

A Juridical and Pastoral Study of Parish Administration

Fr. Antony Alagu Selvan DCL, MA, MSc (IT)

The universal Church is rendered present in and through the particular churches or dioceses and their territorial divisions, namely the parishes. The parish is, in miniature, the Church.¹ It is through the parish that a catholic comes into contact with the Church. It is in the parish that he is born anew, that he is nourished with Word and Sacrament and that he grows into a new fellowship through the ministry of the priests. It is in and through the ecclesial community of the parish that the lives of people are touched by God's saving presence. In the words of Pope John Paul II, the parish is the Church living in the midst of the homes of her sons and daughters.² It is in the context of parish that God's people exercise their rights and fulfil their obligations within the Church. We shall first look into the juridical meaning of parish and its theological relevance in the light of 1983 Code of Canon Law and then the parish administration.

1. Parish

1.1. Definition

While the 1917 code viewed the parish as an institution to serve the spiritual needs of the faithful,³ the Second Vatican Council looks at the Church primarily as a community of persons who confess and accept God's revelation in Jesus as Lord, a community united to the Father and to one another through Christ in the Spirit.⁴ The parish is the basic cell of this community. It is against this background that the 1983 Code of Canon Law defines parish: "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” (c. 515, §1). This definition highlights the essential characteristics of parish:

i) It is people-centred

The community of the faithful is a personal, essential and basic element of the idea of parish.⁵ The expression *Christifidelium communitas* was preferred by the Codifying Commission in the Schema of 1980 instead of the expression *Populi Dei portio*, which is reserved to the diocese (cf. Can. 369). The above expression brings out “the dynamic interaction among persons united under the same pastor” emphasizing the community aspect of the parish.⁶

ii) Its sole purpose is pastoral care

The pastoral care has been traditionally identified with the very essence of the parochial office, constituting in the life of the Church the basic objective of division of the diocesan community into parishes. The basic content of pastoral care, expressed in canons 528-530 contains in the salvation of souls which includes the preaching of God’s word and the celebration of sacraments. It is a complete juridical duty of the parish priest which comes from the juridical act of canonical mission. Hence the pastoral care of the parish is carried out under the authority of the diocesan bishop.

iii) It has its own proper pastor

The parish priest could be only the priest appointed by the bishop to that parish (cc. 150, 521, 1) because the one who has received the sacred order of priesthood guarantees the sacramental presence of Jesus Christ in the midst of the Christian people, by virtue of sacred orders that identifies one with Christ the Head and enables one for the celebration of the Holy Eucharist, the theological reality upon which the parochial community is founded as a Eucharistic community.⁷

iv) It must be established stably in the particular Church

The parish must be constituted in a stable manner through the erection by the diocesan bishop. It is not an autonomous entity but a cell of the larger ecclesial unity which is the diocese.

In this definition, the focus is on the parish as a community of Christian faithful. The community aspect of a parish responds also to the deep desires of people for a sense of belonging, identity, acceptance, appreciation and love. It is the locus in which believers live out that experience of communion and partnership, which the Church is, and where all are nourished by each one and each one is nourished by all.

1.2. Types of Parish

1.2.1. Territorial parish (c. 515)

C. 515, §1 retains the general rule that a parish is to be territorial, that is, it is to embrace all Christ's faithful of a given territory. Thus all the faithful living that territory belong to that parish. The Parish Priest is the proper pastor of the parish and he assists the bishop in caring for these people.

Erection of the Parish (c. 515, §2)

The diocesan bishop has the sole right to erect, suppress or change parishes. The bishop is to consult the council of priests before establishing, suppressing or changing a parish, while he is not legally obliged to follow that advice, he should take such counsel seriously (ES, I, 21). In accordance with canons 48 and 51, the erection, suppression, or modification of the parishes must be made formal through a written decree. It must state the reasons for the erection, the criterion for determination of the community of the faithful, the see of the parish church, the mode of sustenance of the priest and the handling the expense of worship.

1.2.2. Quasi-Parish (c. 516)

A. A quasi-parish is one, which has not been established as a parish because it lacks one or more qualifications, for example, resident pastor, necessary resources, territorial boundaries etc. Juridically, it is regarded as equivalent to a lawfully established parish (See c. 515, §3).

B. The diocesan bishop must provide for the pastoral needs of those communities which cannot become parishes or quasi parishes, for example, hospitals, prisons, migrant camps, airport oratories etc.

