

The Role of the Parish Priest and Parochial Administrator in the Pastoral Governance of a Parish

Joseph Paul Iyamah
Department of Theology
SS Peter and Paul Catholic Major Seminary
Bodija, Ibadan
ekhaigbaijp@yahoo.com

Abstract

The legislative provision on parish (c. 515), parish priest and stability in office (cc. 519; 522) and parish administrator (cc. 539-540) are ingrained in Church history, theology and canonical doctrine. Much of what we experience about the Church is within the context of the parish, which is the local community unit. The importance of this work is bringing about a clearer and exact perceptive of these aspects, focusing on lay down procedures, which are the defining factors about parish identity, the connection between parish and parish priest and the relationship with the diocesan Bishop, as well as the place of parish administrator in the life of a parish. However, the significant extent to which the elements essential to what constitute a parish in juridical legislation flows from the ecclesiology of the Second Vatican Council would be noted. Since no parish exist independent of a diocese, the parish priest, appointed by the diocesan Bishop, administers a parish as proper pastor under the Bishop's authority, but not as Bishop's vicar, rather in his own name, and represents the parish in all juridical matters (c. 532). The questions here are: Can the act of erecting/suppressing a parish, which is within the competence of the Bishop affect the juridical status of a parish if the administrative acts (cc 35-47) are not observed? Can the parish administrator permanently replace the appointment of a parish priest in a parish? Can the parish priest's responsibilities automatically be that of the parish administrator?

Keywords: Administrator, Catholic Church, Canon Law, Parish Governance, Parish Priest.

Introduction

The growth of the Church in self-awareness and understanding of the Lord's mandate to make disciples of all nations resulted in the creation of faith communities with assigned priests to care for their spiritual wellbeing. These today are parishes with parish priests attached to them playing "a fundamental role in the life of Christians and in the development and pastoral work of the Church".¹ The presence of the priest in the community is to care for the life of the community of the faith assigned to him. However, in an ever more changing world, understanding the theology and doctrine of the parish and the pastor is key in articulating pastoral dynamics aimed at meeting the yearning of the faithful in our contemporary world. This paper intends to look at the parish, parish priest and parish administrator in the act of caring for the people of God through pastoral governance in the Church.

Some Basic Notations

The evolution of the parish through the centuries culminating in the emergence of the juridical character of the present day parish is well articulated by experts.² The Congregation for the Clergy characterizes this thus: "Since its inception, the Parish is envisioned as a response to a precise pastoral need, namely that of bringing the Gospel to the People through the proclamation of the faith and the celebration of the Sacraments. The etymology of the word makes clear the meaning of the institution: "the Parish is a house among houses and is a response to the logic of the incarnation of Jesus Christ, alive and

¹ Congregation for the Clergy, Instruction, The pastoral conversion of the Parish community in the service of the evangelizing mission of the Church, (Vatican City, July 20, 2020), 6; Edward A. Sweeny, *The Obligations and Rights of the Pastor of a Parish According to The Code of Canon Law*, (New York: St. Pauls, 2002), 3-4.

² See Cosmas Aluede Ojemen, *The catholic Parish. Canonical Structure in the Light of the Ecclesiology of the Second Vatican Council*, (Benin City: Floreat Systems, 2016), 3-28; James A. Coriden, *The Parish in Catholic Tradition. Historical, Theological and Canon Law*, (New York: Paulist Press), 1997, 18ff.

active among the community. It is visibly characterized then, as a place of worship, a sign of the permanent presence of the Risen Lord in the midst of his people.”³

The Code provides in canon 515 §1 that: “A parish is a certain community of Christ’s faithful stably established within a particular Church, whose pastoral care, under the authority of the diocesan Bishop, is entrusted to a parish priest as its proper pastor.” This legislation agrees with the earlier provision in canon 374 §1 that “Each diocese or particular Church is to be divided into distinct parts or parishes.” The understanding of the parish in the Code is seen as containing “a markedly innovative definition of parish.”⁴ The present norm and that of the 1917 Code seem to approach the parish institution differently. In the 1917 Code what we have is the portrayal of parish as a distinct territorial part that the diocese is divided into, and assigned its own church with a definite part of the population, and its own proper pastor for the necessary spiritual care of the faithful as well as the welfare of the priest (cf. c. 216 §§1, & 3, CIC/1917). This is perhaps in concurrence with the Council of Trent’s call for the establishment of parishes to care and support the Christian faithful.⁵ It is argued that the old legislation did not intend an essential definition of a parish although in the view of A. Sanchez-Gil, constitutive elements were separated from the concept of parish in the attempt to underline the essential concept of a parish.⁶

³ Congregation for the Clergy, Instruction, *The pastoral conversion of the Parish*, 7.

