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THE STATUS OF THE MILITARY ORDINARIATE OF POLAND

The Church's pastoral activity seems immeasurable and occurs on many levels, however, the activity among soldiers occupies a special place in its mission [Rak 2011, 323]. The reason for such great concern is the character and living conditions of people who have been permanently or temporarily associated with the military service [Góralski 1989, 143]. The Military Ordinariate, recognized as a personal diocese, is an organized pastoral ministry with its own structure, appropriate offices and its superiors [Dzięga 2004, 11]. This article will present not only the genesis of the erection of military chaplaincy structures, but above all its status in Poland on the basis of the apostolic constitution *Spirituali militum curae*¹ and the provisions of canon law and Polish law.

1. Historical outline

1.1. The beginning of the military chaplaincy in Poland

Clergymen in the ranks of the army appeared most probably during the reign of Mieszko I, however, there are currently no historical sources that could confirm this thesis or indicate the detailed scope of their ministry. Confirmed information can be found in sources from the times of Bolesław the Brave. The chronicler Thietmar mentions in his notes the Abbot Tuni, who acco-

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¹ Ioannes Paulus PP. II, Constitutio apostolica qua nova canonica ordinatio pro spirituali militum curae datur *Spirituali militum curae* (21.04.1986), AAS 78 (1986), p. 481-86 [henceforth cited as: SMC].

panied the duke on the expedition.² There is no information about whether an Abbot exercises any pastoral or chaplaincy ministry. As it has been indicated, more detailed information on the chaplaincy can be found in the accounts of Gallus Anonymus from the times of Bolesław the Wrymouth, in which the term “chaplain” appears many times in relation to clergy.³ It can therefore be concluded that the distinction between the notions of “military chaplain” and “court chaplain”, which were used to describe the clergy, should be considered fully conscious. It can also be assumed that both functions were often combined by the clergy.⁴ Over the centuries, Polish kings and dukes, following the example of other Christian rulers, established pastoral service with their armies. The Jagiellonians were also no exception, however, due to the lack of a fully educated and constituted institution of military chaplains, this service was performed by royal and court chaplains, who were called camp preachers [Odziemkowski 1991, 5]. These clergymen served only during the war, and after its end, following the example of chivalry, they returned to their current activities [Odziemkowski and Frątczak 1996, 13]. As it can be concluded, there was no hierarchy of military clergy, there was no separate jurisdiction regulating this institution, and during the war military chaplains were subject to the authority of the bishop-chancellor or bishop-sub-chancellor. In times of peace, military clergymen were subordinated to the authority of diocesan bishops or their religious superiors [Burzyński 1999, 13]. It is known that chaplains, when exercising military service, primarily celebrated Holy Masses, gave Holy Communion, celebrated the sacrament of penance, preached sermons and encouraged those who were going to fight [Jaworski 2017, 105]. In 1447, Pope Nicholas V issued a decree allowing military chaplains to use field chapels [Theiner 1861, 55-56], and in 1581 Pope Gregory XIII allowed Eucharist to be celebrated. As it is indicated, the decree of Gregory XIII was the first extant papal indult concerning priests serving in the army [Burzyński 1999, 12].

² *Kronika Thietmara*, translated from the Latin text, preceded by an introduction and commented on by M.Z. Jedlicki, Instytut Zachodni, Poznań 1953, p. 497, 499, 623.

³ Galli Anonymi, *Cronica et gesta ducum sive principum Polonorum*, in: *Monumenta Poloniae Historica*, ser. II, vol. 2, ed. K. Maleczyński, Polska Akademia Umiejętności, Kraków 1952, p. 88.

⁴ *Ibid.*, p. 157ff.

It should be emphasized that the units led by Władysław Jagiełło were always accompanied by clergymen [Kuczyński 1960, 479], and it was no different during the Battle of Grunwald, about which Jan Długosz wrote in his chronicles.⁵ During the reign of Władysław Jagiełło, it became a custom to hold a few occasional thanksgiving services after the end of each battle [Nowak 1932, 11]. What is unclear is the question of allowing the clergy to participate in the fight. According to Pope Innocent III's bull *Ad Liberendam Terram Sanctam*, numerous prohibitions were imposed on the clergy in this regard, but this prohibition was not fully respected. The law required clergymen who owned hereditary goods to participate ruthlessly in the mass mobilization [Kamler 2001, 225]. In 1497 priests were officially released from the duty of military service [Klupa 1999, 117].

