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THE FORGOTTEN SYNOD OF 1938
THE COURSE AND STATUTES OF
THE SECOND SYNOD OF THE DIOCESE OF TARNÓW

Nowadays, no one will question the claim that without knowing the history of ecumenical councils the history of the Church as well as the political and cultural history of the Western World and Byzantium cannot be understood. The synodal activities have been milestones for the two millennia which have passed since the birth of Jesus Christ. The so-called Council of Jerusalem, described in the Acts of the Apostles, imposed a concrete form on those historic events. An ecclesiastical council typically involves a profound examination of issues of doctrine and practices which the Church should incorporate in its mission.

At the regional and local level, plenary, metropolitan and diocesan synods play an analogous role to the one fulfilled by general councils. Diocesan synods deserve particular attention because their origin lies in the needs of local particular Churches. By offering disciplinary, pastoral and spiritual guidance, they build a concrete ecclesial reality, reaching the basic church and social communities.

The subject of the article was formulated as follows: *The Forgotten Synod of 1938. The Course and Statutes of the Second Synod of the Diocese of Tarnów*. Why forgotten? To date there have been four synods in the diocese.¹ All studies concerning the synodal legislation of the Diocese of Tarnów have relied solely on three synods. Upon an examination of the second synod, we come across a curt phrase saying

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¹ They were convened in 1928, 1938, 1948 and 1986. On December 16, 2016, Andrzej Jeż, the diocesan bishop, announced the Fifth Synod.

that “the statutes of this Synod have gone missing.” No research has been done to reconstruct the statutes of the Synod.² The presented study is an attempt to familiarise the Reader with the motives, course and chief topics addressed by the Second Synod of the Diocese of Tarnów.

1. THE SYNODAL TRADITION IN THE DIOCESE OF TARNÓW BEFORE 1938

The Code of Canon Law, promulgated by Pope Benedict XV in 1917, devotes merely 6 canons to the institution of diocesan synod.³ This codification embraces the entire canonical tradition concerning diocesan synods. They date back to the fourth century, and they were convened once or several times a year. In the 6th century, the Synod of Auxerre prescribed that the diocesan clergy be convened for a council once in a year. The Fourth Council of the Lateran contains a general provision which ordered bishops to gather at diocesan synods every year under the pain of suspense. The Council of Trent evoked this statute again and specified who was to participate in these. In Poland, in the first decades of the 13th century, diocesan synods were initially convened twice a year, then once annually. The decree of the Council of Trent concerning the annual holding of synods was not obeyed in its entirety.⁴

In CIC/17, for the first time in the history of the Church, we find a comprehensive and uniform view of the institution. Here the functions of the diocesan synod are defined, albeit in a very general manner. T. Rozkrut analyses the relevant legislation along the following lines:⁵

² So far, the content of the Synod of 1938 has been the subject of the following publications: B. PLEWA, “Drugi Tarnowski Synod Diecezjalny. Zapomniane wydarzenie w historii Kościoła lokalnego,” *Rocznik Tarnowski* 19 (2014): 53–59; R. KANTOR, “II Synod Diecezji Tarnowskiej o prawach i obowiązkach duchownych. Próba rekonstrukcji nieopublikowanych statutów synodalnych,” in *Institucje i wydarzenia*, ed. A. Gąsior and J. Królikowski, vol. 2 of *Dzieje diecezji tarnowskiej* (Tarnów: Wydawnictwo Diecezji Tarnowskiej Biblos, 2012), 133–146. A reconstruction of the statutes can be found in: R. KANTOR, *Synod w przededniu wojny. II Synod Diecezji Tarnowskiej – historia i rekonstrukcja statutów* (Tarnów: Wydawnictwo Diecezji Tarnowskiej Biblos, 2016).

³ *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* May 27, 1917, *AAS* 9 (1917), pars II, 1–593 [hereafter CIC/17].

⁴ See F. BĄCZKOWICZ, J. BARON, and W. STAWINOĞA, *Prawo kanoniczne. Podręcznik dla duchowieństwa*, 3rd ed. (Opole: Wydawnictwo Diecezjalne Św. Krzyża, 1957), 1:522–23.

⁵ T. ROZKRUT, *Synod diecezjalny w Kościele* (Tarnów: Wydawnictwo Diecezji Tarnowskiej Biblos, 2002), 52–53; see also M. SITARZ, “Synod diecezjalny,” in *Księga II. lud Boży. Część I. Wierni chrześcijanie. Część II. Ustrój hierarchiczny Kościoła*, vol. 2/1 of *Komentarz do Kodeksu Prawa*

— a diocesan synod is to be celebrated in each diocese at least once in ten years to consider matters which pertain to the life of the clergy and the diocesan faithful (c. 356);

— the diocesan synod is convoked and presided over by the diocesan bishop in the cathedral church (c. 357);

— the legislation specifies the list of the attendees. Moreover, the legislation also determines who else can be requested by the bishop to participate in the synodal work. The lay faithful are not allowed to attend the synod (c. 358);

— participation in the synod must always be in person, not through a delegated procurator (c. 359 §1);

— the diocesan synod is organised by specially instituted commissions (c. 360);

— all proposed questions are subject to the discussion of persons involved in the preparatory sessions (c. 361). The subject matter of synodal sessions is determined by the bishop. Prior to the synod, he can appoint one or several commissions from among the diocesan clergy to prepare the agenda for the proceedings. He is to ensure that the participants receive the draft decrees before the sessions commence. Final resolutions are made during general and solemn sessions;

— only the diocesan bishop is the only legislator in a synod, whereas the others have a consultative vote only. Synodal statutes enter into force immediately after their promulgation (c. 362).

