

SUPPRESSION (DISSOLUTION) OF PARISHES PURSUANT TO THE PROVISIONS OF THE CANON LAW

Rev. Dr. habil. Jerzy Adamczyk

The John Paul II Catholic University of Lublin, Poland
e-mail: ksjerzyad@wp.pl; <https://orcid.org/0000-0003-1415-7378>

Dr. Karolina Mazur

The Pontifical University of John Paul II in Krakow, Poland
e-mail: karolina.mazur@upjp2.edu.pl; <https://orcid.org/0000-0001-8551-9239>

Abstract. In Cano. 515 § 2 of the 1983 Code of Canon Law, the ecclesiastical legislator stipulates that “[...] the abolition of parishes, [...] belongs exclusively to the diocesan bishop, who may not [...] abolish them, [...] without hearing the council of priests.” Although a parish, as a defined community of the faithful, is erected on a permanent basis in the particular Church, the legislator himself provides for the possibility of its liquidation when the appropriate canonical prerequisites for this occur with the prescribed procedure. The subject of this submission is the issue of the liquidation of a parish in terms of the norms of canon law. The article is an attempt to answer the questions – problems: whether there is the possibility of liquidation of a parish and what are the reasons for this, which ecclesiastical authority is authorized to abolish a parish, and what is the case of the procedure associated with this act.

Keywords: parish; bishop; priestly council; consultation; decree.

INTRODUCTION

By the decree of His Excellency the Bishop of N. dated 24th July 1992, the said parish of N. was suppressed and its church reduced to profane but not sordid use.¹ “Having considered the need for further reorganisation of the parishes of the archdiocese according to criteria more in line with the current pastoral needs and the changed distribution of the population, having regard to the request submitted on 3rd February 2021 by Father Giovanni Montigli,

¹ Supremo Tribunale della Segnatura Apostolica, *Suppressionis paroeciae et reductionis ecclesiae in usum profanum non sordidum*, Decreto definitivo (4 maggio 1996) Prot. N. 25500/94 CA – Em.mo Agustoni, Prefetto, Ponente, “*Ius Ecclesiae*” 10 (1998), no. 1, p. 189.

administrator of the parish of S. Zanobi in Casignano, having noticed that the Vicariate has carefully considered what needs to be done and that the presbyteral council (Cano. 515 § 2 of the 1983 Code of Canon Law²), in its meeting of 4th February 2021 gave a favourable opinion [...] I decree that the parish of S. Zanobi a Casignano, located in the Vicariate of Scandicci, with its seat at Via S. Zanobi, 3, shall be suppressed as of 30th March 2022.”³

The decisions of competent ecclesiastical authorities quoted above and many other similar acts show how Cano. 515 § 2 CIC/83 is implemented in practice: “It is only for the diocesan bishop to erect, suppress, or alter parishes. He is neither to [...] suppress [...] parishes, unless he has heard the presbyteral council.” Although a parish, as a specific community of the faithful, is erected in a stable manner in a particular Church [Szaftowski 1991, 57],⁴ the legislator itself provides for the possibility of its suppression when there are appropriate canonical grounds for doing so, in compliance with the prescribed procedure.

The subject of this study will be the question of suppression of a parish in the aspect of the norms of canon law. This gives rise to a number of questions, such as: ‘Is it possible to suppress a parish and what are the reasons for doing so?’; ‘Which ecclesiastical authority is entitled to suppress a parish?’ and ‘what is the procedure involving this act?’ This article attempts to answer the questions presented as research problems.

1. THE CANONICAL POSSIBILITY OF SUPPRESSING A PARISH

The ecclesiastical legislator defines a parish in Cano. 515 § 1 CIC/83 as a certain community of the faithful, stably constituted in a particular Church and being the basic organisational unit distinguished in the ecclesiastical community. The parish community is defined, i.e. it has its boundaries. The criteria defining the boundaries of a parish can be subjective and objective. First of all, it is the territory in which the faithful have their place of residence (Cano. 107 § 1 CIC/83) [Coccopalmerio 2012, 907-16; Conn 2003, 262-63]⁵ and then it is the belonging of the faithful to a special category

² *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, pp. 1-317 [hereinafter: CIC/83].

³ Arcivescovo di Firenze, *Decreto sulla soppressione delle parrocchie di S. Zanobi a Casignano* (30 marzo 2022), www.santamariascandicci.it [accessed: 08.10.2024].

⁴ The community of the faithful constituting a parish must be ‘erected in a stable manner’ and so an element of stability is required. This is contained in the act of erection: the erection of a parish by a competent ecclesiastical authority gives the community constituting it a stable character.