1.2. The beginning of the military chaplaincy in a constituted form

Military chaplaincy in a constituted form appeared in the Polish army only at the end of the 17th century, despite the fact that the tradition of priestly service among soldiers had its source in the Christianization of Polish lands. The shaping of the formal and legal structure of the military chaplaincy, and with it the institution of a military chaplain, was largely provoked by the development of the military organization itself. Due to the fact that military history had not yet developed the concept of a standing army, it was obvious that the concept of a permanent chaplain would also not be known [Jaworski 2017, 106-107].

Permanent military chaplaincy was introduced in 1690 by the Warsaw Sejm, thus creating positions for 36 full-time chaplains, establishing one for 20 infantry and 16 dragoons regiments. Although the financial situation of the Republic of Poland did not allow for a significant increase in the number of jobs or the reorganization of the pastoral service, the number of military chaplains gradually increased over the years.⁶ Military chaplaincy was recreated both in the Duchy of Warsaw and in the Congress Kingdom, in

⁵ See J. Długosz, *Roczniki, czyli Kroniki sławnego Królestwa Polskiego*, Vol. X/XI, PWN, Warszawa 1982, p. 76ff. According to the message of Jan Długosz, the beginning of the fight was preceded by Holy Masses celebrated by Rev. Bartosz from Kłobuck and the pastor of Kalisz Jarosław.

⁶ *Schematyzm Ordynariatu Polowego Wojska Polskiego*, ed. Kuria Polowa Wojska Polskiego, Ordynariat Polowy WP, Warszawa 2000, p. 61.

which, additionally, a certain reorganization was made and a hierarchy among chaplains was established and their specific duties were outlined. Permanent chaplains took part in the November Uprising, but its imminent collapse not only shattered hopes for independence, but also ruined the chances of developing a regular army for almost 90 years. The January Uprising did not create the conditions for the formation of military units, and thus also jobs for permanent chaplains, therefore it was the civilian clergy who served the fighters at the front. Polish priests also served as chaplains in the armed forces of the partitioning states. The pastoral service was also organized in Polish formations during the World War I. Such a service was performed in the Legions of Józef Piłsudski, Siberian troops, the army of General Józef Haller and corps created in Russia. The times of World War I favored the education of a cadre of professional chaplains, who in the Reborn Poland, which organized a strong army, provided immeasurable support.⁷

The period of the Second Polish Republic, especially 1919, brought about the erection of the Military Vicariate by the Holy See. Pope Benedict XV appointed Rev. Dr. Stanisław Gall as the first Field Bishop, and the new bishop in the reborn Polish Army formed the structures of military chaplaincy, organized the corps of the Catholic military clergy and systematized the methods of pastoral work and established a hierarchy among the clergy [Wesołowski 2005]. In the post-war years, military chaplaincy functioned on the basis of a concordat, which was concluded on February 10, 1925 between the Holy See and the authorities of the Republic of Poland [Idem 2003, 12]. The Statute of the Military Chaplaincy of November 25, 1926, canceled on April 21, 1948 by the Holy See, was also of particular importance, as an act that did not correspond to the new conditions that had come to the military pastoral ministry, and in addition, in the new reality, it was useless for the army and impossible. The Holy See ordered the Polish Episcopate to exercise control over the military chaplaincy until the appointment of the Chief Chaplain of the Polish Army [Ratajczak 2003, 319].