After the promulgation of CIC/17, there were dioceses in which a synod was convoked regularly every ten years, but the majority of dioceses convened synods once or twice in that period. Just in the period directly following the promulgation of the Code numerous diocesan synods were held, providing an opportunity to adjust the particular laws with the new general legislation; it was also a time when diocesan synods also considered papal teaching, arguments concerning liturgy, forecasts, sacral music and art, and the lay apostolate. Also, in the period following the promulgation of CIC/17, some diocesan synods were convened only to observe the norm prescribed in the Code.⁶

Kanonicznego, ed. J. Krukowski (Poznań: Pallottinum, 2005), 333–44; IDEM, “Synod diecezjalny w Kodeksie Prawa Kanonicznego z 1983 roku. Zarys problematyki,” *Biuletyn Stowarzyszenia Kanonistów Polskich* 24, no. 27 (2014): 91–106; J. DYDUCH, “Synod diecezjalny – narzędziem odnowy Kościoła partykularnego,” *Prawo Kanoniczne* 40, nos. 3–4 (1997), 23–35; R. KANTOR, “Stanowienie prawa w Kościele partykularnym. Kompetencje synodu diecezjalnego i konferencji biskupów,” in *Kościół lokalny w Kościele Chrystusa*, ed. R. Kantor (Kraków: Wydawnictwo Naukowe Uniwersytetu Papieskiego Jana Pawła II, 2015), 78–93.

⁶ ROZKRUT, *Synod diecezjalny w Kościele*, 54.

Dispositions contained in CIC/17 encouraged the Bishop of Tarnów to take appropriate measures. Speaking of synods, Bishop Leon Wałęga said: “I would liken the synod to the Sacrament of Confirmation. Just as Confirmation bestows strength and the fullness of supernatural life on a Christian, through a synod the diocese is affirmed and reaches the fullness of being. I admit that I have seen this deficiency from the beginning, but not having enough strength to tackle such an enormous task, I have always deferred the thought of it, and it is now, in my old age, that I have undertaken this work, mainly because I have been requested to do so by Rome. [...] We are, then, in the name of God, commencing the first diocesan Synod, and – God willing – it shall mark a new era in the history of our diocese.”⁷

On April 4, 1927, Bishop Wałęga announced the convening of the diocesan synod, and appointed Rev. Władysław Mysor to be the Promoter. He set the goals of the synod: the harmonisation of the applicable diocesan law with CIC/17 and updating the diocesan law with new regulations. At the same time, he appointed 8 synodal commissions:⁸

1) The Codification and Legislative Commission, chaired by Rev. Stanisław Bulanda, intended to redact the synodal resolutions into statutes consistent with the law of the Universal Church, taking into account the diocesan practice;

2) The Commission for Pastoral Ministry in the Church, headed by Rev. Tomasz Włoch, whose role was to deal with parish preaching, catechesis, contemporary errors concerning the faith and morality, ways to counteract them, the Holy Sacraments, Catholic press, fraternities and ecclesiastical associations, as well as matters related to missions and retreats;

3) The Commission for Pastoral Ministry outside the Church, led by Rev. Józef Lubelski, whose task was to discuss the forms of extra-church pastoral care, that is parish organisations and associations, forms of charity work, emigration issues, Catholic League, associations for the out-of-school youth, and issues of worker and vocational organisations;

4) The Liturgical Commission, led by Rev. Kasper Mazur, intended to deal with the order of church services, the worship of the Eucharist, church decor, the artistic aspect of newly built churches and chapels, development of parish cemeteries, and church attendants;

5) The Commission for Church Goods, presided over by Rev. Roman Sitko, which addressed issues related to the administration and inventories of church

⁷ *Pierwszy Synod Diecezji Tarnowskiej 1928* (Tarnów: Nakładem Kleru Diecezjalnego, 1928), 22.

⁸ B. KUMOR, *Diecezja tarnowska. Dzieje ustroju i organizacji 1786–1985* (Kraków: Polskie Towarzystwo Teologiczne, 1985), 367; cf. B. PLEWA, “Pierwszy Synod Diecezji tarnowskiej. Etap przygotowawczy (4 kwietnia 1927–20 czerwca 1928),” *Tarnowskie Studia Historyczne* 3 (2013): 124–27.

property, various fees, Mass offerings, alienation of church goods, bequests and pious foundations, and participation in the costs of church building;

6) The Educational Commission, led by Rev. Franciszek Walczyński, which dealt with books for religious instruction used in schools of various types, prayer books, pastoral care of school youth, aspects of catechetical work, and youth church organisations;

7) The Managing and Administrative Commission, headed by Rev. W. Mysor, whose responsibility was to discuss the role and powers of deans, the form of dean's visitations, the structure of deanery congregations, as well as the jurisdictional powers of the deanery inspector. The Commission also discussed the relation between the parish priest, vicar, catechist, and a patron.

8) The Organising Commission, led by Rev. W. Mysor, which was in charge of the preparation of documents, decrees, acts and the synodal ceremonial, the technical side of the Synod, the printing of its resolutions, materials and papers presented.

The synodal commissions held their sessions in July, 4 to 25, 1927, the goal being to become familiar with the content of the papers prepared in advance and to adopt appropriate resolutions. The Codification and Legislative Commission held a meeting on July 30, having received materials from the other commissions. In the session, all motions and resolutions were subject to discussion, and relevant materials were distributed among individual commissions to prepare synodal statutes.⁹

Shortly afterwards, guidelines were published to determine the scope of work for specific commissions, as well as the rule book, dates of sessions and composition of the commissions. In line with these regulations, Bishop Wałęga appointed about 120 persons to pursue preparatory work for the diocesan synod, chiefly from among the diocesan clergy and several from among the religious clergy. The conclusions of the commissions were published as *Uchwały przygotowawcze do synodu diecezjalnego* [*Preparatory resolutions for the Diocesan Synod*] (Tarnów, 1927), and on August 5, 1927, they were distributed to deanery congregations for consideration. Notes from these discussions were to be submitted to the promoter of the Synod.¹⁰

By the decree of June 20, 1928, Bishop Wałęga convened the First Synod of the Diocese of Tarnów in the cathedral on August 21–23, 1928. He ordered prayers and services to be held and instituted several offices “to maintain order and efficiency of the synodal sessions.” He appointed Auxiliary Bishop Edward Komar his deputy, and Rev. W. Mysor Promoter of the Synod, while Rev. S. Bulanda became Deputy Promoter. For the other synodal offices, the following persons were appointed:

⁹ See KUMOR, *Diecezja tarnowska*, 368.