1.2.3. Personal Parish (c. 518)

As a general rule, a parish is to be territorial that is, embracing all the faithful in a given area (c. 518). However, a personal parish may also be established. A personal parish is one having its pastor, its church and a definite population determined by personal qualities alone without any territorial consideration. The old Code required that the bishops need a special apostolic indult to set up personal parish (c. 216, §4). But the new code makes a general provision that, whenever it is judged useful, personal parishes based on rite, language, nationality of the people of a certain territory or some other determining factor are to be established.⁸

1.2.4. Impeded or Vacant Parish (c. 539)

Whether the parish is impeded due to the captivity, exile, ill-health of the pastor or vacant due to the removal, transfer, resignation, expiration of the term, the bishop is to appoint a parochial administrator as soon as possible. The duties and rights of parochial administrators (c. 540) are same as those of the parish priest described in cc. 528-530. A parochial administrator should not make major changes or innovations without consulting the bishop. He is accountable to the parish priest.

When a parish is vacant, or when the parish priest is impeded from exercising his pastoral office, pending the appointment of a parochial administrator the interim governance of the parish is to be undertaken by the assistant parish priest; if there are a number of assistants, by the senior by appointment; if there are none, by the parish priest determined by particular law (c. 541, §1).

2. Parish Priest

2.1. Definition

Following the conciliar document,⁹ c. 519 gives a descriptive definition of parish priest: The parish priest is the ordinary and immediate pastor who feeds his sheep in the name of the Lord. The pastor's primary role is to carry out the offices of teaching, sanctifying and governing. He exercises his pastoral ministry under the direction of the diocesan bishop. He is in a special way collaborator with the bishop.¹⁰ He is an extension of the bishop; in him and through him the bishop is made present in his parochial community. All priests are united among themselves in an "intimate sacramental brotherhood"¹¹ and all share in the ministry of their bishop and hence the pastor should carry out the pastoral ministry in close collaboration with other priests, deacons and the laity.

As emphasized in cc. 528-530, the mission of the parish priest is of a predominantly pastoral character, regarding care of souls and not specifically governance or jurisdiction, since to speak of the power of the parish priest can lead to interpretations not at all suitable from the juridical point of view.

2.2. Types of Pastors

2.2.1. One Pastor-One Parish

C. 526, §1 prescribes that a priest can be a pastor of only one parish because of the close relationship that binds the parish priest to the community of faithful entrusted to him.¹² However, if there is a shortage of priests or if other circumstances warrant it, the care of a number of contiguous parishes may be entrusted to a single parish priest. In such a case, the ordinary pastoral care of such parishes might be given to a deacon, or to members of the laity or to a religious community in accordance with c. 517, §2. But the duties of priests in respect of the faithful of all the parishes are given to the one priest appointed. So in a parish there can be only one parish priest (c. 526, §2). But many priests can exercise *in solidum* pastoral ministry over a parish under a moderator.

2.2.2. Pastoral Team (c. 517, §1)

1983 code allows the diocesan bishop in some circumstances to entrust the pastoral care of a parish or of several parishes together to a pastoral team of priests. In this case one of the priests is to be moderator of the whole pastoral ministry. All the priests of the team will carry out the pastoral ministry 'by common counsel' (c. 543, §2) under his direction and he will be responsible to the diocesan bishop for the ministry. Only the moderator will act in the name of the parish or parishes for all legal matters. In fact, to exercise pastoral care in *solidum* can be particularly useful to resolve the situation of those dioceses where few priests must distribute their time to attend to the pastoral ministry of several parishes. It is useful also to facilitate the service to over-populated parishes in large cities, or of several distant and sparsely populated rural parishes, by allowing the pastor to foster close relationship with the faithful and to care for their needs. It promotes co-responsibility in the exercise of pastoral action and to foster communal life among priests.¹³