The probability of the coming war provoked greater concern on the part of the Field Bishop to prepare priests to take up the challenge of working in combat conditions and to liturgical equipment necessary for the exercise of

⁷ Ibid., p. 62ff.

pastoral service.⁸ In 1939, during the September campaign, Bishop Józef Gałwina left Poland, reached Rome, and then France, where, as approved by Pope Pius XII, organized military pastoral ministry in the Polish army that was reviving there. Then, after the fall of France, he moved to England, where he continued his ministry and raised the spirits of the soldiers there. During World War II, military chaplains made a bloody sacrifice, constituted moral support for the army, organized not only spiritual activities, but also educational and pedagogical activities.⁹

The period of the Polish *People's Republic* was not extremely favorable for military chaplaincy. Attempts to reorganize the pastoral care and adapt it to the newly emerging political conditions have been made many times, but without success [Burzyński 1999, 29]. State authorities used the so-called *fait accompli* policy. It was a common practice to appoint military chaplains without consulting the relevant church authorities. It was allowed to appoint priests suspended or against bishops as chaplains. The Polish Episcopate tried to solve the problem, thus notifying the military chaplaincy about the termination of the jurisdiction of chaplains as a consequence of not filling the position of a field ordinary. Accordingly, chaplains obtained jurisdiction by the decision of the ordinaries of the diocese in which they were to reside, and that jurisdiction was conferred on an ordinary level.¹⁰

1.3. Restoration of the Military Ordinariate of Poland

An important event in the history of military ministry was the adoption by the Sejm of the Polish People's Republic of two key acts of May 17, 1989: the Act on the Guarantees of Freedom of Conscience and Religion¹¹ and the Act on the Relations between the State and the Catholic Church in the Republic of Poland.¹² The Act on the Guarantees of Freedom of Conscience and Religion ensured that persons undergoing military service, in accordance with the principles of their religion, have the right to celebrate religious holidays and participate in religious ceremonies. Moreover, all persons perfor-

⁸ *Schematyzm Ordynariatu Polowego Wojska Polskiego*, p. 65.

⁹ *Ibid.*, p. 66.

¹⁰ *Ibid.*, p. 67.

¹¹ Journal of Laws of 2005, No. 167, item 1398 [henceforth cited as: u.g.s.w.].

¹² Journal of Laws of 2019, item 1347 [henceforth cited as: u.s.p.k.].

ming military service may be in possession of objects for the exercise of religious worship and practices (Art. 2, pt. 2 u.g.s.w.). All religious organisations and churches have been granted the right to exercise religious service in relation to persons serving in the Polish Army (Art. 4, para. 1, pt. 1 u.g.s.w.).

The Act on the Relations between the State and the Catholic Church in the Republic of Poland should be considered more important from the perspective of restoring the functioning of the Military Ordinariate of Poland. This act introduced a completely new legal regulation of the principles of military pastoral work. The Military Ordinariate acquired legal personality (Art. 8, para. 1, pt. 1 u.s.p.k.). The freedom to religious practices in military service and their families was also ensured (Art. 25, pt. 1 u.s.p.k.). Soldiers on active military service were given the opportunity to participate in the Holy Mass outside the military unit, both in garrison and non-garrison churches, while underlining that such participation may not be in contradiction with important official duties (Art. 25, pt. 2 u.s.p.k.). The obligation to control the above-mentioned provisions of the Act was imposed on military chaplains who are obliged to contact the commanders of individual military units. On the basis of the provisions of the Act, it was also decided that until the erection of the Military Ordinariate, the General Dean of the Polish Army, as the chief military chaplain, would be in charge of the pastoral care. As it is indicated, the years 1989-1990 created favourable conditions for the restoration of the Military Ordinariate thanks to the general social and political changes that took place in Poland, which was moving towards freedom [Ratajczak 1998, 539].

On January 21, 1991, Pope John Paul II issued a decree, pursuant to which he restored, at the request of the Polish Bishop's Conference and the new authorities of the Republic of Poland, the Military Ordinariate of the Polish Army.¹³ Moreover, the Pope appointed Rev. Msgr. Dr. Sławoj Leszek Głódź as the Military Bishop. With the will of the Pope, the restored military chaplaincy was to act in accordance with the general provisions contained in the apostolic constitution *Spirituali militum curae*, with its own statutes and the

¹³ *Schematyzm Ordynariatu Polowego Wojska Polskiego*, p. 69.

law universally applicable in the Church, and contained in the 1983 Code of Canon Law.¹⁴

