

## Appointment of Parish Priest According to CCEO

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### Introduction



A parish (Greek paroikia, Latin parochia and paroecia) as a juridical institution in the Church has evolved over time. The term parish comes from the Greek word parochia (παροικία), which is a compound of παρα (by, near) and οἶκος (house, dwelling). It thus means ‘close to home, one who is not at home’. Until the fifth century, the Latin word diocese denoted a rural district, distinct from the town where the bishop resided, which was called parochia. Thus a parish was today’s bishopric; a diocese was a parish.<sup>1</sup>

Historically, the parish emerged after the diocese, which was an ecclesiastical community entrusted to the care of the bishop. Its origins date back to the times at the turn of the fourth and fifth centuries after the expansion of Christianity.<sup>2</sup> The main criterion of the new institution was to organize pastoral care outside the large cities, where bishops resided, into outlying areas and smaller centres under the direction of presbyters.<sup>3</sup>

<sup>1</sup> SAXER, Victor, *Le Chiese rurali prima che fossero parrocchiali (IV–VIII sec.): proposte per una storia di quelle della Provenza*, in: PERGOLA, Philippe (ed.), *Alle origini della parrocchia rurale (IV–VIII sec.). Atti della giornata tematica dei Seminari di Archeologia Cristiana, Ecole Française de Rome – 19 marzo 1998*, Città del Vaticano, 1999, pp. 17–42. Cf. CHIAPPETTA, Luigi, *Il manuale del Parroco*, Roma, 1997, p. 25.

<sup>2</sup> Cf. VOLPE, Giuliano, *Il ruolo dei vescovi nei processi di trasformazione del paesaggio urbano e rurale*, in: BROGIOLO, Gian Pietro, ARNAU, Alexandra Chavarria, *Archeologia e società tra Tardo Antico e Alto Medioevo*, Atti del 12° Seminario sul Tardoantico e l’Altomedioevo, Mantova, 2007, pp. 85–105.

<sup>3</sup> Cf. IVAN, Jozef, *Farnost’ vo svetle kánonickej disciplíny Katolickej cirkvi*, [Parish in the Light of the Canonical Discipline of the Catholic Church], Michalovce, 2017, pp. 12–16.

The synods which took place in the East in the fourth century, in their canons, command that bishops should not be appointed in the countryside, but only in cities where bishops had already been appointed, or where the population was larger.<sup>4</sup> The Synod of Laodicea (343–381) in can. 57<sup>5</sup> prescribes that ordinary visitators be appointed in the countryside instead of bishops. If, however, bishops were already appointed there, they must not do anything without the prior authorization of the city bishop. Rural presbyters, who are subject to the bishop of the city, are to act in the same way. The increasing number of Christians had to be taken care of in some way, so it became preferable to entrust converts to Christianity to ordinary presbyters, especially if they were smaller communities where there was no need to appoint a bishop.<sup>6</sup>

The Byzantine commentator Balsamon, commenting on can. 57 of the Laodicean Synod writes as follows: ‘Where there is not sufficient population, that is, in the countryside, bishops are not to be instituted, lest the episcopal rank should be degraded thereby. Let only visitators be appointed. The bishops shall send them out as exarchs to go over these places, to see to the spiritual needs of the faithful and to instruct them.’ Thus, in fact, the natural way of life of Christ’s Church was gradually shaped into what it is today, and so gradually parishes were formed out of these suburban communities.<sup>7</sup>

New events slowed down the process of formation of communities around the bishop and led to the creation of others that were no longer entrusted to bishops but were under the authority of presbyters. It was not until the Middle Ages that these communities came to be known as parishes. In the sixteenth century, the Council of Trent (1545–1563) encouraged the creation of parishes in order to best provide for the needs of the faithful. At that time dioceses began to be organized

<sup>4</sup> Cf. IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], p.16.

<sup>5</sup> СВЯТОГОРЕЦ, Никодим, *Пидалион, Правила православной церкви с толкованиями*, Том. 3, *Правила Поместных соборов*, [Pedalion, Rules of the Orthodox Church with Interpretations, Vol. 3, Rules of Local Assemblies], Екатеринбург, 2019, pp. 188–189.

<sup>6</sup> Cf. IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], p.16.

<sup>7</sup> СВЯТОГОРЕЦ, Никодим, *Правила православной церкви с толкованиями*, Том. 3, *Правила Поместных Соборов*, [Pedalion, Rules of the Orthodox Church with Interpretations, Vol. 3, Rules of Local Assemblies], pp. 188–189.

into parishes. The 1917 Code of Canon Law no longer recommended, but commanded, that dioceses be divided into parishes by the power of its promulgation.<sup>8</sup>

The Second Vatican Council introduced the parish in the constitution *Sacro-sanctum Concilium* on the Sacred Liturgy and recalls: ‘But because it is impossible for the bishop always and everywhere to preside over the whole flock in his Church, he cannot do other than establish lesser groupings of the faithful. Among these the parishes, set up locally under a pastor who takes the place of the bishop, are the most important: for in some manner they represent the visible Church constituted throughout the world.’<sup>9</sup>

Also the following council decree *Christus Dominus* on the pastoral office of bishops in the Church adds: ‘Pastors, however, are cooperators of the bishop in a very special way, for as pastors in their own name they are entrusted with the care of souls in a certain part of the diocese under the bishop’s authority.’<sup>10</sup>

### Appointment of a Pastor

Can. 284 of the Code of Canons of the Eastern Churches (CCEO):

‘§ 1. The right of naming pastors belongs solely to the eparchial bishop, who freely names them.