2.2.3. Non-Ordained Minister as the Pastor

Owing to a shortage of priests, the bishop can entrust the pastoral care of a parish to one or several persons who are not priests – whether clerics, religious or laypersons or to a community. In this case, the bishop shall appoint a priest as a moderator of the pastoral care, who, though not a parish priest in the strict sense, has the canonical faculties of a parish priest.¹⁴ The Holy See in November 1997 issued instructions especially prohibiting to use titles like 'pastor' 'coordinator' 'moderator' etc which can confuse their role with that of the pastor.¹⁵ This is participation in the exercise of the pastoral care, and not directing, coordinating, moderating or governing the parish. These competencies pertain to the priest alone. They can participate in the exercise of the pastoral care, performing not only administrative functions (cc. 532-535) but also functions of spiritual formation (cc. 528-529). Moreover if it requires, they can fill an absence of an ordained minister in those functions of a liturgical character suitable to their canonical condition such as exercising the ministry of the word, presiding over liturgical

prayers, conferring baptism and distributing Holy Communion as per c. 230, 3. The law has made also provision for Sunday celebrations in the absence of a priest (c. 1248, §2). It is a significant move in the direction of recognising the role of the laity in the pastoral ministry of the parish.

2.2.4. Religious as the Pastor

According to c. 451 of CIC 1917 a moral person, like a monastery, a chapter of canons, or a religious institute could be the parish priest of a parish. The 1983 code forbade the practice of appointing not only moral but also juridical person as the parish priest. However it still permits a diocesan bishop, but not an administrator, to assign a parish to a clerical religious institute or to a clerical society of apostolic life. In this case a single individual priest must be appointed as parish priest or moderator in the case of joint pastoral action (c. 520).¹⁶ In such a case it is not the juridical person i.e., religious institute or the society of apostolic life as such that governs but the individual priest appointed as parish priest or the moderator governs the parish.

The assignment of parish to a religious community can be permanent or for a determined period of time. There should be a written agreement between the bishop and the competent religious superior (c. 520) defining the work to be accomplished, the persons to be assigned to the parish and the financial arrangements. The pastoral care of the parish and the use of the church for public worship remain under the authority of the bishop, but are subject to the supervision of the appropriate superior (c. 678). However, the bishop can not interfere in the internal life of the community (c. 586). They should harmonize the respect due to both the foundational spirit of the institute and the rights of the bishop and of the faithful of the parochial community.

2.3. Appointment of Parish Priest

2.3.1. Qualities Required

a) The office of the parish priest carries with it the full care of souls and requires the exercise of the order of priesthood. Hence only priests can be validly appointed as parish priests (cc. 150, 521, §1). In

fact, the pastoral care can only be accomplished by the priest who for his priestly character, participates in the ministerial priesthood and the mission of Christ: "in the ecclesial service of the ordained minister, it is Christ himself who is present to his Church as Head of his Body, Shepherd of his flock, high priest of the redemptive sacrifice, Teacher of Truth".¹⁷ The ministerial priesthood is therefore necessary for a community to exist as Church.¹⁸

b) The good of the soul demands suitable candidate with sound doctrine, uprightness of character, pastoral zeal for the souls and all the qualities needed for successful pastoral ministry as the parish priest (c. 521, §2). It is particularly important in times such as our own in which, together with a sincere quest for ethical and spiritual values, there is no lack of doctrinal and practical deviation in the heart of the Christian people, which every priest, and especially the pastor feels responsible for being a solid teacher of the truth and an attractive example of Christian life for the other faithful.¹⁹ By provision of universal law, the obligations established for clerics in general are demanded of the parish priest especially to foster unity with the bond of fraternity and prayer with the other faithful, to search for holiness through the fulfilment of his pastoral ministry, by nourishing his spiritual life and to keep steadfastly celibacy (cc. 273-279). For its part, the particular legislation should consider those qualities with a greater effect in the proper particular church in conforming to the demands of the changing social reality and of his personal vocational career (PDV, 70).

c) It is for the bishop to decide the method by which the suitability of a candidate for the office of parish priest is assessed (c. 521, §3). In determining the suitability of a candidate, the bishop should hear the views of the vicar forane, college of consultors, the priests' council and conduct appropriate enquiries and even seek the opinion of some priests and even laymen (c. 524)²⁰. The good of the souls in particular parish should be the ultimate criterion in the choice of the parish priest. In making this choice the bishop has to act with greatest prudence and should avoid even the appearance of having acted arbitrarily or through favouritism or of having been prevailed upon dishonestly.²¹

2.3.2. Appointment

As a general rule the code stipulates that the diocesan bishop has the right to confer freely all ecclesiastical offices in his own diocese (c. 157)²². He freely appoints the parish priests from the diocesan clergy (c. 523). If the office of parish priest is to be conferred on a member of a clerical religious institute, he is appointed by the diocesan bishop on presentation by or at least with the consent of the competent superior (c. 682).

