



Working Together To Evangelise Our Diocese

A VERY ROUGH GUIDE TO CANON LAW

As a qualified (but no longer practicing) lawyer I know that trying to simplify legislation is always difficult and to an extent it is bound to leave some questions unanswered. Despite many people's efforts to simplify things, the law is very complicated. That is true of civil law and even more so in the case of Canon Law.

This document is prepared for parishes solely with the purpose of showing what is possible and what is not possible. It is not intended as civil or canon legal advice. For those who are interested the Code of Canon Law is available for everyone to read.

It is on line at <http://www.vatican.va/archive/ENG1104/INDEX.HTM>

In order to keep it simple, Section 1 of this document will make no reference to specific parts of the Code of Canon Law or Procedural Guidelines that have been issued by the Vatican. That said it is offered as information to assist parishes in their future deliberations.

SECTION 1

PARISHES and CHURCHES

It is important to note that parishes and churches are dealt with separately. If a parish changes in some way, that does not automatically have any effect on the status of a church in that parish.

PARISHES

Every parish is presumed to be in existence for ever. This can only change for what is known as "good cause" and after procedures have been followed.

IF there is good cause there are four distinct things that can happen to a parish after other possible solutions have been considered.

- 1) It can merge with another parish and the two parishes become a new parish. (A and B unite to form C and only C exists in the future).
- 2) It can amalgamate with another parish and only that other parish exists in the future. (A is absorbed into B and only parish B exists in the future).
- 3) It can be divided. (A is divided into B and C. A no longer exists).
- 4) It can be extinguished. It ceases to exist altogether. This last one only normally applies to parishes that are not geographically based and probably does not concern our parishes.



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The Bishop is the one who decides if there is good cause to make a change to a parish after following the correct procedures (including consulting the Council of Priests). His main concern must be for souls and a change should only be agreed to when the good of the faithful requires it.

The Bishop must consider each individual parish and not simply what is good for the diocese as a whole. This is because every parish is assumed to last forever unless there is good cause for it to end.

CHURCHES

The starting point for every decision relating to church buildings is that once a building has been given over for divine worship it should retain that sacred character forever if at all possible.

Only if there is a “grave reason” can a church be changed from a sacred place into an ordinary place.

Closing a church permanently is the same as changing the sacred character into an ordinary character.

The Bishop is the one who decides if a grave reason exists. Sometimes that will be one significant reason but it can also be a combination of lesser reasons that when put together amount to a grave reason.

There must be a “grave reason” and not just “any reason”. The burden of proof is high and a Bishop will not lightly agree that a reason is a grave reason.

Before he makes a decision the Bishop must follow a lot of rules and listen to everyone concerned.

IF it becomes necessary to consider selling or renting a church there are four recognised options listed in preferred order:

- 1) For continued use as a church by a different Catholic Ritual Church
- 2) To exercise some other Catholic apostolate or ministry
- 3) For secular use in keeping with the dignity of a former church
- 4) Demolition of the building

Again there are a lot of procedural steps that would need to be taken before sale or leasing of any former church can be agreed.

OTHER BUILDINGS

Apart from churches a parish may also have a presbytery, a church hall or even land or property that it owns for letting or other investment. These buildings are not governed by the rules that apply to churches.



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Parish property normally belongs to the parish and the proceeds of any sale or leasing would also belong to the parish.

However, nearly all this type of property is held by our diocese on behalf of the parish. That means that normally a parish will need to ask the diocese to approve the sale or leasing of property. Our diocese can offer advice and assistance to parishes but ultimately the decision rests with the parish providing it is acting within the law.

PARISHES (again)

It is worth noting that if parishes merge, amalgamate or divide, the property of the parish goes with the parish. It does not go to the diocese.

PRIESTS and PEOPLE

A priest is always the proper person to have pastoral care of a parish.

Normally each parish has a priest but it is possible for a priest to have pastoral care of two or more parishes.

It is not only possible for lay people to work in collaboration with a priest it is the duty of lay people to do what they can to help given their circumstances.

The sacraments are always reserved to a priest but lay people can do many and varied ministries. The right and responsibility of our lay people will need to find many new and varied forms in the future.

SECTION 2

Canon Law already sets out quite clearly the basis upon which clerics and lay persons are to relate to one another in the exercise of the mission of the Church.

Canon law demonstrates that full authority for collaborative ministry already exists. Nothing new is required for clergy and lay people to effectively work together to evangelise our diocese.

Everything that follows this paragraph is a direct quote from the Code of Canon Law. I have added absolutely nothing but I have slightly re-arranged the order and removed some words in order to achieve relative simplicity in what is a complicated document. The only change I have made is to substitute the words [Parish Priests] for the word "Pastors" that appears in the original translation from Latin into American English. In this way I hope that you will see that our church not only permits, but actively encourages clergy and lay people to work together to evangelise our diocese.