2. Legal status of the Military Ordinariate of Poland

During the proceedings of the Vatican Council II, which lasted from October 11, 1962 to December 8, 1965, the question of military pastoral care was also dealt with, which resulted in the decree *Christus Dominus*,¹⁵ which was a reference to the instruction *Solemne semper*¹⁶ issued by the Consistorial Congregation in 1951. This instruction was recommended to create military ordinariates in all countries, at the same time calling diocesan bishops to try to cooperate with vicars and military chaplains [Góralski 1989, 143-44]. Moreover, Pope John Paul II promulgated CIC/83, in which can. 569 stipulated that “Military chaplains are governed by special laws.” On this basis, it can be concluded that the instruction *Solemne semper*, which was a special act within the meaning of the provisions of CIC/83, was kept in force [ibid., 145]. However, for several years, work has been done on the revision of the instructions, and not only theological, but also legal, historical and pastoral issues have been discussed. The general idea of codification directions was adopted during the 4th International Congress of Military Vicars in 1984 [Gantin 1986, 1, 6]. The draft of the project was handed over to the military vicars, counting on their comments or possible suggestions for changes. On April 21, 1986, Pope John Paul II promulgated SMC. This document has a legislative nature and regulates in detail the issues of military pastoral ministry, leaving in force other provisions of particular law concerning this issue, provided that they comply with it [Góralski 1989, 146].

¹⁴ *Dekret Kongregacji ds. Biskupów przywracający Ordynariat Polowy w Polsce z dnia 21 stycznia 1991 r.*, in: *Schematyzm Ordynariatu Polowego Wojska Polskiego*, p. 543. *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, p. 1-317 [henceforth cited as: CIC/83].

¹⁵ Sacrosanctum Concilium Oecumenicum Vaticanum II, *Decretum de pastoralis episcoporum munere in Ecclesia Christus Dominus* (28.10.1965), AAS 58 (1966), p. 673-96.

¹⁶ *Sacra Congregatio Consistorialis, Instrucio de Vicariis Castrensibus Solemne semper* (23.04.1951), AAS 43 (1951), p. 562-65. For the first time this instruction contained the principle of creating military vicariates.

According to SMC, the Military Ordinariate should be built of elements such as a diocese, therefore it should have its own bishop, its own presbytery and the faithful [Burzyński 1999, 120]. On January 21, 1991, the statute of the Military Ordinariate was approved, in which it was decided that the Military Ordinariate is a church district equated in law with the diocese, having its own military bishop, who cares for a portion of the people of God, which under various titles is related to with service in the Polish Army.¹⁷ Polish law also developed several normative acts that presented the role of the Military Ordinariate in the Armed Forces and the scope of implementation under state law of the provisions provided for by canon law [Płoski 2006, 72]. The Acts of May 17, 1989, which were of key importance for the military pastoral care, have already been mentioned, while two more normative acts remain to be discussed. The first is the Concordat concluded between the Holy See and the Republic of Poland on July 28, 1993, whose Art. 16 § 1 deserves special attention.¹⁸ The second normative act is the Constitution of the Republic of Poland adopted on April 2, 1997, where the legislator indicates Art. 25, 48 and 53 § 2 as the most important for the military pastoral chaplaincy in Poland.¹⁹ Moreover, the Minister of National Defence issued several decrees regarding the regulation of the issue of cooperation between military authorities and the Military Ordinariate of the Polish Army. One of the decrees

¹⁷ *Statut Ordynariatu Wojskowego czyli Polowego w Polsce* (28.02.1991), in: *Schematyzm Ordynariatu Polowego Wojska Polskiego*, p. 548 [henceforth cited as: SOW].

¹⁸ Concordat between the Holy See and the Republic of Poland, signed at Warsaw on 28 July 1993, Journal of Laws of 1998, No. 51, item 318, Art. 16 § 1: "Pastoral care for Catholic soldiers on active military service, including career military staff, shall be provided by the Bishop in Charge of Military Chaplains within the compass of the military bishopric, in accordance with Canon Law and the statutes approved by the Holy See in consultation with the competent authorities of the Republic of Poland."

