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REQUIREMENTS FOR THE PROVISION
OF THE OFFICE OF PASTOR
UNDER THE CURRENT POLISH SYNODAL LEGISLATION

INTRODUCTION

In a particular Church, the basic organisational and pastoral unit is a parish (c. 374 §1).¹ It is a community of the Christian faithful in which the mission of the universal Church is fulfilled (c. 515 §1). In this community are born faith, hope, love, and other supernatural gifts received through the service of Jesus Christ and given to the Church as means of sanctifying the People of God. The pastor, being the proper pastor of a parish, exercises the pastoral ministry of this community under the authority of the diocesan bishop (see c. 519).² The pastor, as the proper pastor of the parish, is responsible to God for its sanctification and salvation through teaching and the administration of the sacraments. Since his role is not only to be the guide of the parish community as a visible sign of its unity with the whole

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¹ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus*, January 25, 1983, AAS 75 (1983), pars II, 1–317; the Polish translation in *Kodeks Prawa Kanonicznego*, approved by the Episcopal Conference of Poland (Poznań: Pallottinum, 1984); the English translation of the Code is available on the official Vatican website www.vatican.va [hereafter: CIC/83]; more on this in J.C. PÉRISSET, *La paroisse. Commentaire des Canons 515–572* (Paris: Edition Tardy, 1989), 25–47.

² “Parafia,” in *Synod Archidiecezji Wrocławskiej 1985–1991* (Wrocław: Kuria Metropolitalna Wrocławska, 1995), p. 353, statutes 54–55; for more see PÉRISSET, *La paroisse*, 49–63; F. COCCO-PALMERIO, “Il concetto di parrocchia nel CIC 1983,” in *Parafia w prawie kanonicznym i w prawie polskim*, ed. S.L. Głódź, J. Krukowski, and M. Sitarz (Lublin: Wydawnictwo Naukowe KUL, 2013), 7–37.

Church, and also that of the administrator of the parish as an administrative unit, he is obliged to carry out official duties according to the provisions of the universal Church, those of the particular Church, as well as the regulations of state law (see cc. 22, 519 and 532).³

When the office of pastor is conferred, the responsibility inherent in it requires the observance of the principle “the right person for the right post.”⁴ For this reason, the provision must respect the provisions of both universal and particular law (cc. 146–195, 515–544; AS 213).⁵ Therefore, the presented article will analyse the provisions of this act at law promulgated by particular legislators⁶ in synodal statutes which are in force in Polish dioceses. The article will address the requirements of canonical provision of the office of pastor. The canonical preconditions, much like under universal law (cc. 515–544),⁷ concern the following aspects: an active entity, i.e. church authority, a passive entity, i.e. candidate for the office, the entity conferred, i.e. office, and the proper form of the act of conferral.⁸

In canons 521 §§2–3, 522, 527 §§2–3, and 538 §1, the code legislator prescribes the consideration of the provisions of particular law. It is possible to further specify the qualities required of the candidate for the office of pastor in particular law (c. 521 §2). The diocesan bishop should determine the manner in which to verify

³ “Proboszcz,” in *Synod Archidiecezji Wrocławskiej*, p. 353, stat. 58–60; for more see A. VIANA, “El párroco, pastor propio de la parroquia,” *Ius Canonicum* 29 (1989): 467–81.

⁴ CONGREGAZIONE PER I VESCOVI, Direttorio per il ministero pastorale dei vescovi *Apostolorum successores* 61, February 22, 2004 (Città del Vaticano: Libreria Editrice Vaticana, 2004); the English translation available at http://www.vatican.va/roman_curia/congregations/cbishops/documents/rc_con_cbishops_doc_20040222_apostolorum-successores_en.html [hereafter AS]; more on this in M. SITARZ, “Podstawowe zasady w sprawowaniu władzy ustawodawczej biskupa diecezjalnego,” in *II Polski Synod Plenarny a synody diecezjalne*, ed. J. Krukowski, M. Sitarz, and A. Pastwa (Lublin: Wydawnictwo Naukowe KUL, 2015), 97–98.

⁵ More on this in CONGREGAZIONE PER IL CLERO, Instruzione *Il presbitero, pastore e guida della comunità parrocchiale*, August 4, 2002 (Città del Vaticano: Libreria Editrice Vaticana, 2002); the English translation available at http://www.vatican.va/roman_curia/congregations/ccclergy/documents/rc_con_ccclergy_doc_20020804_istruzione-presbitero_en.html; R. WNUK, “Prowizja kanoniczna na urząd proboszcza,” *Kościół i Prawo* 5, no. 1 (2016): 95–117.

⁶ More on this in M. SITARZ, “Organy kolegialne w kościołach partykularnych,” in *Kościół partykularny w Kodeksie Jana Pawła II*, ed. J. Krukowski and M. Sitarz (Lublin: Wydawnictwo KUL, 2004), 115–24; W. GÓRALSKI, “Synody partykularne,” in *Księga II. Lud Boży. Część I. Wierni chrześcijanie. Część II. Ustrój hierarchiczny Kościoła*, vol. 2/1 of *Komentarz do Kodeksu Prawa Kanonicznego*, ed. J. Krukowski (Poznań: Pallottinum, 2005), 305–14.

⁷ More on this in E.A. SWEENEY, *The Obligations and Rights of the Pastor of a Parish. According to the Code of Canon Law* (New York: Fathers and Brothers of the Society of St. Paul, 2002), 205–40.

⁸ More on this in R. SOBAŃSKI, „Urzędy kościelne,” in *Księga I. Normy ogólne*, vol. 1 of *Komentarz do Kodeksu Prawa Kanonicznego*, J. Krukowski (Poznań: Pallottinum, 2003), 236–47.

the suitability of a presbyter for this pastoral office (c. 521 §3). The conference of bishops can pass a general decree which would allow diocesan bishops to appoint pastors for a specific period of time (c. 522). The particular legislator is also to determine the method of taking possession of the office if this is not regulated by legitimate custom (c. 527 §2). Synodal legislation can also specify the time within which the taking possession of a parish may take place (c. 527 §3). Also, particular law should resolve cases when a pastor ceases to be one if this office was provided for a definite period, according to canon 522 (see canon 538 §1).⁹

1. REQUIREMENTS IMPOSED ON ECCLESIASTICAL AUTHORITY

The resolutions of the Second Polish Plenary Synod¹⁰ and the First Synod of the Province of Kraków¹¹ do not contain any requirements regarding a church authority which confers the office of pastor. Some other diocesan synods have followed the same strategy, regarding the provisions of universal law as insufficient. The synods of the dioceses of Białystok, Gdańsk, Lublin, Łódź, Przemyśl, Warmia, and the dioceses of Drohiczyn, Ełk, Kalisz, Łomża, Rzeszów and Sosnowiec – while replicating the provisions of universal law (cc. 148, 157, 163, 179, 523–525) – merely confirmed the idea that the diocesan bishop have the competence to nominate a pastor.¹² Only the synods of the archdioceses of Poznań and dioceses of Ełk, Koszalin

⁹ More on this in F. COCCOPALMERIO, *De paroecia* (Roma: Editrice Pontificia Università Gregoriana, 1991), 120–39.

¹⁰ See *II Polski Synod Plenarny (1991–1999)* (Poznań: Pallottinum, 2001).

