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**Legal Conditions and Challenges about the
Office of a Religious Pastor, particularly
considering the Piarist Religious Parish in
Kecskemét**

Tutor: Prof. Dr. Szuromi Szabolcs Anzelm DSc

By: Esiobu Anayo Augustus

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ABBREVIATION

AA	Apostolicam Actuositatem
c/cc	canon/canons
CCEO	Codex Canonum Ecclesiarum Orientalium
CD	Christus Dominus
CIC	Codex Iuris Canonici (1983)
CIC (1917)	Codex Iuris Canonici (1917)
DC	Dignitas Conubii
DH	Dignitatis Humanae
Dr. (dr.)	Doctor
DV	Dei Verbum
Fr	Father
GE	Gravissimum educationis
GS	Gaudium et spes
i.e	id est/vagyis/that is
Ibid	ibidem/in the same place
MKPK	Magyar Katolikus Püspöki Kar
KÁD	Katekézis Általános Direktóriuma
KEK	A katolikus Egyház Katekizmusa
Kr.e	Krisztus előtt
Kr.u	Krisztus után
LG	Lumen gentium
No/no	number
NT	New Testament
OT	Old Testament
OT	Optatum Totius
Ósz	Ószövetség
PO	Presbyterorum Ordinis
Rev	Reverend
SC	Sacrosanctum Concilium
sz, sz-i	század, századi

SZIT

Szent István Társulat

Újsz

Újszövetség

Vat. Conc. II.

Second Vatican Council

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Article

§§

Articles

INTRODUCTION

The scope of this dissertation is considered rare but not extraordinary: legal conditions and challenges facing office of religious pastor especially when we consider the only one Piarist religious parish in Kecskemét. The rarity and special nature of this topic does not emerge from the fact that religious is participating in pastoral works of parish in Kecskemét, but that the conditions and challenges encountered by both this religious parish and its religious pastor has not been made known in words and writings; no considerable attention has been payed to it, even though, sometimes some of these challenges create problems in the management of the parish. The Holy Trinity Parish of Kecskemét is not alone in this case; every other parish handled by the clerical religious institutes and clerical societies of Apostolic life also experiences the same situation across the globe. Moreover, the whole conditions and challenges to be discussed in this thesis have been in existence in the Church, they emerged immediately the same time when clerical religious institutes and clerical societies of apostolic life were first involved in the apostolic activities and endeavors in the Church. If a religious would be involved in such pastoral engagements like being a pastor of a parish, then there would be some conditions and situations surrounding his office as a pastor; these make his office unique and at the same time, differentiate it from office of a diocesan or circular pastor. The fact that he is a religious who, apart from the peculiar apostolate of the give religious institute, strives for the perfection of charity in the service of the kingdom of God and, maintaining outstanding sign in the Church, foretelling the heavenly glory (cf. c. 573, §1), makes his statutes to attract many questions, conditions, challenges, interesting possibilities and unusual situations.

If office of the pastor is handed over to a pastor from religious institute or to a pastor from clerical society of apostolic life, his pastoral work requires many things to be balanced up,¹ to see that his functions would attain to its goal: *salus animarum*. Firstly, there should be need to balance up the two fold areas surrounding his clerical and religious statutes. That is, his statutes as being a religious and that of being a parish pastor. Other issues that also need to be balanced up include, his rights and obligations as a religious and also as a pastor, his reverence to both his competent authority and the local bishop, etc.

¹The legal side of this joint work should also be balanced-up without prejudice to the norms of cc. 681-682 of the current legislator.

In the body of the thesis, we would look into the conditions and challenges experienced by the faithful of Holy Trinity parish when the parish was not yet erected, the reasons that led to request of erection of parish in such a town like Kecskemét, where a very big parish, The Ascension's parish was already existing with a very sound pastoral disposition. After that, we look into challenges and difficulties encountered by the Piarist religious institute and the then bishop of Vác, József Pétery, in carrying out all the legal procedures of erecting this parish. I must add: it was not easy to be executed, especially under the regime of the communist system in Hungary.

The religious were not regarded as participants of the pastoral apostolic works; their participation in the Church was always more of spiritual. They were expected both by the faithful and the clerics to remain in their life of perfection, prayer and mortification and to turn off their attentions from the things of the world. As a matter of fact, it would have been better, if the Church could have no reason to change this conception. The Church always upholds the prayers, mortifications and the life of perfection led by the religious to a very high esteem and always nourishes from the graces they attract. Canon 573 says that this kind of life consecrated through profession is a stable form of living, in which according to this canon, "*Deo summedelicto totaliter dedicantur,*" the faithful totally dedicate himself of herself to God. Here the dedication is required to be total, that is without reservation. So the person is not expected to involve himself or herself in anything of the World again. They are only required to work according to this same canon which says, "*in Eius honorem atque Ecclesiae aedificationem mandique salute novo et peculiari titulodediti, caritatis perfectionem in servitio Regni Dei consequantur;*" by this new and special title to be dedicated to seek the perfection of charity in the service of God's kingdom. In fact, both the Church and the laity are always skeptical whenever the religious is going deep into active apostolic work, because as St. Pope John Paul II said: "*az apostolic munkában dolgozó (szerzetesek) számára állandó veszély, hogy annyira belemerülnek az Úrért való munkába, hogy megfeledkeznek a munka Uráról.*"² Szakács Gyula, who was the Government's officer in charge of religious affairs and worship in the country around the time of erection of the parish in quote said: „*A Piarista atyák csak foglalkozzanak a tanítással, és a lelkipásztorkodást hagyják az egyházmegye papokra, követve a Magyar Népköztársaság és a Püspöki Konferencia közötti 1950. aug. 31-i*

² A MEGSZENTELT ÉLET INTÉZMÉNYEI ÉS AZ APOSTOLI ÉLET TÁRSASÁGAI KONGREGÁCIÓJA, Római Dokumentumok XXII, *A szerzetesi élet szemlélődő dimenziója, a Kongregáció 1980. március 4-7-i plenáris ülésének dokumentuma*, SZIT., Az Apostoli Szentstszék Könyvkiadója, Budapest 2003, 10.

megegyezés vonatkozó rendelkezését.”³ He maintained that Piarist priests should only be involved in teaching and not in pastoral works. The need for religious to partake in parish apostolic works could then modify this mode of life and all that surround it. Today, when religious can boast of taking part in parish works for centuries, the mentality and thought, that their works have more of spiritual dimension still upholds.

I also experienced it while researching on this topic, that very few authors wrote about religious participating in parish pastoral works. Therefore, the field treating problems arising from the participation of religious institutes and societies in pastoral activities as a pastoral matter is still wanting, at least, if looked at from bibliographic point of view. Not many authors consider it controversial so as to research and write on it. Szuromi Szabolcs Anselm was among the first people who precisely dabbled into treating the activity of the religious in parish apostolates in his article: *La parrocchia e gli Istituti di vita consacrata e le Societa di vita apostolica, nonché la presenza di alcuni movimenti spirituali.*⁴

In other countries like Italy, Nigeria, America and others, Francesco Coccopalmerio’s works seem to be the one that also tried to treat the topic from many angles.⁵ Even the Commentaries with the title, *Szerzetsjog* which Domingo J. Andrés wrote on the religious law of the CIC 573-746,⁶ which was translated to Hungarian language in 1999 did not go into handling the conditions of the religious and societies in parish pastoral works. It treated the religious life from the canonical point of view, just like it was promulgated by the CIC (1983).

The fact that Holy Trinity Piarist religious parish of Kecskemét has territorially belonged to two dioceses (belonging to the diocese of Vác and Archdiocese of Kalocsa-Kecskemét before and after 30th of May 1993 respectively) also makes the research on this topic to be more difficult and interesting.⁷

However, we have many books, thesis and articles that treated parish as an issue of pastoral apostolic work for *salus animarum*, but only very few referred to the participations of the

³ See KOZICZ, J., *A Kecskeméti Piarista Plébánia Hetven éve 1948-2018, A piarista Rend Magyar Tartománya, Kecskeméti Szentháromság Piarista Plébánia, Budapest-Kecskemét 2018, 159.*

⁴ See SZUROMI, A. SZ., *La parrocchia e gli Istituti di vita consacrata e le Societa di vita apostolica, nonché la presenza di alcuni movimenti spirituali*, Periodicum Trimestre Pontifivae studiorum Universitatis a Sancto Thoma Aquinate in Urbe, Angelicum, Rome 2012.

⁵ See COCCOPALMERIO, F., *De paroecia*, Pontificia Universitas Gregoriana, Rome 1991: COCCOPALMERIO, F., *La parrocchia nel nuovo Codice*,” in *Orientamenti pastorali*, 31: 9-11; 143-168.

⁶ See DOMINGO, J. A., *Szerzetsjog*, Magyarázat az Egyházi Törvénykönyv 573-746. kánonjához, SZIT, Az Apostoli Szentszék Könyvkiadója, Budapest 1999.

⁷ St. Pope John Paul II remarked the boundaries of the diocese of Hungary with his Apostolic Constitution called „*Hungarorum Gens*” promulgated on the 30th of May 1993. Consequently The Holy Trinity parish fall over from diocese of Vác to diocese of Kalocsa-Kecskemét.

religious orders and clerical societies of apostolic life in parish apostolic works as well as the problems that may arise along with it.

Majority of controversies and sensitive challenges are experienced more on financial issues; the topic that separately deals with benefices of religious parish, benefices of religious parish church, benefices of religious house as well as benefices of chapters as the case may be. These and the conditional situations around them are what I intend to systematically reflect on, having in mind the aim to open up the minds of my readers to recognize and consider it worthwhile.

I. THE HOLY TRINITY PARISH AS AN ECCLESIASTICAL OFFICE

The expression, “legal conditions and challenges” facing office of the pastor of Holy Trinity Piarist religious parish would be a more successful engagement if we first explain the main phenomenon “office” in a detailed form, to enable us understand the rudiments, goals and mission it portrays and manifests in pastoral field of the Church. The word “office” has a very broad and wider range of explanations, depending on which angle and dimension one wants to put into consideration in a society. It can be defined both from the profane and sacred point of view. If it is considered from the profane side, we may buy the idea of the Hungarian dictionary, Magyar Értelmező Kéziszótár, which defines office (*hivatal*) as: “*meghatározott közügyeket intéző, irányító intézmény.*”⁸ Literally translating, “office is such an institution that directs and takes care of a particular public affair.” In this definition, there are some key-words that need to be highlighted. First, that it is an institution that directs and takes care of something. Holy Trinity parish is to direct and take care of the souls of the faithful belonging to it. In other words, it is legally instituted for a purpose of giving directives on a specific field of functions or services. But the purpose cannot be mistaken; it serves for *salus animarum*. The second point is that office must have a particular area of services to render to the society. Piarist religious parish of Kecskemét is meant to particularly take care of the pastoral works of the faithful under it. It means that, other branches of Piarist institute in Hungary could be handling other areas of the institution’s apostolates, but the Holy Trinity parish will be solely involved in pastoral works.⁹ In other words, functions of an office should be limited to a certain branch of service peculiar to the aim of its erection as an office. It should not be directed to every field of activities of human life. An office should be particular. Then the third key-word to be stressed is that, an office is meant for public service. That is, even though an office is profound for a quorum of functions to exercise, it is never instituted for private aims. The definition of parish in c. 515, §1 testifies to this: “*paroecia est certa communitas christifidelium in Ecclesia particulari...*”¹⁰ It has public undertone. However, the

⁸ *MAGYAR ÉRTELMEZŐ KÉZISZÓTÁR*, Készült a Magyar Tudományos Akadémia Nyelvtudományi Intézetében, Intézetében, JUHÁSZ. J; SZŐKE. I.; O. NAGY G; KOVALOVSKY. M., Third edition, Akadémiai Kiadó, Budapest 1978.