2.3.3. Installation (c. 527)

1. The effective date of appointment is specified in the letter of appointment.
2. At the beginning of his term of office, the pastor is obliged to make a profession of faith personally, according to the formula approved by the Apostolic See, before the local ordinary or his delegate (c. 833, 6^o).
3. The local ordinary or the priest delegated places the pastor in possession of the parish, observing the manner determined by the diocesan statutes or customs.
4. For a just reason the bishop can dispense from this procedure.
5. In the case of team ministry, the moderator is to be installed.

The one who is appointed obtains the pastoral care of a parish and bound to exercise it from the moment of taking possession of the parish. Keeping in mind that from the taking of possession the parish priest is the legal representative and the canonically responsible person for the administration of the property of the parish (c. 532). He must take an oath of good and truthful performance, and an exact and detailed inventory of the parochial patrimony must be made (c. 1283).

2.3.4. Term of Office (c. 522)

In the light of Vatican II, the law bases the stability of the office of parish priest on the good of souls.²³ The former distinction found in

c. 454, §2 of 1917 code between irremovable and removable parish priests has been abolished. A parish priest is now appointed for an indefinite period rather than in perpetuity. Hence the parish priest must have stability of office that permits him to know the people and situations in which he works, and to schedule and carry out the pastoral activity. A bishop can not move a priest to another parish or office unless the good of souls, necessity or the advantage of the Church demand it, and then only with his agreement, unless the procedure determined in cc. 1740-1752 is adhered to.

A fixed term of office for a parish priest is possible but only when this has been decreed by the bishops' conference. The CBCI held at Nagpur in February 1984 decrees that the diocesan bishops may adopt limited tenure policies for the parish priests. If they adopt, the term is to be not less than six years as far as possible. From the pastoral experience, appointment for an indefinite time is considered preferable for better pastoral service, but it can also be done for a determinate time. In this case, the appointment should be for a period sufficiently prolonged, generally for not less than six years and expressly stating its duration and the time fixed for its cessation.

2.3.5. Cessation from Office

The possible conflict between the spiritual welfare of the faithful and the right of the parish priest to his office is solved by the clear affirmation of Vatican II that the good of souls must determine the term of office of the parish priest. Hence all distinction between removable and irremovable parish priests has been abolished.²⁴ A parish priest ceases from office by means of transfer by the diocesan bishop done according to the norms of law, by means of removal, by resignation submitted for a just cause and accepted by the bishop and by lapse of time if the parish priest has been appointed for a fixed period (c. 538, §1). For religious, the bishop and the superior each has the right to remove a parish priest, provided prior notice has been given to the other. The consent of the other authority to this removal is not required (c. 682, §2).

i) Transfer: The new law offers two reasons to justify a transfer: the good of souls and the necessity or utility of the Church (c. 1748).²⁵ For the transfer of parish priests, the norms of procedure given in cc. 1748-1752 are to be followed. The above reasons do not imply, in themselves, a negative assessment of the ministry of the parish priest. Likewise, a serious reason is not required, except if the transfer must be done against the will of the interested party (c. 190, §2). On the other hand, according to c. 1336, §1, 4° there can also be a penal transfer of the parish priest through the penal process provided in cc. 1717-1728, as an expiatory penalty for the commission of delict.²⁶

ii) Removal: The diocesan bishop has the power to remove any parish priest lawfully from his parish whenever his ministry suffers injury or is rendered ineffective by reason of any of the causes recognised in law, or for some other similar reason in the judgement of the bishop.²⁷ The diocesan bishop is bound to observe the norms on removal contained in cc. 1740-1747.

The removal requires a grave cause (c. 193, §1), among which c. 1741 identifies especially the following: behaviour which causes serious harm to the parochial community; ineptitude or permanent illness of mind or body which renders the parish priest incapable of carrying out his duties satisfactorily; loss of reputation in the eyes of serious minded parishioners or hostility towards the parish priest which is not likely to disappear, serious neglect of pastoral responsibilities in spite of warnings, inefficient administration of temporal goods resulting in serious harm to the Church without possibility of resolution. In addition, the parish priest is removed from office by the law itself if he loses the clerical state, publicly defects from the Catholic faith or from the communion of the Church, or attempts marriage, even if only civilly (c. 194, §1). Deprivation of the office can also be an expiatory penalty (c. 1336, §1, 2°).