¹¹ See *Communio et communicatio: Pierwszy Synod Prowincji Krakowskiej* (Kraków: Wydawnictwo św. Stanisława BM, 1994).

¹² See *I Synod Archidiecezji Białostockiej* (Białystok: Kuria Metropolitalna Białostocka, 2000), statute 611; *I Synod Diecezji Drohiczyńskiej. Statuty. Dokumenty wykonawcze* (Drohiczyn: Drohiczyńskie Wydawnictwo Diecezjalne 1997), statute 85; *I Synod Diecezji Elckiej (1997–1999)* (Ełk: Kuria Biskupia Diecezji Elckiej, 1999), statute 338; *III Synod Gdański. Misja ewangelizacyjna Kościoła Gdańskiego na początku Nowego Tysiąclecia*, vol. 1, *Statuty* (Gdańsk: Kuria Metropolitalna Białostocka, 2001), statute 62; *Pierwszy Synod Diecezji Kaliskiej (2007–2009). Prawo diecezjalne Kościoła Kaliskiego* (Kalisz: Kuria Diecezjalna, 2009), statutes 1, 26; *II Synod Diecezji Lubelskiej 1977–1985* (Lublin: Lubelskie Wydawnictwo Diecezjalne, 1988), statute 585; *I Synod Diecezji Łomżyńskiej (1995–2005). Prawo partykularne Kościoła Łomżyńskiego* (Łomża: Łomżyńska Kuria Diecezjalna, 2005), statute 156; *III Synod Archidiecezji Łódzkiej 1996–1998* (Łódź: Archidiecezjalne Wydawnictwo Łódzkie, 1999), art. 277; *Synod Archidiecezji Poznańskiej 2004–2008. Zwołany i przeprowadzony przez Arcybiskupa Stanisława Gądeckiego*, vol. 1, *Dokumenty* (Poznań: Wydawnictwo Świętego Wojciecha, 2008), statute 55; *Synod Archidiecezji Przemyskiej 1995–2000. Statuty i aneksy* (Przemyśl: Wydawnictwo Archidiecezji Przemyskiej, 2000), statute 196 §2; *Pierwszy Synod Diecezji Rzeszowskiej* (Rzeszów: Poligrafia Wyższego Seminarium Duchownego w Rzeszowie, 2004), statute 127 §1; *I Synod Diecezji*

and Kołobrzeg, Łomża, and Rzeszów oblige ecclesiastical authority to take into consideration both the needs of a concrete parish and the aptitude and qualities of individual clerics when conferring the office of pastor.¹³ In the diocese of Ełk, the diocesan bishop is also obliged to be well acquainted with the parish and the priests who are taking possession of the office of pastor.¹⁴ In contrast, in the archdiocese of Poznań, before making changes with respect to the office of pastor, the archbishop consults the interested party.¹⁵ The synod of the diocese of Rzeszów (replicating canon 524), only brought to the attention the fact that in order to form a judgement of a candidate's suitability for an office in a specific parish, excluding any bias regarding that person, an opinion of the dean is to be heard and necessary research carried out, asking opinions of some presbyters and the Christian faithful.¹⁶ The innovative provisions were promulgated by the synod of the archdiocese of Warmia since the diocesan bishop is to discuss this matter with a council for personnel affairs.¹⁷

Sosnowieckiej. Prawo partykularne Kościoła Sosnowieckiego (Sosnowiec: Kuria Diecezjalna Sosnowiecka, 2005), statute 44; *I (XIV) Synod Archidiecezji Warmińskiej (2006–2012). Misja Kościoła Warmińskiego w dziele Nowej Ewangelizacji* (Olsztyn: Wydział Duszpasterski Kurii Archidiecezji Warmińskiej, 2012), statute 21.

¹³ *I Synod Diecezji Drohiczyńskiej*, statute 88; *I Synod Diecezji Elckiej*, statute 338; „Parafia i jej duszpasterze,” in *I Synod Diecezji Koszalińsko-Kołobrzeszkiej. Koszalin 1986–1990* (Koszalin: Kuria Biskupia Koszalińsko-Kołobrzeszka, 1990), 50; *I Synod Diecezji Łomżyńskiej*, statute 156; *Synod Archidiecezji Poznańskiej*, vol. 1, statute 55; *Pierwszy Synod Diecezji Rzeszowskiej*, statute 127 §3.

¹⁴ *I Synod Diecezji Elckiej*, statute 338.

¹⁵ *Synod Archidiecezji Poznańskiej*, vol. 1, statute 55.

¹⁶ *Pierwszy Synod Diecezji Rzeszowskiej*, statute 127 §3.

¹⁷ See *I (XIV) Synod Archidiecezji Warmińskiej*, statute 21. The code legislator obliges the diocesan bishop to establish the following organs in the particular Church entrusted to his care: a finance council (c. 492), a presbyteral council (c. 495), a college of consultors (c. 502). Additionally, in each diocese there is to be a group of pastor consultors, established by the presbyteral council at the proposal of the bishop (see c. 1742). With regard to a parish and in accordance with CIC/83, the diocesan bishop is obliged to hear the opinion of the presbyteral council in three situations: 1) before erecting, suppressing or altering a parish (c. 515 §2), 2) prior to the issuance of provisions which provide for the allocation of offerings donated for the performance of parochial functions and remuneration of clerics (c. 531), and 3) before issuing a decision to establish a pastoral council in each parish (c. 536 §1). However, when making a canonical provision of the office of pastor in parish located in a vicariate forane, the dean thereof must be consulted by the diocesan bishop, and some of the presbyters and lay members of the Christian faithful if necessary (c. 524). Moreover, two situations require the diocesan bishop to hear opinions of two pastors from the group of pastor consultors: 1) twice during the removal of a pastor (first, when the pastor is called to resign, see c. 1742; and second, when he has not responded positively, see c. 1744); 2) during transfer proceedings (only in the situation when the pastor is not willing to accept the offered office, having received a written invitation from the diocesan bishop, and has submitted his reasons in writing to the bishop, see cc. 1749 and 1750), for more see SITARZ, “Organy kolegialne w Kościele partykularnym,” 127–36. Therefore, the requirement applicable in the archdiocese of Warmia obliges the archbishop to establish a new collegial organ whose consultation,

Only the synods of the diocese of Drohiczyn and Łowicz promulgated laws governing the provision of a parish to a clerical religious institute or clerical society of apostolic life. While duplicating provisions of the universal law (cc. 520 and 682),¹⁸ they resolved that the entrusting of a parish to a religious institute for permanent or temporary possession should always have the form of a written agreement, entered into by the diocesan bishop and a competent superior of an institute or society. The agreement is to detail the duties and rights of the presbyter who is to assume the office of pastor (c. 520).¹⁹

Only the synods of the dioceses of Łomża and Rzeszów resolved the question of the appointment of a pastor in a parish entrusted to a clerical religious institute or a clerical society of apostolic life. While duplicating canon 682 §1, they decided that in such a case, a candidate for the office should be introduced by a competent superior.²⁰

It was only the synod of the diocese of Kalisz that promulgated regulations governing the provision of the office of pastor to a presbyter whose superior is not the diocesan bishop. Duplicating canon 682 §1, the synod provided that when the office of pastor is provided in a parish which is not administered by a religious institute or a society of apostolic life, the diocesan bishop is to obtain the permission of the competent superior who has jurisdiction over the candidate.²¹

When analysing the requirements (duties) concerning ecclesiastical authorities, we need to recall another requirement. Although its basis lies neither in universal canon law nor synodal legislation but it derives from the Polish state legislation, it is important. It must be remembered, though, that, under the applicable law, state authorities do not have any powers in respect of the appointment of pastors. However, a parish is a church legal person whose personality is recognised in the state legal order and as such it is a party to legal transactions.²² A pastor, however, is

under canon 127 §2, 2^o, is required for the act. This organ will be composed of: the members of the college of consultors, vicars general and episcopal vicars, the heads of departments of the diocesan curia, the diocesan finance officer, the rector of the seminary, and parish visitors.