¹⁰ See *ibid.*

Rev. R. Sitko as the secretary of the Synod, Rev. M. Rec as the notary, Rev. F. Walczyński, Rev. R. Sitko, Rev. A. Albin, Rev. F. Mikłasiński as the judges of complaints and reasons for absence, Rev. Lubelski as the Prefect of the Seminary Students, Rev. K. Mazur as the Master of Ceremonies, and last but not least, Rev. A. Wilczkiewicz as the Curate of the Clergy.¹¹

The following were summoned: the Cathedral Chapter *in gremio*, 22 deans, 23 parish priests, 8 religious superiors, 2 reverend professors (Rev. J. Wiślicki¹² of the Catholic University of Lublin and Rev. P. Stach of the John Cassimir University of Lviv), 5 honorary curial counsellors, 19 vice-deans, 42 members of synodal commissions, 22 vicars, and 3 guests. The Synod was to be attended by a total of 151 priests out of 459 priests, the number which as of December 31, 1928 constituted 30.88%. Of the invited priests, 16 did not come to attend.¹³

During the synod, synodal examiners, judges and consultors were elected. By a decree of September 8, 1928, Bishop Wałęga reorganised the arrangement of deaneries throughout the diocese. A total of 275 of synodal statutes were promulgated. Part 1, comprising 26 statutes, was entitled "On the cultivation of the Holy Faith." Part 2, "On the ecclesiastical discipline," contained 111 statutes. Part 3, "On Godly service," contained 78 statutes, and 60 statutes belonged to Part 4 entitled "On Church property." The synodal statutes, published in that year, were supplemented with 19 addenda: Norms for the proclamation of the Divine Word (1), Instruction for the organisation of parish missions, St. Joseph Association of Priests of the Diocese of Tarnów (3), Pius X's address to the clergy (4), Group for mutual prayers for peaceful death (5), Instructions on canonical visitation (6), Instruction on deanery congregations (7), Instruction on Dean's visitation (8), Instruction on school visitation (9), Temperance society (10), The ritual for the First Communion (11), Special powers of higher clergy (12), Decree on the First Communion (13), Instruction on matrimony (14), Outline of the agreement with church attendants (15), The order of church services (16), The order of expositions of the Most Holy Sacrament (17), Instruction on the securing of property in vacated churches and presbyteries (18), and finally a template for a lease agreement (19). The synodal statutes became effective on January 1, 1929.¹⁴

¹¹ Ibid, 369.

¹² See M. SITARZ, „Prawa wiernych świeckich chrześcijan w interpretacji Jana Wiślickiego,” in *Vir Ecclesiae deditus. Księga dla uczczenia Księdza Profesora Edwarda Góreckiego*, ed. W. Irek (Wrocław: Papieski Wydział Teologiczny, 2011), 242–57.

¹³ KUMOR, *Diecezja tarnowska*, 369.

¹⁴ See *Pierwszy Synod Diecezji Tarnowskiej 1928*, 24.

2. THE CONVENING AND COURSE OF THE SYNOD OF 1938

2.1. THE GOAL OF THE SYNOD

According to canon law, diocesan synods were to be held every ten years. Therefore it was now proper to convene a diocesan synod in 1938. On August 26–27, 1936, the First Plenary Synod of Poland was convened at the Jasna Góra Monastery in Częstochowa, under the leadership of Legate *a Latere* Francesco Marmagii. The synod was attended by the ordinaries of all the three rites and by delegates of theological faculties in Lublin, Cracow, Lviv, Vilnius and Warsaw, as well as delegates of cathedral chapters and senior religious superiors. The plenary synod passed 151 resolutions, chiefly of pastoral character. The First Plenary Synod of Poland was a particularly momentous event. This fact was emphasised in 1936 by bishops in their pastoral letter: “This Synod is the first plenary synod in the history of the Church since the revival of the Polish State, and was convened in circumstances of enormous importance for our inner life, and in the time when the most horrible conflagration that ever threatened the world is writing its *mene, tekel, fares* with its blood-red glow.”¹⁵

The resolutions passed by the First Plenary Synod of Poland comprised 15 chapters:¹⁶ I. *General rules*; II. *On the clergy in general*; III. *On the clergy in particular*; IV. *On lay Catholics*; V. *On Catholic Action*; VI. *On the moral principles of public, social and cultural life*; VII. *On Catholic writings and publications*; VIII. *On ecclesiastical missions and unity*; IX. *On Holy Sacraments*; X. *On sacramentals*; XI. *On sacred places*; XII. *On the Divine Worship and the veneration of the saints*; XIII. *On the teaching mission of the Church*; XIV. *On the goods of the Church*; XV. *On ecclesiastical administration of justice*.

The idea that the bishops had in mind was that all of the synodal resolutions should be imbued with the concern for affirmation and sanctification of the soul within society since not every goal could be achieved solely by means of penal sanctions. “In essence, communism is a disease of the soul, therefore the soul has to be cured. Sadly, all too often reformers forget about the social significance of a healthy and spiritual soul, depending on people with warped minds and poor ethics who wish to combat communism but they make alliances with radicalism. How wrong they are!”¹⁷

¹⁵ “List pasterski biskupów Rzeczypospolitej Polskiej z Jasnogórskiego Synodu Plenarnego,” *Currenda. Pismo urzędowe diecezji tarnowskiej* 8 (1936): 117 [hereafter referred to as *Currenda*].

¹⁶ *Uchwały Pierwszego Polskiego Synodu Plenarnego odbytego w Częstochowie Roku Pańskiego 1936* (Katowice: Księgarnia i Drukarnia Katolicka, 1938).

¹⁷ “List pasterski biskupów Rzeczypospolitej Polskiej z Jasnogórskiego Synodu Plenarnego,” 120.

The bishops encouraged the faithful to defend the faith, watch over the national spirit and the security of their homeland. In this respect, the resolutions of the Plenary Synod were of help.