⁴ Antonio S. Sanchez-Gil, “Parishes, Parish Priests and Assistant Priests”, in *Exegetical Commentary on the Code of Canon Law*, vol. II/2, edited by Angel Marzoa, Jorge Miras, and Rafael Rodriguez-Ocana, 1253-1372, (Montreal, Canada: Wilson & Lafleur, 2004), 1254.

⁵ Norman P. Tanner (ed.), *Decrees of the Ecumenical Councils. Trent to Vatican II*, vol. 2, (Washington DC: Georgetown University Press, 1990), 729-730.

⁶ Antonio S. Sanchez-Gil, “Parishes, Parish Priests”, 1254.

Ecclesiological Basis of Parish Life

The post Trent ecclesiological teaching on parish considered the lay faithful as merely passive, and institutionalized benefice to serve the need of the pastors.⁷ This created a scenario where parish existence and viability was consequent on sustaining the clergy, and making the lay faithful distant spectators having no say in the operation of the parish. The new ecclesiological understanding of the parish is espoused in the teachings of the Fathers of the Second Vatican Council⁸. The teaching depict with renewed vigour the parish as groups of the faithful locally set up under a pastor who takes the place of the Bishop who cannot be everywhere presiding over the whole flock at all times (SC 42); legitimately organized groups of the faithful called churches in the New Testament (LG 26); specific section of the diocese entrusted to a parish priest as its particular shepherd for the care of souls, under the authority of the bishop (CD 30); an outstanding example of community apostolate that gathers all the human diversities present within the community into a unity (AA 10), the people of God living in communities especially in dioceses and parishes wherein they can manifestly bear witness to Christ before the nations (AG 37). It must be stated that in the very core of the understanding of a parish in the acknowledgement of the Fathers is the idea of community. This is why the expression of the parish is within a community, and its structure and personnel at the service of the community, and being a Eucharistic community, it offers pastoral needs for the people. The Catechism of the Catholic Church summarizes this thus: “The parish is the place where all the faithful can be gathered together for the Sunday celebration of the Eucharist. The parish initiates the Christian people into the ordinary expression of the liturgical life: it gathers them together in this

⁷ Cosmas Aluede Ojemen, *The catholic Parish*, 45.

⁸ See *Sacrosanctum concilium*, 42; *Lumen Gentium*, 26; *Christus Dominus*, 30; *Apostolicam actuositatem*, 10; *Ad Gentes Divinus*, 37.

celebration; it teaches Christ's saving doctrine; it practices the charity of the Lord in good works and brotherly love."⁹

This squares with the view of the Church as "a visible structure made up of the people, who believe in God and obey his commandments through Christ by incorporation into the Church through the sacraments of Christian initiation and active participation in her life."¹⁰ Vatican II Fathers describes its nature as sacred with an organic structure of priestly community in operation through the sacraments and exercise of virtues working through the baptismal incorporation by which the faithful are called to religious worship.¹¹

What can be underlined of parish from the ecclesiology of the Fathers of Vatican II is seeing the parish as communities locally organized legitimately with their own pastor, with whom they are united in the Gospel of Christ and the celebration of the Eucharist (LG 26). The preeminence of the parish established under a pastor, who takes the place of the Bishop in relation to other local ecclesia communities is clearly highlighted in *Sacrosanctum Concilium* n. 42. Other discernable reflections by the Council Fathers on parish structure, focused on communion in the Church, which in its ecclesiastical characteristics does not framed the parish simply in institutional juridical light but also where all Christ's faithful as a family bring their unique attributes to serve the good of the community. It is here the idea of the common priesthood and the ministerial priesthood, as a way of the people's sharing in the priesthood of Christ must be appreciated.¹² This in the Church is the foundation for active participation by all in the parish community.¹³

⁹ *The Catechism of the Catholic Church*, (Nairobi, Kenya: Pauline Publications-Africa, 1994), n. 2179.

¹⁰ Cosmas Aluede Ojemen, *The Catholic Parish*, 47.

¹¹ *Lumen Gentium*, 11.

¹² *Lumen Gentium*, 10.

¹³ *Lumen Gentium*, 10-11; *Apostolicam Actuositatem*, 11.

Canonical Configuration of a Parish

It is clear from the foregoing that the canonical notion of a parish adopts its substantial elements from the Second Vatican Council, when it describes a parish as 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 (c. 515 §1). There are four elements¹⁴ that constitute a parish in its fundamental nature, understood as a pastoral organization that is canonically set up.¹⁵ These are: 1) community of Christ's faithful; 2) stability; 3) a parish priest; 4) establishment by the diocesan Bishop. In the Code, the parish is first, a certain portion of Christ's faithful subject to pastoral care. This actually connotes the personal and basic element of the notion of a parish. The place of the members that make up the faithful of the parish community is well stressed in this concept. The characterization of a parish presents it as a place where care of souls take place. Thus, pastoral care is "the essential and formal element of the idea of parish."¹⁶ In this light, pastoral care of a parish is entrusted to a priest under the authority of a diocesan bishop. One take away from this, is that the parish must not be seen as a mere structure of governance, but more of a pastoral structure for the pastoral care of the faithful under the authority of the diocesan bishop, the chief pastor of the diocese.

