

# Parishes: Leadership and Other Issues associated with Clustering and Mergers

1. This article is a chapter of Canon Law in Action and is a slightly revised version of an article that bore the same title and was published in the *Australasian Catholic Record* 81, no, 4 (October 2004: 442-456).
2. Cardinal Williams, in the Archdiocese of Wellington, on 1 October 2003, issued a decree placing the 47 parishes into 15 pastoral areas. A discussion booklet was produced, there was consultation, and an educational programme for lay leaders was initiated.
3. But in parishes where parishioners can only come to receive the sacraments and attend divine offices with great inconvenience, because of distance or inaccessibility, new parishes may be founded, even against the will of pastors': in Norman Planner, ed., *Decrees of the Ecumenical Councils, vol. 2, Trent to Vatican II* (Washington, DC: Sheed and Ward, and Georgetown University Press, 1990), 729-730.
4. Can. 216 §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 its pastor, who is over it for the necessary care of souls... §3. The parts of the diocese mentioned in §1 are parishes.
5. Can. 216 §4.
6. Vatican Council II, *Sacrosanctum Concilium*, 42, in Austin Flannery, ed., *Vatican Council II: The Conciliar and Post Conciliar Documents* (Collegeville: Liturgical, 1975), 15 (Hereinafter cited as 'Flannery').
7. CD 30, in Flannery, 582.
8. CD 30, in Flannery, 581.
9. CD 30, in Flannery, 581.
10. SC 42, in Flannery, 15
11. LG 26, in Flannery, 381.
12. PO 6, in Flannery, 873.
13. PO 6, in Flannery, 874
14. Vatican II, *Apostolicam Actuositatem*, in Flannery, 777-778.
15. CD 31, in Flannery, 583.
16. CD 32, in Flannery, 583.
17. Paul VI, *Ecclesiae Sanctae* 21, in *CLD VI: 277*
18. Sacred Congregation for Bishops. *Directory on the Pastoral Ministry of Bishops*, 31 May 1973 (Ottawa: Canadian Catholic Conference), no. 177.91.
19. Can. 515 §3. "A lawfully established parish has juridical personality by virtue of the law itself." For a comprehensive explanation of juridical persons, cf. David Price, "Juridical Person: Fiction or Reality? Does It Matter?" in *Proceedings of the Thirty First Annual Conference*, Canon Law Society of Australia and New Zealand (Auckland, 1997), 37-58.
20. Can. 120 §1. A juridical person is by its nature perpetual. It ceases to exist, however, if it is lawfully suppressed by the competent authority, or if it has been inactive for a hundred years.
21. Can. 1256. Under the supreme authority of the Roman Pontiff, ownership of goods belongs to that juridical person which has lawfully acquired them,
22. Can. 1254 §1. The Catholic Church has the inherent right, independently of any secular power, to acquire, retain, administer and alienate temporal goods, in pursuit of its proper objectives.
23. Can. 115
  - a. §1.... juridical persons in the Church are either aggregates of persons or aggregates of things.
  - b. §2 An aggregate of persons, which must be made up of at least three persons, is collegial if the members decide its conduct by participating together in making its decisions, whether by equal right or not, in accordance with the law and the statutes: otherwise, it is non-collegial.
  - c. §3 An aggregate of things, or an autonomous foundation, consists of goods or things, whether spiritual or material, and is directed, in accordance with the law and the statutes, by one or more physical persons or by a College.
24. Can. 116 §1. Public juridical persons are aggregates of persons or of things which are established by the competent ecclesiastical authority so that, within the limits allotted to them, they might in the name of the Church and in accordance with the provisions of law, fulfil the specific task entrusted to them in view of the public good. Other juridical persons are private.