⁹ See c. 520, §2,

¹⁰ See c. 515, §1.

generality and publicity of an office is limited to the functions it carries out.¹¹ Only these functions are made general and public and not the competency of the authority instituting the office. In other words, the people, the society that enjoy the services of an office are not there to serve the office or the authority managing the office itself. Inversely, the office serves the public. The laws, precepts or regulations of an office should be there to only rendering services to the public and should not draw the public under the powers of the authority itself.

If office of a religious pastor is considered under these definitions and characteristics, more especially, in the case of office of a Piarist pastor, we shall see that it claims all that is mentioned above. In other words, the office of a religious pastor is directed to be specifically for *salus animarum*, therefore it is specific in function. Moreover, office of Piarist religious order should always be stably instituted to function under two specified competent authorities (the religious higher authority and the local diocesan authority).

The aforementioned dictionary also sees “*hivatal*” as a job or title as well as someone’s power or competence.¹² The Holy Trinity parish has this power as a juridic person constituted by a group of faithful; this power is concretely exercised by the its representative, the parish pastor. If we borrow ideas from Új Magyar Lexikon and Oxford Wordpower dictionary as sources of references and reflexions, we discover that they attach strong meanings to the term, office. Both of them see the word “*hivatal*” as a government executing agency been used to carry out administrative activities.¹³ From this scope, an office is seen to be deployed by the government, though with a particularly entity, but can only be valued on the basis of its function under the control of government.

When the Second Vatican Council was compiling instructions pertinent to this chapter, more emphasis were laid not only on the erection of a parish, the conditions necessary and the reasons why the parishes and groups of the faithful should be established, but also the reason why parishes should help the bishop precisely in pastoral works. It points out that, it is impossible for the bishop as a person to attain to the spiritual needs of all the flock in

¹¹ See *MAGYAR KATOLIKUS LEXIKON*, IV. Kötet, Szerkesztette: VICZIÁN. J., SZIT, Az Apostoli Szentszék Könyvkiadója, Budapest 1998.

¹² See *MAGAY ÉRTELMEZŐ KÉZISZÓTÁR*, Készült a Magyar Tudományos Akadémia Nyelvtudományi Intézetben, Budapest 1978.

¹³ See *ÚJ MAGYAR LEXIKON 3*, G-J, Az Akadémiai Kiadó Lexikonszerkesztőségében, BEREI . A. szerkesztő és társai, Akadémiai Kiadó, Budapest 1962; *OXFORD WORDPOWER DICTIONARY.*, Edited by Sally Wehmeier, Oxford University Press, Oxford 19998. The Oxford Wordpower Dictionary went further to define office as a room or building where such works connected to business are done, and in another instance, it also included the people who do the that work.

his region, as a result, parishes should be established and should be handed over to priests who are his collaborators (cf. SC, 42 of this same Second Vatican Council). As a matter of fact, the clergy carries out the ministerial works in *sub pastore gerente episcopi*. That is, the authority and functions of the bishop is attributed to parishes and pastors. Consequently, the liturgical obligations carried out by parishes or groups, or more precisely, the priests and laity must be in a very close relationship with the bishop.

On the other ways, if we approach the meaning of office from the *Magyar Katolikus Lexikon*, we see expressions closer to the Church's ideology on office; we would see five properties used to explain *hivatal* as they run parallel and side by side with the properties of parish denoted by the pertinent canon (c. 515, §1) to this chapter in the present code. In the first place, the *Lexikon* says that an office has a specific function. If we apply it to the office in quote here, we would say: The Holy Trinity Piarist religious parish in Kecskemét was erected by Bishop József Pétery for the Piarist Order for *salus animarum*. See how the bishop informed the provincial about the erection of this particular parish: “*értesítem a Rendfőnök Urat, hogy a kecskeméti kegyesrendi plébániát a mai napon megszerveztem.*”¹⁴The act is specific.

Secondly, the application of precision and accuracy discussed here should not be limited to function, it also applies to the people participating in the matter. In other words, the people to be taken care of should also be precisely and particularly pronounced. In this aspect canon 515, §1 commands that, a particular group of the faithful (*universitates personarum*)¹⁵ should be available to make a parish. This is a very strong and important element of a parish. Although erection of a parish may be very difficult if other elements are missing, but this one seems to be the first, because a parish is not merely an office, neither an institution only, therefore it cannot be considered only from the territorial basis. Again, parish is never regarded as merely a building where people go for administrative engagements, it is not *universitates rerum*.¹⁶ These elements are really from the functions parish carries out: functions of *salus animarum*. A parish must be made up of certain group of people of Christ's faithful; it must be a group and also certain. A parish is made up by the faithful belonging to it. This situation was clearly seen when the Piarist buildings and institutions were taken over by the government due to nationalization during the

¹⁴ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, Magyar rendfőnökség új levéltára (1.1.b), *Hivatalos levelezés*, Kecskemét 1948, 5770/1948, kecskeméti ügye, Melléklet szám-1.

¹⁵ See c. 114, §1.

¹⁶ According to this same CIC 114, §1, *universitates rerum*, that is, aggregates of things can constitute a juridic person which may be ordered for a purpose of keeping the mission of the Church.

communist regime. The index of the rough note written during this act specified that six rooms was used from the school building as parish of the Piarist religious order. Those rooms served temporally as the parish office. They were just conditionally demarcated from a totally different building and place. At times, a parish building may be suspended from functioning officially, or altered, destroyed, and so on, but the parish itself stands unaltered, as long as the community of the faithful making it a parish still belong to it.¹⁷ Szuromi pointed out in his article “*La parrocchia e gli Istituti di vita consacrata e le Società di vita apostolica, nonché la presenza di alcuni movimenti spirituali,*” that parish is not merely considered from its geographical location but instead by the group of people whose community has more of spiritual reason of existence. The temporary use of the school building for parish did not make the faithful of the Holy Trinity parish to be temporary in their parish; the community of the faithful remained stable. The aforementioned parish provides us with the picture where the apostolate of a religious community is carried out. In it, people from every angle of its territory place or region are brought together to be grafted into the universal Church. By the word *universal Church*, we mean the Mother Church having her Children all over the world, who are to spread the gospel of Christ to the ends of the earth. All the Faithful who were territorially belonging to the Holy Trinity parish were by the act of erecting parish for them, automatically grafted to their parish to the *catholicos* Church. Again, being grafted means that this group is not making an independent body of its own, but joins the same Body of Jesus Christ. In a parish, forums are to be provided for these matters to be discussed, just as it always happens at the Holy Trinity parish in Kecskemét. The continuous catechism classes organized by the parish vice pastor and his vicars testified to this. The task of the faithful of the parish should not be limited to the undertakings mentioned above, but should go further to participating both in the missionary and the apostolic commitments, as well as adopting the sense of responsibility toward their local center; the diocese, henceforth working in collaboration with the neighboring and other parishes been extended to inter-parochial, inter-diocesan, national and international sphere. This missionary dimension of the Holy Trinity parish would still be discussed in the subsequent chapters.

Hence, we would not forget to point out those *models* which compose the entity and dignity of the Holy Trinity parish, putting side by side properties outlined by both *Katolikus Lexikon* and pertinent canon to this chapter.

¹⁷ See c. 515, §2.

1 Holy Trinity parish is a *ministerium*

Ministerium, that is ministry qualifies parish by virtue of the properties and characteristics common to it. Parish is a basic unit of the of the community of Christ's faithful,¹⁸ a part of the universal Church by its integration to the diocesan body for saving the souls of its parishioners who are solely under the authority of the diocesan bishop. Parish should then appear as ministry to signify the act of service, whether ecclesiastical or profane, which is to be done according to the commands of the legislator.¹⁹ That is, as applied in this thesis, the phenomenon, "ministry" would always try to show a form of service²⁰ which one is to carry out whether ordinary²¹ or legal²² as promulgated by the competent authority. Again, ministry also denotes that the work to be done is a service to the public. Magyar Katolikus lexikon applies the expression, public service, when defining office,²³ and knowing very well that ministry also used almost all the qualities of office, it is then easier to say that parish is a ministry erected to meet the pastoral demands of the faithful. This is exactly attributed to Piarist Holy Trinity parish in Kecskemét. It is erected to minister and administer the evangelical and sacramental functions of the Church under the care of the diocesan bishop of Vác/Kalocsa-Kecskemét respectively.²⁴ Furthermore, this parish is a ministry to publicly serve the pastoral needs of the faithful therein. It is "general" in carrying out duties. In essence, parish is never erected to meet individual satisfactions only; it has public liability undertone. For the fact that ministry has many meanings, we would not take from those meanings that do not match with the pastoral functions carried out by

¹⁸ SZUROMI, A. SZ., *La parrocchia e gli Istituti di vita consacrata e le Società di vita apostolica, nonché la presenza di alcuni movimenti spirituali*, Rome 2012, 526.

¹⁹ See ERDŐ, P., *Hivatalok és közfunkciók az Egyházban*, SZIT, az Apostoli Szentszék Könyvkiadója, Budapest 2003, 13-14.

"*Ministerium*" is applied by varieties of fields of human society, and in each case, it bears almost the same characteristics as office do, especially when used in such cases where public services are rendered in a specific area of social life. Above all, most of the sources we could use to define ministry would approach it directly from its inclination with government; that is, being a sector of department that takes care of a particular field of administration of a given government. Meanwhile, as Erdő Péter Péter also analyzed, in his book titled, *Hivatalok és közfunkciók az Egyházban*, the term *ministerium* draws numerous meanings, though in each case tries to prove to be active in form.

²⁰ ERDŐ, P., *Hivatalok és közfunkciók az Egyházban*, SZIT, az Apostoli Szentszék Könyvkiadója, Budapest 1999, 13.

²¹ This is why many centers carrying out all kinds of functions in the Church, like prayer centers use the term ministry to define their statutes.

²² When services are legalized in the Church, they abide to the rules guiding that service as stipulated by the competent authority in the Church.

²³ MAGYAR KATOLIKUS LEXIKON, *IV. kötet, Gas-Hom*, SZIT, az Apostoli Szentszék Könyvkiadója, Budapest 1998.

²⁴ St. Pope John Paul II remarked the boundaries of the diocese of Hungary with his Apostolic Constitution called „*Hungarorum Gens*” promulgated on the 30th of May 1993. Consequently The Holy Trinity parish fall over from diocese of Vác to diocese of Kalocsa-Kecskemét.

the Holy Trinity Piarist religious parish of Kecskemét; rather we would be preoccupied by those services it may physically, actively and spiritually, or even sacramentally render publicly for *salus animarum*.