⁵ In order to belong to a territorial community, it is sufficient to belong to a particular territory. This means that other subjective conditions, specific to each person and therefore varying from person to person, are not required, e.g. social status, level of education, different forms of spirituality or possible membership of ecclesial associations or movements. The only necessary

of people, i.e. military, emigrants, faithful of a separate rite or nationality, or constituting a separate language group. With regard to the above, parishes can be territorial and personal [Krukowski 2005, 411] although in principle they are defined by territory (Cano. 518 CIC/83).

A defined community of the faithful, such as a parish, is constituted in a stable manner (*stabilter constituta*) as part of a particular Church. 'Stably' means that the parish is established for an indefinite period of time; it is not a temporary community of the faithful, it is not simply an ordinary community or association of the faithful. 'Constituted' means that the creation of a parish takes place by an act, i.e. a decree, of the diocesan bishop after consultation with the presbyteral council. This is an act of a constitutive nature which erects the community of the faithful and configures it as a parish community. The same procedure is required in the case of a substantial change (e.g. boundaries) and the suppression of a parish (Cano. 515 § 2 CIC/83) [Coccopalmerio 1989, 130].

Once formally established, a community of the faithful, i.e. a parish, has the right to a permanent existence. The canonical figure of the parish is an artificial legal construct that does not cease to exist even though individual parishioners die and pastors change or are transferred to another parish [Ahlers 1985, 1988, can. 515/2].⁶ In this connection, Reinhild Ahlers states that "a parish is established permanently, i.e. not just for a certain period of time. If it is not possible, not advisable or not appropriate to establish a parish, a quasi-parish can be established (Cano. 516 § 1 CIC/83) which is equivalent to a parish. Since a parish is established in a permanent manner, it exists even if the position of pastor is not filled. This means that it is not the particular pastor as a person who is constitutive of the parish, but the office of the pastor which continues to exist even during a vacancy. Conversely, the same cannot be said of the faithful. There are no faithful as such, only particular and individualised faithful" [Ahlers 1985, 1988, can. 515/3-4].

A parish is a public legal entity (Cano. 515 § 3 CIC/83) [Daly 2004, 446-47]⁷ which by its nature is perpetual (Cano. 120 § 1 CIC/83) [Coriden 2010,

and sufficient condition for belonging to a territorial community is to have been baptised in the Catholic Church or to have been received into full communion with it and to have resided permanently or temporarily in the territory concerned.

⁶ While the term 'community' is to be understood biblically and theologically, the term 'parish' primarily encompasses the legal (canonical) dimension. The term 'parish' is an attempt to add the idea of a living community of believers to the legal dimension of the parish. The term 'parish community' attempts to enrich the legal dimension of the parish with the idea of a living community of believers.

⁷ A parish is a public ecclesiastical legal person by virtue of the law itself and is a subject of rights and obligations. A parish is a public, non-ecclesiastical legal person composed of a collective of persons. It is public because it has been established by a competent ecclesiastical authority and acts officially on behalf of the Church.

31-52],⁸ can be suppressed (Cano. 120 § 1 CIC/83), merged with other parishes to form a new parish (Cano. 121 CIC/83) or divided and joined to other parishes; also, a new parish can be formed from a separated part of another one (Cano. 122 CIC/83). The competent authority in this regard is the diocesan bishop (Cano. 515 § 2 CIC/83) [Provost 1993, 363].

The erection of a parish is an act that creates a new legal entity. Its opposite is the act of suppressing a parish making it cease to exist as a legal entity. These legal acts belong to singular administrative acts which are also called singular administrative decrees [Sztafrowski 1991, 65].

At this point, the question must be asked, “what is to be understood by the term ‘suppression (dissolution) of a parish?’”. This question was answered by the Congregation for the Clergy explaining that “there are four possible types of modification of a parish which are referred to by different terms, sometimes interchangeably, in different languages, leading to imprecision in decrees and other canonical documents. Such documents, however, cannot afford to be imprecise. For instance, all the four types of modification are sometimes referred to as ‘suppressions’, but it is by far best to restrict the use of this term in canonical documents to the fourth type in order to avoid confusion.⁹ Likewise, the type of the intended merger of a parish should be clearly indicated in the bishop’s decree. The four types of modification of a parish in operation are: 1) the suppression of parishes by extinctive union (sometimes known as merger), i.e. parishes A and B merge to form C, only parish C remains (Cano. 121 CIC/83); 2) the suppression of parishes by extinctive union (sometimes known as merger or amalgamation), i.e. parish A merges with B, only parish B remains (Cano. 121 CIC/83); 3) total division, i.e. parish A splits into B and C. Only parishes B and C remain (Cano. 122 CIC/83); and 4) suppression, i.e. parish A is suppressed, which means that the parish is extinguished (Cano. 123 CIC/83).¹⁰ The Congregation also adds that “since parishes are communities

⁸ Once a community of believers has been erected and declared a parish, it must be allowed to continue, to exist, to act and to develop. Canon law contains a strong presumption in favour of its continuance as long as it is viable. As a legal person, it is perpetual by its very nature (Cano. 120 § 1 CIC/83).