Notwithstanding the fact that, the universal Church and the particular Church are mutually constitutive¹⁷, the parish is

¹⁴ Canonists like A. Sanchez-Gil, C.A. Ojemen, S. Euart, J. Arrieta, A. Gauthier, J.A. Renken and F. Coccopalmerio differ in the number of constitutive elements of a parish. For more see John A. Renken, "Parishes, Pastors and Parochial vicars (cc. 515-552)" in *New Commentary on the Code of Canon Law*, edited by John P. Beal, James A. Coriden, and Thomas J. Green, 673-724, (New York: Paulist Press, 2000), 676.

¹⁵ Cosmas Aluede Ojemen, *The Catholic Parish*, 56.

¹⁶ Antonio S. Sanchez-Gil, "Parishes, Parish Priests", 1256.

¹⁷ G. J. Woodall, *A Passion for Justice. An Introductory Guide to the Code of Canon Law*, (England: Gracewing Ltd, 2011), 162.

never a trial phenomenon hence one of its important elements is that it is a community of Christ's faithful stably established within and part of the particular Church. What this implies is that the creation of a parish by the diocesan bishop must be in a stable manner. This element both defines and distinguishes a parish from mere associations of the faithful and, as a matter of fact places the parish in its proper juridical context. The parish as a portion of the people of God within a particular Church is such that the constitutional norm does not allow its existence outside the internal structure of the particular Church (c. 374 §1). Hence, the Code provides that as a general rule a parish is to be territorial, consisting of all the Christian faithful in the territory. It also allows the creation of personal parishes due to expediency based on determining factors like rite, language, nationality or even other factors (c. 518) due to the special situation of the persons like the military, immigrants, students of higher institution (University, polytechnic, College of education) community for the provision of pastoral care. A person becomes a member if the person belongs to the group for which the personal parish was created, whereas for a territorial parish an individual must have domicile or at least quasi-domicile in the territory of the parish (cc 102 §3; 107 §1).¹⁸

Authority to Erect, Suppress or Modify a Parish

The competence to establish a new parish within the diocese, notably alter or suppress existing one belongs exclusively to the diocesan Bishop and those equivalent to him in law.¹⁹ But he is not to take any of these steps without first consulting the council of priest (c. 515, §2).²⁰ The Bishop's act of erecting, suppressing or altering a parish must follow the provisions of canons 48 and 51 that requires the act to be formal through a decree that indicate the reason for the erection of the parish, the

¹⁸ John A. Renken, "Parishes, Pastors, and parochial vicars", 168-169.

¹⁹ Canons 134, 368, 370, 371 & 381, §2.

²⁰ Congregation for the Clergy, Instruction, The pastoral conversion of the Parish, 46.

determination of the faithful within it, and its boundaries; and what now constitute the circumference of the old parish.²¹ This is in tandem with the provisions: “a singular decree is an administrative act issued by a competent executive authority, whereby in accordance with the norms of law a decision is given or a provision made for a particular case; of its nature this decision or provision does not presuppose that a petition had been made by anyone” (c. 48). “Before issuing a singular decree, the person in authority is to seek the necessary information and proof and, as far as possible, is to consult those whose rights could be harmed” (c. 51).

The Bishop’s consultation with the council of priests in matters that can radically change the configuration of a parish juridic personality such as altering the territorial structure of the parish, entrusting the parish to clerical religious institute (either temporarily or in perpetuity), or to several priests jointly, is therefore not discretionary or optional neither can the Bishop dispense from the canonical regulations, despite the fact that the positive or negative opinion of the council of priests is not binding on him.²² If per chance the Bishop decides not to consult or exclude the consultation of the council of priests in taking any of these acts, such action would be null (c.127 §2, 2°).²³ This provision for consultation on acts capable of radically affecting the pastoral life, the territory and the faithful of a parish is for A. Sanchez-Gil “an obligatory prudent measure”.²⁴ This is because, even though the competence to establish, suppress or modify a parish belongs to the diocesan Bishop, the

²¹ Antonio S. Sanchez-Gil, “Parishes, Parish Priests”, 1258.

²² Congregation for the Clergy, Instruction, The pastoral conversion of the Parish, 47.

²³ “When the law prescribes that, in order to perform a juridical act, a Superior requires the consent or advice of certain persons as individuals: If advice is required, the Superior’s act is invalid if the Superior does not hear those persons. The Superior is not in any way bound to accept their vote, even if it is unanimous; nevertheless, without what is, in his or her judgment, an overriding reason, the Superior is not to act against their vote, especially if it is a unanimous one.”