Just like in the profane spheres, these services, now regarded as *ministerium* are differentiated by their characteristics to be bounded by rules and regulations. If we then follow it from this perspective, we would conclude that, not only the pastoral aspects of the services rendered in the Church would be considered having *ministerium* undertone, because the term can as well be applied by the financial, educational, legislative and other executing departments of the serving Church as we shall see in the subsequent undertakings of this thesis. Owing to these reasons, these services should not be seen as merely “services”, but also as functions, or more precisely, offices that are handled by the Piarist religious parish of Kecskemét to serve the people of God.

2 Holy Trinity Parish is a *munus*

This Latin word, “*munus*” directly and literally means function in English, though with no specific explanation of the kind of function. If we put it the way Erdő Péter wrote in his article, we would say that, “*az egy szolgálat, ami egy meghatározott jogom és kötelességek bizonyos összessége.*”²⁵ That is, a particular aggregate of rights and responsibilities. We are courageous to equate a parish with *munus* (function), because as already explained above, parish is *universitates personarum*²⁶ (aggregates of persons) who gather to form a certain community of Christ faithful who are to carry out functions of *salus animarum*. If the faithful of the Holy Trinity Parish is put into consideration, we may say: they are proportional to their function and their function is proportional to their parish; that is, they can boast of their existence as a parish whose functions they carry out. Function as a phenomenon is densely diversified. Every society of man has varieties of functions carried out by individuals, groups, sectors and departments. As a result, we would not go into all aspects of functions claimed by phenomenon in quote which are used by every angle of human life, instead we would remain in dialoging on the meaning of function in the Church and how Piarist religious parish of Kecskemét would be proportional to the aggregates of functions it carries out. If abide by these limits, we experience along the line, it has the

²⁵ ERDŐ, P., *Az egyházi hivatal fogalma és sajátosságai a kánonjogban*, a PPKE Kánonjogi Posztgraduális Intézetének folyóirata, Budapest 2009, 16.

²⁶ See c. 121.

same meaning as *ministerium*, especially when someone rendering the service in the Church is compelled by the nature of *munus* to feel the responsibilities of his or her official obligations. The sources of these obligations and in this case, sense of responsibilities are not farfetched; they originate from the primary rights and obligations of the Christian faithful in general.²⁷ Every faithful has the right, or more precisely, is obliged to feel sense of responsibility for evangelizing in the name of Christ. However, some of these responsibilities are peculiar to the functions carried out by some people in the Church. An example of this can be read from canon 72, §2 of 1917 code, as well as canon 548, §2 of the current code where the sense of responsibility of a vicar is highlighted. Under normal circumstances, the parish priest bears the responsibility of the parish entrusted unto him, therefore here, his sense of responsibility over his parish is not extra-ordinarily stressed in words. If by any reason the office of the parish priest is made vacant, the vicar automatically takes over the parish and its responsibilities till the office permanently or temporarily filled up. In this case then, the “sense of responsibility of the vicars” is highlighted. This is because, he is not the owner of the office himself, he only carries out the functions attached to this office in the parish pastor’s stead. So if proper is not taken, the vicars may not feel the weight of responsibilities of the functions or ministries they substitute. From the point of erecting the Holy Trinity Piarist parish of Kecskemét in 1948, vicars are always appointed to help the functions of the ruling pastor of the parish (cf. appointment of the first two vicars of the parish, Scultéty Kálmán és Kolláti István on the 22nd of October 1948 by József Pétery, the diocesan bishop of Vác).²⁸ Thus, the sense of responsibility we discuss here is also advisable to be felt by the vicars more especially when the parish pastor is on holiday. Meanwhile, the administrative official works and some duties pertaining to administering the sacraments give rise to situations where and when the exercised functions and duties are not due to the vicar. Similar sense of responsibility is pointed out by CIC 374 of the same code, where it also refers to functions of the Chancellor and other secretaries as well as its importance for them to know the weight of their duty. Truly, their function is limited to safe-keeping of the archives of the curia as well as the drawing and dispatching of the acts of the curia as also in the canon 482 §1 of the current code, but both codes highlight the necessity of their sense of responsibility.

²⁷ See cc. 208-223.

²⁸ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, Magyar rendfőnökség új levéltára (1.1.b), *Hivatalos levelezés*, Kecskemét 1948, 5770/1948. This was an attachment to other documents of erecting the parish with title: *kápláni megbízás*.

Apart from this, Erdő Péter attached other cases to explain the applications of *munus*.²⁹ For example, it can mean “award or appointment” (see canon 1624 of 1917 code), as in those offices that are not perpetually instituted. In this case, when a judge is chosen by the local ordinary or the judiciary vicar for a particular judgement, especially in the case of nullification of marriage, his office is not perpetual. That is, his office ends with the end of that particular marriage case. He is awarded this office for this particular case. He can even be changed if his is not carrying out his duties as required. Meanwhile, the law provides both the plaintiff and the respondent with chances to choose another judge if they think that the competent judge would be biased in addressing their case of marriage nullity. That is, it is the function of the judge to lead the case to the end and declare sentence, but he can be substituted at any time as the case may be.

3 Holy Trinity Parish is an *officium*

Among the three words used to characterize parish, *officium* seems to be the closest in meaning to the office of the parish, especially office of the Piarist religious parish in Kecskemét. It is more exact and accurate; it is simply another Latin word that almost substitutes both *ministerium* and *munus* whenever applied. The word *officium* is always attached to the person responsible to carry out something as function, that is *officium ecclesisticum*; if applied to our topic here, then office of the Holy Trinity Parish would be proportional to the statutes and entity of the person himself who holds it, by virtue of being the officer to that office. The 1917 code which used the word “*helyettes plébános*,” that is, vice pastor, to denote pastors appointed by bishops to Holy Trinity parish of Kecskemét exactly expresses the value of the office and its proportionality with the person that carries it out,³⁰ because it assumed that *officium* of the parish is occupied by the Piarist religious institute herself and a vice pastor been appointed to take care of only the pastoral duties of the parish.

With this, we can say it has a very close meaning with *munus*, and sometimes can be seen as its synonym which at the same time relates closely to the above mentioned term,

²⁹ See ERDŐ, P., *Hivatalok és közfunkciók az Egyházban*, SZIT, az Apostoli Szentszék Könyvkiadója, Budapest, 1999.

³⁰ See c. 471, §1 (1917) which says that a vice pastor should be appointed when religious parishes are joined with complete legitimacy to moral persons, cathedrals and similar person. I will still elaborate on this topic on the subsequent topics. That is why in PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 5770/1948, the appointment letter given to József Erős by the diocesan bishop addressed him as *Helyettes plébános*, that is vice pastor.

ministerium. Hence, when we say office of pastor in the case of Holy Trinity parish in Kecskemét, we also mean that function carried out cannot do without the active deeds of the person in quote in a specific field of service. For example, when dr. Balázs Babel appointed László P. Görbe to be the parish proper pastor of the Holy Trinity parish, he called his attention to a special function of his office as a pastor. Thus he told him to do all, “...*hogy a hívek a megszokott lelkipasztori buzgalommal és odafigyeléssel találkozzon,*”³¹ to ensure that the faithful would meet the same favour, zealousness and care as it used to be in that parish. We have already mentioned above that the real meaning of the Latin word *munus* is function. Offices in the Church are not titles with idle states. They are vibrant in their nature and functional in their habit. An ecclesiastical office is not an office of glory and pride. It requires doing something. This must be the reason why the word *munus* is always used to identify the threefold ministry of Christ (teaching, sanctifying and governing)³². These offices of the Church may be constitutionally, individually or collectively carried out, etc. In the Church, an office is a responsibility. These responsibilities make up the properties of the office in quote. It also has a lot of rights and obligations which make up its value. We would treat the rights and obligations of the pastor of Holy Trinity parish in the later chapters. These responsibilities, rights and obligations must be carried out to attain to the aim of the office in consideration.

Having elaborated on the meanings and differences between the three, the term *officium* would not be difficult for us to define, because we succeeded in dwelling through the meanings of the former two terms, *ministerium* and *munus*.

Firstly, *officium* means functions and obligation in the Church. In application, *officium* of Piarist religious parish of Kecskemét also means functions and duties of the same parish. When we talk about office of Kecskemét Piarist pastor’s office and its challenges, we would look it at from view of the rights and obligations of a pastor as stated from cc. 515-552 of the current legislative code. These obligations are further differentiated under three bases:

- those responsibilities and obligations pertaining the day by day worship among the faithful. We call them *divina official*. They are the functions and offices assumed and carried out by individuals to enhance the everyday activities concerning the general worship among the faithful. Dr. Babel Balázs, the Archbishop of Kalocsa-

³¹ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, Magyar rendfőnökség új levéltára (1.1.b), *Hivatalos levelezés*, Kecskemét 2016, 397/2016.

³² *NEW COMMENTARIES ON THE CODE OF CANON LAW*, edited by BEAL, J. P., - CORIDEN, J. A., - GREEN, T. J., The commentaries made on the CIC 145, about the ecclesiastical offices.

Kecskemét pointed to day by day worship format of the Holy Trinity Parish on his appointment letter to László P. Görbe as pastor of the parish on the 20th of June 2016. He called on the appointed pastor to strive to keeping up this level of pastoral activities with the faithful.³³ In this, the office, functions and obligations of the parish priest are almost summarized.

- the *divinium officium* (divine office), that is *breviary*, which is itself an obligation to all the clerics and higher religious members. This is more precise, because in this case, office solely means the official prayer promulgated by the Church and made compulsory to all priests and religious to be said at different times of the day for the whole world. This prayer is made up of Psalms, canticles, reading from the Bible, readings from the fathers of the Church, intercessory and other additional prayers. All clerical religious institutes and clerical societies of apostolic life are compelled to observe this office day by day. It always portrays the community life of the religious as especially in the religious house of Piarist Order in Kecskemét. So, when we are saying these collected prayers in this book, we say we are saying or praying the office.
- when office is seen from the point of obedience and the execution of obligations. Here the mode and model of execution is highly considered. József Pétery, the bishop of Vác advised the first vice pastor, dr. József Erős to dispose himself completely to the Eucharistic education of the faithful entrusted to him.³⁴ That is, functions are proportional to the office they are attributed to, depending on the disposition of the person that carries them out.

If we look at *officium* from another point of view, it refers to the collection of the rights and obligations of a person. We have already encountered this explanation in the discussion of the former two terms; it is not surprising. We are dealing with phenomena that have similar meanings. The Vatican II Council used the office and ministry simultaneously, that is *officium* and *ministerium* to explain the functions of priests. It sees their functions as offices and ministries which they should carry out in the bishop's stead, who in his person, fills up the office of Christ as Head and Shepherd. Therefore, when power is conferred

³³ See REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, Magyar rendfőnökség új levéltára, *Hivatalos levelezés*, on the appointment letter of P. Görbe László with Arch-diocesan ref. no. 397/2016, Kecskemét 2016.