The new process of removal affords greater safeguards to the parish priest. Two parish priests from the priests' council must be consulted by the bishop for the validity of the removal process. During the period of appeal by the parish priest against the removal, the bishop

can not appoint a new parish priest, but only a parochial administrator. The diocesan bishop must provide suitable support for the removed pastor (cc. 195, 1746, 1747, §2).

iii) Resignation: The pastors are requested to resign at the age of 75. This law is exhortative rather than mandatory (c. 538, §3). The pastors may resign also for a just cause (c. 538, §1).²⁸ Just cause for resignation would be poor health, inadequacy, retirement etc. The presentation of resignation at the age of 75 by a parish priest does not itself terminate his pastoral office. It takes effect only when the diocesan bishop, following the prudent consideration of all the circumstances, shall have definitively accepted his resignation in accordance with c. 538, §1. In view of the right of every cleric to exercise the ministry proper to him, and in the absence of any grave health or disciplinary reasons, it should be noted that having reached the age of 75 does not constitute a binding reason for the diocesan bishop to accept the pastor's resignation.²⁹ Finally keeping in mind the scarcity of priests in numerous dioceses, it will be important to invite the retiring parish priests to carry out several pastoral tasks suitable to them situation, thereby avoiding "a functional concept of the Sacred Ministry" of priests. In this sense, it seems preferable to speak of retired parish priests rather than retired priests for as John Paul II states: "... they are still called upon to play in the presbyterate their pastoral ministry thanks to their experience of life and apostolate of becoming effective teachers and trainers of other priests" (PDV, 77). It is the duty of the bishop to provide the retired priests with proper sustenance and residence according to the norms laid down by the Episcopal conference (c. 583, §3).

iv) Completion of the Term: If a pastor was appointed for a predetermined time, the office ceases immediately upon the completion of said term (c. 538, §1).

2.4. Parish Administration

A parish priest receives his pastoral responsibilities and is bound to exercise them from the moment he takes possession of his parish (c. 527, §1). Under the authority of the diocesan bishop, the

parish priest carries out the functions of teaching, sanctifying and governing the faithful entrusted to his care (c. 519).

2.4.1. Teaching Office (c. 528, §1)

a) The parish priest should provide the Word of God to all the people in his parish (cc. 213, 757). He is to see that the laity are instructed in the truths of the faith especially through the means of homily on Sundays and days of obligation (cc. 767, §2), occasions of funeral and marriage etc

b) He must provide catechetical instruction to all the people committed to his care. Children and adults are to be given special catechetical formation utilising the resources of other priests, religious and laity (cc. 773, 776, 777).

c) He is to foster works which promote the spirit of the Gospel, even in matters of social justice (c. 222, §2). He has the duty of making available the means by which the children and the youth can receive a Catholic education (c. 793-806). He is to see that the gospel message comes to those who have ceased to practice their religion and who do not profess true faith (c. 771).

d) He must arrange for other forms of preaching, spiritual exercises, missions and retreats adapted to the pastoral needs of the parish (c. 770). He is to see that the word is proclaimed to those who, because of their condition of life, do not have sufficient common and ordinary pastoral care or lack it completely (c. 771, §1) and to non-believers (c. 771, §2).

2.4.2. Sanctifying Office (c. 528, §2)

a) Eucharistic Community: Regarding the ordinary means of sanctification, the parish priest is to make the Eucharist the life-giving and nourishing centre of the parochial congregation (c. 899), and that all the faithful reach the fullness of Christian life through conscious and active participation in the sacred liturgy (cc. 834-836), in the celebration of the sacraments (cc. 840, 843) and in a life of prayer (c. 582, §2).