⁹ The diocesan bishop may only suppress a parish if there are no longer any parishioners living in the area. Usually, however, the bishop merges or consolidates parishes as part of a restructuring of the diocese.

¹⁰ Congregation for the Clergy, *Circular Letter and Procedural Guidelines for the Modification of Parishes and the Closure, Relegation and Alienation of Churches* (30 April 2013), No. 1c, “The Jurist” 73 (2013), pp. 211-19 [hereinafter: Guidelines]. “Likewise, it should be noted that some commonly-used terms in these processes [i.e. changes in parishes – in the view of the authors of this article], e.g. ‘suppression’, have both a broad non-technical meaning as well as a precise canonical meaning. In order to avoid unnecessary confusion, it is best in canonical documents to avoid the non-technical use of such terms.” Ibid., Introduction.

of the faithful, territorial parishes, as a rule, can only be merged or divided (cf. Cano. 121 and 122 CIC/83). Although as a matter of fact, personal parishes are occasionally suppressed (cf. Cano. 123 CIC/83), they are usually merged or divided, either with another personal parish or even with a territorial parish” (Guidelines No. 1d) [Daneels 1998, 119].¹¹ Bearing in mind the quoted statement from the *Letter from the Congregation for the Clergy and Procedural Guidelines for the Modification of Parishes*, there is, in practice, no complete closure of a parish or any other public juridical person referred to in Cano. 123 CIC/83 (whereby nothing remains of it; it is extinguished). There are only substantial modifications which actually suppress a particular parish and this is the subject of these thoughts. This conclusion is confirmed by the instruction of the Congregation for the Clergy *The pastoral conversion of the Parish community in the service of the evangelising mission of the Church*, which states that “the grouping of parishes, including their erection or suppression, is enacted by the diocesan Bishop, as envisioned by the norms of Canon Law, namely through extinctive union, where one Parish merges into another, being absorbed into it and losing its former individuality and juridic personality; alternatively, this can be effected through a true and proper fusion, that gives life to a new and unique parish, resulting in the suppression of the existing parishes and their juridic personality; or, finally, by division of a parish community into several autonomous parishes that are created *ex novo*. Moreover, the suppression of Parishes by extinctive union.”¹²

The Italian Bishops’ Conference states that “both merger by incorporation and a true and proper fusion constitute a legal event characterised by continuity in the sense that by incorporation the absorbing parish under a merger takes over all the legal titles of the incorporated parish, in the same manner that the new parish created by a true and proper fusion takes over all the legal titles of the extinct parishes.”¹³

¹¹ It should be noted that Cano. 515 § 2 CIC/83 also applies to the suppression of personal parishes since the reservation to this decision for the Holy See provided for in Cano. 216 § 4 of the Pio-Benedictine Code has not been maintained in the current Code.

¹² *Instruction ‘The pastoral conversion of the Parish community in the service of the evangelising mission of the Church’ of the Congregation for the Clergy* (20.07.2020) [hereinafter: IPC], <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2020/07/20/200720a.html> [accessed: 13.12.2024]. ‘Suppression of a parish through extinctive union’ is included in the three items listed in No. 48. Cf. Conferenza Episcopale Italiana, *Nota Parrocchie soppressione, mutamento sostanziale, fusione* (22.02.2024), <https://giuridico.chiesacattolica.it/nota-in-ordine-a-vicende-estintive-e-modificative-delle-parrocchie> [accessed: 13.10.2024], p. 1.

¹³ Conferenza Episcopale Italiana *Nota Parrocchie...*, p. 1.

2. AUTHORITY COMPETENT TO SUPPRESS A PARISH

The Second Vatican Council's Decree Concerning the Pastoral Office of Bishops in the Church *Christus Dominus* states that "the same concern for souls should be the basis for determining or reconsidering the erection or suppression of parishes [...] which the bishop is empowered to undertake on his own authority."¹⁴ Furthermore, the *motu proprio Ecclesiae Sanctae* recalls that "the bishop of the diocese on his own authority can establish or suppress parishes or change them in any way."¹⁵ This right of the diocesan bishop is a part of the broad powers to exercise the pastoral office which were recognised by the Council Fathers in the decree *Christus Dominus* (CD 8) and set out in Cano. 381 § 1 CIC/83.