¹⁹ The Constitution of the Republic of Poland of 2 April 1997, Journal of Laws of 2009, No. 114, item 946, Art. 53 § 2: "Freedom of religion shall include the freedom to profess or to accept a religion by personal choice as well as to manifest such religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing of rites or teaching. Freedom of religion shall also include possession of sanctuaries and other places of worship for the satisfaction of the needs of believers as well as the right of individuals, wherever they may be, to benefit from religious services."

stated that the Military Ordinariate is an integral part of the Polish Armed Forces.²⁰

In the decree of the Chief of the General Staff of the Polish Armed Forces, detailed rules of cooperation between military chaplains and commanders were established, and moreover, the issues of cooperation between commanders of individual organizational levels with the pastoral ministry and the rights of the military bishop in matters of pastoral ministry to the deputies of the Chief of the General Staff, commanders of military districts and heads of institutions of the Polish Army were regulated.²¹ The ordinance also included regulations concerning the duties of deans and military chaplains [Buzzyński 1999, 117].

2.1. Organisation of the Military Ordinariate

The apostolic constitution *Spirituali militum curae* presented a new in nature approach to regulating the issue of military pastoral care. SMC, in place of the previous military vicariate, established the military ordinariate as the basic unit of military chaplaincy [Góralski 1989, 147]. The change of the nomenclature was to in some way increase the value of the office headed by the ordinary [Jaworski 2006, 196]. The previous term “vicar” indicated that his authority is only vicarious and is exercised in the name of the Pope, while the Ordinariate is headed by an ordinary whose power is proper. This term, how new, was commonly used in many countries and also in the law of Eastern Churches [Gantin 1986, 6]. Thus, each military vicariate hitherto became a military ordinariate, thus entering the prescription of can. 368 CIC/83.

The military ordinariate, commonly known as the field ordinariate, constitutes a special church district, which in law equates to a diocese, which is governed by its own statutes issued by the Holy See, in compliance with SMC and agreements concluded between the Holy See and individual states [Góralski 1989, 147].

²⁰ Decree of the Minister of National Defence No. 72/MON of 6 April 1994.

²¹ Decree No. 32/ORG of 1 June 1994.

2.2. Military Ordinary and the scope of his jurisdiction

The military ordinariate is headed by an ordinary who, as a rule, has the episcopal ordination, is endowed with all the powers that diocesan bishops have, and the same duties, unless it is otherwise apparent from the nature of the matter or from particular statutes (Art. II § 1 SMC). Moreover, the military ordinary has a statutory post of general and the rank of general [Jaworski 2006, 197]. However, if the candidate for the ordinary does not have the episcopal ordination, on the basis of can. 381 § 2 is equal in law to the diocesan bishop in his authority over the community of the faithful. To the military bishop, all the prescriptions of can. 381-402 apply. On this basis, it should be pointed out that the military bishop is freely nominated, appointed or approved by the Pope. The candidates for this office are presented to the Holy Father by the Apostolic Nuncio, after consultation with church authorities and representatives of the state government. A military bishop, due to the fact that, according to the provisions of law, is the head of a particular Church, also enjoys the rights of a diocesan bishop²² and is part of a bishops' conference.

The military bishop has a three-adjective jurisdiction, namely personal, ordinary, and proper, but linked to the jurisdiction of the territorial ordinary. It should be pointed out that the personal jurisdiction is addressed and exercised against persons belonging to a given category, and in this case to the military ordinariate (Art. II, 8 SOW). The exercise of this jurisdiction will not be disturbed by the presence of such persons outside the country. The personal nature of the relationship between the subject of authority and the faithful makes it possible to exercise territorially assigned power over one's own subordinates everywhere, regardless of where the person exercising power is or where his subordinates reside (Art. IV § 1 SMC).

