae, de quibus in Litteris Apostolicis Motu proprio datis, die 6 augusti 1966, *Ecclesiae Sanctae*, I, 21, § 2, respicientes paroecias pleno iure unitas Capitulis Canonicorum, applicentur quoque paroeciis quae pleno iure concreditae sunt Institutis religiosis ad normam can. 1425 § 2 C.I.C. II. Quatenus affirmative, an praedictae uniones paroeciarum separari et in posterum prohiberi debeant. R. — *Negative ad primum; ad secundum* : provisum iam in primum."

⁸³ DE PAOLIS, "De Paroeciis," 409.

⁸⁴ Canon 4: "Acquired rights ... which are still in use and have not been revoked, remain intact unless they are expressly revoked by the canons of this Code."

simply does not countenance such a possibility,⁸⁶ and that they must therefore be considered as parishes permanently entrusted to the institute, but with the physical person nominated as pastor really holding the office of pastor, and not merely a vicar. The matter is not absolutely clear, and even De Paolis uses the verb “seems” – “*haec praescriptio videtur valere ...*”⁸⁷

Like acquired rights, any existing contract entered into prior to the 1983 Code remains intact until it is renegotiated. Such renegotiation may well be desirable, but is not actually required by the Code and cannot be imposed unilaterally.

The first such acquired right is, of course, the right to the parish itself, a right which is perpetual by virtue of the Apostolic Indult in the case of parishes formerly united *pleno iure*, and cannot be undone unilaterally by either the bishop or the institute.⁸⁸

These are important considerations where religious may have acquired rights to the various parish revenues. For example, in a parish joined *pleno iure* to a religious house under c. 1425 of the 1917 Code, stole fees and similar offerings of the faithful belong to the religious community. The right to hold certain appeals for financial support, or have an exemption from taking up a diocesan seminary collection (perhaps replaced by a collection for the institute’s novices), may be contained in contracts. If such rights existed prior to 1983, they are not affected by the new Code.

⁸⁵ For example, see E. GARCIA, « Parishes Committed to Religious” in *Boletín Eclesiástico de Filipinas*, 66 (1990), 206: “Since the new Codex does not admit that a religious community be the habitual parish priest for its being a juridical person, the religious priest, who was before the actual vicar... should be considered now as *true parish priest*, with the rights and obligations of a parish priest.”

⁸⁶ “Canon enim simpliciter vetat hanc possibilitatem.” DE PAOLIS, “De Parœciis,” 416.

⁸⁷ Ibid. In any case, it was always a mistake to imagine that the parish and community united *pleno iure* were actually merged; they were, however, in a special relationship. (J. A. ABBO and J. D. HANNAN, *The Sacred Canons*, (2nd rev. ed.) London, Herder, 1960, vol. II, 657, n. 7.)

⁸⁸ E. GARCIA, “Acquired rights not abrogated by the new Codex,” in *Boletín Eclesiástico de Filipinas*, 66 (1990), 434.

3. CHAPTER THREE – CONSEQUENCES OF ENTRUSTMENT UNDER CANON 520

The entrustment of a parish to an institute has consequences in law for all involved: bishop, pastor, parish and institute. In particular, relationships of accountability are established: of the institute to the bishop, and of the pastor to the bishop and to the institute. These need examination in some detail, along with the principal means of ensuring accountability (the visitation) and the means of resolving possible conflict.

Further, there are consequences for the parish, which has acquired a bond with the institute which will henceforth characterise it as a “religious” parish; this in turn imposes certain obligations on the institute, both to share its spiritual patrimony and charism with the parish on the one hand, and on the other to respect the rights of individual parishioners to pursue their own proper spirituality. What this may mean in practice may be elucidated by taking a particular example: the parishes entrusted to the Order of Preachers.

3.1. Questions of Accountability

The figure with the strongest legal protections, and yet the strongest requirements of accountability in the Code, is surely the figure of the pastor.⁸⁹

3.1.1. The Accountability of the Pastor to the Bishop (c. 678, §1)

Canon 678, §1 makes it clear that “in matters concerning the care of souls, the public exercise of divine worship and the other works of the apostolate, religious are subject to the authority of the Bishops, whom they are bound to treat with sincere submission and reverence.”

This general statement, which applies to religious in any apostolate, is in complete harmony with

⁸⁹ R.A. PARTIDA, *Accountability in the Exercise of Diocesan Pastoral Care: The Functioning and Monitoring of Selected Ecclesiastical Offices*, Washington, Catholic University of America, 2009 (=PARTIDA, *Accountability*), 333.

c. 519, which provides that the pastor exercises his ministry “under the authority of the diocesan Bishop, whose ministry of Christ he is called to share.”

The obligations of the pastor are set out in some detail in cc. 528, 529, 530, 534, 535, 536 and 537. The subjection to the bishop in cc. 519 and 678 §1 implies accountability to him for the pastoral ministry; this is so, whether the pastor is a diocesan priest or the member of an institute.

The sexual abuse crisis has arguably made the faithful less tolerant of other, more mundane inadequacies in the clergy. At least in developed countries, accountability is demanded, in the form of some form of review, by state or private authorities in which priests work as chaplains and teachers: the one area in which many clergy seem to have no regular evaluation is parochial ministry.⁹⁰ Canon Law does provide formal instrument given to the bishop to put this accountability into practice: *visitation*, which is required in each parish once every five years. This applies to parishes entrusted to religious and secular institutes.⁹¹

3.1.2. Visitation by Diocesan Bishops

Visitation is an ancient practice in the Church, with apostolic origins.⁹² It is said to represent a privileged moment of encounter between the bishop and the parish community, a privileged moment of ecclesial communion and grace.⁹³ The pastoral value of the parish visitation is well summarised by Luigi Chiapetta:

⁹⁰ K. MCDONOUGH, “ ‘I never knew what you really thought of me’ : Evaluation of Pastors and the Issue of Unassignability,” (= “Evaluation”) in *StC* 32 (1998), 147.

⁹¹ Canons 396-398. See c. 535, § 4, on the right and obligation of the bishop to examine the parish books. See also below, note 103.

⁹² G. SMITH, *The canonical visitation of parishes : history, law, and contemporary concerns*, Rome, Editrice Pontificia Università Gregoriana, 2008, (= *Canonical Visitation*) 16-19. There is also ample evidence of formal visitations in the time of the fathers of the Church: *ibid.*, 21-28.