³⁴ REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 5770/1948, on the appointment letter given to dr. József Erős by the diocesan bishop.

upon them, they can carry out their duties and offices as ministries in upholding the Church (PO 6). Thus the elements of the ministry form the base of the office entrusted to the priest. Again, *officium* inculcates all ecclesiastical institutions that carry out any kind of administrative work in the Church. In this aspect, we are not talking about collection of duties. The emphasis is placed on administration. Any “executing body” – whether juridic person or not - that is administratively inclined to Church’s functions would be regarded as an office. The Holy Trinity Parish, by virtue of what it is, executes parish pastoral functions of the Mother Church towards the faithful under it. No wonder, The Vatican Council II sees liturgy as an expression and activity of the office of Jesus Christ by the priest who carries it out (SC 7). We shall treat the priests’ share in this office of the Word in the later chapters.

After going a long way to deliberate on the meaning of *officium* (office) from different angles of views and understandings, putting the Piarist religious Holy Trinity parish of Kecskemét into consideration, we would then be solely concerned with values and qualities, as well as challenges that surround it. Very interesting; the two codes (1917 and 1983) treated the ecclesiastical offices in their canon 145. Both codes meet in highlighting the common properties that characterize office. In effect, 1983 code accepted and applied all the characteristics outlined by the 1917 code to qualify offices. Hence canon 145-§1 of the 1917 which form the base of the attributes of the successive 1983 code says: “*officium ecclesiasticum est quodlibet munus ordinatione sive divina sive ecclesiastica stabiliter constitutum in finem spiritualem exercendum.*”³⁵ The 1983 code also borrowed this same idea as we can see it written and explained by the New Commentaries of the Code of Canon Law book. It says, an ecclesiastical office is any function constituted in in a stable manner by divine of ecclesiastical ordinance to be exercised for a spiritual purpose³⁶ In the first place, both codes agreed that an office must be of divine or ecclesiastical disposition; secondly, it must have a stable manner and then, it should serve for of spiritual purpose.³⁷ Another observation is that, if we define *officium* strictly from the expressions used by the 1983 code in relationship with the other two terms (*ministerium* and *munus*), we may even get the real meanings of *officium* in posts and functions; and in this case, only those posts and positions are put into consideration which in their manner, have ecclesiastical

³⁵ Can. 145, §1.

³⁶ *NEW COMMENTARIES ON THE CODE OF CANON LAW*, edited by BEAL, J. P., - CORIDEN, J. A., - GREEN, T. J., , Theological Publications in India, Bangalore 2010, 196. The commentaries made on the Canon 145, about the ecclesiastical offices.

³⁷ See canon 145 of both 1917 and 1983 codes.

undertone. This happens because, this code goes straight to using its properties and aims of office to define it. Those posts which are only for spiritual engagements and which in their manner must be stable. Considering the properties of the statutes of the pastor as well as his rights and obligations, we shall understand why the term *officium* is attributed to its entity. Again, if we put office of the religious pastor, and in this case, the Kecskemét piarist parish into consideration, we shall conclude that both its *ministerium* and *munus* constitute its *officium*. Hence, we do not say, the *ministerium* or *munus* of the pastor of the Holy Trinity Parish, but instead we say, office of its pastor.

II. NATURE OF HOLY TRINITY PIARIST RELIGIOUS PARISH

Every office of the Church must be instituted by either a divine or ecclesiastical ordinance,³⁸ which at the same time determines the foundation of existence for that office. Apart from ecclesiastical and divine sources, communities can as well form the base of enforcement for laws or ordinances guiding offices. They indicate the source of power to be exercised in an office.

The Holy Trinity Piarist religious parish would not be said to be divine; it is ecclesiastical. This does not mean that its pattern of functions would be far from carrying out the divine activities of the Savior Jesus Christ; rather, we are only concerned with the ordinance competent for its erection. It is erected by a bishop, the bishop of the Vác as a parish in the diocese.

An office is said to be divine if the power it would exercise is directly acquired from God and also to be carried out in His stead. If we say divine, we refer to such institution or office where the power to be practiced is promulgated by God Himself or at least been offered by God for ecclesiastical or sacred functions. These functions may be in form of works or even ordinary services as well, which in every indication aims at saving of human soul. Examples of these offices include:

1 Petrial ministry (Papal office)

the office of pope is the office of St. Peter who got the right and power of governance directly from Jesus the Lord. This office was fashioned with the basic properties necessary for an office to be managed well, and the conditions, as well as requirements of acquisition of an office. In the first instance, this office was *freely offered* and *freely accepted*. Peter was not the person who requested this office, but Jesus, who in this case, was the competent authority, freely chose him out of the twelve apostles, saying: "...you are Peter and on this rock I will build my church" (Mt 16: 18). There was no grave fear that it was inflicted unjustly from the side of Peter, and the office was acquired out of conditions free from

³⁸ See c. 145, §1.

malice and error (cf. CIC 188). In other words, it was freely handed over by Jesus to Peter.³⁹ Jesus gave Peter this office after ensuring that he possesses the *basic requirement* needed to carry out the duties of the office to be taken up. In this case, the basic requirement is love. The love that contains only Jesus Christ. The love that is ready to die for Him. Jesus asked Peter: do you love me? (cf: Jn 21: 15). In his answer, Peter did not only say yes, but pointed out that Jesus who knows everything also knows that he loves Him, that is, Jesus knows that he has the basic quality to possess the office. The *functio* of the *officium*⁴⁰ to be embraced was also disclosed to him by Jesus, hence Jesus told him: take care of my flock : *look after my sheep* (Jn 21: 15). That is, the content of this of the duties of this office and the responsibilities surrounding it were completely made open to his before acceptance. He still did not hesitate nor ignore, he freely welcomed it.

The office of Peter was made stable and firm by Jesus after answering that He is the Son of the living God. Hence, Jesus told him: “*And the gates of the underworld can never overpower it, I will give you the keys of the kingdom of Heaven...*” (cf. Mt 16: 18-19). There his name was changed from Simon to Peter, the *rock* on which Jesus is to build his Church. A key to the gate of heaven was also handed over to him by Jesus, a key of binding and untying, a key of condemning and setting free, a key of judgment of God. Jesus affirmed that no power of evil can overpower his office. The office of the Peter is by apostolic succession, the same office every pope fills in Hence, CIC 333 - §1 and § 3 say: “*By virtue of his office, the Roman Pontiff not only possesses power of the universal Church but also obtains the primacy of ordinary power over all particular churches and groups of them. No appeal or recourse is permitted against a sentence or decree of the Roman Pontiff.*”

The popes take over the office of Peter who is assigned to be the chief shepherd of the flock of Christ. These prove that the *officium* of pope is by its nature, divine.

2 Collegio Episcoporum (The college of bishops) office

³⁹ It is true that the office of pastor of Holy Trinity Parish of Kecskemét is not divine, it is ecclesiastical, but the conditions of acquiring it is similar to that of St. Peter, or at least, as in the case of pastor of diocesan parishes: that is, free conferral of the office. Canon 523 says: “*...the provision of office of pastor belongs to the diocesan bishop, and indeed by free conferral, ...*”

⁴⁰ The *functio* of *officium* is actually what makes the *officium* what while in a way that *functio* presupposes the *officium*. As a result of this, every ecclesiastical office is proportional to the functions surrounding it as denoted by c. 145 of the two Codes.

The similarity of posture and structure of the colleges of apostles and bishops is drawn clearly in c. 330 of the 1983 code. This canon says that it was Jesus the Lord's will that Peter and the other apostles should form only one body in which manner the body formed by the Roman Pontiff, who is the successor of Saint Peter, and the other bishops, the successors of the apostles should be united. The college of apostles was the college of the *Twelve*, that is, including Peter himself. This college was only one institution set up by Jesus the Lord with Peter at the head. Just as Peter did, other apostles also went far and wild to carry out the *apostle's*⁴¹ functions of evangelizations to all the living. By virtue of intention of the institutor, Jesus, this college forms only one body which can only function with Peter at the head and cannot do without him. The college practiced the oneness expected by the Master who in His prayer's requested of the Father that His followers should be one (see Jn 17: 20-25). St. Paul explained this oneness more when he called the Ephesian followers to preserve the unity of the Spirit by the peace that binds them together for their one Body, one Spirit, one hope, one Lord, one faith, one baptism and one God (see Eph 4: 3-6). This apostolic body is made manifest on the college of the bishops in our time and always. Consequently, today, the college of bishops cannot do or stand without the pope at the head, because the college of bishops whose head is the Supreme Pontiff and whose members are bishops by virtue of sacramental consecration and hierarchical communion with the head and members of the college and in which the apostolic body continues always be together with the head and never without him (see c. 336; CD 4)

By nature of the source of its institution, the college of the apostles is made divine, because it was brought to existence directly by Jesus. It therefore can only carry out the functions that serve for the greater glory of God and salvation of mankind. Likewise, the college of bishops that succeeds the college of apostles is said to be divine.

3 Episcopal (diocesan bishop) office

The other members of this apostolic college also got the functions of governing, teaching and sanctifying the flock of Jesus which they exercised in particular areas and regions.

⁴¹ The word „Apostle” means „sent,” that is the one sent by another person for a purpose. In other words, a pioneering advocate sent for a particular policy or mission. In the same way, Jesus chose twelve Apostles for His Messianic work of redemption.

The Cambridge dictionary sees Apostle as someone who strongly supports a particular belief or political movement. The Apostles strongly believed in the teachings of Jesus Christ. They were the advocates, apologists and propagandists of the gospel of Jesus.

Wherever they went to evangelize, they instituted Christ followers' groups and fellowships, just as they got the right and power from Jesus to do so. Hence Jesus said: "*all authority in heaven and on earth has been given to me. Go therefore, make disciples of all nations, baptize them in the name of the Father and of the Son and of the Holy Spirit, and teach them to observe all the command I gave you (Mt 28: 18-20)*". This divine authority was given to Peter over the universal flock of Christ, but the other apostles also possessed it over the particular flocks in their care.

That is, they unitedly shared in the power and authority given to Saint Peter towards the flocks entrusted to them. The unity of their college made the respective flocks gathered by the other apostles to be subjects of the central control of St. Peter. The power exercised by the twelve in their respective particular churches never opposed the power of St. Peter, because he is the Vicar of Christ, every other power and right is subjected to him.

The bishops who appear in form of other apostles got the same functions given to the apostles to carry out in their respective particular churches. Just as the apostles, their functions and powers are also divine. The same function which the Roman Pontiff should carry out in a supreme, full, immediate, universal and ordinary form of power in Christ's Church (CIC 331) should also be carried out by the bishops in their particular churches in a full, immediate and ordinary form of power as well, and in this way, they assist the Roman Pontiff in exercising his divine office (cf. CIC 334).

4 Ecclesiastical

Apart from the three offices mentioned under the divine ordinance (petrinal, office of the college of bishops and that of the diocesan bishop), every other office in the Church is regarded as ecclesiastical. It is however, clear, that the establishment of the juridical persons also constitute with themselves the offices they guide. Thus, Holy Trinity Piarist religious parish is a juridic person erected by the Church to serve for *salus animarum*. Office is implicit with respect to the juridical person instituted. It means that Holy Trinity parish is instituted with the same act and motive that presupposes the its pastor's function. The same thing is applicable to the establishment of a new diocese and the office of its bishop.⁴²

⁴² Ibid.