²⁴ Antonio S. Sanchez-Gil, “Parishes, Parish Priests”, 1258.

actions has far reaching canonical implications for the church and pastoral life, hence the need for consultation with the priests' council described as "a special consultative organ because by its nature and its procedural process it is pre-eminent among other organs of the same kind."²⁵

The Prefect for the Congregation for the Clergy in a letter to the United States Bishops said the parish is more than a public juridic person, therefore in matters of parish merger, dissolution, or suppression, appropriate attention should be given to precise use of expression, rights and responsibilities of the assembly of the faithful or individual members of the parish, and due diligence and care in the actions to be taken.²⁶ To assist diocesan Bishops in this matters, the Congregation for the Clergy distinguished three separate processes – modification of parishes; relegation to profane use and/or the permanent closure of churches; and alienation of current or former sacred edifices, based on canons 515 §2 and 1222 §2. The covering letter signed by the Prefect Mauro Cardinal Piacenza counseled on the need for appropriateness in the processes, the required cause, and the form of communicating the decision.²⁷

The Congregation then issued **Procedural Guidelines**²⁸ for each of the processes to be cautiously and correctly followed as guide in line with canonical jurisprudence to avoid problems in the processes. For the procedure for modifying a parish, the

²⁵ *Canon Law Digest*, vol. 7, 388.

²⁶ Castrillon Hoyos, Letter Regarding the Suppression and Merger of parishes to the President of the United States Conference of Catholic Bishops, in *Roman Replies and CLSA Advisory Opinions 2006*, edited by F. Stephens Pedone, and Paul D. Counce (Alexandria, VA: Canon Law Society of America, 2006), 13-14.

²⁷ Mauro Cardinal Piacenza, Letter to The Eminent, Most Excellent, and Reverend Ordinaries at their Sees, 30 April 2013, Prot. no. 20131348, in *Roman Replies and CLSA Advisory Opinions*, 2013, edited by Sharon A. Euart, John A. Alessandro, and Thomas J. Green, (Washington, DC: Canon Law Society of America, 2013), 5 – 6.

²⁸ Congregation for the Clergy, Procedural Guidelines for the Modification of Parishes, the Closure or Relegation of Churches to profane but not sordid use, and the Alienation of the same, 30 April 2013, in *Roman Replies and CLSA Advisory Opinions*, 2013, 7 – 12; See also Congregation for the Clergy, Instruction, The pastoral conversion of the Parish, 48-51.

Guideline referenced canons 515; 50; 120; 121; 122; 123; 127 and 166 as the relevant canons. It affirms the parish as a community of the faithful, and being a juridic person, it is *ipso iure* perpetual by its nature, and as such cannot be extinguished or even notably altered without a just cause. The document indicated four possible types of parish modification:

- (i) extinctive union: (sometimes known as merger) – where A and B unite to form C, only C remains (cf. c. 121);
- (ii) extinctive union: (also known as merger or amalgamation) – where A is subsumed into B, only B remains (by analogy to c. 121);
- (iii) total division: where A is divided into B and C, only B and C remain (cf. c. 122);
- (iv) suppression: where A is extinguished such that nothing remains (cf. c. 123).

The Bishop is the one who has the competence to judge the just cause that is required according to ecclesiastical jurisprudence, which nevertheless must be motivated by concern for souls; the good of the faithful; and the good of the diocese. Consequently, a generalized or diocesan motivation alone cannot justify modification of a particular parish; the document demands that the reasons for modifying a parish must be relevant to that specific parish. It furthermore insists that the Bishop: “must seek out the necessary information and, insofar as possible, hear those whose rights could be injured (cf. c. 50). Before consulting the members of the Presbyteral Council, which is required for validity, he must first provide them with all relevant information, lawfully convoke the Council (cf. cc. 127 & 166), and then he himself must consult the members regarding each individual parish modification which has been proposed. The consultation must be genuine, and should consider relevant arguments both for and against

the proposed modifications.”²⁹ For a modified parish, the disposition of temporal goods as provided in law and respect of donors intentions (cc. 121, 122, & 123) are to go with the people.³⁰

There seems to be an omission in the outlined models in the Procedural Guidelines relating to parish alteration, particularly with regard to division of public juridic person. It appears parish division in which an excised part becomes a parish of its own as a public juridic person is not taken into consideration. This is the model common to us in Nigeria. It is a division where: A is divided or a part cut out to form B, in which A is still a parish, and B is a new parish (c. 122 – “when an aggregate which is a public juridical person is divided in such a way that part of it is joined to another juridical person **or a distinct public juridical person is established from one part of it...**”).³¹ The Directory for Bishops acknowledged this aspect when it maintained that the Bishop can alter territorial boundaries, divide large parishes, merge small parishes, establish new ones, or even non-territorial centres for pastoral services, reorganize arrangement of parishes within a city based on care of souls in line with inclusive and organic vision with wide pastoral outreach. The Directory then advised Bishops to set up what it called “diocesan office or commission” consisting of clergy and lay faithful to examine issues relating to parish creation and building of churches. The Bishop is also to plan ahead “stable locations” to be cites for feature new churches by legitimately acquiring lands and putting necessary canonical requirements in place of making those places parishes based on demographic and development of the diocese.³² But despite the establishment of this “diocesan office or commission” to handle matters of parish creation, the Bishop’s consultation with, and

²⁹ Congregation for the Clergy, Procedural Guidelines, 8.

