

JUST AND RIGHT ACCEPTANCE OF MASS OFFERINGS

SPRAWIEDLIWE I GODZIWE PRZYJMOWANIE OFIAR MSZALNYCH

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Abstract

The study contains elements of the contemporary canonical doctrine regarding the custom of accepting Mass offerings by priests. However, the text does not examine this complex issue exhaustively and synthetically, but it is intended to define clear rules of maintaining justice and the rightness of these activities. The subject matter addressed here can hardly be termed a “taboo,” because the act of making offerings when requesting that the Mass be applied for the intention specified by the donor belongs among everyday activities of the Church; however, it seems that adherence to certain general rules characterising the discipline of canon law is of particular relevance and significance for this matter.

Keywords: justice, rightness, stipend, offering

Abstrakt

W opracowaniu zawarto treści współczesnej doktryny kanonistycznej na temat zwyczaju przyjmowania przez kapłanów ofiar mszalnych. Tekst nie stanowi jednak wyczerpującej syntezy tego złożonego zagadnienia, ponieważ założeniem Autora było podjęcie przyczynkowej próby określenia przejrzystych zasad zachowania sprawiedliwości i godziwości tych czynności. Trudno określić podjętą tematykę jako swego rodzaju temat „tabu”, gdyż czynność składania ofiar na okoliczność składania prośby o sprawowanie Mszy św. w określonej przez darczyńcę intencji stanowi codzienność życia Kościoła, jednakże wydaje się, że wymiar zachowania przy tym pewnych ogólnych zasad, którymi cechuje się dyscyplina prawa kanonicznego jest szczególnie aktualne i istotne w tym zakresie.

Słowa kluczowe: sprawiedliwość, godziwość, stypendium, ofiara

Introduction

As Przemysław Palka writes, a simoniac sins thrice: first, by valuing a thing that has no price; second, by selling a thing that is not his own, because the priest is only a minister; and third, by acting against the essence of a spiritual thing – a grace received gratuitously [Palka 2011, 226-27], therefore the legislator,¹ in the disposition of Canon 736, unconditionally prohibited requesting fees for sacraments and sacramentals not only directly, but also indirectly. Instead, the Code permitted the clergy to accept offerings of the faithful in a voluntary manner, that is, justly and rightly.

1. The evolution of the concept of Mass offering in the canonical legal order

In the science of canon law and everyday life one often speaks of stipends. Marian Pastuszko and Joaquín Calvo-Alvarez derive the concept of stipend from 1 Corinthians 9:7. The Greek term *ὀψώνιον* means ‘payment,’ ‘compensation,’ ‘livelihood.’ Thus, its meaning implies a kind of social dependence, gratitude for service [Pastuszko 1986, 113; Calvo-Alvarez 2010, 704; Rosik 2009, 300; Bauer 2001, 145].

Similarly, Edward Górecki justifies the right to accept offerings with the Church’s deep-rooted custom, which goes back to the time of New Testament [Górecki 2011, 129]. Pastuszko believes this custom originates in the bringing of gifts by the faithful during the offertory during the celebration of Holy Mass. He argues that originally the point was not only to bring offerings needed for the celebration of the Mass, mainly bread and wine, but also other gifts serving to support the clergy and the needy. As he points out, these offerings were closely linked to the Eucharistic celebration itself [Pastuszko 1983, 73-79].

In addition, Paweł Lewandowski highlights that in the first centuries of the Church the faithful brought offerings in kind, mentions these, for example: bread, wine, incense and other items used to celebrate the Eucharist. Some of these offerings, in his opinion, were reserved for liturgy; the remaining items, however, were traded for the purpose of supporting

¹ *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (27.05.1917), AAS 9 (1917), pars II, p. 1-593 [henceforth: CIC/17].

presbyters, and the poor as well [Lewandowski 2019a, 171-72; Idem 2019b, 136]. Over time, other ancillary customs also developed from the custom of bringing gifts for the celebration of the Eucharist, such as the reading of a list of donors' names during the celebration of the Eucharist. As the number of the faithful increased, the number of offerings grew significantly, too. People started to bring them either in the sacristy or directly to the homes of presbyters and bishops in addition to the grain, grapes, lamp oil and incense, which were traditionally offered at the altar [ibid., 150]. It is worthy of note that at some point these gifts were turned into donations of money [Bączkiewicz, Baron and Stawinoga 1958, 29]. This occurred following the Edict of Milan (313), which legally acknowledged Christianity by listing in among religions tolerated in the Roman Empire; this made it possible for the Church to acquire the right to property; this, in turn, gave rise to the custom of making monetary offerings for the celebration of sacraments and sacramentals [Lewandowski 2019b, 150].