Because of his sanctifying function in the parochial community (cc. 519, 528, §2) the parish priest has the obligation of celebrating mass for the faithful entrusted to his care on Sundays and days of obligation. Since this obligation is attached to the office and to the day, the parish priest should personally fulfil this obligation on the days fixed; but if he is legitimately impeded, he should have this obligation fulfilled on the same days through another priest or he himself can fulfil it on other days. The same obligation is extended to the parochial administrator (c. 540) and to the moderator in the case of several priests appointed in solidum to one parish or several parishes (c. 517, §1). If the parish priest has not satisfied this obligation, he is to apply as soon as possible as many masses for the people as he has omitted (c. 534, §3). In summary, it is a matter of fact not to deprive the faithful who compose the parochial community of the spiritual fruits of the Sacrifice of the Mass, being considered as an integral and fundamental part of the sanctifying function that parish pastoral care implies (c. 528, §2).

b) Sacramental Community: The parish priest brings Christ healing and sanctifying power to each and every member of his parish community through the celebration of various sacraments. The parish priest baptises new members of the community (c. 857, §2), reconciles the penitent (968, §1), administers confirmation to those who are in danger of death (cc. 530, 2°; 883, 3°), administers viaticum and anoints the sick (cc. 530, 3°; 1003), assists at marriages and gives nuptial blessing (530, 4°), buries the dead (530, 5°), blesses the baptismal font at Easter time, leads the processions outside the church building and gives solemn blessings (530).

He makes Christ sacramentally present amidst the parish community through various pastoral activities. Carefully prepared sacramental celebrations are the core of the pastor's sanctifying role within the parish community, but the role also implies a broader dimension of spiritual leadership (cc. 213, 214).

2.4.3. Governing Office (c. 529)

a) Parish Priest as Good Shepherd

By following the example of Christ (Jn. 10:11&14) the parish priest must know the faithful entrusted to him. He is not a mere ecclesiastical officer who is limited, obliged by the office he holds, to offer several services to one who lawfully asks for them. He must, in contrast, like the Good Shepherd, go in search of the faithful, visit the families, participate in their joy, anxiety and pain. He will prudently correct those who depart from good behaviour.³⁰ He will care for the sick, especially the dying; he will dedicate himself with particular service to the poor and afflicted; and he will help all the faithful, especially married couples and parents, to fulfil their own duties, by fostering Christian life in the family (c. 529, §1).

The pastor is to promote the active participation of the laity in the church's mission, striving to have the people of the parish share vitally in their local communion, and at the same time to feel themselves a vigorous part of the diocesan communion, eager to co-operate with the bishop and the presbyterium (c. 592, §2).

b) Parish Administration

The parish priest as the director of pastoral activity must diligently keep up, care for, and order the books and documents of the parish. He can get the help of even lay people to take care of documentary and administrative tasks of the parish.

i) Registers: The pastor has the obligation of providing for and carefully maintaining parish registers for baptism, marriage and the dead (c. 535, §1). In the baptism register he should enter ones' confirmation and whatever affects the canonical status of one by reason of marriage, adoption, reception of sacred orders, perpetual religious profession and change of rite (c. 535, §2). The bishop's conference or the diocesan bishop may prescribe other registers like confirmation register (c. 895), first communion register, status animarum register and the register for the reception of baptised non

Catholics into full communion. The code speaks of other registers which could be made obligatory in the parish. They are: register for catechumens (c. 788, §1) register for mass offerings (c. 958), register of income and expenses for financial administration (c. 1284, §2, 7°) and register for pious foundations (c. 1307). The pastor has the obligation to see that the parochial registers are accurately inscribed and carefully preserved. The vicar forane is to see that they are inscribed correctly and protected appropriately (c. 555, §1, 3°).

ii) Parish Seal: The parish priest must keep a parochial seal and all the official documents should be sealed with it (c. 535, §3). Regarding the certificates concerning the canonical state of the faithful and the other certificates that can have juridical effect, it is provided that they must bear the signature of the parish priest or his delegate and the parochial seal. It is a necessary condition for a document to be considered public as per the provision of c. 1540, §1.

iii) Parish Archive: He must also maintain an archive in which are to be kept the parish registers, the letters from the bishop and other important documents of the parish (c. 535, §4). Among those that have special importance are the documents and instruments in which the rights of the church in property are stated (c. 1284, §1, 9°). The parish priest is to make sure that the contents of the archives do not come into the hands of outsiders. The diocesan bishop is to inspect the archive at the time of the visitation (cc. 396-398). The particular law is to establish prescripts concerning the careful protection of older parochial records.

c) Parish Pastoral Council

The Vatican Council II highly recommends the participation of the laity in the administration of the parish and the diocese.³¹ Hence the new code (c. 536) prescribes that a pastoral council is to be established in each parish if the bishop after consulting the priests' council deems it opportune.