Due to the reasons indicated above, the Plenary Synod became one of the principal reasons for the convening of the Second Synod of the Diocese of Tarnów. On March 25, 1938, in a letter to the clergy, Bishop Lisowski reminded them on June 16, 1938, the Plenary Synod would enter into force, and that it was ten years since the last diocesan synod had taken place. Accordingly, he resolved to convene the Second Diocesan Synod at the beginning of July in 1938.¹⁸ The following motives were provided by Tarnowski:

- 1) promulgation of the resolutions of the Plenary Synod;
- 2) alignment of the diocesan law with the outcomes of the Synod;
- 3) satisfaction of the provisions of canon law concerning the convening of diocesan synods every 10 years;
- 4) implementation of amendments and additions to the resolutions of the First Synod of the Diocese of Tarnów, and a thorough redaction of those synodal documents which related to the property of the Church, with particular emphasis on the act of March 17, 1932, on church contributions.¹⁹

With a view to preparing the synodal materials, Bishop Lisowski ordered the printing of the resolutions of the Plenary Synod in the periodical *Currenda* early in 1938. The idea was that priests of the diocese should be well familiarised with the texts of the Plenary Synod, which were soon to enter into force. The resolutions were to form the subject of deanery congregations, as well as issues connected with church inventories and church property.

2.2. THE PREPARATORY STAGE

The preparatory work for the Second Synod consisted chiefly in holding meetings with the clergy in all deaneries of the diocese of Tarnów. The so-called deanery congregations were held, that is meetings of the clergy of a particular deanery chaired by the dean. In these sessions deans announced the Synod and nominated secretaries to prepare presentations of particular issues. During the next deanery session they delivered the presentations and discussed the questions which were intended to harmonise the particular laws with the resolutions of the First Plenary

¹⁸ F. LISOWSKI, "Pismo do wiernych," *Currenda* 6 (1938): 97.

¹⁹ *Ibid.*

Synod of Poland. The deans were obliged to draft protocols of the congregations and submit them to the diocesan curia by May 15, 1938.²⁰

The deanery congregations addressed, among others, the question of amendments to the statutes of the First Synod. A change in the amount of Mass offerings was postulated. The existing statute no. 232 of the First Synod set the amount of a Mass offering to be 3 zloty for a quiet and 6 zloty for a sung Mass, whereas the organist's fee was in the amount of 10% of the fee collected by the priest for the Mass.²¹ As for other issues, the participating priests noticed that Title I (*On the obligations of the clergy*) lacked clarity and proper treatment of the subject matter. For that reason, they proposed that this issue be addressed using framework based on the work of Rev. Władysław Padacz entitled *Obowiązki Kapłańskie*.²² The priests participating in a congregations held at Ochotnica Dolna remarked that in the face of "subversive tendencies which harmed mainly parish priests who acted as pastors of souls, both the local clergy and Catholic laity should accentuate the office of the parish priest as the spiritual father of the parish using means dictated to them by love and prudence."²³

During the congregation held in Zasów two proposals were formulated: 1) to uphold the existing resolution concerning the maintenance of the parish inventory in accordance with the existing synodal statutes, the only difference being that the period of the inventory would be 10 years; and 2) to finance the inventory not from the pastor's own assets but to use another source of funding, for example from the sale of part of a field for this purpose, or alternatively "to do away with the inventory altogether because it is the source of discord among priests and occasionally outrage among the parishioners, whereas the existing inventories could be sold in order to raise funds to create a loan fund which could be used by priests to settle in."²⁴

Priests of the Jodłowa Danery submitted that livestock and fixed assets included in benefices be either liquidated or maintained but at full value. In the first case, parish priests who had received a donation were obliged to buy out the animals collected, paying 120 zloty for a cow, 200 zloty for a horse; the money thus obtained would be sent to the Curia to cater for diocesan expenses determined by Resolution 20 of the Plenary Synod. Parish priests who had received benefices in the previous

²⁰ "Zapowiedź synodu," *Currenda* 4 (1938): 79; see PLEWA, "Drugi Tarnowski Synod Diecezjalny," 54.

²¹ *Pierwszy Synod Diecezji Tarnowskiej 1928*, 108–9.

²² "Protokół z kongregacji w Ochotnicy Dolnej z 28 kwietnia 1938 roku," in *Synod Diecezji Tarnowskiej* [*Synod of the Diocese of Tarnów*, henceforth abbreviated as SDT], vol. 2; the proceedings of the Synods are stored in the archives of the Diocese of Tarnów.

²³ *Ibid.*

²⁴ "Protokół z kongregacji w Zasowie z 23 kwietnia 1938 roku," in SDT, vol. 2.

three years would have to pay a market price for them if the value of the received stock was even lower than that. They would be allowed to buy out that stock, paying for it in instalments for a period of 3 years. In the latter case, in order to maintain a stock of full value, only animals that were aged from 3 to 10 (horses and cows) and well kept could be received. Similarly, the deadstock (fixed assets) would have to be returned in the best possible condition.²⁵

In Tylmanowa, the priests of the Łącko Deanery put forward the following proposals:

- due to the lack of assets and no state funding, the maintenance costs of the church required that at least two sermons in a year be delivered to urge the faithful to make offerings to cover the church expenses;

- they humbly asked, under statute 244 §2 of the First Synod, not to “call for more contributions” because the parishioners were criticising such practices among themselves or in various meetings, saying that “Catholicism is costing us too much”;

- they were asking that the new regulations restrict the prowling of fake fund-raisers within parishes;

- they noticed that the term “Parish commission,” as used in the title “On the management of church goods”, should be changed to “Church council”;

- they proposed that the method used in the Diocese of Warsaw be employed, whereby the dean along with the co-deanery priests sets tax amounts and settles the taxation issues of his deanery directly with the Tax Office. They believed that such practice is necessary because the dean acts on behalf of the community of the priests, which nowadays is of great value; also, priests would not expose themselves to ridicule in the Tax Office;

- they kindly request that the Diocesan Curia draft a template for church and benefice inventories to make them uniform throughout the diocese.²⁶

Apart from having the deanery congregations involved in the preparatory work for the Second Synod, Bishop Lisowski instituted the necessary synodal offices. First, the Promoter of the Synod was nominated, that is an official in charge of the organisation and supervision of the entirety of preparatory work. During the Synod, the promoter was to ensure that the proceedings are run in compliance with the law and regulations issued by the diocesan bishop. Bishop Lisowski nominated Rev. S. Bulanda for this office.²⁷ Rev. Julian Piskorz was nominated Vice-Promoter.²⁸

²⁵ “Protokół z kongregacji w Jodłowej z 27 kwietnia 1938 roku,” in SDT, vol. 2.