According to canonists, it was not until CIC/17 that uniform terminology was introduced regarding Mass offerings. In this context, the Latin term *stipendium* became relevant. In the first place, like Greek *ὀψώνιον* mentioned above (1 Corinthians 9:7), the word means 'soldier's pay;' in the second sense, it denotes 'tax,' and in a further sense it refers to a 'donation for the Mass' [Jougan 2013, 643]. In the opinion of Pastuszko, however, it wasn't the most fortunate designation in the context of Holy Mass, as it connoted a soldier's pay, which would point to something owed to someone. As it happened, the term was featured in the CIC/17, Book III, Title *De missarum eleemosynis seu stipendiis*, alongside the word *eleemosyna* [Bączkiewicz, Baron, and Stawinoga 1958, 29]. The above-mentioned catalogue involves a contradiction of some kind, since *eleemosyna* denotes 'offering,' hence something not due, while *stipendium*, as the principal term among those referring to mass offerings, meant 'soldier's pay' in the strict sense, thus something that is due, since according to the denotation of the juridical word 'stipend' the case involves a payment for the celebration of Holy Mass [Pastuszko 1986, 113]. Therefore, in the 1917 Code one finds two contradictory terms side by side in one title. Hence, Pastuszko accurately noted that in both the 1975 schema and ones that followed it was decided against the use of the term 'stipend' (*stipendium*), but to speak of *oblata ad*

Missae celebrationem stipe.² It was reasoned that the Latin term *stipendium* is not appropriate for Mass offerings. As a result, the 1983 Code of Canon Law³ introduced the term *stips*, which in Polish means ‘gift,’ ‘monetary offering,’ ‘alms,’ ‘reward,’ ‘contribution’ [Górecki 2011, 128; Jougan 2013, 644]. According to Lewandowski, the term *stips*, in keeping with its historical interpretation, means ‘the contribution of the faithful to a work’ (*stips a fidelibus oblata*) [Lewandowski 2019b, 136; Idem 2017, 154-55].

Pastuszko believed that the continued use of *stipendium* is not advisable. He also argued that *stips* should not be translated as *stypendium* in Polish (Eng. ‘stipend’), since the word *stipendium* was deliberately omitted from the CIC/83. Accordingly, he clarified the meaning of the Latin term *stips* as belonging to the category of ‘offering’ or ‘mass offering,’ explaining that one speaks of an offering made in honour of God or for the benefit of a public work, or for the maintenance of the poor. In his view, such a term is more appropriate to the sacrificial nature of Holy Mass. In this context, he noted that the expression ‘Mass offerings’ is slightly defective, since it alludes to offerings placed on the tray during Mass (often referred to in this way, too), which are substantially different from the offerings described above, which the faithful make wishing that the fruits of Mass be applied according to their will [Pastuszko 1986, 113-14]. According to Arkadiusz Domaszko, the phrase ‘Mass intentions’ is also used for situations where the faithful specify in detail for which intention, or for whom, Mass is to be celebrated. [Domaszk 2020, 161].

To conclude the above reflections, it seems relevant to cite Górecki, who stressed that the provisions of the CIC/83 on Mass offerings are largely based on older law. He observed that among the 14 canons featured in Chapter III, Book IV of the 1983 Code, only Canon 946 is new; all the others were already present in CIC/17. Górecki believed that the CIC/83 merely refined their content or editing [Górecki 2011, 129]. Still in this vein, we should note that the old-fashioned term ‘stipend’ (*stipendium*) is still used quite

² W. Onclin (relator), *De oblata ad missae celebrationem stipe*, “Communications” 4 (1972), no. 1, p. 57-59; M. De Nicolò (relator), *De oblata ad missae celebrationem stipe*, “Communicationes” 13 (1981), no. 2, p. 430-39.

³ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, p. 1-317; English text available at: https://www.vatican.va/archive/cod-iuris-canonici/cic_index_en.html [henceforth: CIC/83]; legal state as of 18 May 2022.

often, especially in pastoral practice and studies going beyond canonical science [Lewandowski 2015, 97].

2. Just acceptance of Mass offerings

Looking at the interdependence between the CIC/17 and CIC/83 codifications, as pointed out by Górecki, it is worth citing the legal norms concerning the just character of accepting Mass offerings in CIC/17. In the first codification, a priest's right to accept Mass stipends resulted from a legal custom; the very fact of accepting an offering, on the other hand, was linked to the duty of just celebration of Holy Mass according to the donor's intentions even if the stipend had been lost through no fault of the priest. At the same time, one had to apply as many Masses as there were stipends accepted. On the other hand, when the donor did not specify their number, then it had to be determined according to the customary local rate [Bączkiewicz, Baron, and Stawinoga 1958, 30].

Similarly, modern canonists point out that the codified provisions stipulating that a priest incurs the obligation to apply the ministerial fruits for a specific intention follow from legal custom linking it to the "title of justice" [Pastuszko 1986, 114-29; Górecki 2011, 128-40]. An agreement in respect of justice was captured in general terms in Canon 948 CIC/83, and its specification in the form of prescript can be found in Canon 949: "A person obliged to celebrate and apply Mass for the intention of those who gave an offering is bound by the obligation even if the offerings received have been lost through no fault of his own." In this regard, Górecki says that by reason of accepting an offering, a cleric is obliged to celebrate and apply Holy Mass for the intention indicated by those who made the offering. Moreover, regarding cases a Mass offering getting lost, he cites the Roman principle of *res perit domino*, so we can presume that Górecki's thinking is that the title of just compensation lies not in the recipient but in the thing itself since, as he writes, the thing calls out to its owner. On this view, the agreement between the donor and the recipient of a Mass offering contains two elements: a pledge to celebrate Holy Mass and a sum of money. Therefore, if the promised offering is not received by the addressee, then the obligation to apply Mass to the intention does not arise, since the title of just relationship inheres in the thing, not in the recipient [Górecki 2011, 132-33].

A very precise definition of the justice principle in respect of accepting Mass offerings is formulated by Zbigniew Janczewski, who underlines that each offering, by virtue of the justice principle, requires that it be celebrated separately for the intentions of those for whom it was offered and accepted [Janczewski 2014, 76]. It should, then, be noted that Janczewski places lays more emphasis on the fact of accepting an offering than on the recipient himself.

The aspect of maintaining justice in the acceptance of Mass offerings is described the most extensively by Pastuszko. He argues that the Church observes a general rule whereby no agreement is to be made with respect to spiritual things. In his opinion, however, there is an exception to this rule: an agreement arising between the donor and the celebrant. He wrote that canonists universally claim that this agreement binds the recipient of a Mass offering by virtue of justice, who in this way assumes a grave moral responsibility under the norms of Canons 948 and 949 CIC/83 [Szyjczyk 1986, 121]. At the same time, he emphasises that the priest can withdraw from the agreement if he is unable to deliver on his commitment. This can occur if he celebrated Holy Mass invalidly or was unable to celebrate the Eucharist because he lost his health. In this situation, he is obliged to return the whole Mass offering to the donor [ibid.]. This view is not endorsed by Górecki, who claims that a Mass pledge cannot be withdrawn [Górecki 2011, 133].

In his argument, Pastuszko also addressed the *ratio legis* of Canons 948 and 949 CIC/83. He demonstrated that the original 1975 schema of the law on the sacraments envisaged a second paragraph, which would allow the priest to satisfy multiple donors with one Mass sacrifice. He argued that this provision was to become the basis for the practice of collecting small offerings and giving them to the celebrant to request the application of one Mass. At the discussion phase, however, it was pointed out that such an arrangement could become a pretext for abuse if the celebrants themselves, not the donors, began to combine offerings and apply them to a single Mass and thus departing from established agreements. For this reason, the proposal ultimately did not find its way into CIC/83. To understand the legislator's intent even better, the principle "the end does not justify the means" is invoked, pointing out that nothing will justify the aggregation of agreements, not even noble motives [Pastuszko 1986, 122]. Further, while commenting on Canon 949, the legislator observed

that if an agreement for the application of a Mass intention is to be valid, it is immaterial whether the priest lost the offering in good or bad faith, through his own fault or through a random event [ibid.].