In general, all the offices in the Church, - whether divine or ecclesiastical -, are seen to be serving for one goal: *salus animarum*. József Pétery's episcopal instruction to dr. József Erős, "*különösen lelkére kötöm Tisztelendőségednek, hogy nagy gondot fordítson híveinek Eucharisztikus nevelésére*"⁴³ portrays the actual function of the Mother Church, to lead the faithful to the living Christ. As a result, all that is done in all offices of the Church aim at saving the souls of people. The establishment of some offices in the Church, together with their competent establishers are controlled and ruled by the legislator of code of Canon Law, these ones can only validly be functioning as ecclesiastical offices if the establishing rudiments are being kept as directed by the canons in their regard. Otherwise, they may be irregularly functioning; that is, even if the institutor regards them valid, their functioning is irregular. However, many other offices exist in the Church which are merely instituted by competent authorities just to attend to the need of the people under their administration. Jesus Christ had only one objective in stablishing His Church and the offices therein: "salvation of souls". This aim automatically forms the base of all the ecclesiastical offices. This means that the stability of these offices enable them to be independent of the officeholders' personal will in carrying out their official functions in order to attain to this primary motive. Consequently, offices may adopt systems, ways and strategies on their own for governance and operations, their general focus always proves the same. Again, this aim never changes with the changing of the officeholders managing the offices. Consequently, the officeholders should strive to reach the demands of the offices they hold – to serve for the *salus animarum*, and should deviate from all that may hinder the fulfillment of this goal. It is notable that, every office goes with functions and responsibilities, but not every function is an office. Some functions like lectors, acolytes, deacons and so on may be stably chosen or instituted, but they are not to be seen as offices. Here we outline the elements of Holy Trinity Piarist religious parish as an office with respect to definition of parish applied by both 1917 and 1983 codes. These elements are treated here to meet the conditions and challenges surrounding the parish in quote.

4.1 Holy Trinity Piarist religious parish is stable

Stability is an indispensable element which secures a considerable portion in constituting a parish. Both the *Magyar Lexikon* and the two canon law codes of the Mother Church

⁴³ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 5770/1948.

acclaim that office must possess stable manner. This stability is by virtue of its nature as juridic person and its duty as serving the public. Although as far as Church is concerned, not every office of the Church should be regarded as being stable in manner. Many circular priests headed the Holy Trinity parish as administrators during the communist system in Hungary, like dr. István (1958-1962), Ferenc Zoltá Marosszéki (1962-1965), dr. Lajos Kemény (1965-1969).⁴⁴ Moreover, a member of the Order, István Szabó was appointed to be the parish administrator after the death of Zoltán Fórian Szabó. His regime lasted for only one year.⁴⁵ These offices were never meant to be stable. In other words, before an office is to be instituted, the conditions necessary for its long term functioning should be put into consideration. However, a parish, being the basic unite of the community of Christ's faithful is made stable to carry out its pastoral duties properly.

The Church and all its offices that work for *salus animarum* always prioritize stability. The word stability used here has an objective undertone. Stability brings in the Christ's way of institution of office. Offices instituted by Jesus (for example, *petrinal*, college of the apostles, etc.) are all made firm and stable. Stability in this case always refer more directly to the office itself rather than the person who holds it. This act expounds the objectivity of the office under consideration. When it is objective, it is independent of the officeholder. In other words, it continues to exist and functions, irrespective of the person of the officeholder. Moreover, the office holds, even when there is vacancy in the state of the holder. The word stability can as well be used when it is subjective. In this sense the officeholder knows very well that no entrustment or office holding is perpetual, but he still enjoys stability during the tenure of holding the office. Clerics holding offices, like the diocesan bishops and pastors, experience this situation when they reach the canonical retiring age of seventy-five years. In this condition, their office is subjectively stable before the completion of the required age of resignation. Here, the office of the parish pastor is subjectively stable as the office changes from time to time. The same thing is applicable to those occasions where the tenure of the superior of a religious institute is stipulated to be for a given duration. Here, the superior also experiences stability in his or her office until the time of the regime elapses.

Although, an office can, by any uncounted reason stop functioning, but its aim of existence must be made stable. The stability of a parish is provided by the act of the bishop who gives it necessary rights to function as a parish. The right must be the right of erection,

⁴⁴ KOZICZ, J., *A Kecskeméti Piarista Plébánia Hetven éve 1948-2018*, Budapest-Kecskemét 2018, 159-235.

⁴⁵ Ibid.

which requires that every parish must possess juridical personality if legitimately erected. The erecting act of Bishop József Pétery acclaimed in his declaration with file number 5770/1948 gave the Holy Trinity Parish the impetus to stand as a parish which possesses stable manner (cf. Can. 515, §2).⁴⁶ Can. 114,§1 of the present legislator denotes that a juridic person derives its juridical personal statutes either by law or by decree of competent authority. A parish in this sense gets its personality by law.⁴⁷

Once juridic person, it possesses those characters that go with every other juridic persons. Firstly, that the juridic personal statutes must be perpetual as applied by the Can. 120, §1.⁴⁸ This is actually the basis of its stability. The statute is not something temporary. Although many reasons contributed to the erection of Holy Trinity Piarist religious parish of Kecskemét, as I would still elaborate on subsequent chapters, there was no plan that the parish would be revoked back if those reasons and conditions are settled or realized. A parish cannot be temporarily situated or erected. Otherwise, it can be erected in form of chaplaincy, station, community, etc. The second is that it is a non-collegial *universitas personarum*, which denotes that its members do not determine its actions through decision making. This is actually the nature of Holy Trinity parish of Kecskemét; it is made up of a group of a community of the faithful who territorially belong to it, but are centrally controlled by the laws of the universal Church and particular laws of the local diocese. Consequently, a pastor represents and governs the functions and activities of only the parish under his care. All vice pastors and pastors of Holy Trinity Parish governed the parish and took care of the faithful without prejudice to pertinent canons to the chapters dealing with parishes. A parish is known to be a public juridic person as written in Can. 116. Being aggregate of person (*universitates personarum*), it exists to fulfil the purpose of its institution and the Church, which is nothing but *salus animarum* in the name of the Church.

⁴⁶ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 5770/1948.

⁴⁷ See c. 515, §2.

⁴⁸ This perpetuity does not mean that it still maintains its personality if the competent authority responsible to it wishes otherwise. That is, the competent Ecclesiastical authority responsible for erection of an office in the Church is also responsible for terminating its personality, provided that there is adequate reason for act of termination and the people concerned are consulted prior to the act, as denoted by cc. 320, §3; 616, §7 and 733, §1 respectively. As a matter of fact, if those concerned are not consulted before the given act of termination or surpression, the act is likely to be invalid without prejudice to pertinent canons to the given chapter.

4.2 Holy Trinity Piarist religious parish is within the boundaries of a given diocese

The determination of the territories (cf. Council of Trent, Sess. XXIV, c. xiii, de ref.) of parishes in a diocese has two goals to achieve. To provide those groups or parishes constituting the local church with the effective requirements for the “*salus animarum*” and also to assure that their participation in the universal mission is trained and organized. Consequently, Holy Trinity parish of Kecskemét originally fell within the boundaries of the diocese of Vác, but the „*Hungarorum Gens*” Apostolic Constitution promulgated by St. Pope John Paul II on the 30th of May 1993 made it to belong to Arch-diocese of Kalocsa-Kecskemét as already reflected on the above chapter.

For a particular group of the faithful to be appropriately taken care of, they should fall within a particular diocese under the leadership of a particular bishop. Here the emphasis is on making clear and open the limits and boundaries of the parish (cf. c. 518).⁴⁹ This is to ensure the effective pastoral works which are carried out among the faithful as well as the enhancement of a perfect and possible spiritual welfare of the same People of God. If the determination of boundaries of the diocese is achieved, it would be easier to distribute the clergy within the diocese. As a matter of fact, exemption given to parishes erected for clerical religious institutes with Papal right does not exempt them from being within the territories of the given diocese where their parish falls to. Moreover, the 1917 code subjected religious houses of *non-exempt* institutions to be part of the parishes which they territorially belonged to.⁵⁰ Consequently, Holy Trinity parish still belongs to the local diocese even though it was erected and solely handed over to the Piarist Religious Order. All these things contribute to the good, not only of the clergy and the faithful who are directly under its care, but also the whole Church.” With this, the parish would ever be provided with the confidence of the divine guidance as well as the human organizational and administrative elements available in the Church. It is only within this face of condition that the rights and obligations of the faithful can be talked about. The harmony within the

⁴⁹ Canon 518 mandates that parishes should be territorial, following the instruction of the Council of Trent. It also mentioned situations when attribution of a territory to a parish and its pastor would not be absolutely necessary. That is, in the case of personal parishes, when a parish may be established to meet the demands of the pastoral care of rites, languages, or nationality of Christian faithful in a territory. As a result, certain parishes coexist with others in the same territory, e.g. in the Orient or in large American cities. There are even rare instances of parishes formed solely of families, without regard to territory.

⁵⁰ See c. 464, §2; SZUROMI, SZ. A., *A szerzetesi és szerzetesrendre bízott plébániákra vonatkozó hatályos egyházfegyelmi előírások vázlata*, A Pázmány Péter Katolikus Egyetem Hittudományi Kara, hittudományi folyóirat I.III. évfolyam, 2019.3-4, 233.

diocese is also achieved in this way, thereby strengthening the relationship between the leader of the diocese, the bishop, the different parishes and the Piarist religious Order.⁵¹ This relationship should not end within the confines of the diocese, but also foster the incorporation of those matters – as encouraged by the Vatican Council II – in which the working together with other dioceses is enhanced to manifest the one Church entrusted to the apostles who belonged to the same college instituted by same Christ as clarified by *Christus Dominus*, number 36. The document encourages structural functioning of the bishops' conference, the fraternal charity issues, issues pertaining the universal mission as seen from the earliest ages of the Church, matters of ecclesiastical provinces (CD, no. 40), the establishment of various offices to serve several dioceses in a particular area (CD, no. 42).

4.3 Holy Trinity parish is under the authority of a diocesan bishop

Among all, a parish requires to be erected under the authority of the diocesan bishop.⁵² A parish is an office, and an office is a duty, and being a duty, it requires someone to account for it. Even if an office is under the control of a group of people where they share rights and responsibility of that office as a group,⁵³ there must be an authority responsible for it.⁵⁴ This element is nourishing from the previous one which requires that the parish should fall within the boundaries of the diocese. In effect, by being under the authority of the diocesan bishop, it empowers the bishop to reach almost every aspect of the management of parish, namely: the erection and alteration of the parish, the appointment of the pastor to handle the parish, the provision of the clerical helpers if the parish is big enough and requires it, the enactment of rules guiding the temporal goods of the parishes, etc. The hands of József

⁵¹ Whenever the issue of working together is a topic to be discussed, every sector of the one Christ's Church should see it as an obligation. It should be extended towards working together of institutes of Holy Life among themselves and also between them and dioceses. With working together, different religious institutes could help each other and commonly solve the problem of education their members as encourage A MEGSZENTELT ÉLET INTÉZMÉNYEI ÉS AZ APOSTOLI ÉLET TÁRSASÁGAI KONGREGÁCIÓJA, Római Dokumentumok XXII, *A szerzetesi élet szemlélődő dimenziója, a Kongregáció 1980. március 4-7-i plenáris ülésének dokumentuma*, SZIT., Az Apostoli Szentszék Könyvkiadója, Budapest 2003, 11-13.