The ecclesiastical legislator stipulates in Cano. 515 § 2 CIC/83 that "it is only for the diocesan bishop to erect, suppress, or alter parishes" as the ordinary authority to erect parishes is vested in him. Therefore, it is within the diocesan bishop's exclusive competence to perform the administrative acts listed in this canon. In interpreting the provision cited above, one must also bear in mind Cano. 134 § 3 CIC/83 according to which: "Within the context of executive power, those things which in the canons are attributed by name to the diocesan bishop are understood to belong only to a diocesan bishop and to the others made equivalent to him in Cano. 381 § 2 CIC/83 excluding the vicar general and episcopal vicar except by special mandate." Thus the vicar general and the episcopal vicar are expressly excluded. They can only perform the act of erection after obtaining a special mandate from the diocesan bishop. Legally equivalent to the diocesan bishop are the territorial prelate, the territorial abbot, the apostolic vicar, the apostolic prefect and the apostolic administrator at the head of the apostolic administration erected in a stable manner and the military ordinary (Cano. 381 § 2 CIC/83) [Szafranski 1991, 65-66].

It can be deduced from the norm of Cano. 515 § 2 CIC/83 that the diocesan administrator does not have the authority to erect, suppress or alter parishes although this is not explicitly stated in the CIC/83. On the one hand, however, this follows from the principle *sede vacante nihil innovetur* contained in Cano. 428 § 1 CIC/83. On the other hand, it can be deduced from Cano. 525 CIC/83 according to which the diocesan administrator may not, in principle, even appoint pastors (only if the see has been vacant for a year). Hence, it is fair to think that a diocesan administrator may not erect a parish

¹⁴ Concilium Oecumenicum Vaticanum II, Decretum de pastorali Episcoporum munere in Ecclesia *Christus Dominus* (28.10.1965), AAS 58 (1966), pp. 673-701 [hereinafter: CD], no. 32.

¹⁵ Paulus PP. VI, *Motu proprio Ecclesiae Sanctae* (06.08.1966), AAS 58 (1966), pp. 757-87 [hereinafter: ES], no. 21 § 3; Sacra Congregatio pro Episcopis, Normae Directorium de pastoralis ministerio Episcoporum *Ecclesiae imago* (22.02.1973), Città del Vaticano 1973 [hereinafter: EI], no. 177.

until one year after the episcopal see has been vacant [Ahlers 1985, 1988, can. 515/5; Szaftowski 1991, 66].

The act of suppression of a parish in the circumstances outlined above is a legal transaction of great importance that does not take place very often and, moreover, requires great prudence and responsibility on the part of the bishop (Guidelines 1e).¹⁶ The Guidelines of the Congregation for the Clergy also recall that “jurisprudence indicates that an extinctive union or suppression should be the last choice when dealing with various problems affecting parochial life, insofar as other possible remedies have been at least considered beforehand and ruled out” (Guidelines 1g).

Hence, in order for parishes to be suppressed, there must occur a reason commensurate with this act. It should be noted, however, that the ecclesiastical legislator makes no mention of the causes for the suppression of a parish. The cause is usually of pastoral nature, i.e. either too many worshippers or too large a territory, or other causes that make pastoral activity less effective [Barcelón Maicas 1984, 32-33]. Brendan Daly reminds us that “a parish is a community of the faithful which, being a legal person by the law itself, is perpetual by its nature (Cano. 120 § 1, 515 § 1 and 3 CIC/83). It must not be suppressed or even significantly altered without a just cause” [Daly 2004, 447].

The Instruction of the Congregation for the Clergy *The pastoral conversion of the Parish community* points out that “the suppression of parishes by extinctive union is legitimate for causes directly related to a specific parish. Some causes are not sufficient, such as, for example, the scarcity of diocesan clergy, and the general financial situation of a diocese, or other conditions within the community that are presumably reversible and of brief duration (e.g., numerical consistency, lack of financial self-sufficiency, the urban planning of the territory). As a condition for the legitimacy of this type of provision, the requisite motivations must be directly and organically connected to the interested parish community, and not on general considerations or theories” (IPC 48). Thus, the reasons for suppressing a particular parish must be individualised. This is confirmed by the Instruction *Pastoral Conversion* which provides that “with respect to the suppression of parishes, the decree must clearly state the reasons that led the bishop to make this decision. The just cause therefore, must be specifically indicated, it being insufficient simply to refer to the ‘good of souls’” (IPC 50).