25. Can. 532. In all juridical matters, the parish priest acts in the person of the parish, in accordance with the law. He is to ensure that the parish goods are administered in accordance with Canons 1281-1288.
26. Can. 537 in each parish there is to be a finance committee to help the parish priest in the administration of the goods of the parish, without prejudice to Canon 532. It is ruled by the universal law and by the norms laid down by the diocesan Bishop, and it is comprised of members of Christ's faithful selected according to these norms.
27. [Procedural Guidelines for the Modification of Parishes, the Closure or Relegation of Churches to Profane but not Sordid Use, and the Alienation of the Same.](#)
28. Procedural Guidelines for the Modification of Parishes.
29. Procedural Guidelines for the Modification of Parishes.
30. Lawrence Di Nardo, "Parish Reconfiguration: Protection of Rights of Bishops and Parishes": in *Proceedings of the Seventy-Third Annual Convention 2011*, Canon Law Society of America, 55,
31. Di Nardo, "Parish Reconfiguration": 62.
32. James Coriden, "Parish Communities and Reorganisations": *Studia Canonica* 44 (2010): 42.
33. Can. 515 §2. The diocesan Bishop alone can establish, suppress or alter parishes. He is not to establish, suppress or notably alter them unless he has consulted the council of priests: For a discussion of the relationship of the parish with the diocese confer David Price, "The Relationship between the Parish and the Diocese concerning the Administration and Alienation of Temporal Goods": *Canon Law Society of Australia and New Zealand Newsletter*, no. 1 (Sydney, 2000): 33-37
34. Can. 122.
35. Can. 121. When aggregates of persons or of things which are public juridical persons are so amalgamated that one aggregate, itself with a juridical personality, is formed, this new juridical person obtains the patrimonial goods and rights which belonged to the previous aggregates; it also accepts the liabilities of the previous aggregates. In what concerns particularly the arrangements for the goods and the discharge of obligations, the wishes of the founders and benefactors. and any acquired rights, must be safeguarded.
36. Can. 122. When an aggregate which is a public juridical person is divided in such a way that part of it is joined to another juridical person, or a distinct public juridical person is established from one part of it, the first obligation is to observe the wishes of the founders and benefactors, the demands of acquired rights and the requirements of the approved statutes.
37. Congregation for the Clergy, Instruction, "The Priest: Pastor and Leader of the Parish Community": *Origins* 32 (2002-2003): 373-390. This instruction follows the Congregation for the Clergy instruction, "The Priest and the Third Christian Millennium: Minister of the Sacraments and Leader of the Community": *Origins* 29, no. 13: 197-211, and the Congregation for the Clergy at al., "Instruction on Certain Questions regarding the Collaboration of the Non-Ordained Faithful in the Sacred Ministry of Priests": *Ecclesiae de Mysterio*, 15 August 1997, in William H. VVoestman, *The Sacrament of Orders and the Clerical State* (Ottawa: Saint Paul University, 1999), 281-305.
38. Can. 533
  - a. §1. The parish priest is obliged to reside in the parochial house, near the church. In particular cases, however, where there is a just reason, the local Ordinary may permit him to reside elsewhere, especially in a house common to several priests, provided the carrying out of the parochial duties is properly and suitably catered for.
  - b. §2. Unless there is a grave reason to the contrary, the parish priest may each year be absent on holiday from his parish for a period not exceeding one month, continuous or otherwise. The days which the parish priest spends on the annual spiritual retreat are not reckoned in this period of vacation. For an absence from the parish of more than a week, however, the parish priest is bound to advise the local Ordinary.
39. Can. 550 §1. The assistant priest is bound to reside in the parish or, if he is appointed for a number of parishes at the same time, in one of them. For a just reason, however, the local Ordinary may permit him to reside elsewhere, especially in a house common to several priests, provided the carrying out of the pastoral duties does not in any way suffer thereby.
40. Can. 520 §1. A juridical person may not be a parish priest. However, the diocesan Bishop, but not the diocesan Administrator, can, with the consent of the competent Superior, entrust a parish to a clerical religious institute or to a clerical society of apostolic life, even by establishing it in the church of the institute or society, subject however to the rule that one priest be the parish priest or, if the pastoral care is entrusted to several priests jointly, that there be a moderator as mentioned in Can. 517 §1.
41. Can. 520 §2. The entrustment of a parish, as in §1, may be either in perpetuity or for a specified time. In either case this is to be done by means of a written agreement made between the diocesan Bishop and the competent Superior of the institute or society. This agreement must expressly and accurately define, among other things, the work to be done, the persons to be assigned to it and the financial arrangements.