⁵² See c. 515, §1.

⁵³ See c. 517, §1.

⁵⁴ See c. 516, §1. This canon uses the word „definite” to express manner of Christian community in this group. That is, they are as public as any open group can be and still definite in their quorum or attitude.

Pétery extended to erection of the Holy Trinity parish, appointing dr. Erős József to the parish as vice pastor, appointing Scultéty Kálmán és Kolláti István as vicars to help him.⁵⁵ As it were, a pastor is acting in the parish in the bishop's stead. He exercises the power of teaching, governance and sanctifying directly given to the bishop in view of his office. In carrying out these three important functions, Vatican Council II called priests necessary helpers and counselors to bishops.⁵⁶ The diocese exists as the smallest complete group of the people of God in the sense that it is under the governance of the bishop in whom the right of administering all the sacraments are complete. The bishop is the only person in the diocese who is with the power to enact and execute laws for and against every faithful in his diocese, so even the pastors of religious parishes must abide to his particular laws and precepts.

4.4 *A parochus* is always appointed to Holy Trinity parish

The current legislator commands that even when parish is entrusted to group of priests *in solidum* or to religious institutes, one of them should be appointed to be in charge of pastoral works; that is, to make the make the pastoral care be precise with concentrated sense of responsibility.⁵⁷ The same mandate was also used by CIC 471, §1 (1917), saying that wise pastor should be appointed when religious parishes are joined with complete legitimacy to moral persons, cathedrals, etc. In each case the reason lies on, having the proper pastor of the parish to take care of all the pastoral and spiritual needs of the faithful. Immediately after the erection of Holy Trinity parish, bishop József Pétery told the provincial to nominate a pastor for the parish.⁵⁸ When this was done according to the pertinent canon to this chapter,⁵⁹ he appointed dr. József Erős for the function.⁶⁰ I will still elaborate on this topic on the subsequent topics. The pastor must be particular and should work in place of the diocesan bishop. The Vatican Council in *Christus Dominus*, no. 30 indicated that: "*Parish priests are in a special sense, collaborators with the bishop. They*

⁵⁵ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 5770/1948. This document has attachments of appointment of pastor and vicars of the parish.

⁵⁶ See PO 6.

⁵⁷ See cc. 517, §1; 520, §1.

⁵⁸ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, Magyar rendfőnökség új levéltára (1.1.b), *Hivatalos levelezés*, Kecskemét 1948, 1279/1948.

⁵⁹ See c. 682, §1.

⁶⁰ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, Magyar rendfőnökség új levéltára (1.1.b), *Hivatalos levelezés*, Kecskemét 1948, 5770/1948, attachment on the appointment of the parish vice pastor.

are given, in a specific section of the diocese, and under the authority of the bishop, the care of the souls as their particular shepherd.” In this way, the pastor as a person relates in medium between his parish and the diocese. He works for *salus animarum* in his local parish as the particular pastor of his sheep but at the same time being a collaborator with the bishop, connecting in his one person his local parish with the diocese at large.

Till date, it is well known that pastors of this Piarist parish always strive to keep adequate relationship and collaboration with the given diocesan bishop.

Appointment of pastor is always solely the function of the bishop of the diocese. We say it is “solely his function,” because even if the parish is under the care of the religious, as in case the nomination or selection of the pastor is done by their competent authority, Sándor Sík, the appointment is was done by the diocesan bishop (CIC 682, §1).

So generally speaking, parishes can only be erected if there are people whose salvation of their souls need it, which should be established within the boundaries of the of the diocese under the care of the diocesan bishop whom the appointed local pastor represents.

4.5 Other members of the parish (presbyters, brothers and the laity) always cooperate and work with the pastor for *salus animarum*.

The Vatican Council II encouraged priests to work together with the faithful and conduct themselves in their midst, sincerely acknowledge and promote the dignity of the laity and the role which is proper to them in the mission of the Church.⁶¹ In essence, the laity and the priests are to work together to identify and find solutions to such problems regarding their personal and community faith, spiritual welfare of the individual parishioners and groups, salvific matters, etc. This act of working together is always an attribute of the Holy Trinity parish community of Kecskemét since the parish is erected till now. As a matter of fact, even if the parish is religious in nature, the parish pastor and all his assisting religious members and co-workers should strive to maintain this working together.⁶² The vastness of pastoral work in the parish justifies the fact that a pastor should need the help of every member of the parish to achieve a successful goal in his apostolic work. The first *Corpus Christi* procession done by the Holy Trinity parish on the 16th June 1949 proved it well.

⁶¹ See PO 9.

⁶² See VALESIO, D. P., *La Vita Consacrata nella Chiesa*, (Facolta' di Dirritto Canonico San Pio X, Manuallia 4; edizione rivista e ampliata a cura de Musca, V.) Venezia 2010.

Many of the equipment used for the liturgical procession was borrowed or hired from other churches and individuals.⁶³ Meanwhile, a parish under the control of the *parochus* requires the contribution of the other clergies, priests and deacons residing in and around the territory of the parish as well as the laity. Can. 208 says: “*From their rebirth in Christ, there exists among all the Christian faithful a true quality regarding dignity and action by which they all cooperate in the building up of the Body of Christ according to each one’s condition and function.*” So by helping in the pastoral and other aspects of the parish work, a faithful is more or less fulfilling his or her own obligations derived from the sacrament of baptism. Within the Eucharistic week and dedication of the church’s organ (from 26th February to 5th March 1950), a man waked into the parish on Saturday and gave the parish pastor a sum of 1000 Forint for restauration of organ, which was at that time a very big money. The man went away immediately without mentioning his name.⁶⁴ The parish and the parish pastors should strive to reach out to such charismatic and generous hearts like this who are willing to work with the clergy; it needs the assembly of the abilities, potentials, charisms, and statutes of all the members of the parish to enhance an effective pastoral endeavors.

⁶³ KOZICZ, J., *A Kecskeméti Piarista plébánia hetven éve 1948-2018*, Budapest-Kecskemét 2018, Budapest-Kecskemét 2018, 309.

⁶⁴ KOZICZ, J., *A Kecskeméti Piarista plébánia hetven éve 1948-2018*, Budapest-Kecskemét 2018, 312.

III. LEGAL CONDITIONS AND CHALLENGES ABOUT OFFICE OF PASTOR OF KECSKEMÉT PIARIST PARISH DURING “*PRE-EPISCOPAL*” STAGE.

The period I call “pre-episcopal” is the time when the Holy Trinity Piarist community was not yet a parish; the time when members of the Order have already gained ground among the faithful of this community but still belonged to the mother parish. When the parishioners living around this community have felt the need for them to be independent in terms of pastoral works, notwithstanding, they did not request for division. The peaceful time, when there were no worries and difficulties or challenges from any government regime forcing members of the Order to dabble to pastoral works, etc.

As a matter of fact, Piarist religious Order is always faced with challenges as far as they exist in a given environment. Although, to face challenges is more or less, primary and obvious in anything pertaining apostolate of religious institutes; it is normal. Then, the challenges being faced by the Piarists always seem to be extraordinary, because knowing very well the special apostolate of Piarist religious Order, that is, education and taking care of the youths, or more precisely, education of the less privileged youths, it is clear that life of the Piarist Order would ever be full of challenges. In one sentence, “defeating these challenges make Piarist religious institute worthwhile.”

In this thesis, I will not engage in discussing the challenges of the institute in taking care and education of the youth, I would rather dabble into such difficulties and challenges, plus conditions surrounding pastoral engagements of the Order before they felt the need to request for erection of parish in Kecskemét. I would therefore examine only the pastoral spiritual need of the Kecskemét people and the surroundings which led to inviting the Piarists, then the quality of evangelism carried out by the members on work, which convinces the faithful to support the building of not only their religious house, but also their own church. I would also look into the challenges facing them financially, socially and legally to exist as a group of evangelizers in the city of Kecskemét.

These challenges also served as factor determining the stay of the Piarist religious Order in the city, because they could only continue their works for which they were invited if they could overcome those stumbling blocks.

1 Spiritual need and re-strengthening Catholicism

Catholic always lay emphasis on her two roads to evangelism: the “outward-road” which leads to the gentiles, to all the ends of the Earth, converting and wining to Christ Jesus (cf. Mt 28: 19-20), and the “inward-road” which leads inversely, to the Church herself, to already converted faithful leading them to constant spiritual renewal and revival (cf. Mt 10: 5-8). In each case, religious is ever seen to be an adequate “agent of help” to achieving this ecclesiastical apostolic goal.⁶⁵ Thus, there is a stable form of life that is always portrayed by the Piarist religious Order as consecrated life among the youths, in which they follow Christ more closed under the action of the Holy Spirit (cf. can. 573, §1). With this form of life, they attract multitude of Christ’s faithful to themselves. Their exemplary life for the youth always makes them have special regard and respect in the society.

By virtue of nature and fundamentals of religious life, history, culture and legislators of canon law testify Church’s request for help from religious institutes in pastoral apostolic works especially in times of need. Likewise, the Piarist religious order shared in the local pastoral works in Kecskemét and its vicinities with a very high zeal especially during the middle of 18th century. This does not necessarily mean that religious institutes cannot engage in these apostolic participations on their own at their own time, our emphasis here lies on how the Church encourages local authorities to implore the help of religious institutes, though with special regard to apostolates proper to them.⁶⁶ In other words, every order, religious institute or organization has a peculiar fundamental apostolate which the founder has in mind before founding and instituting it. This should always be focused on, no matter the arising need or situation in the Church.⁶⁷ The Piarist order in this aspect, has teaching as a fundamental apostolate. Their teaching enthusiasm, methods and capacity among the youths in primary and secondary schools is always outstanding. Generally, religious groups and Piarists as well, always enjoy support of the faithful because of their unique nature even from the earliest time when it newly came into existence in the Church. The faithful always see something more in them and are convinced that they could add more to their lives. The Piarists are not alone on this; Norbert of Xanten and his Norbertine

⁶⁵ See VALESIO, D. P., *La Vita Consacrata nella Chiesa*, (Facolta’ di Dirrito Canonico San Pio X, Manuallia 4; edizione rivista e ampliata a cura de Musca, V.) Venezia 2010.

⁶⁶ See.c 674.

⁶⁷ Ibid.