⁹³ PARTIDA, *Accountability*, 338. See also CONGREGATION FOR BISHOPS, *Directory for the Pastoral Ministry of Bishops Apostolorum Successores*, Libreria Editrice Vaticana, Vatican City, 2004, n. 220: “For the communities or institutions visited by the Bishop, it is an event of grace, reflecting in some

The Pastoral Visitation, since it concerns the whole diocese in its various associations, sacred places, structures and institutions, offers the Bishop a good opportunity to praise, stimulate and support the Gospel workers, to see with his own eyes the difficulties in evangelization and the apostolate, to investigate and weigh once again the effectiveness of the pastoral activity as a whole, to come into contact with the heart of the brothers and sisters, to reignite flagging enthusiasm, and to call, finally, the brothers and sisters to a new awareness of self and to a more diligent apostolic action.⁹⁴

Drawing especially on the decrees of the Council of Trent,⁹⁵ the Code of 1917, and the early drafts of the revised Code, contained a list of the principal objectives of visitation:

To preserve healthy and orthodox doctrine, to care for good conduct and correct bad, to promote charity, devotion and discipline among the people and the clergy, to encourage the apostolate and to do whatever else in the circumstances contributes to the good of religion, the diocesan bishop is obliged to visit his diocese each year ...⁹⁶

This list was omitted from the 1980 draft of the Code as, in the words of the Secretary of the *Cætus*, “obvious and unnecessary;”⁹⁷ it has value, however, as a summary of the traditional understanding of the visitation’s goals.

measure that great visit with which the “chief Shepherd” (1 Pet 5:4) and Guardian of our souls (cf. 1 Pet 2:25), Jesus Christ, has visited and redeemed his people (Lk 1:68).”

⁹⁴ L. CHIAPPETTA, *Il Manuale del Parroco: Commento Giuridico-pastorale*, Roma, Edizioni Dehoniane, 1997, 196. (Translation of the author. Original text: “La Visita pastorale, poiche riguarda tutta la diocesi nelle sue varie associazioni, luoghi sacre, strutture ed istituzioni, offre al Vescovo una buona occasione per lodare, stimolare, confortare gli operai evangelici, per vedere con i propri occhi le difficoltà dell'evangelizzazione e dell'apostolato, per indagare e soppesare, ancora una volta l'efficacia dell'azione pastorale organica, per venire a contatto con il cuore dei fratelli, per eccitare le energie casualmente illanguidite, per richiamare, infine, i fratelli ad una nuova coscienza di se e ad una piu diligente azione apostolica.”)

⁹⁵ WATERWORTH: *Trent*, “Decree on Reformation, Chapter. III”: “The principal object of all these visitations shall be to lead to sound and orthodox doctrine, by banishing heresies; to maintain good morals, and to correct such as are evil; to animate the people, by exhortations and admonitions, to religion, peacefulness, and innocence; and to establish such other things as to the prudence of the visitors shall seem for the profit of the faithful, according as time, place and opportunity shall allow. And to the end that all this may have a more easy and prosperous issue, all and each of the aforesaid, to whom the right of visitation belongs, are admonished to treat all persons with fatherly love and Christian zeal; and with this view being content with a modest train of servants and horses...”, 209.

⁹⁶ *Communicationes* 12 (1980), 305. (Translation of the author. Original text: “Ad sanam et orthodoxam doctrinam servandam, bonos mores tuendos et pravos corrigendos, caritatem, pietatem et disciplinam in populo et clero promovendam, apostolatum fovendum, ceteraque pro ratione adiunctorum ad bonum religionis constituenda, tenetur Episcopus obligatione dioecesis ... quotannis visitandæ.”)

⁹⁷ *Ibid.* It was also agreed to replace the final word, *lustret* – “so that he examines” or “so that he reviews” with *visitet* – “so that he visits.” This final change is probably not of material importance,

It is clear, in any case, that the visitation is an instrument by which the bishop may exercise his ministry in a direct and personal way. In 2004, the Congregation for Bishops issued a Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores* which deals explicitly with the “Pastoral Visit,”⁹⁸ and which outlines the purpose of the visitation in terms closely reminiscent of Chiapetta’s *Parish Manual* quoted above:

The pastoral visit is one of the ways, confirmed by centuries of experience, through which the Bishop maintains personal contact with the clergy and with other members of the People of God. It is an occasion to rejuvenate the energies of those engaged in evangelization, to praise, encourage and reassure them. It is also an opportunity to invite the faithful to a renewal of Christian life and to an ever more intense apostolic activity.

The pastoral visit helps the Bishop to evaluate the effectiveness of the structures and agencies designed for pastoral service, taking account of the circumstances and difficulties of the task of evangelization, so as to determine more accurately the priorities and the means required for overall pastoral provision.⁹⁹

It is clear that parishes entrusted to religious are subject to this visitation; in the case of parishes joined to a religious house before the 1917 Code and not yet separated from it, the house still remains a separate entity,¹⁰⁰ and the parochial visitation concerns only the parish, and the church insofar as it serves the parish, not the internal matters of the house.¹⁰¹

The Directory gives a long – but still not necessarily exhaustive – list of activities which a bishop should endeavour to undertake during a pastoral visitation.¹⁰² The emphasis in this list is very much on *meeting* not only the clergy but all, great and small, in the parish. To it should be added the obligation – then or at another time – to review the keeping of the parish archive,

though one may wonder whether it was really an improvement, even stylistically, given that the canon already contains *visitandæ*.

⁹⁸ CONGREGATION FOR BISHOPS, *Apostolorum Successores*, Vatican City, Libreria editrice Vaticana, 2004, nn. 220 - 224.

⁹⁹ *Ibid.*, n. 220.

¹⁰⁰ See above, note 87.

¹⁰¹ T.F. REILLY, *The Visitation of Religious*, Washington, Catholic University of America, 1938, 62, 137 and especially 144-145; cf. *Codex Iuris Canonici* (1917), cc. 512 and 615. Prior to 1917, churches attached to houses where the major superior was resident were exempt from visitation.