§ 2. To entrust a parish to a member of religious institute or society of common life in the manner of religious, the major superior is to propose a suitable priest of his institute to the eparchial bishop for appointment, with due regard for agreements entered into with the eparchial bishop or other authority determined by the particular law of the proper Church *sui iuris*.

§ 3. The pastor possesses stability in his office, therefore he is not to be named for a determined period of time unless:

1. it concerns a member of a religious institute or society of common life in the manner of religious;
2. a candidate agrees to this in writing;

<sup>8</sup> Cf. IVAN, Jozef, *Farnosť vo svetle...*, [Parish in the Light...], p. 19.

<sup>9</sup> DECREE SACROSANCTUM CONCILIUM – on the sacred liturgy, no. 42, available at: <<https://www.kbs.sk/obsah/sekcia/h/dokumenty-a-vyhlasenia/p/druhy-vatikansky-koncil/c/sacro-sanctum-concilium>> (5. 6. 2021).

<sup>10</sup> DECREE CHRISTUS DOMINUS – on the pastoral office of the bishops in the Church, no. 30, available at: <<https://www.kbs.sk/obsah/sekcia/h/dokumenty-a-vyhlasenia/p/druhy-vatikansky-koncil/c/christus-dominus>> (5. 6. 2021).

3. it concerns a special case, in which case the consent of the college of eparchial consultors is required;

4. the particular law of his Church *sui iuris* permits it.<sup>7</sup>

The provision of this canon in the first paragraph establishes and defines the competence to appoint parish priests, which belongs only to the eparchial bishop, who appoints him freely.<sup>11</sup> The provision focuses attention on the eparchial bishop, who is entrusted with the pastoral care of the eparchy to shepherd it with the cooperation of the presbytery.<sup>12</sup>

The bishop is assisted in his pastoral care in the eparchy by presbyters, enrolled or temporarily relocated to his eparchy from other eparchies or from other churches *sui iuris*. Most of these presbyters in the pastoral care of the faithful in Christ exercise the office of pastor of a defined parish.<sup>13</sup>

The eparchy is divided into parishes not only ecclesiologically but also canonically. The Code defines a parish as a particular community of believers in Christ, permanently established in the eparchy, whose pastoral care is entrusted to the pastor. To him the eparchial bishop canonically entrusts the parish by appointing him pastor of a particular parish.<sup>14</sup>

One way of conferring office is by free appointment. This method is also used in the conferral of the office of parish priest. The eparchial bishop is to confer it freely, by appointment.<sup>15</sup> It is important in this that the external freedom of the bishop in the appointment of parish priests is not restricted. Of course, canonical discipline knows the penalties for interfering with the free conferral of the office. The provision of can. 1460 CCEO on those who directly or indirectly appeal to civil authority in order to obtain, with its insistence, a sacred ordination, office or other role in the Church, sanctions such attempts with an appropriate

<sup>11</sup> NEDUNGATT, George, *Путівник по Східному Кодексу: Коментар до Кодексу Канонів Східних Церков*, [Guide to the Eastern Code: A Commentary on the Code of Canons Eastern Churches], Львів, 2008, p. 201. Cf. CHIAPPETTA, Luigi, *Il manuale del Parroco*, Roma, 1997, p. 71.

<sup>12</sup> GROCHOLEWSKI, Zenon, *Biskup poslaný vyučovať*, [Bishop Sent to Teach], in: IUS ET IUSTITIA, Acta III, *Symposii iuris canonici anni 2002*, Spišské Podhradie, 2002, pp. 82–83. Cf. COCCOPALMERIO, Francesco, *De paroecia*, Roma, 1991, pp. 130–131.

<sup>13</sup> IVAN, Jozef, *Farnosť vo svetle...*, [Parish in the Light...], p. 65.

<sup>14</sup> Cf. FILO, Vladimír, *Administratíva farnosti*, [Administration of the Parish], in: IUS ET IUSTITIA, Acta III, *Symposii iuris canonici anni 1995*, Spišské Podhradie, 1997, pp. 74–75.

<sup>15</sup> COCCOPALMERIO, Francesco, *De paroecia*, pp. 130–131.

punishment, not excluding the greater excommunication and, in the case of a cleric, dismissal.<sup>16</sup>

The fact that the eparchial bishop appoints parish priests in the parishes of his eparchy means that the parish priests carry out the entrusted care of the souls of the faithful in Christ under the authority of their own eparchial bishop. It thus requires the creation and nurturing of communion between the bishop and his presbyters. The canonical discipline of the ancient Church emphasized the fact that a presbyter cannot act without or against the bishop.<sup>17</sup> Since the presbyter receives the parish from the bishop, he does not occupy it of himself, and therefore his entire pastoral care of the faithful entrusted to him by the bishop is dependent on the bishop, that is, he exercises it under his authority.<sup>18</sup> The expression under the authority of the bishop does not imply a limitation of the pastor in his activity and initiative or even any diminution of his office. On the contrary, it is the ground of the dignity and solemnity of the office of the parish priest, so that his position under the authority of the bishop is given beauty, solemnity and dignity.<sup>19</sup>

Therefore, it is very important from the point of view of the pastoral ministry of the bishop that the relationship between the bishop and his presbyters be derived from the documents of the Church. The decree *Presbyterorum ordinis*<sup>20</sup> speaks of this in its seventh point: ‘All priests, in union with bishops, so share in one and the same priesthood and ministry of Christ that the very unity of their consecration and mission requires their hierarchical communion with the order of bishops. At times in an excellent manner they manifest this communion in liturgical concelebration as joined with the bishop when they celebrate the Eucharistic Sacrifice. Therefore, by reason of the gift of the Holy Spirit which is given to priests in Holy Orders, bishops regard them as necessary helpers and counselors in the ministry and in their role of teaching, sanctifying and nourishing the People of God... Therefore,

<sup>16</sup> Cf. CHIAPPETTA, Luigi, *Il manuale del Parroco*, p. 82.