²⁶ “Protokół z kongregacji w Tylmanowej z 12 maja 1938 roku,” in SDT, vol. 2.

²⁷ “Dekret powołujący promotora synodu z dnia 2 kwietnia 1938 roku,” in SDT, vol. 2.

²⁸ “Dekret powołujący wice promotora synodu z dnia 2 kwietnia 1938 roku,” in SDT, vol. 2.

Further, Bishop Lisowski appointed Rev. Ignacy Dziedziak the Chancellor of the Synod²⁹ and Rev. R. Sitka the prefect of the dormitory.³⁰ During the first sitting of the synodal commissions a general road map was presented and the individual working groups were assigned respective agendas.³¹

2.3. THE SYNODAL PROCEEDINGS (JULY 4-5, 1938)

After the preparatory work was finished, the opening of the Synod was to take place. On Monday, July 4, 1938, the Synod was solemnly inaugurated in the cathedral at 3 pm. At 4 o'clock, the proceedings commenced, lasting until 8.30 pm, with a short break intervening. Having said *Veni Sanctae*, the attendees commemorated the deceased participants of the First Synod with a dedicated prayer. Then, five tributary telegrams were sent to: His Holiness Pope Pius XI, his Excellency President of the Republic of Poland Ignacy Mościcki, His Excellency Apostolic Nuncio to Warsaw Archbishop Philip Cortesi, His Excellency Primate of Poland August Hlond, and His Excellency Prince Metropolitan of Kraków Adam Sapieha. In his introductory speech, Bishop Lisowski underscored the importance of the Plenary Synod. Next, Rev. Bulanda, the Promoter, announced the promotion of Rev. Roman Mazur to the office of procurator of the clergy and the agenda, and then went on to report on the obligations of the clergy. In an extended discussion that followed this report, 15 participants took part. Their queries were answered by the Promoter. For example, Rev. Florian Moryl, the dean of Pilzno, submitted a request that subdelegation be extended to include assistance in the celebration of marriage. Rev. Stanisław Wrona, a vicar from Krościenko, motioned for a two-week *ex iure* leave for vicars and asked whether they were to nominate their substitutes for that period. Rev. Jakub Wyrwa, the Vice-Dean of the Tuchów deanery and parish priest of Ryglice, defended his view that the theatre made people irritated and therefore it should be banned. He also asked if the clergy were permitted to take part in the proceedings of units of local self-government. Finally, he demanded a uniform catechism throughout the diocese. Rev. Leon Pyzikiewicz, a parish priest from Nagoszyn, motioned for an *ex iure* leave for parish priests; Rev. Marcin Florek, the parish priest of Olszyny, asked for permission for priests to work for Kasa Stefczyka loan and savings

²⁹ "Dekret powołujący kanclerza synodu z dnia 2 kwietnia 1938 roku," in SDT, vol. 2.

³⁰ "Dekret powołujący urzędy synodalne z dnia 2 lipca 1938 roku," in SDT, vol. 2.

³¹ During the preparatory stage of the Second Synod four sections were operative: administrative, pastoral, schooling, and legal sections; cf. PLEWA, "Drugi Tarnowski Synod Diecezjalny," 55.

banks; Rev. Jędrzej Cierniak, the prefect of the Nowy Sącz lower secondary school and Rev. Jan Drożdż, the dean of Gawłuszowice, invoked their negative experiences to speak against any form of cooperation between the clergy and the laity in social matters. Rev. Karol Mazur, a vicar from Podegrodzie, raised the subject of proper full board of vicars in the care of parish priests (four meals a day). The discussion was joined in by several priests, some were for and others were against. Eventually, it was decided that vicars were entitled to receive adequate and decent keep, while the question of the quality and times of meals was left for further consideration. Rev. Ludwik Witkiewicz, a parish priest from Szczurowa, postulated that some of the money raised during the yearly visitation be used to cover church expenses, and the remainder be left to the discretion of vicars. This postulate, however, was opposed unanimously and it was decided that vicars would keep the visitation money in whole, as it had been the case. Finally, Father Promoter responded to individual questions. He agreed on the content of the passed resolutions, and made it clear to Rev. Leon Pyzikiewicz that parish priests enjoyed an *ex iure communi* right to a two-month leave (c. 465 §2 CIC/17)³².

Rev. R. Mazur, on behalf of the clergy, submitted a motion to adopt the resolutions, which was done unanimously. After the break, Rev. Jan Bochenek, the cathedral parish priest, reported on the order of Masses. Following the report but at the beginning of the discussion, Bishop Lisowski informed the participants that the Polish Episcopate had unanimously been in favour of the idea to cancel expositions of the Most Holy Sacrament during Mass, and that it had resolved to institute third orders and promote the worship of the Most Sacred Heart of Jesus. The discussion was joined in by Rev. Władysław Kuc, a parish priest from Bochnia, who requested that the issue of cancelled holidays be finally settled. Rev. J. Wyrwa submitted the motion that a sermon on family obligations be delivered on St. Joseph's Day. Rev. Jan Starzak, the Vice-Dean of Pilzno and a parish priest from Jodłowa, requested that the ritual for the exposition of the Most Holy Sacrament be made uniform. Rev. Wojciech Młyniec, the Vice-Dean of Dąbrowa and a parish priest from Bolesławie, proposed that Sunday vespers in June be replaced with a celebration of the Sacred Heart, and with the Novena to Saint Joseph added. Rev. Piotr Rajca, the Vice-Dean of Radomyśl and a parish priest from Jastąbka Stara, spoke against the introduction of the veneration of particular saints to the detriment of the Christocentric and the introduction of lesser services. He also supported the exposition of the Most Holy Sacrament during Mass. Rev. J. Cierniak proposed that the religious who