¹⁰² *Ibid.* The *Directory* refers in turn to cc. 397 § 2, 615, 628 § 2, 637, and 683.

which includes the parish books.¹⁰³ In a modern diocese, a financial report, preferably independently audited and usually annual, may take the place of this examination, but there remains the question of ensuring that the sacramental registers, for example, are properly kept.

Visitation is not the only means of accountability, but is an important and privileged one.

3.1.3. Other Forms of Accountability to the Bishop

There is reason to doubt the adequacy and efficacy of visitation as a means of ensuring accountability, however. In 2005, a survey of Canadian bishops found that 71% of the 53 bishops who responded did conduct visitations,¹⁰⁴ the duration of which varied from one evening to four days.¹⁰⁵ Once one excludes the “one evening” visitations, only 26% prepared for the visitation by means of a questionnaire or similar instrument,¹⁰⁶ while one third of respondents provide a written report after the visitation.¹⁰⁷ Surprisingly, only 44% reported visiting the parish Church, and one third inspect parish registers. On the other hand, 61% receive a report on parish finances, and 78% meet with the parish financial council. Few bishops however reported “evaluation of priests” as forming part of their visitation.¹⁰⁸

Meetings with individuals and groups – including public meetings – were, on the other hand, reported by more than 70% of the bishops. While 77% felt that visitation was “important” it seems that its usefulness is more as a pastoral strategy than as a professional evaluation of clergy and their ministry.¹⁰⁹ Since the Canadian experience is probably representative of many, strategies are being proposed to meet what is increasingly seen as an urgent need.

¹⁰³ Canon 535, §4.

¹⁰⁴ SMITH, Canonical Visitation, 242.

¹⁰⁵ *Ibid.*, 241 -242.

¹⁰⁶ *Ibid.*, 252.

¹⁰⁷ *Ibid.*, 244.

¹⁰⁸ *Ibid.*, 247 - 248.

¹⁰⁹ *Ibid.*, 254.

In 1999 the CLSA published a document which sought to offer dioceses and parishes an instrument for self-evaluation.¹¹⁰ The instrument looks at the effectiveness of the parish under the three dimensions of sanctification, teaching and governance. Such an instrument could be used as part of the preparation for a canonical visitation, or as a self-evaluation by a parish between visitations.

At present, the Code contains no provision for such a process. A bishop could, however, offer it to pastors on a voluntary basis, or even require it by particular law.¹¹¹ While such a process is unlikely to uncover financial malfeasance or sexual abuse, it would yield both positive reinforcement for good pastors, and areas of weakness in some. Importantly, there should be some means of recourse in such a procedure if a pastor is unhappy with its findings. The former Code provided expressly for that in the case of a canonical visitation.¹¹²

3.1.4. The Dismissal of a Religious Pastor

The Code contains a detailed procedure for the dismissal of a diocesan priest as pastor,¹¹³ and failure to follow it may well result in an annulment of a dismissal upon recourse by the pastor to the Congregation of the Clergy and, on appeal, to the Apostolic Signatura.¹¹⁴ This procedure does not apply to religious who are pastors. Canon 682 §2 is quite clear:

¹¹⁰ R. E. BASS et. al. (ed.), *Canonical Standards for Parishes: A Self-Evaluation Instrument*, Washington, CLSA Publications, 2002. The previous year, the Vicar General of Minneapolis had called for just such an instrument (K. MCDONOUGH, “Evaluation,” 145-156).

¹¹¹ K. MCDONOUGH, “Evaluation,” 155. There is room for development of the universal law here. Since c. 521 §3 requires an evaluation of a prospective pastor before appointment “by means of some method determined by the diocesan bishop, even by means of examination”, it seems quite feasible to extend this to a regular evaluation.

¹¹² CIC/17, c. 345. Oddly enough, the 1983 Code, which was in general expected to strengthen procedures for due process and protection of rights, omitted any reference to recourse after a visitation, though the right remains as part of the general law; see c. 57.

¹¹³ cc. 1740 – 1747.

¹¹⁴ For an example of an appeal which reached the Signatura (but in this case was unsuccessful) see W.L. DANIEL (ed), *Ministerium Iustitiae: Jurisprudence of the Supreme Apostolic Signatura*, Montréal, Wilson & Lafleur, 2011, 198-210.

The religious can be removed from the office at the discretion of the authority who made the appointment, with prior notice being given to the religious Superior, or by the religious Superior, with prior notice being given to the appointing authority. Neither requires the other's consent.¹¹⁵

The unfettered discretion given to the bishop to remove a religious pastor does not, of course, in any way lessen the importance of visitation and the other instruments of evaluation mentioned above. They are ordered towards the positive development of ministry rather than the irremediable situation where dismissal must be contemplated.

3.1.5. The Accountability of the Pastor to his Institute (c. 678, §2)

If the accountability of a religious parish priest to the bishop is well known, the accountability of the Parish Priest to his Institute – that is, to its superiors – for the works of the apostolate is perhaps less so. Of course, the parish priest is clearly responsible to his superior – indeed exclusively so – for the faithful living of religious life, and all that directly concerns the institute,¹¹⁶ but canon 678 §2 says much more:

In the exercise of an apostolate towards persons outside the institute, religious are also subject to their own superiors and must remain faithful to the discipline of the institute. Bishops themselves are not to fail to insist on this obligation.

In earlier drafts of the Code, the paragraphs of c. 678 were in reverse order, and spoke of a “double authority” of bishop and major superior.¹¹⁷ While that infelicitous expression was dropped, and the authority of the bishop was put first, all religious remain subject to superiors in the work of the apostolate, and bishops may demand that superiors exercise this responsibility.

¹¹⁵ Canon 682, §2; cf. Cc. 538, §2 and 1742, §2. The “prior notice” is a minimal expression of the “mutual consultation” of c. 678 §3.

¹¹⁶ *Codex Iuris Canonici* (1983): c. 593: In their internal governance and discipline, institutes of pontifical right are subject directly and exclusively to the authority of the Apostolic See, without prejudice to c. 586.

¹¹⁷ S. HOLLAND, “Religious and Bishops as Custodians of Communion,” *The Jurist*, 62 (2002), 320. De Paolis uses the phrase *cumulative competent* of the bishop and superior: “... circa activitatem pastoralem, Episcopi Diocesani et Superiores Religiosi sunt cumulative competentes” (DE PAOLIS, “De Parœciis,” 413).