<sup>17</sup> IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], p. 66.

<sup>18</sup> COCCOPALMERIO, Francesco, *De paroecia*, p. 11.

<sup>19</sup> FILO, Vladimír, *Kňazi a ich podiel na moci biskupa v jeho povinnosti učiť, posväcovať a riadiť Boží ľud*, [Priests and Their Share of the Power of the Bishop in His Duty to Teach, Sanctify, and Direct God's People], in: IUS ET IUSTITIA, Acta III, *Symposii iuris canonici anni 1993*, Spišské Podhradie, 1994, pp. 121–122.

<sup>20</sup> DECREE PRESBYTERORUM ORDINIS – on the ministry and life of priests, no. 7, available at: <<https://www.kbs.sk/obsah/sekcia/h/dokumenty-a-vyhlasenia/p/druhy-vatikansky-koncil/c/presbyterorum-ordinis>> (5. 6. 2021).

on account of this communion in the same priesthood and ministry, bishops should regard priests as their brothers and friends... They should gladly listen to their priests, indeed consult them and engage in dialogue with them in those matters which concern the necessities of pastoral work and welfare of the diocese. Priests, never losing sight of the fullness of the priesthood which the bishops enjoy, must respect in them the authority of Christ, the Supreme Shepherd. They must therefore stand by their bishops in sincere charity and obedience. This priestly obedience, imbued with a spirit of cooperation is based on the very sharing in the episcopal ministry which is conferred on priests both through the Sacrament of Orders and the canonical mission.<sup>21</sup>

The second paragraph of this canon provides for the selection of a suitable presbyter by the superior of an institute or society of common life in the manner of the religious, when the parish care is entrusted to a member of that institute or society.<sup>22</sup> All this is to be done within the framework of agreements made with the eparchial bishop or the authority authorized to do so by the particular law of the proper Church *sui iuris*.<sup>23</sup>

An important distinction is made between the entrustment of a parish to a religious institute or society, the entrustment of a parish to an individual religious or member of a society, and the entrustment of a parish to a religious as an individual who does not administer it with power either within the meaning of canon 282 § 1 or within the meaning of § 2 of that canon.<sup>24</sup> Only in these two cases the prescribed conditions must be adhered to. This does not apply to the case of a religious who does not assume pastoral care of a parish as a member of an institute or society to which the eparchial bishop has entrusted a parish and has appointed a suitable presbyter chosen by the superior, but who, as an independent presbyter who is outside the institute or society, exercises ministry in the eparchy and has been entrusted with a parish by the eparchial bishop. This can happen in the following cases within the meaning of the provisions of can. 489 and 548 CCEO indult of exlaustration from the monastery and subsequent enrolment under the provisions

<sup>21</sup> Cf. FILO, Vladimír, *Kňazi a ich podiel...* [Priests and Their Share...], p. 114.

<sup>22</sup> CHIAPPETTA, Luigi, *Il manuale...*, p. 71.

<sup>23</sup> IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], pp. 66–67.

<sup>24</sup> SABBARESE, Luigi, *De Paroeciis, De Parochis et De Vicariis Paroecialibus*, in: PINTO, Pio Vito (ed.), *Commento al Codice dei Canonici delle Chiese orientali*, Città del Vaticano, 2001, p. 255.

of can. 494 and 549 CCEO and the legitimate dismissal of a religious who is ordained in a sacred degree within the meaning of the provision of can. 502 CCEO.<sup>25</sup>

The eparchial bishop may entrust tasks and offices to the institute which are not directly connected with the activities of the institute and therefore do not belong to it as such. Nevertheless, even these tasks are in a certain sense proper to the institute, since they belong to its objectives. The term entrust means to hand over responsibility for pastoral work to an institute because the institute sees itself as worthy and capable of carrying out that work.<sup>26</sup>

After entrusting the work or the offices of the institute, it is important to regulate the relationship between the bishop and the religious in order to avoid possible disputes and misunderstandings by means of an agreement. The agreement is not a contract between the parties involved, but rather a way of determining the relationships, the activity, the tasks or offices, the people who will perform the activities planned, the economic issues, the duration of the commitment and the possibility or method of terminating it. It is signed on behalf of the institute by the superior of the religious institute.<sup>27</sup>

In the case of a religious who becomes a parish priest, it should be evident that he is a religious of the institute or society in whose church the parish has been established. It is natural that if a parish is established in a religious institute, the office of parish priest will be held by one of the members of that institute who is an ordained priest. It would not be prudent to put an eparchial priest in charge of a parish if the institute or society has its own priests.<sup>28</sup>

In this case, it is important to have the consent of the superior. The eparchial bishop cannot appoint any religious as pastor unless he has the prior consent of his major superior or unless the major superior himself proposes a suitable religious for the task.<sup>29</sup> Without the consent of the major superior, the appointment would be legally ineffective. Although it is not explicitly mentioned in the canon, it is

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<sup>25</sup> SABBARESE, Luigi, *De Paroeciis...*, p. 255.