¹⁸ See SACRA CONGREGATIO PRO RELIGIOSIS ET INSTITUTIS SAECULARIBUS, SACRA CONGREGATIO PRO EPISCOPIS, Notae directivae pro mutuis relationibus inter Episcopos et Religiosos in Ecclesia *Mutuae relationes*, May 14, 1978, *AAS* 70 (1978), 473–605; the English translation is available at http://www.vatican.va/roman_curia/congregations/ccsrlife/documents/rc_con_ccsrlife_doc_14051978_mutuae-relationes_en.html.

¹⁹ *I Synod Diecezji Drohiczyńskiej*, statute 91; *I Synod Diecezji Łowickiej 1995–1999* (Łowicz: Apostolicum, 1999), statute 122.

²⁰ *I Synod Diecezji Łomżyńskiej*, statute 156; *Pierwszy Synod Diecezji Rzeszowskiej*, statute 127 §1.

²¹ *Pierwszy Synod Diecezji Kaliskiej*, statute 315.

²² See art. 4 para. 2 of Concordat between the Apostolic See and the Republic of Poland, signed in Warsaw on July 28, 1993, *Journal of Laws* of 1998, No. 51, item 318.

a person who acts as its managing authority, thus being its representative in acts of civil law. This is why a competent organ of public administration must be notified of an appointment or dismissal of a person whose function is that of the managing authority of a church legal person.²³ The organ of state administration to be notified when a pastor is nominated or recalled is the provincial governor (*voivode*).²⁴ The purpose of such a notification is to confirm that this particular person is a suitable representative of a parish and capable of performing acts of civil law.

2. REQUIREMENTS FOR THE CANDIDATES

Legislators of particular law, according to the disposition of canon 521 §2 can elaborate on the requirements for candidates for the office of pastor. This opportunity was seized by both the Second Polish Plenary Synod, convening in the years 1991–1999, and some diocesan synods.

The Second Polish Plenary Synod decided that a candidate for the office of pastor – due to his great responsibility for the development of parish life – apart from a suitable record of work and merits, should also possess practical pastoral skills, especially people skills and the ability to work in a team.²⁵

Under the synodal legislation, requirements for the candidates for the office of pastor are similar to those under universal law. Sometimes they vary from one particular Church to another. In the archdiocese of Białystok, for example, a candidate for the office of pastor is to be in communion with his proper bishop because in this way he maintains the communion of the universal Church 149 §1).²⁶ Further, he is to be a man of integrity, sound doctrine, good morals, pastoral zeal, and abilities to manage a parish (see c. 521 §2).²⁷ In the diocese of Ełk, a candidate for the office of pastor should possess the qualifications required by canon law and the office itself.²⁸

²³ See art. 13–14 of Act of 17 May 1989 on the relationship between the State and Catholic Church in the Republic of Poland, Journal of Laws of 2013, item 1169 as amended.

²⁴ More on this in Announcement of the Minister of Foreign Affairs of 27 November 2014 – Instruction concerning the manner in which to notify public authorities of the acquisition of legal personality by church territorial and personal institutions (art. 4 para. 2 of the Concordat), and of notification of the appointment and dismissal of persons acting as organs of legal entities, Official Journal of the Ministry of Foreign Affairs of 2014, item 30 (version in Polish).

²⁵ “Potrzeby i zadania nowej ewangelizacji na przełomie II i III Tysiąclecia Chrześcijaństwa,” in *II Polski Synod Plenarny*, page 24, no. 50.

²⁶ *I Synod Archidiecezji Białostockiej*, statute 48.

²⁷ *Ibid.*, statute 49.

²⁸ *I Synod Diecezji Elckiej*, statute 338.

In the dioceses of Gniezno and Sosnowiec, such a candidate is to have completed the requisite stage of permanent formation, and also should be characterised by a priestly attitude, pastoral zeal and managerial abilities (cf. c. 521 §2).²⁹ In the diocese of Kielce, such a person is expected to manifest personal sanctity, a knowledge of theology and pastoral work, pastoral and apostolic spirituality, the spirit of prayer and love, so that his mission may be genuine, and so that he may be a father, teacher and pastor of souls to his parishioners, as well as a good administrator of the Church good.³⁰ Also, a parish priest in this diocese, in his eighth year of priesthood, should present a thesis entitled “My vision of the parish community” and participate in one-day courses for pastors, organised by the pastoral department.³¹ In the diocese of Koszalin and Kołobrzeg, a candidate for the office of pastor is to be characterised not only by knowledge, but also by piety, apostolic devotion and other gifts and qualities which are required for the proper exercise of this office.³² In the diocese of Lublin, such a candidate is required to manifest a rich internal life, living faith shown by his readiness to devote himself and selflessness, profound and continuously improved theological knowledge, and good manners.³³ In the diocese of Łomża, such a priest is to have necessary qualifications and desirable personality traits.³⁴ In the diocese of Łowicz, the office of pastor can be filled only by a presbyter who possesses required qualifications, has done a course in pastoral ministry, and has completed 8 years of permanent formation.³⁵ In the diocese of Opole, a candidate for the office of pastor should have completed a 2-year post-graduate college course for pastors at the theological faculty of the University of Opole.³⁶ In the diocese of Pelplin, a candidate for this office as well as a pastor applying for a change of parish are to submit a requisite form to the diocesan bishop.³⁷ In the diocese of Poznań, an applicant for the office of pastor is obliged not only to remain in the communion of the Church³⁸ but also to have completed permanent

²⁹ See *III Powojenny Synod Archidiecezji Gnieźnieńskiej z okazji Milenium jej powstania* (Gniezno: Prymasowskie Wydawnictwo „Gaudentinum”, 2001), statute 40 §2; *I Synod Diecezji Sosnowieckiej*, statute 56.

³⁰ “Parafie i Rektoraty,” in *III Synod Diecezji Kieleckiej 1984–1991* (Kielce: Jedność, 1992), 145.

³¹ “Przygotowanie do podjęcia posługi proboszcza,” in *III Synod Diecezji Kieleckiej*, 90, attachment 2.

³² “Parafia i jej duszpasterze,” in *I Synod Diecezji Koszalińsko-Kołobrzeszkiej*, 50.

³³ *II Synod Diecezji Lubelskiej*, statute 587.

³⁴ *I Synod Diecezji Łomżyńskiej*, statute 156.

³⁵ *I Synod Diecezji Łowickiej*, statute 89.

³⁶ *Pierwszy Synod Diecezji Opolskiej (2002–2005). Statuty i aneksy. Parafia u progu nowego tysiąclecia* (Opole: Wydawnictwo Świętego Krzyża, 2005), statute 239.

³⁷ *Statuty I Synodu Diecezji Pelplińskiej* (Pelplin: Bernardinum, 2001), statute 36.