³⁰ Congregation for the Clergy, Procedural Guidelines, 8.

³¹ Emphasis in the canon is mine.

³² Congregation for Bishops, Directory for the Pastoral Ministry of Bishops, *Apostolorum successores* (Vatican City: Liberia Editrice Vaticana, 2004), 214.

place of the presbyteral council remains sacrosanct. The “diocesan commission” cannot replace or take over the role of the priests’ council. Should the diocesan Bishop relies only on the “diocesan commission”, to modify or create a parish without consulting the presbyteral council, which is a key provision in canon 515 §2, his action is invalid as established in canon 127 §1.³³

Parish Priest as Proper Pastor

The notion of parish priest (*parochus*) as the proper pastor (*pastor*) of a parish under the authority of the bishop is given in canon 519. It is an important element in the creation of a parish community. To be validly appointed, one must be in sacred order of the priesthood (cc. 521 §1; 150). This is so because the sacrament of order enables him to celebrate the Eucharist, the foundation of the Christian community, representing the diocesan Bishop as the pastor with bond to the diocesan Church. Pope John Paul II in his message to the Plenary of the Congregation for the Clergy explained that the role of leading the community proper to the parish priest stems from his unique relation to Christ the Head and Shepherd, though entrusted to the priest through the Bishop, it comes from the Lord.³⁴ Canon 519 in concurrence with canon 515 avers that the parish priest is the proper pastor of the parish entrusted to his care. This is drawn from *Christus Dominus* n. 28 - 32 that encapsulate the ecclesiological understanding of the diocesan pastoral ministry of priests, that “considers the notion of parish priest in its deep theological meaning and, at the same time, as being intimately

³³ John A. Renken, “Modifying Parish Structures”, in *Roman Replies and CLSA Advisory Opinions 2010*, edited by Sharon A. Euart, John A. Alesandro, and Paul B.R. Hartmann, (Washington DC: Canon Law Society of America, 2010), 101; Lawrence A. DiNardo, “Parish Reconfiguration: Protection of Rights of Bishops and Parishes”, *CLSA Proceedings* 73 (2011), 54-66.

³⁴ John Paul II, *Address to the Plenary Session of the Congregation for the Clergy*, November 23, 2001.

tied to the notion of parish”.³⁵ For the council Fathers, care of souls and the spiritual good of the parish community are the basis for which the parish exist and the reason for the services, activities of the parish priest and assistant (CD 31, 22, 33, 30, 32; LG 27, 37; OE 4; PO 3, 6, 9; cc. 519, 528-530). J. Arrieta therefore sees canon 519 as providing a juridical notion of a pastor but noted that the canon does not resolve the doctrinal problem concerning the power of the pastor but its about the priestly functions of pastoral care of the pastor.³⁶

Designating the parish priest, as proper pastor is understood to be traditional since in the strict sense, it relates to the one exercising pastoral care over the portion of the faithful entrusted to his care as guide of the community³⁷, arising from his participation in the ministry of Christ. It has connection with the office the person occupies, since from the life of the Church, the application of the term proper (*proprius*) to priest, parish, or rector actually flows from the one who cares for a community of faithful who are his proper people (*populus proprius*) which now in the Code takes on the exercise of the power of governance. In the use of the expression ‘proper’ in comparison to the Bishop, Sanchez-Gil noted: “it is important to anticipate that, even though it has been the object of frequent study by canonical doctrine, a unanimous interpretation of its precise juridical meaning and of the differences that the application of the same expression has to the diocesan bishop has not been reached. It is traditional in the Church to designate as pastor (...) one who exercise pastoral care over the community of the faithful entrusted to him.”³⁸ The pastor is not a delegate of the diocesan Bishop, for he function with ordinary power, derived from the law by reason of the office he holds. Therefore, his power is

³⁵ Antonio S. Sanchez-Gil, “Parishes, Parish Priests”, 1282.

³⁶ Jaun Ignacio Arrieta, *Governance Structures within the Catholic Church*, (Canada: Wilson & Lafleur Ltée, 2000), 252-253.

³⁷ Congregation of the Clergy, *Directory for the Ministry and Life of Priests*, (Nairobi, Kenya: Paulines publications Africa, 1997), 55-56.