³² "Protokół z posiedzenia Drugiego Synodu Diecezjalnego odbytego w Tarnowie w dniach 4 i 5 lipca 1938," SDT, 2:1-2.

ran third orders respect the authority of their parish priests. Rev. Aleksander Rogóż, a parish priest from Porąbka Uszewska, while discussing the question of indulgences, submitted that priests hear confessions on Christmas Eve and administer Holy Communion during the first Mass, while the *Boże coś Polskę* hymn be sung at the close of the High Mass. Finally, Friar Głowacki, a guardian from Tarnów, defended his religious brethren against the allegations made by Rev. Cierniak.³³

On the next day (July 5), after the morning service in the cathedral, the participants gathered again at 11 in the conference hall of the Seminary to continue the proceedings. The first speaker was Rev. R. Sitko, the Rector of the Seminary, who addressed matters related to church property. The extended and animated discussion that ensued addressed the following subjects:

— the question of the interim statute concerning church councils; Rev. Kazimierz Dziurzycki, a parish priest from Zgórska, proposed that in order to force the faithful to respect the resolutions of church councils, it be permitted in individual cases to deny the right to exercise *actus legitimi* (canon 2256, 2° CIC/17);

— the question of the implementing regulation for the act of March 17, 1932, on church contributions; Rev. J. Wyrwa asked Rev. J. Lubelski, who was a member of parliament, to accelerate the issuance of the relevant governmental order, while Rev. R. Rajca demanded that a collective request be sent by the Synod to the Polish government in this regard. Rev. Lubelski announced that he had already addressed this matter, both with the Sejm and the Government, but eventually the Government referred his draft regulation to the office of the Primate in Poznań for review;

— the question of pastor's inventory; Rev. Jan Nagórzański, a canon and parish priest from the town of Gumniska-Fox proposed that the entire old stock exceeding the limits adopted by the Synod be sold. In this way, all of the dead stock and full grain contributions would be retained and merely 1–4 cows of the livestock as well, depending on the area of the presbytery estate;

— the question of material responsibility for the insurance of the church attendants; this issue was addressed by Rev. Antoni Gorczyca, a canon and parish priest from Moszczenica. Social insurance companies would hold parish priests personally responsible for the insurance of their church attendants, so all payment orders were made and enforced in their name. After a substantial discussion of that issue, the Bishop explained that the duty to insure church attendants rested with the *fabrica ecclesiae* acting as their employer, being managed by the church council;

— the issue of accommodation for vicars and church attendants; this topic was raised by Rev. Józef Fijał, an administrator from Kamienica, who complained about

³³ Ibid., 3.

huge deficiencies in this regard. He also asked if an administrator and his assistant had a right to full maintenance from the income of the presbytery. The reply that he got was that the vicar would be maintained on the same terms as those established by the outgoing parish priest for the duration of the vicar's office. This question was regulated in detail by the provisions of the Synod in force, and the administrator had a right to a full and gratuitous upkeep;

— Rev. Marcin Florek asked who was to pay the transferral fee when surrendering presbyterial land to church attendants. In reply, Rev. Sitko recommended that if those fees were to be avoided, the parish priest would have to submit to the Chief of the Municipal Court a declaration that the respective land had been used by church attendants for a period of 40 years. Under such circumstances the land would become property of the *fabrica ecclesiae*.

Rev. R. Mazur put forward a proposal to accept the submitted and adopted draft legislation concerning issues of church property, which was met with unanimous approval.³⁴

After the break which lasted until 1 pm Rev. Karol Pękala, the director of the Institute of Catholic Action, took the floor to speak about the obligations of the laity. He presented three issues:

- the necessity of educating the new man and his qualities;
- the roadmap and methods of work;
- programme guidelines for the current issues.

Next, the speaker presented some draft statutes: on the Catholic Action, Caritas, and communism. The follow-up discussion addressed a number of current issues related to work in associations. The need for the following was emphasised: the building of Catholic clubs, setting up of parish libraries, sending the people involved to district conferences, and reduction of the excessive number of conventions.

The next stage of the proceedings was devoted to other miscellaneous matters:

— Rev. Stanisław Adamczyk, a professor of the Seminary, submitted a request that on the Sunday preceeding May 8 – in order to foster the veneration of Saint Stanislaus the Martyr – a votive Mass be announced and celebrated on the feast day, accompanied by a special sermon, however short, to commemorate the patron saint of the Diocese;

— Father Anioł Głowacki reminded the participants that in those parishes where third orders existed but without the canonical erection such deficiency must be amended, otherwise the fraternity would not be able to take advantage of its privileges;

³⁴ Ibid., 4.

— Rev. Andrzej Biliński, a retired prefect, announced that all printed documents concerning missions were available in his office, not the head office in Poznań;

— Rev. K. Mazur apologised for his unfortunate address during the morning session regarding parish priests;

— Rev. Promoter announced the decision of the Ordinariate to make amendments to the procedure of deanery division; for this purpose, written applications were to be submitted to the Curia;

— Rev. I. Dziedziak, the Chancellor of the Curia, presented a general report on the financial assets of the Curia, and Rev. R. Sitko concluded that the finances were healthy;

— Rev. Edward Pykosz, a canon and parish priest from Ptaszkowa, proposed that all church contributions collected in churches for individual causes be distributed evenly over the whole year; he also requested general assistance for the Lemko minority;

— Rev. R. Sitko explained the question of dividing the presbyterial land and charging more from larger beneficiaries to benefit the less well-off presbyteries, making the assumption that all of the property belonged to the Church; it turned out that more pastoral work was needed in poorer parishes than in bigger ones, all the more so that this land would probably have been further divided pursuant to the regulations of the agricultural reform. Hence the Father Promoter discussed the need for introducing the principle of competition when filling the presbyteries of secondary importance and the question of raising the larger presbyteries to the first rank. The Bishop approved this motion, stating that he would exempt some of the existing parish priests from that exam if requested individually, on a *de casu ad casum* basis.

While the final submissions were being discussed, a collection was arranged to support the Sacred Heart Church in Grabówka (Tarnów), and as a result the sum of 632 zloty 10 groszy was raised.