³⁸ See *Synod Archidiecezji Poznańskiej*, vol. 1, statute 26.

formation, have a suitable priestly outlook, pastoral zeal, managerial skills³⁹ and pastoral love.⁴⁰ In the archdiocese of Przemyśl, a candidate for the office of pastor is to undergo suitable formation.⁴¹ In the diocese of Rzeszów, such a candidate should have not only the qualities required by canon law (c. 521) but also have completed continuing formation of presbyters.⁴² In the diocese of Sandomierz, a candidate for this office is to participate in classes of continuing formation.⁴³ In the diocese of Tarnów, a candidate for the office of pastor should manifest attentiveness and pastoral zeal.⁴⁴ In the diocese of Toruń and in the diocese of Warszawa-Praga, such a candidate should be a man of sound doctrine, good morals, pastoral zeal, and abilities required to manage a parish.⁴⁵ In the archdiocese of Warmia, a candidate for the office of pastor is obliged to take part in continuing formation in the form of post-graduate or specialist studies. Additionally, before the council for personnel affairs he should present “his vision of pastoral ministry in the circumstances of a particular parish community.”⁴⁶ In the diocese of Wrocław, the office of pastor can be filled by a presbyter who possesses qualifications required by canon law and a suitable pastoral work record.⁴⁷ In the archdiocese of Wrocław, a candidate for the office of pastor is not only obliged to manifest great pastoral zeal but the example of his own life must promote an attitude of putting before everything else the glory of God and the salvation of the People of God entrusted to his care.⁴⁸ Further, he should be conscientious in his pastoral ministry as well as in this punctual celebration of services and holding office hours for the parishioners.⁴⁹ In the diocese of Zamość–Lubaczów, the office of pastor can be filled by a diocesan priest who is incardinated to the diocese or a religious priest who is a person of high moral character and experience of pastoral ministry.⁵⁰ Moreover, in the archdioceses of Białystok, Gniezno, Poznań,

³⁹ *Synod Archidiecezji Poznańskiej 2004–2008. Zwołany i przeprowadzony przez Arcybiskupa Stanisława Gądeckiego*, vol. 2, *Statuty* (Poznań: Wydawnictwo Świętego Wojciecha, 2008), statute 96.

⁴⁰ See *Synod Archidiecezji Poznańskiej*, vol. 1, statute 45.

⁴¹ *Synod Archidiecezji Przemyńskiej*, statute 196 §3.

⁴² *Pierwszy Synod Diecezji Rzeszowskiej*, statute 127 §2.

⁴³ *Aby byli jedno. Drugi Synod Diecezji Sandomierskiej. Dekrety i Instrukcje* (Sandomierz: Wydawnictwo Diecezjalne Hodie, 1999), statute 62.

⁴⁴ *IV Synod Diecezji Tarnowskiej 1982–1986* (Tarnów: Kuria Diecezjalna, 1990), statute 338 §2.

⁴⁵ See *Uchwały Pierwszego Synodu Diecezji Toruńskiej. Prawo partykularne Kościoła Toruńskiego* (Toruń: Toruńskie Wydawnictwo Diecezjalne, 2011), statute 180; *Pierwszy Synod Diecezji Warszawsko-Praskiej* (Warsaw: Kuria Biskupia Diecezji Warszawsko-Praskiej, 2000), statute 124 §1).

⁴⁶ *I (XIV) Synod Archidiecezji Warmińskiej*, statute 22.

⁴⁷ *Drugi Synod Diecezji Wrocławskiej. Statuty* (Wrocław: Kuria Diecezjalna, 1994), statute 299.

⁴⁸ “Proboszcz,” in *Synod Archidiecezji Wrocławskiej*, p. 353, statute 59.

⁴⁹ *Ibid.*, 355, statute 75.

⁵⁰ *I Synod Diecezji Zamojsko-Lubaczowskiej 1996–2001* (Zamość: Kuria Diecezjalna, 2001), statute 10.

Przemyśl and Warsaw, and in the dioceses of Kalisz, Kielce, Koszalin-Kołobrzeg, Łowicz, Pelplin, Rzeszów, Sandomierz, Sosnowiec, Toruń, Warszawa-Praga, and Wrocław, a candidate for the office of pastor is required to pass an “exam for pastors” which will confirm the candidate’s knowledge necessary for the exercise of authority associated with this office.⁵¹

3. REQUIREMENTS IMPOSED BY THE OFFICE

The basic requirement for the validity of every act of office provision in the Church is the lawful vacancy of the office (see c. 153 §1). According to CIC/83, the office of pastor may become vacant as a result of his being removed or transferred (apart from the death of a titular bishop) according to the norm of law by the diocesan bishop, or by his resignation from the office for a good reason approved by the diocesan bishop, or passage of time if the office had been entrusted for a definite period according to canon 522 (see c. 538 §1), or if a pastor has turned seventy-five (see c. 538 §3). If the office was held by a pastor incardinated in a religious institute or a society of apostolic life, the office may be vacated pursuant to canon 682 §2. The canon provides that a pastor can be removed by either the diocesan bishop or the competent superior. The two parties are required to inform each other of this act beforehand.⁵²

On the basis of canon 538, the synodal statutes, while typically replicating or paraphrasing the provisions of the code, specify reasons for loss of the office. They vary from one particular Church to another.

The synod of the diocese of Elk, replicating the prescripts of canons 1740–1741, established that a pastor may be removed from his office if his ministry in parish,

⁵¹ *I Synod Archidiecezji Białostockiej*, statutes 49 and 237; *Statut instytutu teologiczno-pastoralnego w Białymstoku*, in *I Synod Archidiecezji Białostockiej*, p. 177, art. 9; *III Powojenny Synod Archidiecezji Gnieźnieńskiej*, statute 40 §2; *Synod Archidiecezji Poznańskiej*, vol. 2, statute 96; *Synod Archidiecezji Przemyskiej*, statute 196 §3; *IV Synod Archidiecezji Warszawskiej* (Warsaw: Wydawnictwo Archidiecezji Warszawskiej, 2003), statute 49; *Pierwszy Synod Diecezji Kaliskiej*, statutes 249–253; “Przygotowanie do podjęcia posługi proboszcza,” in *III Synod Diecezji Kieleckiej*, 90, attachment II; *I Synod Diecezji Koszalińsko-Kołobrzesckiej*, statute 287 §§1–3; *I Synod Diecezji Łowickiej*, statute 89; *Statuty I Synodu Diecezji Pelplińskiej*, statute 35; *Pierwszy Synod Diecezji Rzeszowskiej*, statute 127 §2; *Aby byli jedno. Drugi Synod Diecezji Sandomierskiej*, statutes 62 and 553; *I Synod Diecezji Sosnowieckiej*, statute 56; *Uchwały Pierwszego Synodu Diecezji Toruńskiej*, statute 180; *Pierwszy Synod Diecezji Warszawsko-Praskiej*, statute 124 §1; *Drugi Synod Diecezji Włocławskiej*, statute 299.