In this context, we encounter very practical guidelines for priests helping them to avoid abuse attempted by the lay faithful when entering into Mass agreements. Pastuszko advises against accepting more than one offering from the faithful who the priest is not familiar with and do not reveal their own whereabouts; if they gave, for example, their place of residence, it would be possible, hopefully, to discuss the matter. As Pastuszko argues, if the worshipper misrepresented the amount of the Mass offering placed, then the priest would not incur the obligation to celebrate it. He goes on to explain that if the person did not specify the amount, and the priest agreed to celebrate Mass, then the agreement would be in force. Like Górecki, Pastuszko emphasizes that the agreement becomes effective as soon as the Mass offering is accepted; if this did not occur, the obligation would not materialise [ibid., 122-23].

Ángel Marzoa, too, draws attention to a justice relationship existing between the priest and a worshipper who is making a Mass offering. He does not exclude the right of the priest to refuse the agreement by not accepting the offering. In his opinion, if a presbyter accepts alms nonetheless, then there would be a “relationship of justice” based not on the offering itself, but on the fact of its acceptance. Marzoa believes that the priest who receives and accepts the offering undertakes to celebrate Mass according to the intentions and conditions that the donor has specified. He also recognises two moments in the conclusion of a Mass agreement: receiving a gift and accepting it; only after that an agreement is made [Marzoa 2011, 713].

By way of systematisation, as declared in Canon 948, the acceptance of any offering from a believer obliges the priest to apply his or her intentions in accordance with the agreement, since in such a situation the so-called “knot of justice” is created. The legal grounding of this type of agreements is to be sought in the centuries-long practice alluded to in Canon 945. In Lewandowski’s opinion, a just remuneration for a priest performing sacred services derives not only from custom, but also from natural law [Lewandowski 2019a, 171].

If we apply Hervada’s definition of justice in the area of Mass offerings, we will see that both the obligation to guarantee the thing – Holy Mass

– and the other party’s obligation to provide a Mass offering, do not lie, essentially, in justice interpreted as the priest’s or the worshipper’s virtue, since the core of morality is not the virtue of justice, but the law (*lex*) that does justice. In the case of Mass offerings, what matters is the custom of making offerings when placing Mass intentions. This custom forms the legal basis for the obligation title, which inheres not in persons but in things. What is just is precisely what is due, no more and no less. As Hervada elaborates, whoever gives less does not give to another what belongs to him, what is due to him – this is injustice; whoever gives more gives something that is not due to another – this is magnanimity. On that account, what is just is equal to what is due. Therefore, what is due to a member of the faithful requesting Mass for a specific intention is the specific Mass he asks for, while what is due to the priest from that person is the concrete offering he or she gives [Hervada 2011, 22-42]. As Robert Kantor notes, the existence of law gives rise to the virtue of justice, and not the other way around [Kantor 2017, 149]. In other words, the law (*ius*) – in this the offering – obliges the priest to deliver on the agreement, but not whether it is inherently just or unjust. Similarly, if a believer requests Mass to be applied for an intention, it is less important whether this person leads a holy life or professes low moral standards; as a result, the legal title to submit an intention and demand its application lies not in the worshipper himself, but in the offering. What is more, as noted by Tomasz Jakubiak, the 1983 Code abolished all prohibitions related to the application of Holy Mass (Canon 901) [Jakubiak 2010, 165-66]. If a priest undertakes to fulfil the requesting person’s wish regarding Mass, they will incur an obligation, by virtue of natural law and custom, and if he or she gives an offering, they will perform an act of justice [Calvo-Alvarez 2016, 771].