Code of Canon Law



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The Christian faithful are those who, inasmuch as they have been incorporated in Christ through baptism, have been constituted as the people of God. For this reason, made sharers in their own way in Christ's priestly, prophetic, and royal function, they are called to exercise the mission which God has entrusted to the Church to fulfill in the world, in accord with the condition proper to each.

By divine institution, there are among the Christian faithful in the Church sacred ministers who in law are also called clerics; the other members of the Christian faithful are called lay persons.

From their rebirth in Christ, there exists among all the Christian faithful a true equality regarding dignity and action by which they all cooperate in the building up of the Body of Christ according to each one's own condition and function.

All the Christian faithful must direct their efforts to lead a holy life and to promote the growth of the Church and its continual sanctification, according to their own condition.

All the Christian faithful have the duty and right to work so that the divine message of salvation more and more reaches all people in every age and in every land.

Those who have received sacred orders are qualified for the power of governance, which exists in the Church by divine institution. Lay members of the Christian faithful can cooperate in the exercise of this same power.

The Christian faithful:

- *are bound to follow with Christian obedience those things which the sacred [Parish Priests], inasmuch as they represent Christ, declare as teachers of the faith or establish as rulers of the Church.*
- *have the right and even at times the duty to manifest to the sacred [Parish Priests] their opinion on matters which pertain to the good of the Church and to make their opinion known to the rest of the Christian faithful, without prejudice to the integrity of faith and morals, with reverence toward their [Parish Priests], and attentive to common advantage and the dignity of persons.*
- *have the right to promote or sustain apostolic action even by their own undertakings, according to their own state and condition.*
- *are obliged to assist with the needs of the Church so that the Church has what is necessary for divine worship, for the works of the apostolate and of charity, and for the decent support of ministers.*
- *are also obliged to promote social justice and, mindful of the precept of the Lord, to assist the poor from their own resources.*



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- *must take into account the common good of the Church, the rights of others, and their own duties toward others.*

In addition to those obligations and rights which are common to all the Christian faithful and those which are established in other canons, the lay Christian faithful are bound by the obligations and possess the rights which are enumerated in the canons of this title.

Since, like all the Christian faithful, lay persons are designated by God for the apostolate through baptism and confirmation, they are bound by the general obligation and possess the right as individuals, or joined in associations, to work so that the divine message of salvation is made known and accepted by all persons everywhere in the world. This obligation is even more compelling in those circumstances in which only through them can people hear the gospel and know Christ.

Lay persons who are found suitable are qualified to be admitted by the sacred [Parish Priests] to those ecclesiastical offices and functions which they are able to exercise according to the precepts of the law.

Lay persons who excel in necessary knowledge, prudence, and integrity are qualified to assist the [Parish Priests] of the Church as experts and advisors, even in councils according to the norm of law.

Lay persons who permanently or temporarily devote themselves to special service of the Church are obliged to acquire the appropriate formation required to fulfill their function properly and to carry out this function conscientiously, eagerly, and diligently.

lay persons have the right to decent remuneration appropriate to their condition so that they are able to provide decently for their own needs and those of their family. They also have a right for their social provision, social security, and health benefits to be duly provided.

A [Parish Priest] is to:

- *visit families, sharing especially in the cares, anxieties, and griefs of the faithful, strengthening them in the Lord, and prudently correcting them if they are failing in certain areas.*
- *help the sick, particularly those close to death, by refreshing them solicitously with the sacraments and commending their souls to God;*
- *seek out the poor, the afflicted, the lonely, those exiled from their country, and similarly those weighed down by special difficulties.*
- *work so that spouses and parents are supported in fulfilling their proper duties and is to*



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- foster growth of Christian life in the family.*
- *cooperate with his own bishop and the presbyterium of the diocese, also working so that the faithful have concern for parochial communion, consider themselves members of the diocese and of the universal Church, and participate in and sustain efforts to promote this same communion.*

The following functions are especially entrusted to a [Parish Priests]:

- 1/ the administration of baptism;*
- 2/ the administration of the sacrament of confirmation to those who are in danger of death, according to the norm*
- 3/ the administration of Viaticum and of the anointing of the sick, .. and the imparting of the apostolic blessing;*
- 4/ the assistance at marriages and the nuptial blessing;*
- 5/ the performance of funeral rites;*
- 6/ the blessing of the baptismal font at Easter time, the leading of processions outside the church, and solemn blessings outside the church;*
- 7/ the more solemn eucharistic celebration on Sundays and holy days of obligation.*

Since clerics all work for the same purpose, namely, the building up of the Body of Christ, they are to be united among themselves by a bond of brotherhood and prayer and are to strive for cooperation among themselves according to the precepts of particular law.

Clerics are to acknowledge and promote the mission which the laity, each for his or her part, exercise in the Church and in the world.

Since the whole Church is by its nature missionary and the work of evangelization must be held as a fundamental duty of the people of God, all the Christian faithful, conscious of their responsibility, are to assume their part in missionary work.

Please remember that this is merely a note to point out possibilities. It is not legal advice and every individual situation will require detailed individual consideration.

Steven Webb
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