⁵² More on this in M. SITARZ, “Zarządzanie parafią w sytuacjach nadzwyczajnych,” in *Parafia w prawie kanonicznym i w prawie polskim*, 136–43.

even through no fault of his, is becoming detrimental or ineffective. The following reasons for removal were enumerated: conduct which causes a grave detriment or disturbance to the parish; ineptitude or a permanent mental or physical illness, which renders the pastor unable to fulfil his tasks properly; loss of his good name among the honest and responsible parishioners or a dislike towards the pastor, which is reasonably expected to linger for some time; grave neglect or violation of parochial duties which persists despite a warning issued; improper and seriously damaging administration of the church temporal goods whenever it this situation cannot be remedied otherwise.⁵³ In the archdioceses of Gniezno and Pelplin, a pastor can be removed from his office for reasons and in a manner provided for by universal law, in compliance with canons 1740–1752.⁵⁴ The synods of the dioceses of Sosnowiec and Toruń indicate the well-being of the faithful as the cause of such a removal (cf. cc. 1740–1752.)⁵⁵ In the diocese of Łomża, a pastor can be removed in compliance with the canonical procedure if his presence and ministry in the parish have become harmful or ineffective. In the opinion of the synod, the causes for the removal are especially the following: indecent or outrageous conduct, permanent illness, alcoholism, loss of a good reputation, grave neglect of parochial duties, abuses in the administration of the parish goods (cf. cc. 1740–1741.)⁵⁶ The synod of the diocese of Opole promulgated regulations whereby a pastor can be removed in justified cases, mainly for health or pastoral reasons.⁵⁷ In the diocese of Poznań, it is possible to remove a pastor not only in accordance with the prescripts of canon law but also in the case when – if the archbishop judges so – this is necessary for the good of the faithful. Prior to this act the archbishop consults a special group,⁵⁸ which offers advice for such an eventuality (cf. cc. 1740–1752.)⁵⁹ If verified by ecclesiastical authority, the reasons for the removal are said to be alcoholism and a scandal caused by the pastor's sinful conduct.⁶⁰ In the diocese of Warszawa-Praga, a pastor can be removed as many times as it is necessary to ensure the well-being

⁵³ *I Synod Diecezji Elckiej*, statute 347.

⁵⁴ See *III Powojenny Synod Archidiecezji Gnieźnieńskiej*, statute 40 §3; *Statuty I Synodu Diecezji Pelplińskiej*, statute 41.

⁵⁵ See *I Synod Diecezji Sosnowieckiej*, statute 57; *Uchwały Pierwszego Synodu Diecezji Toruńskiej*, statute 181.

⁵⁶ *I Synod Diecezji Łomżyńskiej*, statute 165.

⁵⁷ *Pierwszy Synod Diecezji Opolskiej*, statute 245.

⁵⁸ It is probably a team of pastor consultants, referred to in cc. 1742, 1744, 1749–1750; for more on this see SITARZ, “Organy kolegialne w Kościele partykularnym,” 134–36.

⁵⁹ *Synod Archidiecezji Poznańskiej*, vol. 2, statutes 113–114.

⁶⁰ *Synod Archidiecezji Poznańskiej*, vol. 1, statute 56.

of the Christian faithful, observing natural and canonical justice.⁶¹ In contrast, in the diocese of Zamość–Lubaczów, a pastor can be removed if this is dictated by the well-being of the faithful, needs and benefit of the Church.⁶²

Synodal statutes also specify legal reasons for the removal of a pastor. The synod of the archdiocese of Gdańsk promulgated only a disposition that the transfer of a pastor to another parish rests with the diocesan bishop.⁶³ However, the synod of the diocese of Warszawa-Praga provides in a general manner that the diocesan bishop has a pastor transferred, observing natural and canonical justice.⁶⁴ Different reasons are stated by the synods of the dioceses of Ełk, Łomża, Opole, Toruń, Warszawa-Praga and Zamość–Lubaczów, and the archdiocese of Poznań, since a pastor can be transferred by the diocesan bishop between parishes, or in some cases between offices, or even be retired, whenever the well-being of the faithful, the needs or welfare of the Church call for that.⁶⁵ In the case of the diocese of Ełk, the bishop is obliged to suggest a transfer in writing, and verbally induce the pastor to consent.⁶⁶ In the diocese of Łomża, in contrast, the bishop can put the change into effect only after talking to the person in question.⁶⁷ If pastors in these dioceses firmly refuse to be transferred, the prescripts of canons 1748–1752 apply.⁶⁸ In the archdiocese of Gniezno and the dioceses of Opole, Pelplin, Sosnowiec and Toruń, a pastor can be transferred using the procedure established by canons 1748–1752.⁶⁹ Further, in the archdioceses of Gniezno, Poznań, Warszawa and the dioceses of Koszalin–Kołobrzeg, Opole and Sosnowiec, a pastor is free to submit a request to be transferred to a different parish.⁷⁰ However, in the diocese of Koszalin–Kołobrzeg,

⁶¹ *Pierwszy Synod Diecezji Warszawsko-Praskiej*, statute 124 §3.

⁶² *I Synod Diecezji Zamojsko-Lubaczowskiej*, statute 10.

⁶³ *III Synod Gdański*, vol. 1, statute 62.

⁶⁴ *Pierwszy Synod Diecezji Warszawsko-Praskiej*, statute 124 §3.

⁶⁵ See *I Synod Diecezji Elckiej*, statute 346; *I Synod Diecezji Łomżyńskiej*, statute 164; *Pierwszy Synod Diecezji Opolskiej*, statute 244; *Uchwały Pierwszego Synodu Diecezji Toruńskiej*, statute 181; *Pierwszy Synod Diecezji Warszawsko-Praskiej*, statute 124 §2; *I Synod Diecezji Zamojsko-Lubaczowskiej*, statute 10; *Synod Archidiecezji Poznańskiej*, vol. 2, statute 114.

⁶⁶ *I Synod Diecezji Elckiej*, statute 346.

⁶⁷ *I Synod Diecezji Łomżyńskiej*, statute 164.

⁶⁸ *I Synod Diecezji Elckiej*, statute 346; *I Synod Diecezji Łomżyńskiej*, statute 164.

⁶⁹ See *III Powojenny Synod Archidiecezji Gnieźnieńskiej*, statute 40 §3; *Pierwszy Synod Diecezji Opolskiej*, statute 244; *Statuty I Synodu Diecezji Pelplińskiej*, statute 41; *I Synod Diecezji Sosnowieckiej*, statute 57; *Uchwały Pierwszego Synodu Diecezji Toruńskiej*, statute 181.

⁷⁰ See *III Powojenny Synod Archidiecezji Gnieźnieńskiej*, statute 40 §3; *Synod Archidiecezji Poznańskiej*, vol. 2, statute 89; *IV Synod Archidiecezji Warszawskiej*, statute 66; *I Synod Diecezji Koszalińsko-Kołobrzesckiej*, statute 290; *Pierwszy Synod Diecezji Opolskiej*, statute 244; *I Synod Diecezji Sosnowieckiej*, statute 57.

a pastor can ask to be transferred to another parish of his own choice as long as the diocesan bishop judges him to be a suitable pastor for that parish.⁷¹ In contrast, in the diocese of Opole, a pastor is allowed to leave his first parish only after five years of his ministry in this capacity. The submitted request is to specify the reasons for the pastor's intention to change parishes, accompanied by a list of pastoral tasks and administrative-economic issues dealt with to date, confirmed by the vicar forane.⁷² Moreover, in the archdioceses of Poznań and Warszawa, a pastor can be transferred to another parish upon the initiative of the diocesan bishop.⁷³ Only the synods of the diocese of Tarnów and the archdiocese of Wrocław recommend that pastors working in small parishes without a vicar change their posts every now and then, both for pastoral and personal reasons.⁷⁴