However, in addition to commutative justice (the thing-for-thing relationship), Hervada also provides criteria to be followed when applying so-called distributive justice, that is, equality, which is not based on the entitlement to possession, but such equality that is based on the proportion between things and persons. Thus, a member of the faithful, when placing a Mass offering, might consider the priest’s status, his abilities, his contribution to society, and his needs [Hervada 2011, 22-36].

The third way in which equality can be warranted is legal justice, based on the premise that a person becomes indebted to the community, so it can demand that the individual contribute to the common good. At this point,

however, we ought to ask: Does this particular agreement seeks to achieve the goal that the existence of the community entails? On this reading, the justice criterion of the act would lie in its orientation towards common good [ibid.]. Tomasz Gałkowski points out that in any law the legislator is concerned with the transmission of the faith contributing to the growth of the community to guarantee the sort of justice that follows from the status of the faithful in the community of the Church [Gałkowski 2020, 188]. Pio Vito Pinto, referring to the general principle formulated in Canon 848, writes that priests should take care that the needy are not denied the help of the sacraments by reason of their poverty, since their very presence in the Church warrants their right to access sacramental graces, and not merely a title resulting from the offering they have made [Pinto 2001, 575].

In this connection, it seems pertinent to ask: Does the amount of the Mass offering, then, matter from the perspective of the justice relationship? In order to answer this, we should note that Canon 952 stipulates that the amount of a Mass offering may be determined by the provincial synod, the assembly of the provincial bishops, or, if relevant instructions were lacking, the prevailing legal custom. This regulation originates in Canon 831 CIC/17, which stipulated that the local ordinary should determine the amount of stipends at a synod or independently, which must be obeyed by all, even non-episcopal orders; a lower stipend may be accepted unless expressly forbidden by the ordinary of the place [Bączkiewicz, Baron, and Stawinoga 1958, 31]. At this point, it should be noted that as early as in CIC/17, the fixing of the amount of the Mass offering did not have the nature of a law restricting the exercise of rights, since the universal legislator at that time required local ordinaries to place a separate act forbidding the acceptance of lower stipends than those established by the particular legislator. All the more so nowadays, as Górecki and Pastuszko underscore, a priest may accept a lower offering than an act of particular law or local custom prescribes, especially that he is urged to do so by Canon 945 § 2 CIC/83 § 2011 [Górecki 2011, 135; Pastuszko 1986, 127-28]. Thus, from the perspective of systemic solutions, any offering made by a member of the faithful and accepted by the priest is just, since the legislator does not assume bad faith in those faithful who ask to apply Mass for their intentions (the intention to deceive, make a low offering out of disrespect or calculation). On the contrary, priests are encouraged to celebrate Mass even without an offering placed, as per Canon 945 § 2. Nowhere in the CIC/83

does the legislator obligate the faithful to make an offering [Calvo-Alvarez 2016, 773-74].

Of course, the opposite can also happen when the faithful make very high offerings. In those cases, as believed by canonists, justice requires that the amount offered be split and stipends be funded for other priests in accordance with the amount adopted in the particular legislation or established by custom – unless the donor makes a point of applying the offering for one Mass; in such a situation, the will of the donor should be respected. It may also happen that the donor will not specify the number of Masses, in which case the priest should apply a rate acceptable for the donor's place of residence; if there were indications of this, it could also be presumed that the donor meant the rate established for the place of residence of the celebrant [Bączkiewicz, Baron, and Stawinoga 1958, 30; Górecki 2011, 133; Pastuszko 1986, 123-24].

At the same time, we should note that in Canon 953 the legislature provides for a cap on the number of agreements between one priest and a member of the faithful for the application of Mass intentions. To wit, a priest may not accept too many Mass offerings that he will not be able to satisfy within a year counting from the date of acceptance. Instead, he may transfer them unless the donor wishes otherwise [Gałkowski 2019, 2678]. For this reason, it is suggested that the date of acceptance of the intention be recorded, since after some time the recipient may forget when the intention was accepted, because, as a rule, he should not hold any intention unsatisfied for more than a year according to Canons 953, 955, 956 [Pastuszko 1986, 118-34]. Referring to Hervada's theory of justice, it can be said that since there is no legal basis because the legislator imposes a limitation on the number of possible agreements, the priest has no title to hold "excess" offerings, but is to transfer them elsewhere [Hervada 2011, 38]. Further, if someone asks to apply 400 Masses, the priest has no right to accept them all for himself [Pastuszko 1986, 128]. Domaszek, in contrast, points out that it must be remembered that of paramount importance is the fulfilment of the Church's mission, not the mere accumulation of goods or money for an unspecified cause [Domaszek 2016, 87].