<sup>26</sup> IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], p. 67.

<sup>27</sup> DE PAOLIS, Velasio, *La Vita Consacrata Nella Chiesa*, Bologna, 1991, pp. 353–354.

<sup>28</sup> IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], pp. 67–68.

<sup>29</sup> CHIAPPETTA, Luigi, *Il manuale...*, p. 46.

necessary that the religious himself who is to assume the office of pastor accepts it freely and without compulsion.<sup>30</sup>

During the work on the revision of the motu proprio *Postquam Apostolicis litteris*, the modification of canons 179–189 on the religious who administer a parish was laborious. Because of the complexity and difficulty that arises in joining parishes with religious houses, the members of the group suggested that the future Code should not specify the competences of the superior and the parish priest in detail, but let this be contained in an agreement to be concluded by the eparchial bishop and the religious community, taking into account individual cases.<sup>31</sup>

In the final scheme of the proposed particular law for the Metropolitan Church *sui iuris* in Slovakia, which was prepared by a working group of the Council of Hierarchs<sup>32</sup> of this Church, can. 824 CCEO listed as Article 23 reads as follows:

‘§ 1. The right to appoint parish priests is vested in the eparchial bishop alone, who appoints them freely. A parish priest is permanent in his office; therefore, in the Metropolitan Church of Prešov *sui iuris*, parish priests are not appointed for a definite period of time, except in the cases specified in Canon 284 § 3, 1–3 CCEO.

§ 2. Parishes which are entrusted to members of religious institutes or societies of common life in the manner of religious shall be proposed to the eparchial bishop by their superior, without violating the agreements concluded with the eparchial bishop.’<sup>33</sup>

The third paragraph of can. 824 speaks of the stability of the pastor in the parish.<sup>34</sup> We can say that this is one of the distinguishing marks of the office of

<sup>30</sup> IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], p. 68.

<sup>31</sup> IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], pp. 68–69.

<sup>32</sup> The working group of the Council of Hierarchs was appointed on 12<sup>th</sup> January 2017 by the decree of the Metropolitan Archbishop of Prešov Mons. Ján Babjak SJ. Its members are Prof. Mons. Dimitrios Salachas, Emeritus Greek Exarch, members for the Prešov Archdiocese are Jurij Popovič, Judicial Vicar of the Metropolitan Tribunal, Michal Onderko, Secretary of the Council of Hierarchs, Marcel Mojzeš, Associate Professor at the Greek Catholic Faculty of Theology in Prešov, for the Eparchy of Košice, the judicial vicar of the Eparchy of Košice and Bratislava, Jozef Ivan, František Čitbaj, Associate Professor at the Greek-Catholic Theological Faculty in Prešov, for the Eparchy of Bratislava, Rastislav Čížik, parish priest of the parish of Bratislava, Deacon Andrej Škoviera. The Commission met seven times and drafted a proposal of the particular law for the Metropolitan Church *sui iuris* in Slovakia, which the members of the Commission presented to the Council of Hierarchs in October 2017.

<sup>33</sup> IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], p. 69.

<sup>34</sup> SABBARESE, Luigi, *De Paroeciis...*, p. 255.



parish priest.<sup>35</sup> The Second Vatican Council in the decree *Christus Dominus* says: ‘Pastors should enjoy in their respective parishes that stability of office which the good of souls demands. The distinction between removable and irremovable pastors is to be abrogated and the procedure for transferring and removing pastors is to be re-examined and simplified. In this way the bishop, while observing natural and canonical equity, can better provide for the needs of the good of souls.’<sup>36</sup> Thus, with this decree, the council abolished any distinction between removable and ir-removable parish priests, but it reaffirmed the principle that a parish priest must have the necessary stability in his office<sup>37</sup> required for the good of souls, the fundamental purpose and meaning of the pastoral ministry.<sup>38</sup>

So one of the criteria of the pastor’s stability is the provision of pastoral care focused on *salus animarum suprema lex*,<sup>39</sup> and the planning and implementation of pastoral activities for the good of immortal souls in accordance with the provisions of the Code, which consequently prescribes to entrust the parish *ad tempus indefinitum*.<sup>40</sup> In addition to the canonical normative on the dismissal and transfer of parish priests, among the criteria that limit the stability and retention of a parish priest in office, it should be noted that parish priests are required to renounce the office upon reaching their seventy-fifth year of life. In addition, there are other ways in which the office of parish priest may be terminated under the rule of law.<sup>41</sup>

All pastors are to be stable in their office. This category includes the territorial pastor, the personal pastor, the priest to whom the pastoral care of the parish is

<sup>35</sup> MONTINI, Gian Paolo, *Stabilità del parroco e permanenza nell’ufficio parrocchiale (can. 522)*, in: LA PARROCCHIA, *Studi Giuridici* 43, Città del Vaticano, 1997, pp. 127–153.

<sup>36</sup> DECREE CHRISTUS DOMINUS – on the pastoral office of the bishops in the Church, no. 31, available at: <<https://www.kbs.sk/obsah/sekcia/h/dokumenty-a-vyhlasenia/p/druhy-vatikansky-koncil/c/christus-dominus>> (5. 6. 2021).

<sup>37</sup> COCCOPALMERIO, Francesco, *De paroecia*, pp. 126–127.

<sup>38</sup> CHIAPPETTA, Luigi, *Il manuale...*, p. 66; Cf. NEDUNGATT, George, *Путівник по Східному...*, [Guide to the Eastern...], p. 202.