42. Edward A. Sweeney, *The Obligations and Rights of the Pastor of a Parish according to the Code of Canon Law* (New York: Alba House, 2002), 234; John Renken, in John P Beal, James A. Coriden and Thomas J. Green, eds, *New Commentary on the Code of Canon Law* (New York: Paulist, 2000), 583, has the same opinion.
43. Can. 544.
44. Can. 526 §1. "A parish priest is to have the parochial care of one parish only. However, because of a shortage of priests or other circumstances, the care of a number of neighbouring parishes can be entrusted to the one parish priest:' Can. 520 requires one priest as the "moderator" or "parish priest':
45. Can. 527 §2.
46. Can. 543 §2, 3°. ... in juridical affairs, only the moderator acts in the person of the parish or parishes entrusted to the group.
47. Congregation for the Clergy or al, "Instruction on Certain Questions regarding the Collaboration of the Non-Ordained Faithful in the Sacred Ministry of Priests, in Woestman, *The Sacrament of Orders and the Clerical State*, 291:
48. article 1, §3, "it is unlawful for the non-ordained faithful to assume titles such as 'pastor', 'chaplain', 'coordinator', 'moderator' or other such similar titles which can confuse their role and that of the parish priest. who is always a bishop or presbyter" Congregation for the Clergy et al., "Instruction on Certain Questions regarding the Collaboration of the Non-Ordained Faithful in the Sacred Ministry of Priests': in Woestman, *The Sacrament of Orders and the Clerical State*, 291. A footnote states: "Such examples should include all those linguistic expressions which, in languages of the various countries, are similar or equal and indicate the function of a leader or his vicar':
49. Can. 517 §2. in any one parish there is to be only one parish priest, or one moderator in accordance with Can. 517 §1; any contrary custom is reprobated and any contrary privilege revoked.
50. Can. 151. The provision of an office
51. James Provost, "Canon 517: Priest as Moderator of Parish': in A. Espelage, ed., *CLSA Advisory Opinions 1994-2000* (Washington, DC: Canon Law Society of America, 2002), 135.
52. Renken, in Beal, Coriden and Green, eds, *New Commentary on the Code of Canon Law*, 688.
53. Can. 150.
54. Ian Waters. "Canon 515: The Obligation of the Diocesan Bishop to Hear the Presbyterian Council before Altering a Parish': in Canon Law Society of America, *Ftoman Replies and Advisory Opinions 2002*, 95-96.
55. 55 John Huels. "Seminar: Parish Ouster/Suppressions; in Proceedings of the Thirt-Fourth Conference. Canon Law Society of Australia and New Zealand. 2000. 66.
56. 56 Can. 122, When an aggregate which is a public juridical person is divided in such a way that part of it is joined to another juridical person, or a distinct public juridical person is established from one part of it, the first obligation is to observe the wishes of the founders and benefactors, the demands of acquired rights and the requirements of the approved statutes. Then the competent ecclesiastical authority, either personally or through an executor, is to ensure:
  - a. 1° that the divisible common patrimonial goods and rights, the monies owed and the other liabilities, are divided between the juridical persons in question in due proportion, in a fashion which is equitable and right, taking account of all the circumstances and needs of both;
  - b. 2° that the use and enjoyment of the common goods which cannot be divided, be given to each juridical person, and also that the liabilities which are proper to each are the responsibility of each, in due proportion, in a fashion which is equitable and right.'
  - c. Can. 123. On the extinction of a public juridical person, the destination of its goods and patrimonial rights as also of its obligations is ruled by law and the statutes. If the statutes do not deal with the matter, the goods and the patrimonial rights go to the next higher juridical person, always with due regard for the wishes of the founders and benefactors and for acquired rights. On the extinction of a private juridical person, the destination of its goods and obligations is governed by its own statutes.
57. James Provost, "Some Canonical Considerations on Closing Parishes'; *Jurist* 53 (1993); 362-370.
58. Can. 529 §2, The parish priest Is to recognise and promote the specific role which the lay members of Christ's faithful have in the mission of the Church. fostering their associations which have religious purposes. He is to cooperate with his proper Bishop and with the presbyterium of the diocese. Moreover. he is to endeavour to ensure that the faithful are concerned for the community of the parish. that they feel themselves to be members both of the diocese and of the universal Church. and that they take part in and sustain works which promote this community.
59. Congregation for the Doctrine of the Faith, [Communionis notio. May 28, 1992. no. 9](#)
60. Procedural Guidelines for the Modification of Parishes.
61. Can. 1215
  - a. §1. No church is to be built without the express and written consent of the diocesan Bishop.

- b. §2. The diocesan Bishop is not to give his consent until he has consulted the council of priests and the rectors of neighbouring churches, and then decides that the new church can serve the good of souls and that the necessary means will be available to build the church and to provide for divine worship.
62. Can. 1222
- a. §1. If a church cannot in any way be used for divine worship and there is no possibility of its being restored, the diocesan Bishop may allow it to be used for some secular but not unbecoming purpose.
  - b. §2. Where other grave reasons suggest that a particular church should no longer be used for divine worship, the diocesan Bishop may allow it to be used for a secular but not unbecoming purpose. Before doing so, he must consult the council of priests; he must also have the consent of those who could lawfully claim rights over that church, and be sure that the good of souls would not be harmed by the transfer.
63. Can. 1300. "The intentions of the faithful who give *or* leave goods to pious causes, whether by an act *inter vivos* or by an act *mortis cause*, once lawfully accepted, are to be most carefully observed, even in the manner of the administration and the expending of the goods, without prejudice to the provisions of Canon 1301 §3," Cf. Also canons 1267 §3; 1284 §2,3°.
64. Can 532.
65. Pope Francis, Apostolic Exhortation, [\*Evangelii Gaudium\*](#), 24 November 2013, 28;
66. 66 St John Chrysostom, De Incomprehensibili, 3, 6: Patrologia Graeca 48, 725.