³⁸ Antonio S. Sanchez-Gil, “Parishes, Parish Priests”, 1282ff.

proper, and he exercises it in his own name. He exercises pastoral care in the parish *ex officio* but under the authority of the diocesan bishop³⁹. The general rule is to have one parish priest to a parish (c. 526 §1), although situations may allow for the entrusting of a number of parishes to one priest. Should a parish or some parishes be entrusted to several priests jointly, a priest among them is to be nominated moderator of the pastoral care (cc. 517 §1; 526 §2). Clearly, it is not allowed that a group of priests entrusted a parish would all have the same responsibility, though they all exercise collegial action, one would be designated moderator with particular responsibility of directing pastoral care and giving report to the diocesan Bishop.⁴⁰ The necessity of priests is reaffirmed even in exceptional circumstance of shortage, a priest with power of parish priest must still be designated to direct pastoral care when deacons or persons who are not priests or community of persons participate in the exercise of pastoral care of a parish (c. 517 §2).⁴¹

Parish Priest and Stability of Office

The Council Fathers did press for stability in office for pastors when they make the case for security of tenure for pastors in the parish for the good of souls (CD 31). The Code then provide for stability in parish priest's appointment into office for determinate or indeterminate period of time (c. 522). The parish priest's indeterminate appointment does not imply he stays in office *ad perpetuum* or is it for him to be removed so frequently from parish making it difficult for any actual pastoral plan for the care of souls. The Directory for Bishops determined that: "for the true good of the faithful and for the serene

³⁹ John A. Renken, "Parishes, Pastors, and Parochial vicars", 690.

⁴⁰ Brian Lucas, Peter Slack, and William d'Apice, *Church Administrative Handbook*, (Australia: St. Pauls Publications, 2008), 174.

⁴¹ For more see Barbara Anne Cusack, and Therese Guerin Sullivan, *Pastoral Care in Parishes without a Pastor. Applications of Canon 517, §2* (Washington DC: Canon Law Society of America, 1995).

exercise of the care of souls, pastors should enjoy a certain stability of office, and should therefore be assigned, in principle, for an indefinite period of time.”⁴² Nevertheless, a parish priest may request to be moved to another parish, or the bishop may ask that he takes another appointment, or transfer him for the good of souls and the advantage of the church, following procedure in canon 1748.

To appoint a parish priest for a determinate time, the Bishops’ Conference would have to allow it by decree, after its review by the Apostolic See (cc. 522; 455). So a diocesan Bishop is not to appoint a parish priest for a definite term if the Bishops’ Conference has not permitted it (c. 522). What one must not misunderstand here is that the Bishops’ Conference is not to establish the obligation but only to create the possibility of a diocesan Bishop appointing a parish priest for a determined period of time.⁴³ The Bishops’ Conference of Nigeria did decree that: “the appointment of parish priests can be *ad tempus* or for a specified period of time.”⁴⁴ The Australian Conference of Bishops permitted in their decree, the appointment of a parish priest for a term of six years renewable for another period of six years⁴⁵. The Southern African Bishops’ Conference in their decree indicated that the diocesan Bishop may appoint a parish priest for a renewable six-year term, and asked the bishop to consult with the presbyteral council before implementing the decree in the diocese.⁴⁶ The Gambian, Liberian and Sierra Leonean Conferences all also legislated the appointment of

⁴² Congregation for Bishops, Directory for the Pastoral Ministry of Bishops, 212.

⁴³ Francesco Coccopalmerio, *La Parrocchia. Tra Concilio Vaticano II e Codice de Diritto Canonico*, (Milano: Edizioni San Paolo, 2000), 167.

⁴⁴ Catholic Bishops Conference of Nigeria, *Particular Complementary Norms to the Revised Code*, (Onitsha: Vicallex Nig Ltd, 1985), 22.

⁴⁵ See Brian Lucas, Peter Slack, and William d’Apice, *Church Administration Handbook*, 175.

⁴⁶ Southern African Catholic Bishops’ Conference, “General Decree Concerning the Appointment of Parish Priest” in *The Canon Law Digest 1996-2000*, vol. XIV, edited by Patrick J. Cogan (Washington DC: Canon Law Society of America, 2012), 422.

parish priest for a period of six years, which the diocesan Bishop may renew. However, the United States Bishops though decreed six-year term of office, it left the possibility of renewing the term to the discretion of the diocesan Bishop.⁴⁷ The Nigerian Bishops' Conference in their ongoing revision of its complementary norms for the Nigerian Church should state what should constitute a specified term of office, and make pronouncement on indefinite appointment of pastors so as not be misconstrue that it derogated from the provision of canon 522, granted that both options are not mutually exclusive. The parish priest stability of office must rightly be devoid of any uncertainty and arbitrariness, given that stability of office is a very important component for pastor's effective pastoral ministry in the parish.⁴⁸ The bishop's right as chief shepherd to exercise pastoral function in his diocese to transfer or remove an ineffective pastor in observance of canons 193; 1740; 1741 and 1748 is not surrendered under stability.