<sup>39</sup> Cf. HERRANZ, Julián, *Salus animarum, principio dell’ordinamento canonico*, in: *Ius Ecclesiae*, Vol. 12, n. 2–2000, Roma, pp. 291–306; Cf. ARRIETA, Juan Ignacio, *La salus animarum quale guida applicativa del diritto da parte dei pastori*, in: *Ius Ecclesiae*, Vol. 12, no. 2–2000, Roma, pp. 343–374; Cf. SABBARESE, Luigi, *De Paroeciis...*, p. 255; Cf. MONTINI, Gian Paolo, *Stabilità del parroco...*, pp. 127–153.

<sup>40</sup> CHIAPPETTA, Luigi, *Il manuale...*, p. 66.

<sup>41</sup> IVAN, Jozef, *Farnost’ vo svetle...*, [Parish in the Light...], p. 70.

entrusted *in solidum*,<sup>42</sup> the priest with the power and faculties of a pastor who is the head of the pastoral care of a parish entrusted to several priests as a whole. To these the Latin 1983 Code of Canon Law (CIC) adds the priest who is the proper pastor, as it were, of a parish, which is equated with the parish, and the priest who, as spiritual administrator, is entrusted, at least in part, with the pastoral care of a community or of a particular group of the faithful in perpetuity. On the basis of this principle, all parish priests are to be appointed for an indefinite period of time; since a parish priest enjoys stability in the office of pastor, he is to be appointed *ad tempus indeterminatum*.<sup>43</sup>

Nevertheless, the legislator also permits the appointment of parish priests for a limited period of time, in the case of any of the following conditions listed in the third paragraph of the provision of can. 284:<sup>44</sup>

- ‘1. he is a member of a religious institute or a society of common life in the manner of the religious;<sup>45</sup>
2. the candidate has agreed in writing;
3. it is a special case that requires the approval of the College of Eparchial Consultors;
4. the particular law of the proper Church *sui iuris* permits it.’<sup>46</sup>

This temporal definition of duration of the office of parish priest may seem contradictory immediately after the principle of his stability in office, which affirms temporal indefiniteness. Stability in office is not reserved only to appointment for a definite period of time. In such a case, an appointment for a definite term would lack that characteristic. Stability is not to be applied exclusively to the time of appointment, but to the pastor who possesses it during the time of appointment, undefined as well as defined.<sup>47</sup>

<sup>42</sup> ESTEBAN, Felipe Heredia, *La parroquia «in solidum»: una respuesta a nuevas necesidades*, in: *Revista española de derecho canónico*, Vol. 66, n. 167/2009, Madrid, pp. 551–585.

<sup>43</sup> IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], p. 70; Cf. NEDUNGATT, George, *Путівник по Східному...*, [Guide to the Eastern...], p. 202.

<sup>44</sup> SALACHAS, Dimitrios, NITKIEWICZ, Krzysztof, *Rapporti interecclesiali tra cattolici orientali e latini*, Roma, 2007, p. 135.

<sup>45</sup> COCCOPALMERIO, Francesco, *De paroecia*, pp. 128–129.

<sup>46</sup> SABBARESE, Luigi, *De Paroeciis...*, p. 256; Cf. CHIAPPETTA, Luigi, *Il manuale del Parroco*, Roma, 1997, pp. 66–67; Cf. NEDUNGATT, George, *Путівник по Східному...*, [Guide to the Eastern...], p. 202.

<sup>47</sup> IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], p. 71.

The regulations of the Latin Code allow the diocesan bishop to appoint a parish priest for a limited period of time only when the conference of bishops has admitted it by decree.<sup>48</sup> Most episcopal conferences have affirmed the general code norm of the stability of the pastor in office.<sup>49</sup> On 27<sup>th</sup> October 2011, the archbishops and bishops gathered at the Conference of Bishops of Slovakia, in an effort to ensure pastoral care for the faithful in parishes in the most appropriate way, so that no one lacks the care of the pastor who is the pastor of the parish, decided and established, on the basis of the provision of canon 522 CIC, that it is justified for individual bishops, within the limits of their competence, to appoint parish priests not only for an unlimited period of time, but also for a definite period of time – nine years.<sup>50</sup>

### **Prerequisites for the Office of Parish Priest**

Can. 285 CCEO:

‘§ 1. In order for a presbyter to be named pastor it is necessary that he be of good morals, sound doctrine, zealous for souls, endowed with prudence and the other virtues and gifts which are required by law in order to fulfill the parochial ministry in a praiseworthy manner.

§ 2. If the presbyter is married, good morals are required in his wife and his children who live with him.

§ 3. After he has weighed all the circumstances, the eparchial bishop is to confer a vacant parish on the one whom he judges suitable without any partiality; in order to make a judgment concerning a person’s suitability he is to listen to the proto-presbyter, conduct appropriate investigations and, if he considers it opportune, listen also to other Christian faithful especially clerics.’

The qualifications for the office of a parish priest are discussed in the first paragraph of this canon, which enumerates the personal qualifications necessary for the praiseworthy exercise of this office. The provision of can. 281 § 1 is repeated here, that the office of pastor may be entrusted to a presbyter who is characterized

<sup>48</sup> CHIAPPETTA, Luigi, *Il manuale...*, p. 66.

<sup>49</sup> MONTINI, Gian Paolo, *Stabilità del parroco...*, pp. 127–153.