Finally, the attendance list was approved. Afterwards, the participants made their way to celebrate a thanksgiving service, in the course of which Rev. J. Lubelski delivered a speech on behalf of the clergy, addressed to the Diocesan Bishop, in which he underscored his great spiritual contribution for the good of the diocese.³⁵

By the decree of July 5, 1938, Bishop Lisowski solemnly closed the Second Synod of the Diocese of Tarnów.³⁶

³⁵ Ibid., 5.

³⁶ F. LISOWSKI, "Dekret zamykający Synod z 5 lipca 1938," in SDT, vol. 2

3. THE SUBJECT MATTER OF THE STATUTES

The Second Synod of the Diocese of Tarnów produced 276 statutes. The whole of the Synod comprised four parts: *On the cultivation of the Holy Faith, On the ecclesiastical discipline, On Godly service, On church property*. The synodal statutes were proclaimed by Bishop Lisowski on July 5, 1938,³⁷ but were not yet effective. The surviving working version of the statutes (with corrections visible) was probably to have been printed. Unfortunately, they were never promulgated. Shortly after the Second Synod was over, the statutes ended up with the Promoter and the Chancellor, who were supposed to prepare them and submit for printing. Due to their numerous duties that task was postponed. The death of Bishop Lisowski in June 1939 further delayed the publication of the synodal statutes.³⁸ A year after the Synod, the statutes were still unpublished, which is confirmed by a piece of information saying that they were lost during the German occupation.³⁹ The likely content of the statutes of the Second Synod of the Diocese of Tarnów was published as late as in 2016.⁴⁰

The content of the statutes formulated by the Second Synod does not differ substantially from those created during the First Synod. The differences regard the questions addressed by the First Plenary Synod of Poland, and these issues were incorporated in the statutes of 1938.

The first part, entitled “On the cultivation of the Holy Faith” concerns mainly the proclamation of the Divine Word and the teaching of the Catechism. In the first case, the particular legislator stresses the need to make sermons consistent, practical and concise. “May all preachers bear in mind that for the proclamation of the Word of God they must not make any personal remarks against anyone or touch on isolated, local or sad cases because this draws the attention of the public to an individual person who in this way will easily feel stigmatised and put off religion. This, however, does not obviate the need to occasionally criticise the more objectionable acts or widespread vices. But even then preachers should be driven by charity and

³⁷ “Dekret biskupa tarnowskiego Franciszka Lisowskiego ogłaszający statuty II synodu diecezji tarnowskiej z dnia 5 lipca 1938 roku,” in SDT, vol. 2.

³⁸ See PLEWA, “Drugi Tarnowski Synod Diecezjalny,” 56.

³⁹ “Pismo z dnia 24 lutego 1968 roku skierowane przez kurię diecezjalną w Tarnowie,” in *Akta Ogólne*, vol. 4 of SDT. The letter was a reply to a request which was submitted to the Curia by Rev. Marcel Dewudzki from Częstochowa. He requested that the statutes of the Second Synod of the Diocese of Tarnów be made available to him for research.

⁴⁰ See KANTOR, *Synod w przededniu wojny*. The statutes invoked in this study will be quoted after this publication.

refrain from any kind of bitterness. If an admonition from the pulpit becomes necessary, it should be preceded by a confidential and paternal reprimand” (statute 7). As regards the teaching of the Catechism, the Second Synod argues that this is the foundation of religious instruction and Catholic life. For this reason, pastors of souls should instruct parents that family is the first and most important school of religion for a child, therefore “they will demand and reiterate in every training before the conclusion of marriage, that parents foster the faith in God in their children from the earliest age, teach them the daily prayer and the cardinal truths of the Holy Faith, and provide a shining example of Christian life to their children” (statute 9).⁴¹ It is important to respect the recommendation that the catechisation of the out-of-school youths take place on Sundays and feast days before the vespers (statutes 10–14).⁴²

The second part of the synodal statutes deals with ecclesiastical discipline. The legislator lays particular emphasis on the duties of the clergy,⁴³ and issues instructions on dean’s visitations, deanery congregations, and meetings of catechists. As regards catechists, the statutes subordinate them, not fully though, to parish priests. As prescribed by the statutes, the parish priest is the pastor of the whole parish, the catechist is his collaborator who is in charge of the religious and moral development of the children and youth in his care. The catechist discharges his duties independently, and the pastoral work in agreement with the parish priest. Since they work with the youth, priority is given to catechists with respect to certain pastoral activities which are not directly related to the office of the parish priest. These tasks include the administering of the First Communion, public blessing of children and the youth, celebration of church services for schools, granting dispensation to adolescents. Parish priests will be eager to allow catechists to assist with some of the more priestly tasks, such as baptising, celebration of funerals, marrying the members of youth groups and members of their own families (statutes 100–102).

The third part, entitled “On Godly service”, addresses the sacraments. In his exercise of the sacraments a pastor of souls must always see a Divine cause which calls not only for his prayer and work but often for his suffering and sacrifice. “Let him be merry, then, when the time to suffer for that arrives, so that he may sanctify his own life with this suffering and bring God’s blessing to the souls in his care”

⁴¹ Statute 9: “Shepherds of souls will also encourage parents, educators, employers not to give up their efforts to educate the youth as they grow up; let them watch over the youth as they diligently study religion at school and closely listen to sermons and lessons of the catechism on Sundays and feast days.”

⁴² See also “Uchwała 124 Pierwszego Polskiego Synodu Plenarnego,” 46.

⁴³ For more on this, see KANTOR, “II Synod Diecezji Tarnowskiej o prawach i obowiązkach duchownych,” 133–46.

(statute 127). Further, the sacramentals are discussed. The sacramentals are an essential tool in religious life since they contribute to piety and increase concern for the spirit of the Church. Therefore the statutes encourage church people to teach the faithful of the importance and usefulness of the sacramentals, to insist on their diligent use, especially those connected with reverence or indulgences, to warn against superstitious abuses, and to cultivate the beautiful custom of using holy water in homes (statutes 155–156). Next, chapels and church monuments are discussed. The legislator defines a church monument along these lines: “A church monument is any object of religious worship, both movable and immovable, characteristic for its historical period, possessing an artistic, cultural, historical or archaeological value, such as a church or chapel with its furnishings, memorial monuments and the surrounding areas, especially ancient or dignified trees, free-standing stone monuments or statues, paintings, sculptures, wall paintings, fabrics, liturgical vessels, library items, documents, and parish registers” (statute 167). The third part ends with cemetery issues (statutes 157–177), Christian funerals (statutes 194–196), and music in churches (statutes 197–203).