That this paragraph has often been overlooked may be attributed to several factors. Some writers¹¹⁸ have suggested that the placing of this canon with religious life, in Part III of Book II of the Code, rather than with parishes in Part II, may be to blame. It is also true that some popular explanations have contributed to this problem. T. Doyle, for example, writes that:

[...] while the religious superior is responsible for the internal workings of the religious community, religious must obey the bishop in matters concerning the pastoral care of souls... Thus religious are subject to diocesan regulations in any of these areas and are responsible to the bishop for any abuses that may take place.¹¹⁹

Insofar as this reflects cc. 593 and 678 §1, it is true; insofar as it completely ignores §2 and §3 of c. 678, however, the impression it gives is false. Particularly damaging would be the (false) deduction that religious superiors had no responsibility in the case of abuses. In fact, in actual cases elsewhere in the world, the Church has suffered criticism precisely because some superiors are said to have taken this view.¹²⁰

This is not to say that the religious pastor will have two sets of rules and regulations to follow in the parish. Taking into account canon 519, which states that “the parish priest ... exercises the pastoral care of the community entrusted to him under the authority of the diocesan Bishop, whose ministry of Christ he is called to share...” and c. 681, which re-states the same principles of c. 678 §1 & §2, and placing the subjection to superiors in c. 678 §2 in the context¹²¹ of “the discipline of the institute”, we may say that parishes are clearly “under the authority and direction of the Bishop”; the role of superiors is to ensure that a religious priest undertakes his

¹¹⁸ E.g. DE PAOLIS, “De Parœciis,” 406.

¹¹⁹ T. DOYLE, *Rights and Responsibilities: A Catholic’s Guide to the New Code of Canon Law*, New York, Puebla Publishing Co., 1983, 19-20.

¹²⁰ For example, D. CRUMM and P. MONTEMURRI, “Church passed blame in priest’s sex abuse”, *Detroit Free Press*, 23 May, 2002. The County prosecutor is reported as saying, “It appears that the church is saying that if a person is a member of a specific religious order, the order has responsibility for the priest. The order is saying that because the priest is out of their immediate control, it’s the diocese that’s responsible. It’s a finger-pointing routine where nobody wants to take responsibility...”

¹²¹ Canon 17 “Ecclesiastical laws are to be understood according to the proper meaning of the words considered in their text and context.”

ministry *faithfully* and *as a faithful religious* and indeed as a religious of his particular Order – and the bishop is to insist on this too.¹²²

Thus a Superior will not be making detailed regulations about pastoral matters, but he will be concerned that the parish is being administered efficiently and well, in accordance with the diocesan guidelines, and he will be concerned if a parish priest under his jurisdiction – whether in a parish entrusted to the institute or not – is, for example, displaying a lifestyle in his ministry which does not fit with his vow of poverty, or the institute’s insistence on certain characteristics.¹²³ We must remember that the parish has been entrusted *to the institute*, and the institute must therefore be confident that its nominee is fulfilling his responsibilities: if not, the Superior, like the Bishop, has complete discretion to remove him.

To re-phrase the matter, the parish priest exercises his ministry under the direction of the bishop, but this does not give him a “space” to be anything other than a religious of his particular institute, nor is his ministry, any more than his religious life, free from his superior’s scrutiny.¹²⁴ Finally, we may say that superiors cannot insist on pastoral activities contrary to the will of the

¹²² DE PAOLIS, “De Parœciis,” 413, makes the same point.

¹²³ One may note at this juncture the situation of religious who are Auditors of the Roman Rota. The Commission for the Interpretation of the Code of Canon Law declared that they are not exempt from the authority of their superiors and the obligations of profession, “except in those things which pertain to the exercise of their proper office”(AAS, 80 [1988], 1819). However, the two situations, while perhaps superficially similar, are hardly parallel: the importance of impartiality and freedom from outside influence which the office entails is quite unlike that of a pastor, and of course the work of the Roman Rota is not entrusted to any religious institute.

¹²⁴ DE PAOLIS puts it this way: “Religious are always religious under the power of the superior: there is no space provided where religious superiors cannot intervene in the lives of their subjects.” DE PAOLIS, “De Parœciis,” 413. (Translation of the author. Original text : “Religiosi semper sunt religiosi sub potestate superiorum: non datur spatium ubi superiores religiosi non possint intervenire in vita suorum subditorum”.)

bishop, and on the other that a bishop cannot insist on activities contrary to the nature of the Order, nor prohibit those essential to it.¹²⁵

In parishes entrusted to religious institutes, the parish priest is a member of the institute, which has the responsibility of presenting and removing the pastor, and also, *coram episcopo*, responsibility for its pastoral care. The parish priest is answerable not only to the bishop, but also to his own religious superior: the parish may be called a “religious” parish, for so it effectively is, inasmuch as it has been entrusted to a religious community.¹²⁶

To put the matter simply: in these parishes entrusted to an institute, the superior is answerable to the bishop for the pastoral care of the parish. As a result, the parish priest is answerable to the superior not only for how he conducts himself as a religious, but also for the pastoral care and stewardship he exercises as pastor of a “religious” parish, a parish entrusted to the institute.

3.1.6. Visitation by the Superior

As with a bishop, so for a major superior, visitation will be the normal means by which such an evaluation is made. Since the parish has been entrusted to the Institute, the major superior has every right to see the parish books.¹²⁷ In modern terms, for the financial books this will usually mean requiring a copy of the annual financial audit. Generally, the diocese will have insisted on receiving this as well. If, however, a diocese has been lax in this matter, it still remains true that the institute which accepted the parish is answerable *coram episcopo* for its proper management. The major superior’s aegis, moreover, is not limited to financial matters,

¹²⁵ For this reason, the major Superior can erect chapters of the confraternities of the institute *within its houses and churches* without reference to the bishop, whereas the bishop’s written consent is required for validity in erecting a chapter elsewhere. By entrusting the parish to an institute, the bishop is accepting and approving, *ipso facto*, the institute’s proper nature, which includes such confraternities. See c. 312 §2.