Ordinary jurisdiction, according to the legislator, is that which is joined to a certain office by the law itself, which means that at the same time it is obtained, the office is assumed (can. 131). The ordinary power of governance can be either proper (*propria*) or vicarious (*vicaria*). The ordinary, proper power of governance is a type of power exercised in one's own name, and

²² *Dekret Kongregacji ds. Biskupów zrównujący jurysdykcję Biskupa Polowego z Biskupem Diecezjalnym* (25.03.1998), in: *Schematyzm Ordynariatu Polowego Wojska Polskiego*, p. 552.

such power is vested in the Pope or the military bishop. The ordinary, vicarious power of governance, on the other hand, is connected with a given auxiliary office, which is assigned to and subordinated to the basic office (can. 131 § 2). This power is exercised on the basis of participation, not only representation, and is exercised, *inter alia*, by the Roman Curia (can. 360). The military ordinary exercises power both in the internal (*pro foro interno*) and in the external forum (*pro foro externo*) (Art. IV § 2 SMC). Exercising power in the internal forum means that the needs of conscience are dealt with in secret, while in the external forum, if the effects of this power are noticeable by the community, they can of course be ascertained and, if necessary, proven [Sitarz 2004, 196].

The scope of the proper power of governance causes the greatest difficulties for pastors. People who belong to the military ordinariate do not cease to be faithful to the local particular Churches. Therefore, it should be stated that the diocesan bishop, who heads the diocese, that is the particular Church, has jurisdiction not only over his faithful, but also over the military [Jaworski 2006, 199]. As a rule, the choice of jurisdiction for the faithful remains free to choose. However, it should be pointed out that the areas intended for soldiers fall under the jurisdiction of the military ordinary, and then the diocesan bishop, which in practice means that in the absence of the military ordinary or chaplain, the diocesan bishop and the pastor act under their own legitimacy (Art. V SMC).

A military bishop, in order to organize the management of the ordinariate and to manage pastoral tasks in the military diocese, appoints a military curia. It consists of many branches and departments, and the coordinator of its work is the chancellor [Płoski 2006, 119ff.].

2.3. Presbytery of the military diocese

The presbytery of the military diocese is made up of diocesan and religious clergy who have been incardinated into the military ordinariate or exercise some office for the good of it (can. 498 § 1, 2°; Art. III § 10 SOW). SMC also indicates that priests have qualities suitable for military pastoral care and the consent given by their own ordinary. Therefore, only ordained priests can serve in the military ordinariate (Art. VI § 1 SMC). It is possible for the Holy See to erect a special seminary that educates and prepares deacons and

presbyters for ordination with incardination in the ordinariate and for those ordained only by the military ordinary (can. 266 § 1). Currently, seminarians destined for the needs of the military ordinariate are being educated at the Metropolitan Seminary in Warsaw, due to the fact that no military seminary was eventually established.

As indicated, the instruction²³ distinguishes three groups of military chaplains. The first group includes senior military chaplains, i.e. clergymen who have been incardinated into the Military Ordinariate or delegated by their superior for a definite or permanent period, who are professional officers of the Polish Army. The second group consists of military chaplains, delegated to the disposal of a military bishop, who were hired to work in military chaplaincy for a probationary period or permanently as civil servants of the army. The last group includes auxiliary chaplains, i.e. clergymen who permanently perform tasks in their dioceses or religious institutes, and who, with the consent of their superior, additionally perform pastoral service in the Polish Army through the nomination of a military bishop. In military service, auxiliary chaplains may constitute reserve officers (Art. II, 12 § 4 ISD).

2.4. Vicariates forane and military parishes

The Military Ordinariate of the Polish Army, following the example of the diocese, with a view to facilitating the coordination of pastoral work, was divided into vicariates forane, which correspond to the types of armed forces, military districts and corps. By the decision of the Minister of Internal Affairs and Administration, the vicariates forane of the Border Guard and the Bureau of Government Protection were established.²⁴ A Greek Catholic vicariate forane was also erected, over which the military bishop exercises exclusively military jurisdiction [Rak 2011, 330]. Each vicariate forane is headed by a dean appointed by a military bishop [Mezglewski, Misztal, and Stanisz 2006, 200].

²³ *Instrukcja Biskupa Polowego o strukturze duszpasterskiej Ordynariatu Polowego Wojska Polskiego* (7.12.1992), in: *Schematyzm Ordynariatu Polowego Wojska Polskiego*, p. 553-64 [henceforth cited as: ISD].

²⁴ Currently, it is the State Protection Service, see Act on the State Protection Service of 8 December 2017, Journal of Laws of 2020, item 384 as amended.