The guidelines of the Congregation for the Clergy also note that in judging whether there is the required just cause in the case of a proposed

¹⁶ “The authority competent to erect, suppress, or notably alter parishes is the diocesan bishop or those equivalent to him in law (Cano. 381 § 2, 368 and 515 § 2 CIC/83). He is competent to judge the existence of the required just cause, but his judgement must conform to ecclesiastical jurisprudence.”

modification of a parish (cf. Cano. 515 § 2 CIC/83) or the required grave cause in the case of the closure and relegation of a church (cf. Cano. 1222 § 2 CIC/83), each case must be considered separately. Although the bishop may take into account the needs of surrounding parishes or even of the diocese as a whole, he must always justify his decree with a reason that is specific, i.e. *ad rem*, to the parish or church in question (Guidelines 1b and 1h).

The editors of the Instruction *The pastoral conversion of the Parish community* state that the reason for the suppression of parishes can be “more effective pastoral care of the People of God, the ‘key factor’ of which is proximity” (IPC 44) and that the extinctive union of parishes (one of the forms of suppression of parishes) should be effected “with particular attention given to specific territories, the establishment of which must take into consideration the homogeneity and customs of the inhabitants, together with the common traits of the area, in order to foster a close relationship between parish priests and other pastoral workers” (IPC 45).

It should be noted that many ecclesiastical documents present the reasons for the suppression of parishes in a very general way; pastoral work can be carried out ‘only with difficulty or less effectively’ (ES 21 § 1), ‘concern for souls’ (CD 32; ES 177), ‘the good of the faithful’ (Guidelines 1f).¹⁷

At this point, it would be worthwhile to exemplify some of the reasons for the suppression of parishes contained in specific decrees on this issue. In a decree merging four parishes the Archbishop of the Canadian Archdiocese of Ottawa-Cornwall gives the following reasons for his decision: to increase the effectiveness and efficiency of the mission by reducing the number of parishes in the region; to allow the pastor to focus on evangelisation and development of the parish; to gather enough volunteers to organise vibrant parish liturgies with the possibility of welcoming and hosting their participants after the Holy Mass.¹⁸

The Archbishop of Florence, on the other hand, in his decree to suppress a parish vindicates his decision by referring to the need for “further reorganisation of the parishes of the archdiocese according to criteria more in line with the current pastoral needs and the changed distribution of the population.”¹⁹ In the decree on the suppression of the parishes of Santa María de la Encarnación and San Ignacio de Loyola in the Diocese of Málaga, the reasons that the bishop judged as sufficient for this act were “the social

¹⁷ Congregatio pro Episcopis, *Direttorio per il ministero pastorale dei vescovi* (22.02.2004), Città del Vaticano 2004 [hereinafter: AS], no. 215.

¹⁸ Archbishop of Ottawa-Cornwall, Decree *Extinctive union of the parish of St. Catherine of Sienna in Greenfield with the Parish of St. Finnan in Alexandria* (20.09.2023), Prot. N.D. 11/2023, https://stfinnan.ca/wp-content/uploads/2023/09/11-2023-St_Catherine_of_Sienna_Greenfield-Extinctive_union_St_Finnan_Alexandria.pdf [accessed: 17.10.2024].

¹⁹ Arcivescovo di Firenze, *Decreto sulla soppressione delle parrocchie di S. Zanobi a Casignana*.

and demographic changes that have occurred in the area [...] as well as those that are likely to occur in the near future, make it advisable at present to suppress the parishes of Nuestra Señora de la Encarnación and San Ignacio.”²⁰

The decree on the suppression of the parish of Santa Teresa de Jesús in the city of Badajoz, Spain, gives the following reasons for the suppression of the parish: the departure in September 2019 of the Carmelite community that had served the parish since its canonical erection, the small size of its territory and the insufficient number of faithful served who can easily be entrusted to the pastoral care of the neighbouring parishes.²¹ The lack of a parish church, the undertaking of pastoral activities in rented premises and the small number of inhabitants who are involved in parish life make it advisable to suppress the parish and incorporate its territory into the neighbouring parishes.²²

The decree on the suppression of the parish of St Andrew the Apostle in the city of Lleida (Spain) cites the following reason for the suppression of the parish: “the parish of St Andrew the Apostle, in the city of Lleida, canonically erected by decree of the Bishop of Lleida [...] on 18th November 1973, has seen a significant decline in population in recent years the consequence of which was a small number of pastoral services and a reduction in the dynamism of sacramental life.”²³

3. PROCEDURES AIMED AT SUPPRESSING A PARISH

Pursuant to Cano. 515 § 2 CIC/83, the decision to extinguish a parish is within the exclusive competence of the diocesan bishop, but it cannot be an arbitrary action. Since it is an act of great importance, the decision to effect such an act must be mature, well-considered and based on convincing grounds. Pursuant to the provision of Cano. 50 CIC/83, issuing a singular decree, the ecclesiastical superior should seek out the necessary information and proofs and, insofar as possible, hear those whose rights

²⁰ Obispo de Málaga, *Decreto para la supresión de las parroquias de Santa María de la Encarnación y San Ignacio de Loyola* (24.06.2022), <https://www.diocesismalaga.es/313015-/2014056389/decreto-para-la-supresion-de-las-parroquias-de-santa-maria-de-la-encarnacion-y-san-ignacio-de-loyola> [accessed: 17.10.2024].