¹²⁶ DE PAOLIS, “De Parœciis,” 409. (Translation of the author. Original text : In parœciis religiosis institutis comissis, parochus est membrum institutis, parœcia committitur instituto, quod resposibilitatem habet in praesentando parochum et amovendo, et etiam coram Episcopo quoad pastorem. Parochus respondere debet non tantum Episcopo sed etiam proprio superiori religioso: parœcia dici potest, sicut effective est, parœcia religiosa, in quantum commissa communitati religiosæ.”)

¹²⁷ E. GARCIA, “Ecclesiastical Books,” *Boletín Eclesiástico de Filipinas*, 66 (1990), 676-677.

but extends to the whole pastoral good of the parish. In the spirit of *communio*, this means extending to the parish a share in the patrimony of the institute.¹²⁸ When he asks an institute to care for a parish, a bishop asks it to do so as members of that institute, with all its spiritual patrimony and charisms.

3.1.7. The Accountability of the Institute to the Bishop

The entrustment of a parish to an institute brings with it an accountability of the institute to the diocesan bishop. The institute – through its legitimate superiors – is ultimately answerable to the bishop for its management of and ministry to the parish.¹²⁹ This is not merely a matter of nominating a suitable pastor: that is the case in those parishes *not* committed to the institute, where a religious is nominated as pastor. As De Paolis puts it:

In the new legislation, a distinction is made between parishes where the pastor is a religious and parishes which are committed to a religious institute... The first are not “religious”, as they are not committed to a religious institute. The institute merely offers one of its members, whom the Bishop names pastor in the parish which remains, however, in every aspect “diocesan”, like other parishes. The second, however, ... are “religious” in that the religious community itself has a responsibility, even though a physical person must be nominated as pastor.¹³⁰

3.2. Concurrent Authority and the Resolution of Conflict

There is obviously a possibility of conflict in this situation of dual accountability. A pastor might embark on a program of advocacy on social justice issues with the support of his superior,

¹²⁸ See c. 578, and below, note 141.

¹²⁹ “The institute itself, or the religious community, has a certain responsibility for the parish before the diocesan bishop. ... It is therefore not merely a question of nominating a pastor, who happens to be a religious, in a certain parish, but of assuming pastoral responsibility on its part by the institute *per se*.” DE PAOLIS, “De Parœciis,” 408. (Translation of the author. Original text: “Institutum ipsum, seu communitas religiosa, habet quamdam responsibilitatem parœciae coram Episcopo diocesano. ... Quaestio est ergo non simpliciter de nominando paracho, qui sit religiosus, in aliqua parœcia, sed de assumptione responsibilitatis pastoralis ex parte ipsius instituti qua talis.”)

¹³⁰ DE PAOLIS, “De Parœciis,” 410. (Translation of the author. Original text: “In nova legislatio, distinctio fit inter parœcias, quarum parochus est religiosus, et parœcias quae committuntur institutis religiosis. ... Primæ non sunt religiosæ, inquantum non committuntur instituto religioso. Institutum dat tantum proprium membrum, quod Episcopus nominat parochum in parœcia quae tamen manet sub omnibus aspectibus diocesana, sicut ceteræ parœciæ. Secundæ autem, ... sunt religiosæ inquantum ipsa communitas religiosa habet responsibilitatem, quamvis parochus persona physica nominari debet.”)

for example, but the bishop might judge it inopportune or an unbalanced use of parish resources. The only possible answer from the Code is, of course, co-operation and dialogue. Canon 678 §3 says simply: “In directing the apostolic works of religious, diocesan Bishops and religious Superiors must proceed by way of mutual consultation.”

The competent religious superior cannot impose a pastoral activity which is contrary to the will of the bishop, but the bishop cannot impose a pastoral activity which is contrary to the nature of the institute itself.¹³¹

This emphasis on consultation is directly connected with the understanding of the Church as *communio* outlined above.¹³² This succinct canon echoes what the Second Vatican Council called for in *Christus Dominus*:¹³³

Organized cooperation should be encouraged between the various religious institutes and between them and the diocesan clergy. There should be the closest possible coordination of all apostolic works and activities. This will depend mainly on a supernatural attitude of heart and mind grounded on charity. It is the responsibility of the Apostolic See to foster this coordination in regard to the universal Church; it is for each bishop to do so in his own diocese and for the patriarchs and episcopal synods and conferences in their territories. There should be consultations beforehand between bishops or episcopal conferences and religious superiors or conferences of major superiors, with regard to apostolic activities to be undertaken by religious.

One practical, if rather obvious suggestion, is that the bishop and superior could involve each other in whatever accountability mechanisms they use in regard to the parish. It would seem, for example, that all of a bishop’s visitation report would be of legitimate interest to the major superior, and that part of the superior’s visitation report which dealt with the apostolate would be of legitimate interest to the bishop.

In the end, as we have seen,¹³⁴ either party, bishop or superior, may remove a pastor after notification but without the other’s consent.¹³⁵

¹³¹ DE PAOLIS, “De Parœciis,” 413-414. (Translation of the author. Original text: “Superior religiosus competens non potest imponere actionem pastoralem quae sit contra voluntatem Episcopi; sed Episcopus non potest imponere actionem pastoralem quae sit contra indolem isius Instituti.”)

¹³² Above, 2.1.1.

¹³³ CD 35 (5). FLANNERY 1, 585.

3.3. The Charism of a Religious Institute in a Parish Entrusted to It

Entrustment to an institute places a parish in direct contact with the institute's charism. This should be an enrichment for the parishioners, and they have a right to expect a share in the institute's patrimony, though without losing their legitimate spiritual autonomy as laity.

3.3.1. The Right of the Faithful to Follow Their own Spirituality

The parish is first of all "a certain community of Christ's faithful",¹³⁶ and amongst the rights of those faithful, c. 214 identifies the following:

Christ's faithful have the right to worship God according to the provisions of their own rite approved by the lawful pastors of the Church; they also have the right to follow their own form of spiritual life, provided it is in accord with Church teaching.

The entrustment of a parish to an institute should offer its members enriching possibilities flowing from the institute's spiritual patrimony, but this should not be imposed on them. If an institute accepts an existing parish, there may be local devotions and pious practices (such as confraternities, annual processions, regular periods of Eucharistic adoration, Charismatic groups and so on) which should be respected. Indeed, if such customs have existed for at least thirty years, they may have become customs with the force of law.¹³⁷

Among the "forms of spiritual life" encountered today is "great love and affection for the earlier liturgical forms."¹³⁸ The Apostolic Letter *Summorum Pontificum* legislates:

In parishes, where there is a stable group of faithful who adhere to the earlier liturgical tradition, the pastor should willingly accept their requests to celebrate the Mass according to the rite of the Roman Missal published in 1962, and ensure that the welfare of these faithful

¹³⁴ Above, 3.1.4.