The most “new” questions are dealt with in the fourth part of the Second Synod, entitled “On church property” (statutes 204–276). At the beginning, the legislator specifies what is to be regarded as church property. The disposition of statute 204 helps to resolve this question: “What can be regarded as church property is the following: a church and its furnishings, the presbytery, vicar’s and organist’s houses, the parish house, and the property of foundations unless they have legal personality of their own.” The synodal resolutions concerning church estate can be reduced to the following, crucial matters:

- the administrator of a parish, acting as the conservator of the church property entrusted in his care, is obliged to maintain the church and other buildings associated with it in good condition (statute 215);

- parish administrators are to take particular care of the residential and utility buildings belonging to the presbytery since they fall into disrepair through even slight negligence, and their restoration poses a new burden for the parishioners (statute 217);

- when building a church, parish and utility buildings, and when executing other projects, such as the painting of the church building, the purchase of an organ, bells, etc. the parish administrators, assisted by the parish council, are to keep detailed records of income and outgoings along with respective receipts, to be submitted for review and acceptance by the curia (statute 220);

- money raised by way of collections or other fees collected for church purposes belongs strictly to the Church and the parish administrator can dispose of it

within the limits of the statute of parish councils, for purposes strictly connected with the Church and divine worship, rather than for economic or pastoral expenses, which should be covered using the income from benefices or the parish itself, for example repairs on the presbytery or utility buildings, the organisation of fairs, confessions, missions or retreats (statute 232);

— when charging fees or collecting offerings for acts of spiritual character, parish administrators will adhere strictly to church legislation or custom, bearing in mind that *iura stolae* fees constitute offerings of the faithful not charges in the strict sense; they will shun the slightest pretence of greed, they will never deny a liturgical act to those who cannot pay a fee for poverty, or even to those who persistently deny such a payment (statute 240);

— a parish priest may not reject or change bequests, but is obliged to immediately notify the curia of any bequest or benefice made towards the Church, informing it of the benefactor, the amount and the purpose (statute 245);

— each presbytery is to own both livestock and deadstock, which is indispensable for the proper maintenance of a household (statute 252);

— in order that goods donated to the Church will not suffer decay through negligence, light-heartedness or bad will of the administrators, no changes to the ownership title, free holding or enjoyment of an ecclesiastical thing are to be introduced without the permission of church authority, in accordance with canons 1523–1543 CIC/17 (statute 264);

— when drawing a testament, priests were to state explicitly whether they had remunerated church attendants or whether they had any debts or Mass obligations. The beneficiary was to specify all liturgical objects in his possession, and which – pursuant to canons 1298–1301 CIC/17 – were to pass to the Church; he was also to specify what he owed to the presbyterial inventory for the term of his office as a parish priest; the priest was also to remember about his soul and the needs of the Church (statute 276).

CONCLUSION

1. The diocesan synod plays a very significant role in the process of formation of a particular Church. The diocesan synod has always been a venue for meeting and dialogue between the bishop, the clergy and the lay faithful of the diocese.

2. In 1938 it was ten years since the First Synod and the bishop was obliged by the Code of Canon Law (1917) to convene the Second Synod of the Diocese of Tarnów. This was not the only motive because in 1936 the First Plenary Synod of

Poland took place. The event made it necessary to adapt the diocesan legislation to the resolutions of that Synod.

3. The diocesan clergy was involved in the Second Synod of the Diocese of Tarnów, which was demonstrated by the preparatory work prior to the event and discussions taking place during the Synod (July 4–5, 1938).

4. The synodal resolutions of 1938 were not implemented in pastoral practice because they were never promulgated. This fact, however, does not depreciate the value of the Synod. Although this event seems to have passed into oblivion, it deserves to be remembered. It demonstrates the evolution of particular law under the specific circumstances of time and place. The content of the likely statutes of the Second Synod of the Diocese of Tarnów proves that they address local needs and the necessity for the adaptation of legislation to the realities of a specific particular Church, in this case the Diocese of Tarnów.

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THE FORGOTTEN SYNOD OF 1938.
THE COURSE AND STATUTES
OF THE SECOND SYNOD OF THE DIOCESE OF TARNÓW

Summary

An ecclesiastical council typically involves a profound examination of issues of doctrine and practices which the Church should incorporate in its mission. At the regional and local level, plenary, metropolitan and diocesan synods play an analogous role to the one fulfilled by ecumenical councils. Diocesan synods deserve particular attention because their origin lies in the needs of local particular Churches. By offering disciplinary, pastoral and spiritual guidance, they build a concrete ecclesial reality, reaching the basic church and social communities. Each synod has its own special place in the history of a diocese, and its positive impact is not restricted merely to the formulated proposals.

In 1938 it was ten years since the First Synod and the diocesan bishop was obliged by the Code of Canon Law (1917) to convene the Second Synod of the Diocese of Tarnów. This was not the only motive because in 1936 the First Plenary Synod of Poland took place. The event made it necessary to adapt the diocesan legislation to the resolutions of that Synod.

The subject of the article was formulated as follows: *The Forgotten Synod of 1938. The Course and Statutes of the Second Synod of the Diocese of Tarnów*. Why forgotten? To date there have been four

synods in the diocese. All studies concerning the synodal legislation of the Diocese of Tarnów have relied solely on three synods. Upon an examination of the Second Synod, we come across a curt phrase saying that “the statutes of this Synod have gone missing.” No research has been done to reconstruct the statutes of the Synod. The presented study is an attempt to familiarise the Reader with the motives, course and chief topics addressed by the Second Synod of the Diocese of Tarnów.

Key words: Bishop Franciszek Lisowski; diocese of Tarnów; particular law; synod.

Translated by Tomasz Palkowski



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