The synods of some dioceses promulgated also provisions concerning the manner in which a pastor is to resign from his office. In the diocese of Drohiczyn, a pastor can resign from his office if he has obtained a sickness benefit.⁷⁵ However, in the dioceses of Ełk and Łomża, a pastor can submit his resignation for a just cause. For the resignation to be valid, it must be accepted by the diocesan bishop.⁷⁶ In the archdiocese of Gdańsk, a pastor can hand in his resignation for reasons provided for under canon law.⁷⁷ In the archdiocese of Lublin, a pastor can resign from his office for grave reasons, such as: the loss of authority, the welfare of the faithful, and pastoral effectiveness.⁷⁸ In the diocese of Opole, a pastor can submit his resignation for good reasons, usually concerning his health or pastoral ministry.⁷⁹ Similarly, in the archdiocese of Poznań, a pastor can resign from his office if his health is seriously failing.⁸⁰ In the archdiocese of Przemyśl, a pastor can hand in his resignation earlier than envisaged by universal law and be at the diocesan bishop's disposal. Such a decision can be justified by the spiritual good of the parish which demands the pastor to be changed.⁸¹ In contrast, in the diocese of Sandomierz, the pastor can resign from

⁷¹ *I Synod Diecezji Koszalińsko-Kołobrzeskiej*, statute 290.

⁷² *Pierwszy Synod Diecezji Opolskiej*, statute 244.

⁷³ See *Synod Archidiecezji Poznańskiej*, vol. 2, statute 89; *IV Synod Archidiecezji Warszawskiej*, statute 66.

⁷⁴ See *IV Synod Diecezji Tarnowskiej*, statute 346; „Proboszcz,” in *Synod Archidiecezji Wrocławskiej*, page 356, statute 78.

⁷⁵ See *I Synod Diecezji Drohiczyńskiej*, statute 244.

⁷⁶ See *I Synod Diecezji Elckiej*, statute 353; *I Synod Diecezji Łomżyńskiej*, statute 166.

⁷⁷ See *III Synod Gdański*, vol. 1, statute 62.

⁷⁸ See *II Synod Diecezji Lubelskiej*, statute 588.

⁷⁹ See *Pierwszy Synod Diecezji Opolskiej*, statute 245.

⁸⁰ See *Synod Archidiecezji Poznańskiej*, vol. 2, statute 89.

⁸¹ See *Synod Archidiecezji Przemyśkiej*, statute 203 §3.

his office if he provides to the diocesan bishop the grounds for this intention.⁸² Similar regulations exist in the diocese of Toruń, where resignation from the office of pastor can only take place for justified reasons.⁸³ In the diocese of Warszawa-Praga, a pastor can hand in an earlier resignation due to his poor health or other causes. Notably, it belongs to the diocesan bishop to take an appropriate decision, having weighed up all the circumstances.⁸⁴ In the diocese of Zamość–Lubaczów, a pastor can give up his office for a just cause, i.e. the well-being of the faithful, the need and benefit of the Church.⁸⁵

Polish particular legislators have attempted to introduce the rotation of office in the case of pastors. This proposal, however, has not received the majority of votes of the Episcopal Conference of Poland, hence diocesan bishops in Poland are not allowed to appoint pastors for a specified period of time.⁸⁶

One's permanence in the office of pastor has been the subject of debate in certain diocesan synods, while regulations in this regard are diverse. The synods of archdioceses of Gniezno and Poznań and the diocese of Łomża and Sosnowiec have noted in general terms that the office of pastor should be characterised by permanence, therefore a pastor should be appointed for an unspecified term, as prescribed by canon 522.⁸⁷ A different perspective is assumed by the synod of the diocese of Kalisz: "In principle, a pastor is appointed for an indefinite period of time. His term can be made definite if the circumstances so require. Permanence in the office of pastor is not tantamount to his irremovability."⁸⁸ Another standpoint is presented by the legislator of the archdiocese of Przemyśl: "With respect to the rotation of the office of pastor, the Synod of the Archdiocese of Przemyśl adopts the resolutions of the Second Polish Plenary Synod."⁸⁹ A provision used in the diocese of Warszawa-Praga seems interesting: "In line with the instructions of the Plenary Synod and Episcopal Conference of Poland, it belongs to a diocesan bishop to determine the rotational character of the office of pastor."⁹⁰

⁸² See *Aby byli jedno. Drugi Synod Diecezji Sandomierskiej*, statute 575.

⁸³ See *Uchwały Pierwszego Synodu Diecezji Toruńskiej*, statute 190.

⁸⁴ See *Pierwszy Synod Diecezji Warszawsko-Praskiej*, statute 138.

⁸⁵ See *I Synod Diecezji Zamojsko-Lubaczowskiej*, statute 10.

⁸⁶ SITARZ, *Zarządzanie parafią*, 141.

⁸⁷ See *III Powojenny Synod Archidiecezji Gnieźnieńskiej*, statute 40 §3; *Synod Archidiecezji Poznańskiej*, vol. 2, statute 89; *I Synod Diecezji Łomżyńskiej*, statute 157; *I Synod Diecezji Sosnowieckiej*, statute 57.

⁸⁸ *Pierwszy Synod Diecezji Kaliskiej*, statute 27, different to the prescript of c. 522.

⁸⁹ *Synod Archidiecezji Przemyskiej*, statute 204. The Second Polish Plenary Synod did not include any regulations related to the principle of rotation in the office of pastor.

⁹⁰ *Pierwszy Synod Diecezji Warszawsko-Praskiej*, statute 124 §4. Currently, this provision has no legal grounding because the documents of the Second Polish Plenary Synod do not contain regulations

Another issue addressed by the synodal statutes is the question of the resignation of a pastor from his office due to a certain age limit. In this regard, Polish dioceses apply various regulations. In the archdioceses of Gniezno and Warszawa and in the dioceses of Drohiczyn, Tarnów, Warszawa-Praga and Zamość–Lubaczów, each pastor can submit his resignation to the diocesan bishop and apply for a pension after turning sixty-five.⁹¹ In the archdiocese of Gniezno, this kind of resignation is possible only for the reason of poor health.⁹² In contrast, in the archdiocese of Warszawa, also the diocesan bishop can invite a pastor to become retired after turning sixty-five.⁹³ In the diocese of Płock, pastors are encouraged to hand in their resignations, depending on their health condition and pastoral needs, after turning sixty-seven.⁹⁴ Different regulations apply in the archdiocese of Poznań and the diocese of Sosnowiec, whereby a pastor can give up his office and by the permission of the diocesan bishop become retired after reaching the age of seventy.⁹⁵ Similar regulations apply in the dioceses of Ełk and Łomża. However, this provision is only a recommendation to submit resignation after turning seventy, and its application depends on a pastor's health and the pastoral needs of the diocese.⁹⁶ Also in the archdiocese of Przemyśl, this provision functions as an incentive addressed to pastors.⁹⁷ Other regulations are applicable in the archdioceses of Lublin and Warszawa and in the dioceses of Opole, Rzeszów, Warszawa-Praga, and Zamość–Lubaczów because the pastors of these particular Churches are to communicate their readiness to the diocesan bishop to resign from their office when they have turned seventy.⁹⁸

related to rotation in the office of pastor, and the Episcopal Conference of Poland has not passed a general decree with the majority of votes which would permit that.