The parish priest will preside over it. It enjoys only a consultative vote and is to be governed by norms fixed by the diocesan bishop. It

aims at helping the pastors in their pastoral activities and in all parochial programmes. The laity brings in their creative ideas and energy and contributes much for carrying out the pastoral ministry more effectively. Through the pastoral council, the pastors are able to secure the co-operation of the laity and to win over their confidence.

Since it is a parish institution of recent implantation in the life of the Church, it is necessary that both the parish priest and the faithful be persuaded of its usefulness and the exact dimension of its nature and tasks. In this sense, John Paul II appreciated parish pastoral council citing a significant conciliar text: "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.... According to their abilities the laity ought to co-operate in all the apostolic and missionary enterprises of their ecclesial family" (AA, 10). In effect, only through the collaborative effort of all, in a spirit of service and without any desire for self promotion, the pastoral council will be a true instrument of communion (c. 529, §2) and a suitable help in the urgent work of evangelization entrusted to the parochial community.³²

d) Temporal Administration

The parish, since it is a pastoral structure of the particular church made up of a certain community of faithful, has a public juridical personality. Because of his condition as pastor of the parish, the parish priest is responsible not only for the sacraments, liturgy, doctrinal formation, etc., but also for civil, administrative, and penal aspects. Thus the pastor is the juridical representative of the parish (c. 532) and he represents the parish in all legal matters.

The parish priest is bound to administer the parish property according to cc. 1281-1288 and with due regard for civil law. As a consequence, he has the capacity to acquire, retain, administer and alienate temporal goods for the parish (c. 1255) and he has the duty of

governing it (cc. 419, 1279, §1). Canon 537 requires the establishment of a finance council in every parish. Its role is to assist the pastor in the administration of parochial goods. It is regulated by universal law as well as by norms issued by the diocesan bishop. The parish accounts should be transparent in order to get the confidence of the people which would render the pastoral administration more effective and vibrant.

2.5. Obligations of the Parish Priest

The pastoral and temporal administration of the parish requires certain obligations on the part of both the parish priest and the Christian faithful.

2.5.1. Residence

Because of his office as pastor of the parochial community, the parish priest represents in it a visible instrument of unity. In fact, his habitual presence in the parish guarantees, through a tangible and suitable availability, his constant attention to the pastoral needs of the faithful. Hence the Code obliged the parish priest to reside in the parochial house near the church that he may be easily available to the faithful. In individual cases, the bishop can permit to reside elsewhere provided he can perform his pastoral duties properly (c. 533, §1). Furthermore, c. 550, §2 requires the local ordinary as a result of council's directive³³ to take care that some manner of common life in the rectory is fostered between the parish priest and his vicars.

He is entitled to a month's vacation every year, continuous or interrupted not counting the days of annual retreat (c. 533, §2). C. 283, §2 entitles all clerics to a fitting and sufficient time of annual vacation to be determined by universal or particular law. He is to inform the bishop when he is absent from his parish for more than a week (c. 533, §2).

2.5.2. Voluntary Offerings (c. 531)

Stole fees are the voluntary offerings given on the occasion of the administration of certain sacraments and sacramental. This amount

is to be fixed by the provincial bishops' conference. The pastor has the right to receive the stole fees for services performed not only by him but also by another priest in his parish. Vatican II wishes that the church must remunerate the clergy adequately so that they will be less dependent on stole fees (PO, 20-21).

On the other hand, as c. 222, §1 states that Christ's faithful have the obligation to provide for the needs of the church in order to cater to the needs of the sacramental ministers. The competent authority can determine the contributions to be made on the occasion of the administration of the sacraments and sacramentals (c. 1264, 2°). However, for evident reasons of a pastoral character, as the Code states on the subject of stipends, "even the semblance of trafficking or trading" must be avoided (c. 947) and that the most needy are not deprived of parochial pastoral care because of their poverty (cc. 529, §1, 848, 1181).