¹³⁵ Canon 682, §2; cf. cc. 538, §2 and 1742, §2.

¹³⁶ Canon 515, §1; see p. 11 above.

¹³⁷ Canon 26.

¹³⁸ BENEDICT XVI, Apostolic Letters *Summorum Pontificum* given *motu proprio*, in *AAS*, 99 (2007), art. 5, §1, 779, English translation in *Origins*, 37 (2007-2008), 129-132.

harmonises with the ordinary pastoral care of the parish, under the guidance of the bishop in accordance with canon 392, avoiding discord and favouring the unity of the whole Church.¹³⁹

The legislation makes it clear that the pastor should respond favourably to the request of the faithful for support in their own form of spiritual life, even if it is not to his own taste.

3.3.2. The Right to Share in the Spiritual Patrimony of the Church and the Institute

The right of the faithful to share in the spiritual patrimony of the Church is guaranteed by c. 213.¹⁴⁰ While this refers especially to “the Word of God and the sacraments,” it includes the rich spiritual patrimony of the Church’s religious institutes.

*It is for the good of the Church that institutes have their own proper characters and functions. Therefore the spirit and aims of each founder should be faithfully accepted and retained, as indeed should each institute's sound traditions, for all of these constitute the patrimony of an institute.*¹⁴¹

The spiritual “patrimony” of an institute is further described by the Code:

The mind of the founders and their dispositions concerning the nature, purpose, spirit and character of the institute, which have been approved by the competent ecclesiastical authority, together with its sound traditions, all of which comprise the patrimony of the institute itself, are to be faithfully observed by all.¹⁴²

Without forgetting the right of parishioners to have and follow their own form of spiritual life, it would be a mistake to think that the charism of an institute had little effect on a parish entrusted to it. In a healthy ecclesial communion, the spiritual lives of the parishioners are enriched by their contact with the charism of the Order, while the members of the Order working in a parish will find their living of the charism enriched by the parishioners.¹⁴³ If *communio* is the model in which we view the parish, then the parish will in fact be a privileged place for the

¹³⁹ Ibid., n.5, §1, 780.

¹⁴⁰ Canon 213 : “Christ’s faithful have the right to be assisted by their Pastors from the spiritual riches of the Church, especially by the Word of God and the sacraments.”

¹⁴¹ PC, 2 (b), FLANNERY 1, 612.

¹⁴² Canon 578.

¹⁴³ A. J. PALMIERI, “Parishes entrusted to the Care of Religious: Starting Afresh from Christ,” in *CLSA Proceedings* 64 (2002), 220.

mutual sharing of gifts. If the parish may truly be called a “religious” parish, as we have demonstrated above¹⁴⁴, this will not refer merely to its governance or the identity of its clergy, but to the ambiance of the parish itself: it will imply a sharing in the institute’s charism which is offered to the parishioners, and which they may rightly expect.

In recent years, many religious institutes have made great efforts to share the Order’s charism with the laity working in or directing, institutions belonging to the congregation: hospitals, schools, university colleges, and so on. This has been necessitated, in many cases, by the transfer of direct governance of these institutions from the religious themselves to lay collaborators on a board of management, which may be established as a public juridic person. While parishes do not face that precise challenge, since in some way a priest must be responsible for each parish¹⁴⁵, the same task of sharing an institute’s charisms belongs to a pastor in a religious parish.

3.3.3. An Example: the Charism of the Order of Preachers

To conclude, it seems helpful to examine how one religious institute has attempted to define its relation to the parishes with which it has been entrusted.

The Dominican Order (the Order of Preachers) has always had a somewhat ambivalent attitude towards parishes. Saint Dominic himself accepted the parish of Fanjeaux in the Diocese of Toulouse, in 1214, but this was not so much for the local ministry – though he did execute it

¹⁴⁴ Above, note 126.

¹⁴⁵ See c. 517, §2: “If, because of a shortage of priests, the diocesan Bishop has judged that a deacon, or some other person who is not a priest, or a community of persons, should be entrusted with a share in the exercise of the pastoral care of a parish, he is to appoint some priest who, with the powers and faculties of a parish priest, will direct the pastoral care.”

for a time – but rather to give him standing in the diocese.¹⁴⁶ By mid-April 1215, possibly earlier, he was setting up the Order in the house of Peter Seila in Toulouse.¹⁴⁷ When, immediately after the publication of the new Code, the General Chapter made an attempt to delineate some characteristics of a Dominican parish, it summed up the history honestly: “It is noteworthy that, from the beginning, parishes were ignored in our legislation, and for a long time suspect; afterwards they were tolerated, and finally they were approved.”¹⁴⁸

Already in 1980 the Chapter of Walberberg had urged the brethren to ensure that our parishes were genuinely “Dominican.”¹⁴⁹ It acknowledged that “the apostolate of the Order is effectively carried out in many provinces in parishes”¹⁵⁰ and yet also said that “an obstacle [to planning] can arise from the burden of parishes imposed on us.”¹⁵¹ The General Chapter of Caleruega in 1985 was particularly negative in its critique of parishes.¹⁵²

The 1983 Chapter began by exhorting the friars working in parishes to exercise their ministry “in the spirit of the Order” and ended by assuring them that it was a “truly apostolic and Dominican work”. The Chapter singled out the following characteristics – I present a mere summary here – which the friars should seek to foster in the Order’s parishes:

- a) doctrinal preaching and participative liturgy;
- b) leadership for evangelisation, especially among the young;
- c) a witness to solidarity with the poor and the marginalised, and dialogue with non-Christians and the alienated;
- d) a genuine pluralism, nourished by contemplation and community life.

¹⁴⁶ M.-H. VICAIRE, *Saint Dominic and His Times*, Green Bay, Wisconsin, Alt Publishing Co., 1964, 150-151.

¹⁴⁷ *Ibid.*, 169.

¹⁴⁸ Rome (1983), n. 38.