⁹¹ See *III Powojenny Synod Archidiecezji Gnieźnieńskiej*, statute 40 §3; *IV Synod Archidiecezji Warszawskiej*, statute 67; *I Synod Diecezji Drohiczyńskiej*, statute 244. The synod of the diocese of Drohiczyn settled this matter by reference to respective retirement regulations of the state legislation; *IV Synod Diecezji Tarnowskiej*, statute 347; *Pierwszy Synod Diecezji Warszawsko-Praskiej*, statute 138; *I Synod Diecezji Zamojsko-Lubaczowskiej*, statute 23.

⁹² See *III Powojenny Synod Archidiecezji Gnieźnieńskiej*, statute 40 §3.

⁹³ *IV Synod Archidiecezji Warszawskiej*, statute 65.

⁹⁴ „*Gdzie jest Bóg, tam jest przyszłość*”. *XLIII Synod Diecezji Płockiej. Prawo partykularne i program odnowy pastoralnej Kościoła Płockiego* (Płock: Płocki Instytut Wydawniczy, 2015), statute 47.

⁹⁵ See *Synod Archidiecezji Poznańskiej*, vol. 2, statute 89; *I Synod Diecezji Sosnowieckiej*, statute 58 §1.

⁹⁶ See *I Synod Diecezji Elckiej*, statute 353; *I Synod Diecezji Łomżyńskiej*, statute 166.

⁹⁷ See *Synod Archidiecezji Przemyśkiej*, statute 203 §2.

⁹⁸ See *II Synod Diecezji Lubelskiej*, statute 588; *IV Synod Archidiecezji Warszawskiej*, statutes 65 and 67; *Pierwszy Synod Diecezji Opolskiej*, statute 245. Pastors of this diocese are to declare their readiness to resign already at the beginning of the calendar year in which they attain the age of 70; *Pierwszy Synod Diecezji Rzeszowskiej*, statute 55 §2; *Pierwszy Synod Diecezji Warszawsko-Praskiej*, statute 138; *I Synod Diecezji Zamojsko-Lubaczowskiej*, statute 23.

Other synods merely retained and replicated canon 538 §3. This provision stipulates that pastors are obliged to submit their resignations after turning seventy-five in the following particular Churches: the archdioceses of Białystok, Gdańsk, Gniezno, Poznań, Przemyśl and Warszawa, and in the dioceses of Drohiczyn, Ełk, Kalisz, Łomża, Opole, Pelplin, Płock, Sandomierz, Sosnowiec, Tarnów, Toruń, and Warszawa-Praga.⁹⁹ Only the synod of the archdiocese of Poznań provided that a pastor can remain in his office after turning seventy-five if the archbishop deems this necessary for the welfare of the faithful.¹⁰⁰

The final issue associated with a vacated office of pastor, addressed by diocesan synods is the dismissal of a pastor who is a member of a religious institute or a society of apostolic life. For the most part, the synods replicated canons 538 §2 and 682 §2 but introduced other conditions, too. In the archdiocese of Lublin and in the dioceses of Drohiczyn and Łowicz, a pastor may be dismissed from his office either by the diocesan bishop after the competent superior has been informed, or by his own competent superior, having notified the diocesan bishop.¹⁰¹ The situation appears different in the dioceses of Ełk, Kalisz, and Wrocław, because the removal of such a pastor from his office lies within the discretion of the diocesan bishop. However, the bishop can perform this act only after the presbyter's competent superior has been informed or at the superior's request.¹⁰² Similar regulations are implemented in the diocese of Pelplin, whereby a pastor working in a parish entrusted to a clerical religious institute or a clerical society of apostolic life is removed by

⁹⁹ See *I Synod Archidiecezji Białostockiej*, statute 60; *III Synod Gdański*, vol. 1, statute 62; *III Powojenny Synod Archidiecezji Gnieźnieńskiej*, statute 40 §3; *Synod Archidiecezji Poznańskiej*, vol. 2, statute 89; *Synod Archidiecezji Przemyskiej*, statute 203 §1; *Synod Archidiecezji Przemyskiej*, statute 203 §1; *IV Synod Archidiecezji Warszawskiej*, statute 67; *I Synod Diecezji Drohiczyńskiej*, statute 244; *I Synod Diecezji Elckiej*, statute 353; *Pierwszy Synod Diecezji Kaliskiej*, statute 40; *I Synod Diecezji Łomżyńskiej*, statute 166; *Pierwszy Synod Diecezji Opolskiej*, statute 245. Pastors in this diocese are expected to submit to the diocesan bishop a written resignation already at the beginning of the year in which they attain the age of seventy-five; *Statuty I Synodu Diecezji Pelplińskiej*, statute 42; „Gdzie jest Bóg, tam jest przyszłość”. *XLIII Synod Diecezji Płockiej*, statute 47. Pastors who are seventy-five are obliged to hand in a written resignation by the end of March in the respective year; *Aby byli jedno. Drugi Synod Diecezji Sandomierskiej*, statutes 93, 575; *I Synod Diecezji Sosnowieckiej*, statute 58 §1; *IV Synod Diecezji Tarnowskiej*, statute 347; *Uchwały Pierwszego Synodu Diecezji Toruńskiej*, statute 190; *Pierwszy Synod Diecezji Warszawsko-Praskiej*, statute 138.

¹⁰⁰ *Synod Archidiecezji Poznańskiej*, vol. 2, statute 114.

¹⁰¹ See *II Synod Diecezji Lubelskiej*, statute 368; *I Synod Diecezji Drohiczyńskiej*, statute 91; *I Synod Diecezji Łowickiej*, statute 124.

¹⁰² See *I Synod Diecezji Elckiej*, statute 352; *Pierwszy Synod Diecezji Kaliskiej*, statute 312. The synod requested a competent church authority not to remove religious priests too often, especially pastors and vicars, from their pastoral posts for the good of the faithful, the youth in particular, see statute 314; *Drugi Synod Diecezji Włocławskiej*, statute 346.

the diocesan bishop at the request of the competent superior.¹⁰³ Different regulations apply in the archdiocese of Poznań, where the removal of a pastor from his office in a parish entrusted to an institute of consecrated life or a society of apostolic life must be preceded by an agreement made between the archbishop and the competent superior of the institute or the society.¹⁰⁴

4. THE MANNER OF ENTRUSTING THE OFFICE

Universal law provides that the provision of any church office is to be made in writing (c. 156; AS 69).¹⁰⁵ Only few synodal statutes regulate this issue. The synod of the diocese of Łowicz merely provides that “acts at law should be made in writing.”¹⁰⁶ Similarly, the synod of the diocese of Warszawa-Praga provides that “decrees and specific orders are issued in writing along with a statement of reasons, even if general (see c. 51).”¹⁰⁷ In contrast, the synods of the archdiocese of Lublin and the dioceses of Drohiczyn, Kalisz, Pelplin, Toruń and Wrocław, specified the formula applicable for the provision of a parish permanently or for a specified term to a clerical institute of consecrated life or clerical association of apostolic life. Drawing on canons 520 §2 and 681 §2, they established that this act must be in the form of a written agreement made between the diocesan bishop and the competent superior of an institute or association.¹⁰⁸ Only the synod of the archdiocese of Poznań requires that an appropriate agreement be drawn before a pastor is appointed in a parish entrusted to a clerical institute of consecrated life or a clerical association of apostolic life. This sort of contract is to be concluded between the archbishop and the competent superior of an institute or association (much like in the case of the removal of a pastor).¹⁰⁹

¹⁰³ See *Statuty I Synodu Diecezji Pelplińskiej*, statute 37.