(Premonstratensian) monks lived a life worthy of emulation among the priests of Laon and this made Premontre to be a spiritual center throughout the vicinity of Laon.⁶⁸ The “living of evangelical life” is naturally seen on them. Moreover, their life of community and especially their total renouncing on the worldly things only for *salus animarum* promotes their world to people. Can. 675, §1 expounds it this way: “*Apostolic action belongs to the very nature of institutes dedicated to works of the apostolate. Accordingly, the whole life of the members is to be imbued with an apostolic spirit; indeed, the whole apostolic action is to be informed by the religious spirit.*” This natural manner of apostolic action attributed to them radiates from their very appearance among people, therefore their disciples always equate them with fruitful evangelical works. The legislature says that their lives should be imbued with an apostolic spirit; this actually differentiates them from most of the circular priests, who may in one way or the other be distracted by worldly side of apostolic works. As a result, parishes or churches under the care of the religious always count on greater number of faithful and higher level of spiritual care in any place they evangelize. It is also very remarkable that most times, religious groups go for new converts, taking up the works of evangelization even in the most difficult areas.

The arrival of the Piarist religious group to Hungary has special reasons behind it. As history has it, the Piarists were called into the country to participate in the country’s evangelization of 18th century, especially on educational field. As a result, they were invited to lowland around Kecskemét by Earl Koháry István to handle the educational situation of the vicinity,⁶⁹ to educate the youth concentrating around the surroundings of Kecskemét. Koháry applied the right provided by the legislator in CIC 212, §2 (1983) which says: *Christifidelibus integrum est, ut necessitates suas, praesertim spirituales, suaque optata Ecclesiae Pastoribus patefaciant*. That is, Christ’s faithful are at liberty to make known their needs especially their spiritual needs and their wishes to the pastors of the Church. He made known the spiritual needs of the youths of Kecskemét county to the Piarist religious order, requesting for help. Even though, he was not a priest, still as Christ’s faithful, he made his request by virtue of his fundamental right a Christ’s faithful. The piarist religious priests gave room to his request and helped the region. Moreover,

⁶⁸ SZUROMI, SZ. A., Medieval Canon Law heritage of the Norbertine Abbey of Weissenau in the Hermitage of St. Petersburg, in *Folia Canonica* 12 (2009) 119-137, especially 130; PUTHIADAM, I., *A short history of Religious life*, From the Desert of Egypt to the Oasis of the second Vatican Council, Asian Trading Corporation, Bangalore 2010, 119. BACKMUND, N., *Die mitterlalterlichen Geschichtsschreiber des Prämonstratensordens* (Bibliotheca Analectarum Premonstratensium 10), Averbode 1972. 252-254, 267-272.

⁶⁹ KOZICZ, J., *A Kecskeméti Piarista plébánia hetven éve 1948-2018*, Budapest-Kecskemét 2018, 9.

“*Christifideles, ... ius habent ad educationem christianam,*” (cf. c. 217), that is Christ’s faithful have the right of Christian education. The canon says that this right is from their virtue of being baptized, so that they can educationally strive for human maturity and also to know and live the mystery of salvation. This era was highly remarkable in Hungary and other countries of Europe, because this was the time of renewal of the Church in Hungary, after the influential effect of reformation on the daily life of the Catholic Church. Being a religious group with a diverse apostolic strategies, the Piarists had to apply educational systems,⁷⁰ which is their primary apostolate together with pastoral engagements. By teaching the faith of Catholicism in schools, they could achieve more among their disciples; by living among the people they taught and evangelized (which is the best method in missionary work), they came closer to the successful result of what they were called to do in the lowland side of the country. With this system they always give clarity and vigor to faith, nourish a life lived according to the spirit of Christ, they lead to knowing and active participation in the liturgical mystery and inspire apostolic action as propounded by the Second Vatican Council (GE 4). As the case maybe, the people of Kecskemét developed a special love on these Piarist pioneers; many joined to be disciples of their teachings. Although, these faithful were belonging to the central Ascension’s high parish of Kecskemét, but the spiritual needs of the Catholic faithful at this time made them to metamorphose into another group within the same parish group who were completely dedicated to helping the Piarists to achieve their goals of evangelization. Maximum supports were given to them from the poor and rich members of the faithful. After all, “*The state of those who profess the evangelical counsels in institutes of this type belongs to the life and holiness of the Church and must be fostered and promoted by all in the Church (CIC 574, §1).*” The Church supported them greatly by provided them with a place to build a religious house, at least for living.⁷¹ With this, the Piarists were inclusively provided with the right to lead a life and exercise the works proper to the purpose of their religious institute. The poor members of the flock contributed and offered them daily food as well.

⁷⁰ GE 4 states that the means of education proper to the Church is of catechetical training. In other words, the education that uses moral and faith as the foremost instrument. Piarist order is one among others that applies this method.

⁷¹ Canon 611 declares that when a diocesan bishop gives right of erection of religious house to a religious institute, other rights necessary for their existence are also automatically inclusive, like right of leading life that matches the character and is proper to the purpose or apostolate of the institute, right of exercising the apostolic works proper to them and also right of building church if need arises.

2 Certainty in operation of Piarist congregation in Kecskemét

When certainty is mentioned in the Church in terms of institution of offices we first call in mind the act of competent authority: the act of stabilizing the established office. In other words, an office is made stable by the establishing competent authority. Among these, some offices cannot exist without been made certain. A parish is an example of these; a group of people can only be called parish if it is made stable.⁷²

The arrival of the Piarist religious institute was originally to meet the demands of the ecclesiastical invitations, especially in matters education and counter-reformation. On his brief reference to this, Kozicz János said that the evangelical spirit of those pioneer Piarists were very high.⁷³ This high zeal led them through all the difficulties they encountered along the line. The fortitude in them was noticed by the flock and the surrounding regions, like Kiskunfélegyháza, Csonrád, Jászberény, Pusztapéter, Ferencszállás, Kerekegyháza and so on.⁷⁴ There are expectations of continuation from pupils and parents of the schools in their control. Cultures were adopted from feasts, celebrations, teachings and regulations they constituted. Moreover, they were convinced that the local ordinary would provide them with a just autonomy of life, especially of governance, which is always acknowledged by individual institutes, with which they would possess their own discipline in the Church and would be able to preserve their own patrimonial impact (cf: c. 586, §1). The legislator denotes in §2 of this same canon, that “*it is for the local ordinaries to preserve and safeguard this autonomy*” for these institutes. Again, seeing the success of their evangelization, especially the performances of these schools handed over to them in 1716, the senators of Szeged invited them to work similarly in their city as well. With these they had hope for continuation and stability of their duties of proclaiming the gospel in the lowland region. With all these, the religious institute could live in the hope of stabilization and certainty from the side of the local ordinary. Evangelical works were successful and concrete supports came from both the flock and the local diocesan authority. Therefore,

⁷² Canon 515, §1 says: „*Paroecia est certa communitas christifidelium in Ecclesia particulari stabiliter constituita, ...*” That is: a parish is a certain community of Christ’s faithful stability established within a particular Church. Here the emphasis lies on the stable establishment of a community to become a parish. More or less, stability becomes a very important element of parish establishment.

⁷³ See KOZICZ, J., *A Kecskeméti Piarista plébánia hetven éve 1948-2018*, Budapest-Kecskemét 2018, 9-26.

⁷⁴ Ibid.

they believe not only in the continuation of the works they were invited for or, but also in the certainty of the work itself both evangelically and authoritatively.

3 Moral and material needs

There was no doubt on the support from the faithful to the Piarist religious organization in Kecskemét, because right from their arrival, the faithful saw the need to help them settle and carry out their work of grace. No wonder, canon 222, §1 says: “*Christ’s faithful have the obligation to provide for the need of the Church, so that the Church has available to it those things which are necessary for divine worship, for works of the apostolate and of charity and for the worthy support of its ministers.*”⁷⁵ As a matter of fact, their works were noticed like the works of the first followers of Christ in Antioch, which made people to call them Christians.⁷⁶ Their works of mercy, the sacrifice they took up for the flock, their steadfastness in evangelical actions, their conviction in successful work, their exemplary lives, their words and deeds; all helped them to win confidence of all Christ’s faithful. Owing to this, both Kecskemét people and the low-land regional communities (Kiskunfélegyháza, Csongrád, Jászberény, Pusztapéteri, Ferencszállás, Kerekegyháza, etc.) joined up in donating and offering for their daily needs.⁷⁷

The Council of Trent foresaw this trend right from the time she felt that some dioceses and parishes could not withstand financial difficulties for successful evangelical works. She therefore commanded that bishops should assign the contribution of first fruits and tithes by the parishioners, hoping that in this way, it shall deem more profitable, in order to decently suffice for the need of the parish pastor and the parish itself.⁷⁸ There is always power in the support of the faithful. After all, *Christifideles obligatione tenentur necessitatibus subveniendi Ecclesiae, ut eidem praetor sint quae ad cultum divinum*, that

⁷⁵ The legislator used the word “obligation” to denote the concern of the faithful to the Church. More polite words like responsibility or function may have provide the faithful with the chance of neglecting the duties of supporting the Church, but the legislator used the word, “obligation” to make mandatory and compulsory for them. Meanwhile the obligation of supporting the Church by the faithful is unavoidable.

⁷⁶ In Acts 11: 25-26, Barnabas went for Saul in Tarsus and both of them visited the Church of Antioch and stayed with them for about one year. Their instructions, together with the enthusiasm of the congregation made this community of the faithful to acquire spiritual powers from the Holy Spirit, with which they did many good works and converted multitude to Christ. People seeing them prophesied that they were performing like Christ their Master, and as a result, called them “Christians.”

⁷⁷ See HISTORIA DOMUS KECSKEMETIENSIS I, 1714-1760, *Demka Sándor Haláláig*, Kecskemét 1760.

⁷⁸ See Council of Trent, Sess. XXIV, c. xiii, which treated the division of dioceses into parishes.

is, Christ's faithful have the obligation to provide for the needs of the Church, so that the Church has available to it those things which are necessary for divine worship. Therefore, even if the authorities of the Church do all to provide many for the Church, it is still an obligation of the faithful to take care and provide for the Church. Minor sources say that the faithful abided to this law and helped the Piarist fathers in many ways. Apart from the Holy Masses which they buked, through which they financially supported the religious, the faithful from the above mentioned areas, also contributed many food items like bread, meet, wine, cereals, lamb, cheese and many other things. We can imagine what kind of challenges feeding, physical and material maintenance could be to the members of the Order here in Kecskemét. They had to depend on the good will of the people for sustenance. They lived a complete life of the missionaries.

Nevertheless, The Piarists are known from the beginning for keeping the words of Jesus in Mt 10, 9-10 as He urges: *Provide yourself with no gold or silver, not even with coppers for your purses, with no haversack for the journey or spare tunic or footwear or staff, for the laborer deserves his keep.*" Although Kecskemét community got some monetary fund from the competent authority, but it would have gone nowhere if the faithful have not immensely supported the religious in building the church. A good number of pious families sold their lands and gave them the benefits. The great landowners of the low-land region like Koháry István and many other correspondences of similar caliber from that era also provided them with huge supports.⁷⁹ Many of the sacred vessels and linens, alter decorations, church and window paintings were also donated by the flock.