²¹ Arzobispo de Merida-Badajoz, *Decreto de supresión de la Parroquia de Santa Teresa de Jesús, en la ciudad de Badajoz* (25 de marzo de 2023), <https://www.meridabadajoz.net/wp-content/uploads/2023/04/Dcreto-Supresion-Parroquia-Santa-Teresa-Badajoz.pdf> [accessed: 17.10.2024].

²² Arzobispo de Santiago de Compostela, *Decreto de supresión de la Parroquia de San Miguel Arcángel de A Coruña* (19 de junio de 2017), Boletín oficial del Arzobispado de Santiago 156 (2017), p. 487.

²³ Obispo Lleida, *Decreto de supresión de la Parroquia de Sant Andreu, apóstol, de la ciutat de Lleida* (17 juny 2018), https://www.bisbatlleida.org/sites/default/files/Decrets%20supressi%C3%B3%20Sant%20Andreu_0.pdf [accessed: 17.10.2024].

can be injured [Sztafrowski 1991, 66]. The bishop must therefore follow the prescribed procedure. In the case of the creation of a parish, the previous Code expressly directed that the persons concerned, especially the rectors of neighbouring churches, be heard.²⁴ The current Code of Canon Law, in the case of the suppression of a parish, requires the diocesan bishop to listen to the opinion of the presbyteral council, a collegial body elected from among the diocesan presbyterium and appointed to assist the bishop in the governance of the diocese.²⁵ Although the bishop is not obliged to make a decision in accordance with the opinion of this council, he may only legitimately issue a decree concerning the erection of a parish, the alteration of its boundaries or its suppression after consulting the council. The relation between the presbyteral council and the bishop in the matter under discussion here is crucial. The bishop makes decisions on matters of this kind according to his own prudence, but after considering the arguments submitted by the presbyteral council (Cano. 127 CIC/83) [Krukowski 2005, 412].

The Guidelines of the Congregation for the Clergy caution the bishop to faithfully observe the law in this matter recalling that: "Before making a decision, the bishop must obtain the necessary information and, as far as possible, listen to those whose rights could be violated (Cano. 50 CIC/83²⁶). Before seeking 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. Cano. 127 and 166 CIC/83), and then 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" (Guidelines 1i). "Prior to establishing parish groupings, the bishop must first consult with the presbyteral council, in accord with canonical norms and in the name of ecclesial co-responsibility, shared between the bishop and the members of said council" (IPC 46).

It should be noted that the initiative to initiate the procedure to suppress a parish belongs to the bishop. He may, of course, receive advice from various sources. These include: the diocesan pastoral council, "which [...] investigates, considers, and proposes practical conclusions about those things which pertain to pastoral works in the diocese" (Cano. 511 CIC/83); a vicar general or vicars general who assist him in the governance of the diocese (Cano. 475-476 CIC/83); deans who have the duty of promoting and coordinating common pastoral activity in the vicariate (Cano. 555 § 1, 1^o CIC/83);

²⁴ *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (27.05.1917), AAS 9 (1917), pars. II, pp. 1-593, Cano. 1428 § 1.

²⁵ Cf. Cano. 495-501 and 515 § 2 CIC/83; AS 215; Guidelines 1i; IPC 46.

²⁶ Cano. 50 CIC/83: "Before issuing a singular decree, an authority is to seek out the necessary information and proofs and, insofar as possible, to hear those whose rights can be injured."

and any other agencies, offices or consultative bodies that the bishop may create in the diocese to improve pastoral ministry. Because of its role in overseeing the financial health of the diocese and its parishes (Cano. 493 and 1287 § 1 CIC/83), the diocesan economic council may have valuable advice to offer. The presbyteral council, which assists the bishop in the governance of the diocese, may take such an initiative. However, none of these bodies can compel the bishop to initiate this process as it is for the bishop to decide whether and when to erect, suppress significantly alter parishes [Provost 1993, 363].