¹⁴⁹ Walberberg (1980), n. 47.

¹⁵⁰ Walberberg (1980), n. 47.

¹⁵¹ Walberberg (1980), n. 17 (5).

¹⁵² See Appendix.

To these characteristics one might add those things which, in Dominican tradition, nourish and make possible the work of evangelisation. These are found in the *Book of Constitutions* and were added in the texts of subsequent chapters: study and intellectual formation,¹⁵³ prayer (especially the Eucharist¹⁵⁴, the public celebration of the Liturgy of the Hours¹⁵⁵, and the Rosary¹⁵⁶), some knowledge of our history and devotion to the Order's saints,¹⁵⁷ collaboration with the other branches of the Dominican family (the nuns, the sisters and the Dominican Laity),¹⁵⁸ and, of course, the promotion of vocations to the Order.¹⁵⁹

The General Chapter of 2010 referred positively to the 1983 Chapter, but also said, "Our presence in parishes is a matter that still needs further reflection." What is abundantly clear, however, is that if we do accept parishes, they should be ministered to in accord with the charism of the Order. The most recent Chapter declared:

Bishops entrust parishes to provinces and vice provinces to take advantage of the Order's preaching charism. Although pastors are named, this apostolate ought to be assumed in a communitarian manner.¹⁶⁰

¹⁵³ LCO 76: "St. Dominic included study, ordained to the ministry of salvation, as an essential part of his plan for the Order ..."; see Providence (2001), n. 127; Rome (2010), n. 182.

¹⁵⁴ LCO 57: "The celebration of the liturgy is the center and heart of our whole life, whose unity especially is rooted in it."; Rome (1983), n. 39 (b)

¹⁵⁵ LCO 57: "According to the desire of St Dominic, the solemn and common celebration of the liturgy must be maintained among the principal duties of our vocation.

¹⁵⁶ LCO 129: "The preaching of the Rosary ...is to be considered a characteristic mark of the Order." Oakland (1989), n. 66.

¹⁵⁷ LCO 16: "The brethren should remember faithfully those who have gone before them in the family of St. Dominic, and who provide them "with example in their way of life, fellowship in their communion, and the help of their intercession. They should study and make known their deeds and their teaching. Furthermore, suffrages for the deceased brethren should not be lacking."

¹⁵⁸ LCO 145: "The brethren and the sisters should establish collaboration and apostolic planning together."

¹⁵⁹ LCO 165: "All the brethren, especially those whose apostolate is among adolescents and young men, should consider it as a duty of their own Dominican vocation to work actively and prudently to foster vocations to the Order. II. All should remember, however, that the life and apostolate of every brother and of every community is the primary invitation for entering Dominican life. "

¹⁶⁰ Bologna (2017), n, 114.

The tension between parishes and the Order's mission that is evident in its history may find expression in tension between the religious pastor and his community. On the one hand, an individualistic pastor may regard any community involvement in the parish as "interference". On the other, community members may resent being asked to assist with preaching, celebrating Mass or hearing confessions in the parish. The Order's answer to this has been to promote the idea of a "Community Plan" which is collaboratively elaborated in the community chapter, and which clarifies what involvement of friars can be expected in all the apostolates of the community. The "community plan" is nothing less than an attempt to express in reality the spirituality of *communio*.

GENERAL CONCLUSION

1) The Trajectory of History

It is clear from our first chapter that, although the parish as we understand it today did not really exist for most of the first millennium, there has from apostolic times been a “local church” to minister to the needs of the faithful, which over time evolved into the parish. It is also clear that from quite early in the Church’s history, religious have played a significant role in providing that ministry.

The twentieth century, and particularly the period after the Second Vatican Council, saw a strong move towards a more personalist philosophy and a focus on the Church as a community of persons. At the same time, most countries experienced a dramatic drop in vocations to the priesthood, and with it, increasing requests from bishops to clerical institutes to accept parochial responsibilities.

The 1983 Code made it easier for bishops to form arrangements with institutes to accept parishes, since a parish could be committed to a clerical institute for an agreed time, rather than perpetually, as had been the case with parishes united *pleno iure*. At the same time, the pastor in such parishes became a true pastor, not merely a vicar.

2) A Summary of the Current Position

In brief, we have seen that there are two different means by which a member of a clerical institute may be appointed as a pastor.

Under c. 520, the diocesan bishop may entrust a parish to a clerical religious institute, or clerical society of apostolic life, whose superior then presents a priest for appointment as pastor.

There should be a written agreement about the work to be done, the persons to be assigned to it and the financial arrangements. This entrustment may be for a specified time, or in perpetuity.

It is also possible to appoint a religious as pastor or a diocesan parish under c. 681. Again, this is done by way of a written agreement and the competent superior, covering the same matters.

The difference between these two arrangements is that in the first, under c. 520, the institute accepts responsibility for the pastoral care of the parish. Not only does the superior have an obligation to present suitable priests to the bishop for appointment throughout the term of the agreement, but the institute itself has a responsibility to ensure that the care of the parish is being carried out properly in its name. The pastor is thus responsible both to his superior and to the bishop for the proper exercise of his ministry, and the institute itself is responsible to the bishop for the pastoral care and administration of the parish. Moreover, such a parish is properly considered a “religious” parish, and has a right to share in the spiritual patrimony of the institute.

3) Towards the Future

In the period after the 1983 Code, publicity surrounding scandals placed a new focus on accountability, while the increased responsibilities given to the laity also led to greater scrutiny of clergy. The principal vehicle for accountability in the Code – the visitation – is important, but does not seem adequate for a professional appraisal of parish clergy, whether religious or lay. Some dioceses are experimenting with other forms of appraisal, either as part of visitation or independently of it. There remains an area in which development is taking place, and which may well be more extensively treated in future changes to the Code.

APPENDIX

EXTRACTS FROM ACTS OF THE GENERAL CHAPTERS OF THE FRIARS PREACHERS CONCERNING PARISHES

Since these texts are not easily accessible outside the houses of the order, they are included here for the convenience of the reader.

Avila 1986

33. In all our ministries (e.g. in our own churches, in parishes, mission stations, sanctuaries, educational institutions etc.) the apostolic activity of the brethren should always keep in mind the preferential option for the poor and those who are called the marginalised .