In order to understand the mechanism of receiving Mass offerings, it is necessary to refer to the nature of offerings, as provided by Canon 946 CIC/83, which lists three purposes of Mass offerings: particular Churches, maintenance of priests, and works of the Church. In the original

schemata for this canon, the power to dispose of Mass offerings was transferred wholly from the priest to the diocesan bishop, with a proviso, however, that if the bishop determines such ecclesiastical purposes for which all Mass offerings must be given in full, it then becomes unobvious who will be obliged to apply the fruits of the Mass in virtue of the offerings accepted.⁴ Ultimately, this proposal was dismissed, but the adopted version of Canon 956 retains the element of gradation by stipulating that Mass offerings first serve the good of the particular Church, then the maintenance of priests and the good of the universal Church. Pastuszko underlines that for this reason Mass offerings cannot be viewed as a means to “take care of the needs of the Church,” but they “add to the welfare the Church” as a manifestation of the faithful’s shared concern for the maintenance of ministers and various works. In his opinion, the universal legislator prescribes on many occasions that intentions for which a small offering has been donated should be accepted, as these should not be the main source of the priest’s livelihood, because if Mass offerings did not exist, after all, the church community would still bear the cost of the priest’s upkeep. Similar conclusions were drawn by German canonists, suggesting that a priest should celebrate the Mass for the intentions of the poor, as this is one of the duties arising from the fact that the community of the Church provides him with means of sustenance [Pastuszko 1986, 122, 127-28; Aymans and Mörsdorf 1991, 945].

Thus, in compliance with a general rule, no matter how many Masses a priest celebrates in a day, he can only accept one Mass offering for the application of the fruits of the Mass. Even a poor priest cannot retain an offering for the application of the second or third Mass. Only an indult from the Holy See could authorize a priest to keep a Mass for himself offering made by reason of bination or trination. Local ordinaries sometimes enjoy such an indult, so they allow a binating priest to collect a Mass offering on account of the application of the second, possibly third Mass according to the intention of the donor, but with the obligation to return the Mass offering to the ordinary. The norm set forth in Canon 951 § 1 is subject to only one exception: a priest is allowed to celebrate three Masses on Christmas Day, and he may accept Mass offerings for each of these

⁴ W. Onclin (relator), *De oblata ad missae celebrationem stipe*, p. 57-59; M. De Nicolò (relator), *De oblata ad missae celebrationem stipe*, p. 430-39.

applications. However, as we have noted, it is also possible to apply the *Missa pro populo* on Sunday without accepting any offering and, by reason of the second Mass celebrated on the same day, accept a Mass offering. This entitlement, granted in Canon 951 § 2, can be used by all those obligated to celebrate Mass for the people entrusted to their pastoral care on all Sundays and holy days of obligation in the diocese. Pastuszko gives a detailed listing: the Roman Pontiff and the other diocesan bishops (Canon 388), territorial prelate (Canon 370), territorial abbot (Canon 370), apostolic vicar (Canon 371 § 1), apostolic prefect (Canon 371 § 1), apostolic administrator appointed on a permanent basis (Canon 371 § 2), superior of a personal prelature [Pastuszko 1986, 127], administrator of a vacant diocese (Canon 429), pastor (Canon 534), the priest of a quasi-parish (Canon 516 § 1), pastor of a mission parish (Canon 374 § 1), pastor of a personal parish (Canon 518), a parochial vicar in charge of a vacant parish before a parish administrator is appointed by the bishop (Canon 541 § 1), parish administrator (Canon 540 § 1), one of the priests appointed pastor *in solidum* (Canon 543 § 2, 2^o) [ibid., 124].