At this point it is important to note the position of Edward Szafrowski who rightly points out that it does not seem likely that the bishop might obtain sufficient information on the matter by only consulting the presbyteral council. He will receive a much fuller picture by hearing the opinion of the neighbouring pastors, as the legislator prescribes in Cano. 1215 § 2 CIC/83 in connection with the building of a church. In the present circumstances, it is also advisable to hear the opinion of those faithful who will form the new parish community. This is because, as a rule, their offerings will create an endowment for the future parish [Szafrowski 1991, 66-67; Provost 1993, 365-66].²⁷

Consultation must take place before a decision is made on any particular matter. Otherwise, it is not a consultation but merely an attempt to validate a decision already taken, which is illegal. It must be added that due to the nature of the matter the prior consultation with the presbyteral council entails two requirements: a) that the council first receives due information; b) that it expresses its opinion as a legitimate body [Núñez 2013, 284].

The statutes of the presbyteral council may specify the manner in which the said consultation is to be carried out. For example, it is possible for the statutes to allow consultation by means of distance communication (telephone or Internet) provided that all members are provided with an opportunity to give advice. However, in order to properly draft the minutes and ensure that the consultation has fulfilled not only the letter but also the spirit of the law, it would be better to follow the full procedure set out in Cano. 127 CIC/83 [Provost 1993, 363]. James Provost is of the opinion that when it comes to the issue where the diocesan bishop is to 'hear' the council, it is strongly recommended that a formal protocol be drawn up, even verbatim so that there can be no doubt that a genuine consultation has taken place [ibid.].

It should be noted that when suppressing a parish or making other changes to its structure, the bishop must respect the intentions of the founders and donors and any vested rights. In some cases, an individual may have donated money for the creation of a parish; that individual or their heirs may be consulted to find out their intentions before making major changes to the parish or suppressing it [ibid., 365].²⁸

²⁷ Cf. Cano. 212 § 2 and 3 CIC/83.

²⁸ Cf. Cano. 122-123 CIC/83.

It would seem that while listening to those interested in suppressing a parish provides the bishop with the 'necessary information', but since the suppression of a parish is a very delicate, and sometimes sensitive, matter, it is occasionally useful to supplement this information in other ways, too. The 1973 Directory *Ecclesiae imago* advises the creation of a diocesan office or commission for new parishes. The aforementioned document contains the instruction: "if the bishop does not consider it more advisable to create a special and permanent diocesan office, he may appoint a commission. To it he delegates all matters relating to the erection of new parishes and the building of new churches. The commission shall act in consultation with the presbyteral council and other commissions concerned. Such a commission represents, as far as possible, the whole diocesan community, which consciously and zealously undertakes the erection of parishes and churches as a common matter, assuming burdens and expenses according to its means" (EI 178). The Directory *Ecclesiae imago* provides for new parishes, but also recalls that "if the good of the faithful so requires, the bishop should proceed, after consulting the diocesan presbyteral council, to alter territorial boundaries, to divide parishes that are too large, to merge small parishes, to establish new parishes or non-territorial centres for pastoral service in the community, or even to reorganize completely the arrangement of parishes within a particular city and to adapt the structures to the needs of the pastoral ministry, maintaining an all-embracing view and organic unity, as well as making it possible to reach out to individuals" (EI 177), which clearly indicates that the said commission can also advise the bishop on the suppression of parishes. The Directory *Apostolorum Successores* offers a similar possibility: "In order to study all the issues pertaining to the establishment of parishes and the construction of churches, the Bishop may wish to set up a diocesan office or commission that can operate in collaboration with other relevant diocesan commissions. This office or commission should be staffed by clergy or members of the lay faithful chosen for their professional competence" (AS 214) [Hernández 2004, 126-27].

After a consultation with the presbyteral council and those whose interests and rights must be respected, the bishop who has decided to suppress a particular parish should issue a relevant decree, certified by the chancellor (notary) so as to make this official act verifiable [Provost 1993, 366]. This decree belongs to the group of singular administrative acts.

The Congregation for the Clergy recalls that 'apropos to the erection or suppression of Parishes, it must be borne in mind that every decision must be adopted by means of a formal decree, given in writing (Cano. 51 CIC/83). Consequently, it is considered contrary to canonical norms to issue a single provision aimed at producing a reorganisation of a general character, either of the entire diocese, a part of it, or of a group of parishes, by means of a singular administrative act, general decree or particular law. With respect to the

suppression of Parishes, the decree must clearly state the reasons that led the Bishop to make this decision. The just cause therefore, must be specifically indicated, it being insufficient simply to refer to the "good of souls" (IPC 49-50).