<sup>50</sup> DEKRÉT o možnosti vymenovania farárov na určitý čas, [DECREE on the Possibility of Appointing Pastors for a Certain Period of Time], in: <<https://www.kbs.sk/obsah/sekcia/h/konferencia-biskupov-slovenska/p/osobitne-dokumenty/c/dekret-o-moznosti-menovania-fararov-na-urcity-cas>> (15. 6. 2021).

by good manners, sound doctrine, zeal for souls, discretion, and the other virtues and qualities which the law requires for this office.<sup>51</sup>

The basic condition for the office of pastor is that the candidate must be ordained in the second degree of the priesthood, which is the presbyterate. A parish can not be entrusted to the care of a deacon; only a presbyter can hold the office of pastor of souls in a particular parish. If a bishop entrusted a parish to someone who does not have the sacred degree of presbyterate, a lay person, a cleric with lower sacred orders, or a deacon, the act would be null and void and the person incapacitated.<sup>52</sup> So the office of parish priest, which involves the full care of souls, for the fulfillment of which the exercise of priestly orders is required, can not validly be conferred on a person that has not yet been ordained a priest.<sup>53</sup>

The essential qualities of a parish priest include good manners, sound doctrine, zeal for souls, discretion, and other virtues and qualities required by law for the commendable exercise of parish ministry.<sup>54</sup> All of these qualities make someone fit to exercise parish ministry. A parish priest's worthiness stems above all from his belonging to the Church, from his full communion with the Catholic Church at the moment of the conferral of the office. First of all, good manners are required of a parish priest. In the canonical order, good manners are to characterize the holders of several offices. These include, first of all, the bishop, candidates for sacred ordination, candidates for the novitiate of the monastery, the auditor of the collegiate tribunal, and the member of the pastoral council in the eparchy. Sound doctrine is required of the administrator of the eparchy, the protosyncelli and syncelli, in addition to the pastor. Zeal for souls is to characterize the bishop in addition to the pastor.<sup>55</sup>

The provisions of can. 285 § 1 do not cover the whole range of qualities which should characterize a pastor in the exercise of his office.<sup>56</sup> Therefore, the qualities required for the exercise of the parish ministry by the regulations of the common

<sup>51</sup> SABBARESE, Luigi, *De Paroeciis*..., p. 256; Cf. CHIAPPETTA, Luigi, *Il manuale*..., p. 65.

<sup>52</sup> CHIAPPETTA, Luigi, *Il manuale*..., p. 65.

<sup>53</sup> IVAN, Jozef, *Farnost' vo svetle*..., [Parish in the Light...], pp. 74–75.

<sup>54</sup> Cf. CHIAPPETTA, Luigi, *Il manuale*..., p. 65.

<sup>55</sup> IVAN, Jozef, *Farnost' vo svetle*..., [Parish in the Light...], pp. 75–76; Cf. CHIAPPETTA, Luigi, *Il manuale*..., pp. 65–66.

<sup>56</sup> Cf. COCCOPALMERIO, Francesco, *De paroecia*, pp. 119–121.

and particular law are added. Specifically, the regulations of particular law are not found in the common law, since they are prepared and issued with regard to life in a particular local Church *sui iuris*, which is in different circumstances, especially when we take into account various conditions, such as the present insufficient number of priests, the vastness of the eparchy, and other considerations.<sup>57</sup>

The previous legal norm can. 453 § 1 of the 1917 Code of Canon Law required a high degree of morality, knowledge, zeal, prudence and other qualities from the future spiritual administrator. The administration of the parish community was entrusted to the most capable candidate. This provision bound the bishop in conscience. He was therefore to beware of any human considerations in the selection of a candidate. In examining the suitability of the candidate, the bishop was to draw attention to archival records of his own curia and to the testimony of the rector and the teachers in the seminary. The special examination before the bishop and the examiners was decisive of success. Those waiting for the office of parish priest were subjected to an examination in theological sciences called *concursum parochialis*. This audition could be special or general.<sup>58</sup>

We also encounter such auditions in the Prešov Eparchy. Almost in every issue of *Rasporyazhenija* we can read about competitions for the position of a pastor and later (1945) also for the position of a chaplain.<sup>59</sup>

The second paragraph of this canon speaks of a parish priest who is married. If a parish is entrusted to a married pastor, good manners are also required of his wife and of the children who live with him.<sup>60</sup> Since the parish is a community of families, it is important that the priest who is to set an example of life to the faithful in Christ of his own parish should also be exemplary to them in the conduct of family life.<sup>61</sup> According to the ancient tradition of the Eastern Churches, married

<sup>57</sup> IVAN, Jozef, *Farnosť vo svetle...*, [Parish in the Light...], p. 76.

<sup>58</sup> DVOŘÁČEK, Jiří, *Dřívější a současná úprava postavení faráře ve východních katolických církvích*, [Past and Current Regulation of the Parish Priest Status in the Eastern Catholic Churches], in: *Revue církevního práva* č. 28–2/2004, Praha, pp. 99–100.

<sup>59</sup> АГАВ Прешов, *Распоряжения епархиального правительства въ Пряшевь*, [Regulations of the Eparchial Office in Prešov], year 1940, no. VIII, p. 62, year 1945, no. 1, p. 9.

<sup>60</sup> SABBARESE, Luigi, *De Paroeciis...*, p. 256.

<sup>61</sup> SALACHAS, Dimitrios, NITKIEWICZ, Krzysztof, *Raporti interecclesiali...*, p. 134; cf. IVAN, Jozef, *Farnosť vo svetle...*, [Parish in the Light...], p. 78.

men can also receive the order of the presbyterate.<sup>62</sup> This tradition is preserved by most of the Eastern Catholic Churches, among which is the Metropolitan Church *sui iuris* in Slovakia. For this reason, the Code encourages parish priests who are married and who live in parishes with their families not to lack good manners and not to cause offence to the faithful by their behaviour.