¹⁰⁴ See *Synod Archidiecezji Poznańskiej*, vol. 2, statute 90.

¹⁰⁵ More on this in F. D’OSTILIO, *Prontuario del Codice di diritto canonico* (Città del Vaticano: Libreria Editrice Vaticana, 1995), 117; SOBAŃSKI, “Urzędy,” 247.

¹⁰⁶ *I Synod Diecezji Łowickiej*, statute 8 §2.

¹⁰⁷ *Pierwszy Synod Diecezji Warszawsko-Praskiej*, statute 3.

¹⁰⁸ See *I Synod Diecezji Drohiczyńskiej*, statute 91; *Pierwszy Synod Diecezji Kaliskiej*, statutes 311; *II Synod Diecezji Lubelskiej*, statute 366; *Statuty I Synodu Diecezji Pelplińskiej*, statute 38; *Uchwały Pierwszego Synodu Diecezji Toruńskiej*, statute 119; *Drugi Synod Diecezji Włocławskiej*, statute 345.

¹⁰⁹ See *Synod Archidiecezji Poznańskiej*, vol. 2, statute 90.

CONCLUSION

The aim of our analysis of synodal statutes was to present the requirements imposed on canonical provision in Polish dioceses. The office of pastor and the respective administrative act are governed by universal and particular law. The code legislator, due to the diverse needs of each particular Church, makes it possible to elaborate on the canonical requirements in particular law. This stems from the necessity of considering the current needs and the specific character of each particular Church so that its teaching, sanctifying and administrative mission will be fulfilled as good as possible in line with the principle *salus animarum suprema lex*.

Our analysis of synodal resolutions permits the formulation of the following conclusions *de lege lata*:

1. In compliance with the dispositions of the code of canon law, seen from a broader or narrower perspective, the canonical requirements imposed on canonical provision have been further specified.

2. The provisions of the canon code have been frequently duplicated or paraphrased by synodal legislation.

3. When requirements concerning ecclesiastical authority were formulated, attention was typically drawn to the necessity of choosing the right candidate by taking into consideration his personal qualities and talents along with the needs of a specific parochial community.

4. A novel requirement regarding ecclesiastical authority was incorporated in the synodal statutes of the diocese of Warmia. It provides that the archbishop of Warmia is obliged to hear the council for personnel affairs before appointing a pastor. This requirement envisages the existence of another collegial organ in the archdiocese. Moreover, an opinion of the council for personnel affairs should be heard to ensure the validity of an act at law connected with a parish (as much as of the presbyteral council in matters referred to in cc. 515 §2, 531, and 536 §1, or two pastors from the group of pastor consultors when issuing acts referred to in cc. 1742, 1744, 1749, and 1750).

5. Requirements for candidates for the office of pastor were further specified. The most frequent requirements are those concerning the completion of an appropriate formation course and the passing of an exam confirming a cleric's suitability for pastoral ministry in a parish.

6. Original requirements for candidates for pastors are in force in the archdiocese of Warmia and the diocese of Kielce. In the first one, candidates are obliged to submit in the eighth year of their presbyterate a presentation entitled "My vision of a parish community," while in the other diocese a candidate is obliged to present

“his vision of pastoral ministry in a particular parish community” before the council for personnel affairs.

7. Having regard to the spiritual and material good of the entrusted community and the assurance of the greatest possible effectiveness of pastoral ministry in a parish, the reasons for removal, transfer and resignation were outlined in broad strokes. Also, for the same reason, resignation from the office due to a certain age was regulated.

8. Particular law has promulgated provisions enabling, encouraging and obligating to resign on account of a certain age. According to them, pastors in the archdioceses of Gniezno and Warszawa and in the dioceses of Drohiczyn, Tarnów, Warszawa-Praga, and Zamość–Lubaczów can hand in their resignation when they are sixty-five years old, while in the archdiocese of Poznań and the diocese of Sosnowiec at the age of seventy. In the diocese of Płock, pastors are recommended to submit their resignation when they turn sixty-seven, and in the archdiocese of Przemysł and the dioceses of Ełk and Łomża at the age of seventy. In the archdiocese of Lublin and Warszawa, and in the dioceses of Opole, Rzeszów, Warszawa-Praga and Zamość–Lubaczów, pastors are obliged to submit a resignation when they turn seventy. In contrast, in the archdioceses of Białystok, Gdańsk, Gniezno, Poznań, Przemysł and Warszawa, and in the dioceses of Drohiczyn, Ełk, Kalisz, Łomża, Opole, Pielplin, Płock, Sandomierz, Sosnowiec, Tarnów, Toruń and Warszawa-Praga, observing the prescript of universal law, pastors are obliged to do that only having reached the age of seventy-five (c. 538 §3).

9. Only occasionally was the formula of the provision of the office addressed. Most legislators disregarded this issue entirely, others only invoked canon 156, which mentions the written form.

It should be postulated *de lege ferenda* that:

1. When synods were convened in Poland, special attention was paid to the normative aspect of their statutes, in line with the instructions provided by the Congregation for Bishops in the directory *Apostolorum successores*, wherein it specifically established the elementary criteria to be respected when exercising legislative power: “The bishop shall take care that legislative and canonical texts be redacted with precision, maintaining the technical and legal regime, avoiding contradiction, unnecessary repetitions or multiple regulations related to the same area. He will also ensure necessary clarity to make a clear distinction between the obligatory or indicative character of provisions so that one may easily understand which behaviour is prescribed and which is forbidden. In this regard he shall hear the advice of experts in canon law, whose number in a particular Church should always be plenty” (67d). The legislators of particular Churches should also observe the requirements of the

Congregation for Bishops and the Congregations for the Evangelization of Peoples, indicated in the Instruction on diocesan synods.¹¹⁰

2. In synodal statutes, requirements for candidates for the office of pastor were also supplemented with the requirement of having knowledge of the Magisterium of the Church and the ability to draft office documents which would be verified before the nomination in a manner described in those normative acts.

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REQUIREMENTS FOR THE PROVISION OF THE OFFICE OF PASTOR
UNDER THE CURRENT POLISH SYNODAL LEGISLATION

S u m m a r y

In the provision of the office of the pastor, norms of universal law and particular law must be observed. In canons 521 §§2–3, 522, 527 §§2–3, and 538 §1, the code legislator refers to regulations applicable in particular Churches.

The legislation of Polish synods clarified requirements for administrative acts of the provision of the office of pastor. They pertain to ecclesiastical authority, candidates for the post of pastor, the entrusting of the office and the formalities associated with these acts. Provisions of universal law were replicated or paraphrased in the majority of the synodal regulations. However, innovative directives concerning diocesan bishops or requirements for candidates for the office of pastor are spelled out in some of them. Typically, these would be the completion of a special formation course and passing of an examination for pastors.

For a provision to be valid, the office must be vacant. The reasons for the loss of office also are defined in the law of synods. Also, reasons due to the age of pastors are regulated. Only some synods require a written form of the act entrusting the office of pastor.

Key words: diocesan bishop; pastor; candidate for the office; diocesan synod; provision of the office.

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