77. We recommend that every request made of us by a bishop to take on the care of souls in a new parish, it should be carefully considered:

- 1° in relation to the requirements of our religious life;
- 2° and without detriment to the multiplicity and characteristic features of our itinerant apostolate.

And further:

- it should not easily be accepted perpetually, but normally for a determined time;;
- it should be in writing;
- it should be submitted to periodic review in the provincial Chapter.

Oakland 1989

66. Every province is to have its own Promoter of the Rosary... if, for a just cause, there is no promoter, the Prior Provincial is to institute another person from among the sisters or the laity for this office.

69. We ordain that the four priorities identified by the general chapters of Quezon City, Walberberg, Rome and Avila, which we summarise below, must still be priorities in our apostolate today. They are: Catechesis in a de-Christianised world, evangelisation in the context of cultural diversity, justice and peace, and human communication through the media of social communication.

Caleruega 1995

15.8 In many places our commitment to parishes is the main obstacle to our itinerancy and our preaching.

32. In parishes we must not be satisfied with preaching to those who come to Mass. We require every province to consider its present commitment to parishes and ask if each one

represents the best basis for itinerancy in preaching to the unchurched. Is a particular parish a basis of new evangelisation? Can it become so? If not we should probably hand it over to the diocese.

Providence, 2001

...ministries, such as university chaplaincies and our parishes, often fail to reflect the Dominican charism of intellectual inquiry and critical thought. Dominican publications enjoy too little support and too few collaborators.

Bogota, 2007

On numerous occasions we ask ourselves: “How do we maintain the tension between common life and mission?” The community plan is a tool for turning this tension into something positive.... A plan owned by everybody means that it is the community which preaches and bears witness (cf. LCO 311). This project involves much more than programming timetables and tasks and is a means of empowering our relationships, of sincere communication and of committing everyone to the mission of the community. It remains very necessary that each community elaborate and evaluate its community plan annually as a useful channel for improving common life. Besides including pastoral work, community liturgy and financial affairs, the plan ought to include the aims and means by which the community proposes to become a place of discipleship, meeting, celebration and house of preaching. The community plan should also integrate the priorities of the province and the Order. Canonical visitations provide appropriate opportunities for reviewing the mission of a community in relation to the plan drawn up by the community itself.

Rome 2010

PARISH MINISTRY

181. [*Exhortatio*] Our presence in parishes is a matter that still needs further reflection. The 1983 General Chapter in Rome (nn. 38-42) spoke extensively about the issue of Dominican parishes. Thus, we exhort all the brothers to study once more this document, which is still in effect.

182. [*Commendatio*] We recommend that our communities, which have parishes entrusted to their care, promote as a high-priority: the ministry of the Word, Biblical and theological formation for lay people and religious, as well as an evangelical commitment to the poorest and to reaching out to those who are distanced from the Church. Furthermore, they ought to favour apostolic collaboration in other areas of preaching with local churches, especially in the areas of social outreach, a firm commitment to the defence of human rights, specialized areas of pastoral work, and the theological formation of lay pastoral workers.

183. [*Commendatio*] Inasmuch as our apostolate is a community endeavour, we recommended to the brothers who work in parishes to strengthen the collaboration with the Dominican family there, to ensure the dignity of the liturgy offered there, to harmonize their

apostolic service to the People of God with the proper demands of our conventual life, and to make their mission a clearly community endeavour.

184. [*Commendatio*] We recommend that Priors Provincial, vice- provincials and their councils study in detail the real needs of a particular Diocese before undertaking ministry in a parish or maintaining their presence in the ones they already have. We also recommended that they ensure that new ministries are a real community endeavour.

Trogir 2013

111. ... We want to highlight some particular challenges for several areas of mission areas. We exhort the brothers involved in some of them, to reflect on them and to take them into account when planning their activities for the future:

- (1) Migrants ...
- (2) Indigenous people ...
- (3) Inter-religious Dialogue ...
- (4) Inner-City Ministry ...
- (5) Pilgrimages and devotion of the rosary: take advantage of these traditional forms of Marian devotion to foster a vital relationship with Christ flowing from meditating on the Gospel with Mary.
- (6) Parish ministry: to take care of the quality of the preaching and the formation in the faith, and to go beyond the limits of the church building to approach the remote and the young.
- (7) Education and Evangelisation...

Master of the Order's Report to General Chapter of Trogir 2013

66. When I have been in discussion with our communities, the theme of the Order's specific charism is often brought up and the manner in which we can bring our own contribution to the Church, not only to preserve her as she is, but to participate in her constant work of becoming that which she may be. I would like to respond to these questions, not with definitive solutions, but rather because such concerns reflect something of "the state of the Order" today.

67. Whatever the different theories on the subject, (Should we, or not, be in charge of parishes?) it is a fact that a large number of brothers, in every region of the Order, is engaged in parish ministry. Many point out, quite rightly, that this is a very important place where we can employ the ministry of preaching and can encounter the real life of the Church. Many also say (and this is an answer that can be found among the faithful themselves) that it is important to provide the key characteristic of "Dominican preaching" through this ministry. Based on this, the brothers have many questions. What can we bring to the parish ministry through the witness of the community life that identifies us? What can it bring to the make-up of the parish as a community of believers and more broadly, to the building-up of the Church as communion? In what way could our vocation to preaching make the parishes of which we have charge places from which evangelisation spreads through training and formation of the laity? How do we instil more deeply the desire for study at the heart of pastoral work? In what way can we show that mercy is the source of preaching as it is the source of fraternal communion? Do we have a vocation to keep such parishes permanently, or would it not be better, more often, to know when to hand them back to the diocese in order to move into other places or situations that have more need of our presence? Can we undertake a process of systematic evaluation of our parochial

engagements? Where they exist, could the Dominican Priestly Fraternities be an alternative means of the Order's contribution to parish work?

Bologna 2017

Parish Ministry

114. [*Declaration*] Bishops entrust parishes to provinces and vice provinces to take advantage of the Order's preaching charism. Although pastors are named, this apostolate ought to be assumed in a communitarian manner.

115. [*Exhortation*] We exhort friars who work in parishes to listen carefully to the needs of the faithful, to facilitate Christian fraternity, and to work towards solidarity and parish unity, all in service of the Gospel.

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