

CANON 515^{1/}

Parishes

Canon 515 §1. A parish is a definite community of the Christian faithful established on a stable basis within a particular Church; the pastoral care of the parish is entrusted to a pastor as its own shepherd under the authority of the diocesan bishop.

§2. The diocesan bishop alone is competent to erect, suppress or alter parishes; he is not to erect, suppress or notably alter them without hearing the presbyteral council.

§3. A legitimately erected parish has juridic personality by the law itself.

Commentary

Etymologically, “parish” is derived from the Greek *paroikia*, which in the early Church meant a pilgrim people, whose real country and citizenship is in heaven. For approximately the first four centuries, parish and diocese were coextensive. With the end of the persecutions and the increase spread of the faith, it became necessary to establish permanent outposts in the country to which bishops at first deployed some of the cathedral clergy. Up to the eleventh century, the medieval feudal system heavily influenced the structure of the parish – it was the goal of the Emperor Charlemagne to have a church with its own parish priest in every village and town. Because of the feudal system, the clergy became dependent on the support of the landowner, and the bishop’s authority began to be diminished. This, however, was corrected during the Gregorian reform when Gregory VII reconstituted the parish into a structure which remained substantially unchanged to the present.

Marcuzzi contends that rather than defining “parish,” the 1917 Code (CIC 217) contained a number of juridic terms, which together described the then contemporary notion of parish. Thus, a parish was understood to be:

- A territorial section of the diocese,
- With a proper church edifice,
- To which a Catholic population was assigned,
- Under the leadership of a proper pastor,
- Who was removable or irremovable,
- Who was responsible for the care of souls.

A parish was also considered to be a parochial benefice primarily for the determination and assignment of revenue to the pastor. From the standpoint of the 1917 Code, the parish was understood to be an organization or institution to serve the spiritual needs of the faithful.

Vatican II (SC 42, AA 20) shifted the concept of parish from that of an organization or institution to one of community. Underpinning this notion of parish as a community of the Christian faithful is the theological principle of *communio* (Greek *koinonia*), a scripturally oriented concept which can be applied analogously to various facets of the Church, including the parish. This idea is a key to understanding the intent and thrust of Vatican II. The need for parish structures, however, should not be minimized. Pope Paul VI pointed out that “communion in Christ” could not effectively operate were it not for ecclesial structures. Therefore, in the conciliar documents, the traditional description of territoriality, pastoral office, stability and care of souls are applied to parish; however, now there is a distinct stress on the personalistic rather than the institutional aspect. Vatican II also emphasized the purpose for which a parish exists: to provide pastoral care for the Christian faithful. “Pastoral care” is broadly described as teaching, sanctifying and governing in such a manner that parishioners and parish communities will really see that they are members of both the diocese and the universal Church. Therefore, they should work together with other parishes, vicars forane, and those engaged in supra-parochial ministry so that all pastoral work will be unified and more effective.

Post-conciliar legislation flowing from Vatican II contained no significant variations regarding the juridic description of the parish. However, this interim legislation paved the way for some modifications of terms relating to the parish which now appear in the revised law. *Ecclesiae sanctae* treated the establishment, change and suppression of parishes (ES I, 21); parishes entrusted to religious (ES I, 33); and the modification of the benefice system (ES I, 18). The *Directory* synthesized conciliar and post-conciliar concepts pertaining to parishes.

The present law incorporates in this canon the concepts and emphasis of Vatican II and post-conciliar legislation. The major change in the juridic notion of parish is its description as a community of the Christian faithful (*communitas christifidelium*). By treating the territoriality of parishes in canon 518 and not in this initial canon, the law clarifies the fact that, however important territorial factors are in parish organizations, what really is constitutive of the parish is its being a community of persons. Likewise, a diocese is primarily described as a "portion of the people of God" (c. 369).

Another change from the 1917 Code can be seen in the second paragraph of this canon. Now the competency of the diocesan bishop to establish, suppress or notably alter parishes is completely recognized even in the case of non-territorial parishes, a right formerly reserved to the Holy See (CIC 216, §4). In establishing a new parish, some of the principles suggested for establishing a diocese can be applied by analogy, i.e., territorial continuity, and adequate number of inhabitants, and sufficient human and temporal resources. A diocesan commission on parish modifications comprised of resource persons with expertise in the art, architecture and construction of churches is important in this regard. When the diocesan bishop permanently closes a parish, adequate provision must be made for the continuity of the spiritual service to the remaining parishioners. This is usually taken care of by surrounding parishes. Also, care must be taken for the proper care of parish registers and other historical records. Sometimes a parish can be transferred effectively to another part of the diocese. A variety of possibilities exist with regard to notable alteration of parishes.

At times, for the good of the souls, it will be necessary to change the boundaries of parishes, either by uniting several into one, or by dividing larger parishes, or to establish new parishes or centers for non-territorial communities, and also to give a new internal organization to parishes of a single city, or by adapting buildings to suit the needs of the congregation, allowing everyone a view, keeping organic unity, and permitting easy access for everyone (CD 32; ES I, 21).

Such alterations would include changes regarding external structure of the parish, but not internal changes, such as building a new church or rectory. Before the local bishop can validly establish, suppress or change a parish, he has to consult his presbyteral council. While he is not legally bound to follow that advice, he should take such counsel seriously. In countries where agreements exist between the Apostolic See and the civil government, or if there is a question of rights acquired in the manner of physical or juridic persons, the matter is to be settled by those parties by competent authority.

Finally, in the third paragraph of this canon, a legitimately established parish is classified as a juridic (formerly "moral" "non-collegiate") person. It is, therefore, the subject of rights and obligations, and can be established, suppressed or otherwise changed only by competent ecclesiastical authority. It must be supervised by a physical person (proper pastor) who represents the parish in all juridic affairs (c. 532).

^{1/} The Code of Canon Law, a Text and Commentary, The Canon Law Society of America, edited by James A. Coriden, Thomas J. Green and Donald E. Heintschel, Paulist Press, New York, NY/Mahwah, NJ, © 1985 by the Canon Law Society of America.