Of course, the provision of the second paragraph has no equivalent in the Latin Code, since Latin tradition and the rules of law do not admit married men to the order of the presbyterate. Implicitly, however, a similar norm could be embodied regarding those presbyters who enter the communion of the Catholic Church from non-Catholic ecclesial communities. Mostly from the Church of England or from some Protestant denominations where married presbyters also serve.<sup>63</sup>

The provisions concerning married priests can also be found in can. 5 of the Apostolic Canons which explicitly forbade a bishop, a presbyter, or a deacon to put away his wife under pretence of religion. Such conduct of a cleric was an offence punishable by excommunication.<sup>64</sup> This provision was promulgated to address some heretical sects that rejected marriage and proclaimed it evil. The canon points out to a marital status of the clergy as to a tradition confirmed by the Church since its beginnings. Bishops were later denied the right to marry. Other clerics, however, are still permitted to enter into marriage before receiving the Sacrament of Holy Orders. The clergyman was not allowed to dissolve the marital union and leave his wife even if he expressed a great desire to lead ascetic and pious life.<sup>65</sup>

The ancient canons associated the Eastern clergy with the marital status. They also confirmed that only presbyters could enter into marriage. The can. 13<sup>66</sup> of the Council in Trullo (691) refers to the rule of the Roman Church that binds those who are deemed worthy to be advanced to the diaconate or presbyterate to no longer cohabit with their wives. The council, however, preserves, in line with the apostolic tradition, the ancient rule that the lawful marriage of men who are in holy orders

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<sup>62</sup> DUDA, Ján, *Kňazský celibát v zákonodarstve Katolíckej cirkvi*, [Priestly Celibacy in the Legislation of the Catholic Church], in: IUS ET IUSTITIA Acta III. *Symposii iuris canonici anni 1993*, Spišské Podhradie, 1994, pp. 414–415.

<sup>63</sup> IVAN, Jozef, *Farnosť vo svetle...*, [Parish in the Light...], p. 78.

<sup>64</sup> СВЯТОГОРЕЦ, Никодим, *Пидалион...*, Том. 1, Правила Святых Апостолов, [Pedalion..., Vol. 1, The Rules of the Holy Apostles], Екатеринбург, 2019, p. 150.

<sup>65</sup> IVAN, Jozef, *Farnosť vo svetle...*, [Parish in the Light...], p. 76.

<sup>66</sup> СВЯТОГОРЕЦ, Никодим, *Пидалион*, Том. 3, [Pedalion..., Vol. 3], Екатеринбург, 2019, p. 214.

remained firm, by no means dissolving their union with their wives nor depriving them of their mutual intercourse at a convenient time. If anyone shall be deemed worthy to be ordained subdeacon, or deacon, or presbyter, he shall not be prohibited from admittance to such an order, even if he was lawfully married. Nor shall it be demanded of him to abstain from lawful intercourse with his wife in order to avoid injury of marriage constituted by God and blessed by His presence.<sup>67</sup>

The third paragraph of this canon deals with a vacant parish. It is specifically referred to in can. 298–300 CCEO. Here the case is anticipated only in a broad way and the consistency of the candidate for the office of parish priest is evaluated. The provision affirms that the eparchial bishop grants the vacant parish to a suitable presbyter. In doing so, it is emphasized that there should be no discrimination against any among the presbyters. The Eparchial Bishop is therefore to hear the opinion of the Proto-Presbyter in order to form a correct and own opinion about the suitability of the candidate. In addition, if necessary, in some cases, he should address and hear other believers in Christ, especially clerics who know the candidate.<sup>68</sup>

It is the differing local circumstances that lead a bishop to entrust a vacant parish to a new pastor that may influence the selection of a presbyter who is suitable to fill that office. This suitability is perceived differently in the vast dioceses of Africa and differently in the smaller parishes of Europe.<sup>69</sup> Each bishop may therefore determine the method of ascertaining the suitability of a candidate for the office of presbyter.<sup>70</sup>

Therefore, in every eparchy there is to be a permanent formation of priests, which will develop and strengthen the qualities required by the right to be entrusted with the office of parish priest.<sup>71</sup> In addition, the bishop himself is to verify the suitability of whomever he wishes to appoint to the office of pastor of a parish. In order to form a judgment about the candidate's integrity, he may hear the opinion of the protopresbyter or other priests who know the candidate.<sup>72</sup> The Eastern Code speaks of hearing some clerics, that is, in addition to priests, deacons or minor

<sup>67</sup> IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], p. 79.

<sup>68</sup> SABBARESE, Luigi, *De Paroeciis...*, p. 257; cf. CHIAPPETTA, Luigi, *Il manuale...*, p. 78.

<sup>69</sup> IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], p. 82.

<sup>70</sup> Cf. CHIAPPETTA, Luigi, *Il manuale...*, p. 78.

<sup>71</sup> Cf. GROCHOLEWSKI, Zenon, *Biskup posłany...*, [Bishop Sent to...], p. 83.