A pastor's stability in the previous legislation was determined by the parish the priest was assigned (c. 454 *CIC/17*); so even though pastors were categorized into irremovable, removable and religious, what in actual fact determined his non-removal or removal ("irremovability" or removability) was from the parish stability that he enjoys. The religious who is a pastor can easily be removed because of the Code's categorization of "his personal character as a religious."⁴⁹ In the present Code, the reason for stability in office for the parish priest is not attached to the parish; rather it's for the good of souls. When assigned to a parish, the priest need

⁴⁷ The Gambia, Liberia and Sierra Leone, "Canon 522. Particular Legislation: Stability of Pastors" in *The Canon Law Digest 1986-1990*, vol. XII, edited by Arthur J. Espelage (Washington DC: Canon Law Society of America, 2002), 301.

⁴⁸ Sebastian S. Karambai, *Ministers and Ministries in the Local Church. A Comprehensive Guide to Ecclesiastical Norms*, (Mumbai: St. Pauls, 2005), 145-147; Congregation for the Clergy, Instruction, *The pastoral conversion of the Parish*, 68.

⁴⁹ T. Lincoln Bouscaren, and Adam C. Ellis, *Canon Law. A Text and Commentary*, (Milwaukee: The Bruce Publishing Company, 1946), 193.

sufficient time to effectively care for the faithful entrusted to him. Hence, C. Ojemen opined that, it is in the interest of the parish for stability in the tenure of office of a pastor for proper pastoral plan, execution of plans and initiated projects.⁵⁰ Consequently, the office must not be seen as a reward to any priest, it is the faithful who need a parish priest assigned to them and to care for their spiritual wellbeing.

Pastoral Dynamics for Parochial Administrator

Certain parish situations allow the diocesan Bishop make adaptations for pastoral care.⁵¹ Appointment of a parochial administrator when a parish is vacant, or where the parish priest is prevented from exercising his pastoral office due to incapacity, ill health or some other cause is one of such. The law requires the diocesan Bishop in this situation to appoint a parish administrator as soon as possible (c. 539). In fact, ineptitude or permanent illness of mind or body, which makes a parish priest unequal to the task of fulfilling his duties adequately, is part of the reasons outlined in the Code for the removal of a parish priest (c. 1741, 2°). However, because the very nature of the office of the parish priest involves the care of souls, and in order not to allow a situation where the pastoral needs of the faithful of the parish are not provided for, canon 151 recommends the provision of such office without delay. But what canon 539 does is to obligate the diocesan Bishop to designate a priest as soon as possible, who is called parochial administrator, to take the place of the parish priest. This priest though not the parish priest has the same obligations as the parish priest, but with some limits on his ministry as provided in canon 540 §2. The

⁵⁰ Cosmas Aluede Ojemen, *The Catholic Parish*, 157.

⁵¹ Entrusting parish to a clerical religious institute or clerical society of apostolic life (c. 520 §1); several priests *in solidum* (c. 517 §1); appointing a parish administrator (c. 539); a deacon, other persons not priests, or community of persons with a priest (c. 517 §2). And creation of quasi-parishes (c. 516); chaplaincy for special group (c. 568); appointing a rector of a church with parish functions (c. 560).

person of the parish administrator is new, though it evolved from what was assigned in the 1917 Code to a priest who governed a vacant parish, known as administrator or vicarious *oeconomus* or assistant financial officer (c. 472, 1°); and the priest, known as auxiliary or vicar regent, or vicar coadjutor, who was meant to help out a permanent disability parish priest who could not function as a result of mental incapacity, old age, blindness, lack of learning or some other permanent cause (c. 475 §1 *CIC/17*).⁵²

What is distinctive about parochial administrator is that it is provisional or an interim, not a permanent measure for the governance of a parish in a pastoral/ juridical situation of a parish as in canon 538, or in the case of incapacity or impossibility of the parish priest to function. The stipulation of canon 539 for the appointment of a parochial administrator cannot be said to be the only possible action the diocesan Bishop can take when a parish is vacant. It is still within his purview to immediately appoint a new parish priest for the vacant parish. In the case of incapacity, resulting from physical or psychological impediment to which either the parish priest is not able to either totally or partially exercise his pastoral duties, it seems the diocesan Bishop the moment he is informed is to appoint a parochial administrator with all the obligations of the pastor, or only with some obligations, leaving out those the parish priest is still able to exercise in line with canon 540.⁵³

The question that arises here is: Does the parochial administrator enjoy stability or become a permanent mode of administering parishes?