To conclude, from the perspective of the principle of justice, the amount of an offering is only relevant in the case of a large offering, because then the question emerges whether the priest has divided the money in keeping with prescribed rates, since these implicitly individual agreements will be valid, not one collective agreement. Importantly, too, if a priest accepts more offerings than mandated by the law, not for himself but with the intention of transferring them elsewhere, these agreements will also be valid.

3. Right acceptance of Mass offerings

The issue of the right acceptance of Mass offerings is related to the issue of agreements. As Domaszko points out, an essential part of any administration is the conclusion of agreements, which he defines as legal acts manifesting the agreed declarations of intent of the contracting parties, where the parties are physical or legal persons. In his clarification of this issue, he notes that canon law is the essential reference point for an ecclesiastical subject who enters into an agreement; as regards the pertinent general legal principles, it will be equity [Domaszko 2016, 87].

With respect to this issue, he invokes the principle set forth in Canon 947: “Any appearance of trafficking or trading is to be excluded entirely

from the offering for Masses.” He explains that in the phrase *negotiatio vel mercatura*, the word *negotiatio* means ‘trading financial instruments’ or ‘exchange rate speculation,’ while *mercatura* denotes ‘a commodity transaction’ [Pastuszko 1986, 121].

In a sales agreement, the exchanged goods should be of equal value, but by definition not the same; the thing sold is the object and the amount paid is expressed in money [Hervada 2011, 36]. Considering this principle, we must stress as forcefully as possible that Christ present in the Eucharist cannot be equated with money – this would be reprehensible, which is why the legislator in Canon 947 orders unconditionally that even a semblance of monetary speculation and trading must be eschewed.

According to Remigiusz Sobański, the canon involves the presumption of equity, both natural and that which springs from the tenets of Christianity. It is assumed that ecclesiastical law embodies the spirit of Christianity, including clemency and gentleness; also, church laws are in force because they are equitable, and their application is “the fulfilment of equity” [Sobański 2001, 99-100]. To meet the criteria of Canon 947, it seems that for Mass agreements the case involves not so much a sale agreement but rather an exchange agreement. In an exchange agreement, as Hervada emphasises, things are not identical – and this goes without saying – but should be of equal value. However, he points out that there is no correlation or compliance between a person and money in the case of goods of a different nature – that is, what matters here is not impossibility of monetary valuation, but the lack of link. From the perspective of justice, there is no duty to make a monetary compensation as valuation is impossible; an impossible equitable compensation can be substituted with monetary compensation that satisfies the principle of equity. This compensation is only equitable because in this case it cancels a debt of justice [Hervada 2011, 59-60]. There are cases, in fact, where the inequality between the subjects creates such an imbalance between what is due and what is offered that the debt cannot be satisfied except only partially; as Hervada explains, this is because what is given and what is received follows from goods of a different nature [ibid., 39].

He further argues that the act of valuing Holy Mass is impossible justice-wise, so the valuation of a Mass intention therefore is done not in the categories of justice, but equity. Similarly, according to Tomasz Jakubiak, the priest’s application of the ministerial fruits, which fall to the one

for whom the Mass is celebrated whether he or she attends the Mass, should be considered as a right rather than just act, since it is an undeserved gift, which is based on a custom endorsed by the Church and expressed in the fact that someone wants to benefit from the sacrifice of Holy Mass for himself or prays for others [Jakubiak 2010, 157-58].

In this connection, therefore, there comes the question what will happen if a member of the faithful requests the Mass to be applied for his or her intentions, but does not make an offering, and thus the priest does not fall under an obligation, since the relation of justice does not obtain. The interpretation of this case will rely on Canon 945 § 2, which provides as follows: “It is recommended earnestly to priests that they celebrate Mass for the intention of the Christian faithful, especially the needy, even if they have not received an offering.” This regulation, according to Calvo-Alvarez, demonstrates that the legislator is guided not by justice, but by equity. In other words, then, we are not dealing here with a duty, hence conduct that is just but equitable. Referring to this hypothesis, Vito Pio Pinto stresses that a priest should always be ready to celebrate Mass for the intentions of the poor, even without accepting any offerings [Calvo-Alvarez 2016, 774; Pinto 2001, 575].