The instruction of the Military Bishop on the pastoral structure of the Military Ordinariate of Poland indicate the concept of a military parish. The parish is part of a military diocese, defined by a military bishop and entrusted to the pastoral care of a military pastor. Priests appointed as chaplains in the military ordinariate, in the area designated for them and in relation to persons over whom they exercise jurisdiction, have the rights and obligations of pastors, provided that nothing else arises from the statutes or particular law (Art. VII SMC). According to can. 682 § 1, the provision of the office of military pastor belongs to the diocesan bishop, and indeed by free conferral (can. 523). The power of a military pastor is an ordinary power, and therefore connected with the office he holds, exercised both in the internal and external forum, as well as proper and personal. The scope of the proper power of governance should be understood cumulatively with the local pastor, due to the fact that, as already mentioned above, some persons are subject to dual jurisdiction [Dudziak 2002, 120-21].

The main task of pastors is to fulfil the obligations contained in can. 515-552 CIC/83. In addition, it is also indicated the obligation to care that soldiers in military units are provided with pastoral care and the opportunity to participate in the Holy Mass on Sundays and holidays, as well as in catechesis. The need for clergy to cooperate with the military command in order to coordinate pastoral actions with the plan of activities for soldiers is emphasized. Attention should be paid to military families and retired officers.

Conclusion

The aim of this article was to present the institution of the military ordinariate from the very beginning of its formation. The novelty is the approach to the institution, including both its legal status in the light of the apostolic constitution *Spirituali militum curae*, as well as the genesis of the erection of military pastoral structures in Poland. The reason for focusing so extensively on the historical outline is the belief that the present shape of the institution of the military ordinariate is due to many historical and political circumstances that have taken place over the centuries.

Summarizing this article requires pointing out that the first information about clergymen in military ranks appears during the reign of Mieszko I. It is the beginning of the formation, not yet in the institutional form, of military

pastoral ministry. The constituted form did not come true until 1690, when the Warsaw Sejm introduced permanent military chaplaincy, creating jobs for chaplains. Later historical turmoil, until Poland regained independence, did not allow the development of this institution, but it must be admitted that military chaplains, regardless of circumstances, carried out their ministry unwaveringly. Changes came in 1919 in the form of the erection of a Military Vicariate in Poland by the Holy See. However, this time the institution faced adversities. World War II, during which chaplains made a bloody sacrifice, and the difficult pastoral relations with the state authorities during the Polish People's Republic, left their mark on the military pastoral ministry, which had traditions still rooted in the Middle Ages.

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The Status of the Military Ordinariate of Poland

Summary

Presenting not only the status of the Military Ordinariate in present-day Poland, but also performing a historical analysis has resulted in many conclusions. The most important is indicating that the Church, regardless of the circumstances and political situation, tried to provide soldiers with pastoral care. The history of these "efforts" dates back to the Baptism of Poland and the first described battles fought by the emerging state. Such a long tradition even lifted the yoke of communism, reviving the institution of the Military Ordinariate of the Polish Army in a constituted form.

To sum up, it must be admitted that both canon law and Polish law provisions allow to carry out the tasks set before military ministry.

Key words: military pastoral care, military ordinariate, military chaplains, Polish Army

Status Ordynariatu Polowego w Polsce

Streszczenie

Przedstawienie nie tylko statusu Ordynariatu Polowego w obecnej Polsce, ale również dokonanie analizy historycznej zaowocowało wieloma wnioskami. Najistotniejszym jest wskazujący, że Kościół, niezależnie od okoliczności i sytuacji politycznej starał się zapewnić żołnierzom opiekę duszpasterską. Historia tych „starań” sięga Chrztu Polski i pierwszych opisanych bitew toczonych przez kształtujące się dopiero państwo. Tak długa tradycja uniosła nawet jarzmo komunizmu, odradzając instytucję Ordynariatu Polowego Wojska Polskiego w ukonstytuowanej formie. Podsumowując, należy przyznać, że zarówno przepisy prawa kanonicznego, jak i przepisy prawa polskiego pozwalają na realizację zadań postawionych przed duszpasterstwem wojskowym w pełnym zakresie.

Słowa kluczowe: duszpasterstwo wojskowe, ordynariusz wojskowy, kapelani wojskowi, Wojsko Polskie

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