The parochial administrator is canonically described as that priest nominated to act in the place of the parish priest and with

⁵² T. Lincoln Bouscaren, and Adam C. Ellis, *Canon Law*, 220-222; Antonio S. Sanchez-Gil, "Parishes, Parish Priests", 1363.

⁵³ See Francesco Coccopalmerio, *La Parrocchia*, 229-234; Gary D. Yanus, "Sacramental life of Parishes without a Resident Pastor", *CLSA Proceedings* 66 (2004), 207-220; Cosmas Aluede Ojemen, *The Catholic Parish*, 183-184.

the same rights as a parish priest, unless the diocesan Bishop determines otherwise (cc. 539; 540 §1). However, he does not carry out the act of taking possession of office, as the pastor would do before the commencement of his functions. Moreover, canon 540 §§ 2 & 3 clearly refrained the parish administrator from engaging in any administrative action that may damage the rights of the parish priest or that may harm the goods of the parish. In fact, he is obligated to give account to the parish priest, of his administration, financial and pastoral work during his stay in the parish. This affirms the understanding that the appointment of parochial administrator is by nature provisional, pending the nomination of a parish priest or when the cause of the pastor's incapacity no longer exists. In sum, the parochial administrator "is only a matter of substitution and therefore, of a temporary function that serves as a bridge for pastoral continuity in those circumstances in which the work would be interrupted until the new appointment of a parish priest or until the reincorporation of the present parish priest."⁵⁴ In the recent Vatican document, it declares that: "the office is essentially transitory and is exercised while awaiting the appointment of the new Parish priest. For this reason it is illegitimate for the diocesan Bishop to appoint a Parish administrator and to leave him in that position for an extended period of time, more than a year, or even permanently in order to avoid the appointment of Parish Priest."⁵⁵ This is because full pastoral care is the reserve of the parish priest.⁵⁶

Conclusion

The Parish has always been conceived as the local part of the body of the Church in a way that it represents and makes the universal Church alive and present in the communities of the

⁵⁴ Antonio S. Sanchez-Gil, "Parish, Parish Priests", 1363-1364.

⁵⁵ Congregation for the Clergy, Instruction, The pastoral conversion of the Parish, 75.

⁵⁶ Therese Guerin Sullivan, "The Role of the Parish Administrator", *CLSA Proceedings* 66 (2004), 221.

faithful in union with the Bishop.⁵⁷ This is where the faithful receives direct care from their parish priest in fulfillment of their rights to hear the Gospel, receive the sacraments and be given pastoral care. In the parish the faithful express their communion, which is their sharing in God's own life by virtue of their baptism and become fully part of the church community.⁵⁸ The distinctiveness of the Fathers of the Second Vatican Council was the ecclesiology of the Church, that is the foundation of the enriched meaning of parish and parish priest (CD 30-31) in the revised Code, with other noticeable innovations that allows for team ministry, term of office for pastors and collaborative bodies.⁵⁹

There is need to uphold the theological principle of parish as a community of the faithful where the pastoral care of souls, the building and nurturing of the faithful in the faith in a personal way is always guarantee. The significance of parish structures is apparent, if used for the purpose for which the parish exists – providing pastoral care for Christ's faithful. The office of the parish priest provides this pastoral care through teaching, sanctifying and governing of the parish community in a way that unites the people with the diocese and the universal Church.⁶⁰ Therefore as the Council Fathers reiterate, the liturgical life of the parish and its relation to the Bishop must be fostered and efforts must be made to encourage a sense of community within the parish (SC 42).

Since parishes exist for the good of souls, all juridic norms relating to the parish is to bring about this realization. The office of the parish priest as the proper pastor of the parish

⁵⁷ James A. Coriden, and Mark F. Fischer, *Parish Councils: Pastoral and Finance*, (Washington DC: Canon Law Society of America, 2016), 5.

⁵⁸ James A. Coriden, *The Rights of Catholics in the Church*, (New York: Paulist Press, 2007), 25.

⁵⁹ Joseph A. Janicki, "Parishes, Pastors, and Parochial Vicars (cc 515-552)" in *The Code of Canon Law. A Text and Commentary*, edited by James A. Coriden, Thomas J. Green, and Thomas E. Heintschel, (London: Geoffrey Chapman, 1985), 414.

⁶⁰ Edward A. Sweeny, *The Obligations and Rights of the Pastor*, 45 -204; Joseph A. Janicki, "Parishes, Pastors, and Parochial Vicars", 415.

should be unscathed for the good of the faithful. The parish administrator was not intended by the legislator as a permanent office for pastoral care of the parish. Pope John Paul II cautioned against any form that tends *de facto* to weaken the leadership of the parish priest because such could distort the very structure of the parish community. The parish priest is the one recognized as shepherd to guide the community as his proper function, which cannot be substituted in any way.⁶¹

⁶¹ John Paul II, *Address* to the Plenary Session of the Congregation for the Clergy, November 23, 2001.