"Any decree modifying a parish must be issued in writing at the time that the decision is given and then lawfully communicated without delay. The period of time during which hierarchical recourse may be presented begins with the lawful notification of the decree (cf. Cano. 1734 § 2 CIC/83). In addition, the decree must mention at least in summary form the just cause(s) for the decision (Cano. 51 CIC/83)" (Guidelines 1j), and "clearly define the criteria for membership in all parishes affected by the modification" (Guidelines 1k).

An important issue to be regulated in the suppression decree is that concerning the temporal goods of parishes that are suppressed [Daneels 1998, 119-20]. "The act by which a Parish is suppressed must also make provision for the disposition of temporal goods in accord with the law; it is necessary to ensure that the church of the suppressed parish remains open to the faithful unless there are grave reasons to the contrary, after having heard the presbyteral council" (IPC 50). "The decree must likewise specify the disposition of temporal goods in accord with law, and must respect the intentions of the donors (cf. Cano. 121, 122 and 123 CIC/83)" (Guidelines 1l).

The ordinances quoted above show the great concern of the ecclesiastical legislator to ensure that the decree suppressing a parish is properly drafted, notified and justified because the suppression of a parish is a very delicate decision that may occasionally stir up emotions.

CONCLUSIONS

The above considerations lead to the following conclusions: the abolition of a parish must be carried out by the diocesan bishop and persons legally equivalent to him (Cano. 381 § 2 CIC/83) in accordance with the provisions of canon law. In order for a parish to be abolished, there must be a reason proportionate to this act, which must be individualised. Many Church documents outline the reasons for abolishing parishes in very general terms, such as: increasing the effectiveness and efficiency of the mission by reducing the number of parishes in the region; reorganising parishes according to criteria that better reflect current pastoral needs and changes in population distribution; social and demographic changes that have taken place in a given area.

The ecclesiastical legislator has defined the procedure for abolishing a parish. The decision to abolish a parish is the exclusive competence of the diocesan bishop (Cano. 515 § 2 CIC/83). Before making a decision, the bishop should gather the necessary information and evidence and hear the

opinions of the Council of Priests and those whose rights may be affected. The bishop makes decisions in such matters according to his own prudence, but after considering the arguments presented by the Priests' Council (Cano. 127 CIC/83).

REFERENCES

- Ahlers, Reinhild. 1985. "Kommentar zu can. 515-531." In *Münsterischer Kommentar zum Codex Iuris Canonici*, edited by Klaus Lüdicke, 1988-2001. Essen: Leudgerus.
- Barcelón Maicas, Emilio. 1984. "Identidad teológico-jurídica de la Parroquia en el nuevo Código." *Teología* 43:23-42.
- Coccopalmerio, Francesco. 1989. "Il concetto di parrocchia nel nuovo Codice di diritto canonico." *Quaderni di diritto ecclesiale* 2, no. 2:127-42.
- Coccopalmerio, Francesco. 2012. "Parroquia." In *Diccionario General de Derecho Canónico*, vol. V, edited by Javier Otaduy, Antonio Viana, and Joaquín Sedano. 907-16. Navarra: Aranzadi.
- Conn, James J. 2003. "Parishes of choice: canonical, theological and pastoral considerations." *Periodica* 92, no. 2:257-304.
- Coriden, James A. 2010. "Parish Communities and Reorganisations." *Studia Canonica* 44:31-52.
- Daly, Brendan. 2004. "Parishes: Leadership and Other Issues associated with Clustering and Mergers." *The Australasian Catholic Record* 81, no. 4:442-56.
- Daneels, Frans. 1998. "Soppressione, unione di parrocchie e riduzione a uso profano della chiesa parrocchiale." *Ius Ecclesiae* 10, no. 1:111-48.
- Hernández, Mercado. 2004. "División y erección de parroquias." *Revista Mexicana de Derecho Canónico* 10, no. 1:101-28.
- Krukowski, Józef. 2005. "Komentarz do kan. 515." In *Komentarz do Kodeksu Prawa Kanonicznego*. Vol. II/1: *Księga II: Lud Boży. Część I. Wierni chrześcijanie. Część II. Ustrój hierarchiczny*, edited by Józef Krukowski, 410-11. Poznań: Pallottinum.
- Núñez, Gerardo. 2013. "Notas a propósito de dos decretos recientes de la Signatura Apostólica. Supresión de parroquias y reducción de una iglesia a un uso profano no indecoroso." *Ius Canonicum* 53:279-309.
- Provost, James H. 1993. "Some canonical considerations on closing parishes." *The Jurist* 53:362-70.
- Sztafrowski, Edward. 1991. "Parafia w hierarchicznej strukturze Kościoła." *Prawo Kanoniczne* 34, no. 3-4:51-74.