<sup>72</sup> Cf. CHIAPPETTA, Luigi, *Il manuale...*, pp. 78–79.

clerics. The Rule of Canon Law recommends that some lay people also be heard, especially those who are active in the structures of the parish.<sup>73</sup>

The previous Eastern Rule on this issue contained the same requirements for the pastor as the CCEO. It was adopted by the Study Group into the scheme in June 1979. After editorial changes and the omission of references to common and particular law, it became clearer. At the same time, the study group added a second paragraph to the canon, which was absent in *Cleri sanctitati*. The calling card of a married priest is his entire family, so it is understandable that the Code explicitly requires good morals also from his wife and children who live with him.<sup>74</sup>

## Conclusion

The provision of can. 515 CIC<sup>75</sup> speaks of a parish as a particular community of the faithful in a particular church.<sup>76</sup> Pastoral care in the parish is exercised by the pastor under the authority of the diocesan bishop.<sup>77</sup> This clearly shows that the parish cannot be understood independently of the diocese, but only in relation to it. The parish priest is defined as the proper shepherd of the parish.<sup>78</sup>

The parish, as part of the particular church, does not become an autonomous community, but is linked by a relationship with the hierarchy, since it is the bishop of the particular church who entrusts the pastor with care, but at the same time retains supreme direction and oversight of all activities in his own church.<sup>79</sup> Pastor receives the parish from the diocesan bishop, he does not occupy it by himself, and therefore all pastoral care of the faithful entrusted to him by the bishop is dependent

<sup>73</sup> IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], p. 82.

<sup>74</sup> DVOŘÁČEK, Jiří, *Dřívější a současná úprava...*, [Past and Current Regulation...], p. 101.

<sup>75</sup> Can. 515 CIC: § 1. A parish is a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor (*parochus*) as its proper pastor (*pastor*) under the authority of the diocesan bishop. § 2. It is only for the diocesan bishop to erect, suppress, or alter parishes. He is neither to erect, suppress, nor alter notably parishes, unless he has heard the presbyteral council. § 3. A legitimately erected parish possesses juridic personality by the law itself.

<sup>76</sup> CHIAPPETTA, Luigi, *Il manuale...*, p. 43.

<sup>77</sup> GEROSA, Libero, *Právo Cirkvi*, [The Law of the Church], Prešov, 2005, p. 298.

<sup>78</sup> CHIAPPETTA, Luigi, *Il manuale...*, p. 41; FILO, Vladimír, *Administrativa...*, [Administration...], p. 75.

<sup>79</sup> IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], p. 26.



on the bishop,<sup>80</sup> that is, the pastor exercises it under his authority. We might say that the eparchial bishop is the *parochus parochorum* in the eparchy.<sup>81</sup>

Surely, the provisions of can. 285 CCEO and can. 521 CIC do not exhaust the vast array of qualities which should characterize a parish priest in the exercise of his office, and in the Eastern churches, also the priest's wife and children who live with him. Therefore, the qualities required for the exercise of the parish ministry by the regulations of the common law are added. The provisions of the particular law might not be found in the common law, since they are issued with regard to the life in a particular local Church *sui iuris*, which is in different circumstances that are determined, for instance, by the vastness of the eparchy or other specific features.<sup>82</sup>

## Summary

The Catholic Church is a hierarchically organized community. The faithful do not create their own communities from which then a diocese or an eparchy would emerge. On the contrary, it is the Apostolic See that creates individual dioceses and eparchies and, according to the norm of the Eastern law, also establishes particular churches *sui iuris* and appoints bishops. Diocesan and eparchial bishops appoint suitable pastors and entrust them with the pastoral care of the faithful in parishes. A parish plays a vital role in individual dioceses or eparchies and in the life of the Church. The ministry of pastors in parishes reflects the ministry of bishops. Just as bishops are appointed and entrusted with the pastoral care of the dioceses or eparchies as their shepherds, pastors too are called to the service of the apostolate to assist their bishops and see to the spiritual needs of the faithful as the proper shepherds of their own parishes.

## Resumé

### Vymenovanie farára podľa CCEO

Katolícka cirkev je hierarchicky organizované spoločenstvo. Veriaci si nevytvárajú vlastné komunity, z ktorých by potom vznikla diecéza alebo eparchia. Naopak, je to Apoštolská stolica, ktorá vytvára jednotlivé diecézy a eparchie a podľa normy východného práva tiež

<sup>80</sup> NEDUNGATT, George, *Путівник по Східному Кодексу...*, [Guide to the Eastern Code...], Львів, 2008, p. 201.

<sup>81</sup> CHIAPPETTA, Luigi, *Il manuale...*, p. 45; Cf. FILO, Vladimír, *Kňazi a ich podiel...*, [Priests and Their Share...], p. 121.

<sup>82</sup> IVAN, Jozef, *Farnost' vo svetle...*, [Parish in the Light...], p.76.

zriaďuje konkrétne cirkvi *sui iuris* a vymenúva biskupov. Diecézni a eparchiálni biskupi vymenujú súcich farárov a zveria im pastoračnú starostlivosť o veriacich vo farnostiach. Farnosť hrá zásadnú úlohu v jednotlivých diecézach alebo eparchiách a v živote Cirkvi. Služba farárov vo farnostiach odzrkadľuje službu biskupov. Rovnako ako sú biskupi menovaní a poverení pastoráciou diecéz alebo eparchií ako svojich pastierov, aj pastori sú povolani do služby apoštolátu, aby pomáhali svojim biskupom a starali sa o duchovné potreby veriacich ako o vlastných správnych pastierov farnosti.

**Key words:** Catholic Church, bishop, pastor, parish, canon

**Kľúčové slová:** Katolícka cirkev, biskup, farár, farnosť, kánon

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*Foto Martin Živnůstka*