Conclusion

In the beginning of his pontificate, Pope Paul VI affirmed the importance of parish in the spiritual renewal of the Church. He said: "...this old and venerable structure of the parish has an indispensable mission of great contemporary importance: to create the basic community of the Christian people; to initiate and gather the people in the accustomed expression of liturgical life; to conserve and renew the faith in the people of today; to serve as a school for teaching the salvific message of Christ".³⁴ Thus the purpose of the parish is to provide pastoral care for the Christian faithful, which is broadly described as teaching, sanctifying and governing. Pope John Paul II spoke of the parish as the "village fountain" to which all have recourse in their thirst. It is a community of faith where the rights of people are primary and parish structures are secondary because the parish is not principally a structure, a territory or building, but rather, the family of God, a fellowship afire with a unifying spirit, familial and welcoming the 'community of the faithful'.³⁵ The parish priest should make the parish as the centre of Eucharistic community sanctifying their life,

fulfilling their spiritual and material needs and guiding them to the eternal salvation as proper pastor.

Endnotes

- ¹ Cf. LG, n. 23.
- ² Cf. Pope John Paul II, The Vocation and Mission of the Laity, *Christifideles Laici*, 30.12.1988, n. 26.
- ³ C. 216 of 1917 Code: Parishes are to have: a) distinct territorial limits and a distinct part of the population; b) their own proper church; c) their own proper rector or pastor.
- ⁴ Cf. SC, n.42; AA, n. 20.
- ⁵ J.A. Janicki, Can. 515 in the *Code of Canon Law. A Text and Commentary*, New York, 1985, p. 416.
- ⁶ *Communicationes* 13 (1981) pp. 147-148.
- ⁷ *Christifideles Laici*, no. 26.
- ⁸ Canon 813 suggests that the diocesan bishop can consider establishing a parish for university students for their pastoral care.
- ⁹ See CD, 30-31.
- ¹⁰ LG, 28; CD, 30; PO, 4.
- ¹¹ PO, n. 8
- ¹² Decree of Gratian speaks of a spiritual marriage between parish priest and the parish in similar manner of bishop to the diocese. Cf. C7, q.1, c. 39.
- ¹³ Sanchez-Gil, Parishes and Parish Priests in *Exegetical Commentary on the Code of Canon Law, Vol.II/2*, p. 1268.
- ¹⁴ Barbara Anne Cusack Therese Guerin Sullivan, *Pastoral Care in Parishes without a Pastor. Application of Canon 517, §2*, Canon Law Society of America, Washington DC, 1995.
- ¹⁵ CFC et al., *Instruction on Certain Questions Regarding the Collaboration of the Non-Ordained Faithful in the Sacred Ministry of Priests* in AAS, 89 (1997) 852-877.
- ¹⁶ See C. 517, §1.
- ¹⁷ CCC, 1548.
- ¹⁸ Sanchez-Gil, *Parishes and Parish Priests*, p. 1293. See also PDV, n. 16.
- ¹⁹ Cf. PDV, 5-7.
- ²⁰ C. 459, §3, 3° of 1917 code permitted the bishops to conduct examination. But *Ecclesiae Sanctae*, implementing *Christus Dominus* suppresses the competitive examination to determine the suitability of the priest for the office of parish priest (CD, 31; ES, I, 18,1).
- ²¹ See Congregation for the Bishops, *Directory on the Pastoral Ministry of Bishops*, 1973, n. 116.

²² Second Vatican Council wished that the rights of others to present or nominate a parish priest be eliminated so that the bishop would have a free hand in appointing priests to ecclesiastical offices (CD, 31).

²³ CD, 31.

²⁴ See CD, 31.

²⁵ ES, I, 20,2 states that transfer looks more to the good of the parish to which one is to be transferred than the welfare of the parish from which one is being transferred.

²⁶ Sanchez-Gil, *Parishes, and Parish Priests*, p. 1354.

²⁷ ES, I, 20,1.

²⁸ 1917 Code had not contained a norm inviting the resignation of pastors. *Christus Dominus*, 31 requested the pastors to submit their resignation if they are incapable of performing their ministry adequately and fruitfully. *Ecclesiae Sanctae* 20 (3) called for retirement at age seventy-five.

²⁹ *Instruction*, 20, art. 4, 2. See CFC, *Directory for the Life and Ministry of Priests* (Vatican City: Libreria Editrice Vaticana, 1994, n. 44).

³⁰ Sanchez-Gil, *Parishes and Parish Priests*, p. 1322.

³¹ LG, 37; AA, 26.

³² Sanchez-Gil, p. 1348.

³³ CD, n. 30; PO, 8.

³⁴ Pope Paul VI, *Discourse to the Roman clergy*, 24.6.1963 in AAS 55 (1963) 647.

³⁵ Pope John Paul II, *Christifideles Laici*, nn. 26-27.