The wording of Canon 945 § 2 has the form of an earnest recommendation. Referring to this issue, Gałkowski writes that “the priest is not to require the faithful to make an offering but may accept one already made and should remove any appearance of transaction or commercialism in the celebration of the sacraments, always remembering the poor” [Gałkowski 2019, 2678]. This reflection should be regarded as encapsulating the doctrine of preserving the principles of justice and rightness in the reception of Mass offerings. Particularly noteworthy in the context of the relationship between the priest and the donor is the assertion that “the priest is not to require the faithful to make an offering but may accept one already made.” As we have demonstrated above, the offering made organically fits into the relationship of justice here. Also, it should be noted that the system solutions do not preclude accepting a Mass intention and its application without collecting an offering. This hypothesis clearly reveals the discretionary nature of the relationship grounded in the idea of equity [Calvo-Alvarez 2016, 774; 2010, 706]. As emphasized by Sobański, there is no doubt that canonical equity should be applied when there is no provision of law for a particular case. From the wording of Canon 945 § 2,

which does not have the nature of a prescriptive norm, it should be inferred that the above is a case of equitable conduct. This thesis is borne out by the doctrinal assertion that the lack of payment cannot prevent the celebration of Mass [Sobański 2001, 100; Calvo-Alvarez 2016, 774]. Ireneusz Staniszewski believes that equity is but one manifestation of rightness. It should be emphasized that right conduct is both dignified and equitable. It should be clarified that conduct is good if it is intended to respect the dignity of the human person, and if it goes a step further to affirm this dignity; and equity is the result of a good intention and good conduct, just as justice is the result of obeying the law. Applying this doctrine to the area of Mass offerings, both the one who administers the sacrament and the one who receives it through his or her action (which in this case are “the manner of performance” and “the satisfaction of the conditions for its reception”) affirm the dignity of this sacrament and thus Christ Himself and His sacramental grace [Staniszewski 2007, 389].

In the context of our analysis, there emerges the problem of simony. As aptly pointed out by Palka, not every agreement on Mass offerings and applications of intentions is simoniacal [Palka 2011, 226-27]. It is generally accepted in the doctrine that such agreements meet the criteria of justice; however, not every agreement whose objects are the sacrifice of Holy Mass on the one hand and a Mass offering on the other can be described as just. However, the fact that it is not just does not make it unright [Calvo-Alvarez 2010, 713].

To sum, the priest, in addition to behaving justly when accepting an offering for the celebration of the Mass, should also be an act right by applying it for the intentions of the person ordering it even if the person does not give an offering, since this aligns with the nature of Christ’s sacrifice made during the celebration of the Eucharist.

Ultimately, the issue of accepting Mass offerings, while apparently very practical, is a rather sensitive issue. Injustice shown when accepting Mass offerings may be, in fact, not so much a realization of justice as a violation of the law – an offence occurring when the priest sets (i) a smaller number of Masses than the offering can cover; (ii) when the donor does not indicate the number of Masses to be celebrated (Canon 950) and the priest accepts more than one offering for himself on one day except on Christmas (Canon 951 § 1); (iii) when he combines intentions and Mass offerings accepted separately (Canon 948). Górecki gives a detailed list of what

constitutes an offence related to acceptance of Mass offerings and undermines the validity of the proper understanding of Holy Mass: collecting intentions in one country in order to pass them to another country at a profit; collecting intentions and Mass offerings with the intention of handing them over to another celebrant for some consideration; increasing the requirements by virtue of an extrinsic title in bination and trination of the Mass (Canon 952 § 1) except in the case of reimbursement of expenses incurred; taking away from a Mass offering when giving it to other priests to celebrate Mass (Canon 955 § 1) [Górecki 2011, 131].

Conclusion

In cause-and-effect terms, an external observer can precisely identify the interdependence between a Mass offering made and the cleric's duty to celebrate Mass. This is because norms governing obligations and agreements are at play here. However, focusing only on the external dimension, that is, on the thing represented by the sacrifice of Holy Mass and the "service" of Mass celebration would be a peculiar distortion of the essential issue, so the present study pays special attention to the values integral to the nature of canon law, such as justice and rightness. Only their realization in the process of incurring Mass obligations is decisive for the authentic good of the souls of both the priest, the faithful, and particular Churches, and the universal Church.

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