Poverty always remains one of the hardest challenges religious for. It is not surprising, the pioneers of religious, the hermits and the cenobites⁸⁰ who lived in Egypt towards the end of third century were never rich, they were all poor. Most of them lived in the desert, for example, St. Paul of the Desert (251-356), Antony of the Desert (250-356), Pachomius (+346), St. Basil the Great (+379), whose "regular of life" fundamentally influenced most of religious societies of the Eastern Church,⁸¹ Eusthatios of Sebaste in Asia Minor, East

⁷⁹ KOZICZ, J., *A Kecskeméti Piarista Plébánia Hetven éve 1948-2018*, Budapest-Kecskemét 2018, 9-12.

⁸⁰ PUTHIADAM, I., *A short history of Religious life*, From the Desert of Egypt to the Oasis of the second Vatican Council, Asian Trading Corporation, Bangalore 2010, 30. On this chapter Puthiadams explained the character of the hermits, that is, the anchorites who lived alone all through their lives and the coenobites who were also monks, but lived in community, both in Egypt towards the end of third century.

⁸¹ SZUROMI, SZ. A., *Bevezetés a Katolikus hit rendszerébe*, SZIT, Az Apostoli Szentszék Könyvkiadója, Budapest 2014, 43.

Syrian Monastery members, West Syrian Monastery members, etc.,⁸² all lived an extraordinary poor life.

Notwithstanding, every faithful exercised the *pleno iure* provided to him or her by the legislator to share the Church's mission, thereby promoting and supporting apostolic action by their own initiatives, undertaken according to their state and condition (cf: c. 216). As the case may be, both religious members and the faithful also felt the need of building up a church under the religious' care, because all were filled with the hope of continuation. It was clear to everyone that the task of settling down and building up a church will not be an easy one. We shall treat the topic of church building in the later chapters. The religious were open to every offering, support and help that may come from anybody. Therefore, they involved everyone in their daily countenances to move forward. Trials and setbacks arose from every angle, but the moral and material support behind them fortified them day by day.

⁸² PUTHIADAM, I., *A short history of Religious life*, 33-52.

IV. LEGAL CONDITIONS AND CHALLENGES ABOUT OFFICE OF HOLY TRINITY PARISH PASTOR DURING “*SUPER SUPERIOR*” STAGE

Let us use the expression “super superior stage” to characterize the era under which the Superior General of the Piarist religious Institute was requested to approve the erection of Holy Trinity

Parish in Kecskemét. It would have been more logical to treat the “Episcopal stage” before this one. That is, the stage when József Pétery, the bishop of Vác was procedurally erecting the parish. But knowing very well that such act would never commence without approval from the highest competent authority, I find it better to anticipate the treatment of the area handling conditions and challenges during “super superior” stage.

This stage would also come across many challenges as the Superior General would examine all and all pertaining the erection of this parish; to find out whether this proposal would be beneficial to their institute, whether it would be the saving solution to the present problem the Order is encountering, also to weigh the response and attitude of the local ordinary, to be sure that every step is taken depending on the necessity, to ensure the legitimacy of the acts carried out, and so on.

Actually, Superior Generals has similar position in religious system like local ordinaries in circular system of the Church. By circular I mean diocesan system, though not every superior has ordinary, proper and immediate power over the members under him as diocesan bishop has over the diocese entrusted to him.⁸³ Among all levels of superiors, the one very similar to episcopal office in manner is the provincial’s one. Hence, the pertinent canon to this chapter says: “*plurium domorum coniunctio quae sub eodem Superiore partem immediatam eiusdem institute constituat et ab auctoritate legitima canonice erecta sit, nomine venit provinciae.*”⁸⁴ As a result, his power over his province is immediate and proper to those houses which are canonically brought together by a legitimate authority to form the particular part of the same institute entrusted to him. The first difference between this office and office of a local ordinary would be in issue of stability. Meanwhile office of superiors is never made stable, they are temporary.⁸⁵ As the case may be, the provincial

⁸³ See c. 381, §1.

⁸⁴ Canon 621.

⁸⁵ Canon 642, § 1.

superior would be the one competent to request the erection of parish in his province from the Superior General.

At this point, I have to bring in the competency of the Superior General; he is the one to give the final approval from the side of the religious institute in such matter with heavy interests like erection of parish. The current legislator says: “*Supermus Moderator potestatem obtinet in omnes instituti provincias, domos et sodales, exercendam secundum ius proprium, ceteri Superiores ea gaudent intra fines sui muneris.*”⁸⁶ That is, his power extends to all the provinces, houses and members of the institute which he exercises according to proper law, whereas other superiors possess power within the limits of their function.⁸⁷ If that is the case, his approval for erection of parish in Kecskemét is indispensable.

Truly, erection of a religious parishes always differ in many ways from the erection of diocesan parishes. When a diocesan parish is to be erected, every power of erection centers around the diocesan local ordinary. The bishop’s episcopal power is enough to carry out the action from the beginning of its procedure till the end. Every other power or forum (for example, the presbyteral council) becomes advisory or consultative in nature and performance. At the end, the parish arises as the smallest, or with better expression, the basic unite of Christ’s faithful. All the legal proceedings start and end under the authority of the diocesan bishop. In the erection of a religious parish, or joining a religious house or church with a parish, it becomes more complicated, due to the nature of mission of religious life. The table below shows few legal differences likely to be experienced when we compare the erection of diocesan with erection of religious parishes.

Diocesan parish	Religious parish
The parish pastors or parishioners themselves can request for erection, otherwise, the bishop himself erects without request	the religious should requests for the erection
The bishop erects parishes (can. 515, §2; and can. 1427, §1 of 1917 code.	The superior general only approves erection of parishes but has no power to erect.

⁸⁶ Canon 622.

⁸⁷ Canon 502 of 1917 code also reserved a lot powers to the superior general as it says: “*A szerzet legfőbb kormányzójának hatalma van az összes tartományok, házak és rendtagok fölött, amelyet a szabályok szerint kell gyakorolnia, ...*”

The bishop consults the presbyteral council before erecting (can. 515, §2)	The provincial consults the chapters and the superior general before requesting for erection of parish
The bishop erects diocesan parishes (can. 515, §2)	Only the Holy See has the right to erect a religious parish, but the bishop can erect with approval from the Holy See
Suppression of parish is also done by the bishop, though after consulting of presbyteral council	Only the Holy See has the right to suppress a religious parish
The pastor is appointed freely by the bishop, though may consult the dean of the zone	The provincial is only to nominate the appointee

Looking closely on the above table, it is easy to observe the weight of act of the religious superiors. Their right of participation on the erection of a religious parish is not merely consultative and advisory, they have a determinant undertone. For example, a parish cannot be regarded religious without approval from the supreme moderator, or the superior general, who according to the current legislator, exercises power over all the provinces, houses and members of the given institute. His opinion is prioritized against the local ordinary's own when deciding whether a parish is to be requested for the religious or no. I mean, he and the chapters of the religious have many things to consider before requesting for parish for their institute. Canon 501, §1 of 1917 code used more stronger expression to qualify the powers of superior and chapters when it says: *“Az előljáróknak és a káptalanoknak uralkodó hatalmuk van az alattvalók fölött...”*⁸⁸ They have a ruling power when it comes to matters of governance of the members under them and this is the power they should exercise on behalf of their institute during such acts like erection of parish. As a matter of fact, the approval of the superior general must be preceded by a formal request letter addressed to him by the provincial of the province where the parish would be erected for the institute. So let us look into the legacy of the request letter written by Sándor Sík, the Hungarian provincial of Piarist religious Order during the erection of the Holy Trinity parish in Kecskemét.

⁸⁸ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1148/1948.

1 Provincial's request to the Superior General

Now, the provincial, being the competent authority to start the procedure, wrote a letter of request to the Superior General. The letter was written on the 7th of September 1948⁸⁹ in Latin language (as *lingua Ecclesiae*).⁹⁰ In this letter, he first referred to the number 277 of the Piarist institute Regula, which regulates the procedure of making a parish Piarist. I quote his letter: “*Ad normam Nr. 277. Regularum communium humillime peto licenciam, ut in domibus nostris in Nagykanizsa, Kecskemét, et Sátoraljaújhely parociae erigi possint. Causae id saudentes Paternitate Vestrae Optime sunt notae.*”⁹¹

I would not continue without pointing on the fact that other institutions of the Piarist religious order under Hungarian province had the same problem of nationalization at this same time and they almost got lost as well. That is why the provincial requested from the Superior General the erection of parishes of the three places at the same time and with the same request letter. However, my project is researching on the legal conditions surrounding only the of Kecskemét parish, I would therefore focus only on it, though I maybe referring from time to time on the conditions of the other parishes.

This *regularum communes* referred by the provincial denotes norms to be observed before confirming a Piarist religious parish as I would explained under the topic of reasons for erecting Piarist religious parish in Kecskemét.

At the salutation and closing of this letter, the provincial used similar modalities to greet the Superior General as when he addresses the local ordinary of Vác diocese, Bishop József Pétery; saluting him with highest humility, “*Benedicite! Reverendissime ac Delictissime Pater*”..., and closing with “*cum manuum Paternarum doesculatione permanoe humillimus in Christo filius.*” This clearly shows also the dual reverence surrounding the statutes of a religious whenever an office is entrusted to him within the confines and territories of a given diocese. He owes total reverence to both the diocesan bishop and his competent Superior General as well (cf. c 678, §1 of the current legislation) as far as

⁸⁹ Ibid.

⁹⁰ Latin language is the first official language of the Mother Church that is universal, formal, original and proper. It is the language of Canon Law. That is why all matters of the Church with formal undertone and written in Latin language. Although the Second Vatican Council which revived the use of language in the Church's liturgy under Sacrosanctum Concilium Constitution allows the use of mother tongue whether in Mass, administration of Holy Sacraments and as well other parts of the liturgy just because of its advantage that the people understands it better (See SC 36, §2). Consequently, today some languages like English and Italian are even used by the Vatican for writing and dissemination of some documents from the Holy See.

⁹¹ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, Magyar Rendfőnökség, Rendfőnöki levelezés, Kecskemét 1948, 1638/1948.

apostolate of Christ's faithful is concerned. This dual state of reverence is always there in the life of the religious, especially when external apostolates of religious life is taken into consideration like managing a parish.⁹² Example of this should be seen in the life of Norbert of Xanten, the founder of Premonstratensians (the White Canons). He was a wandering preacher but his good faith and religious observance was under the care and control of the bishop of Laon.⁹³

It is then left for the Superior General to weigh and examine all the conditions and surrounding factors necessary for the erection of a Piarist parish to be approved. In the case of Holy Trinity parish of Kecskemét, one may already hope for successful approval because both the local ordinary, the parish priest of the Mother parish (Ascension's parish), Abbot Baranyi László and the faithful of Kecskemét city are highly all willing to accept the erection of this Piarist parish.

2 Response from the Superior General

One may think that the Superior General would waste time in answering the request of the provincial due to the apostolate of the Piarist religious which is different from parish apostolate and also the requirements on the Piarist Regular, especially on the issue of approval from the local ordinary, plus difficulties from the communist system ruling the country at that time. And truly, this level formed one of the utmost challenging level among other levels of procedures for erecting this parish. It is because, the Superior General may have a different opinion about the whole issue. He could think that this is not the best step to be taken to redeem the existence of Piarists in Kecskemét and in their Hungarian province at large. That is why I say, this point is really exciting and challenging. If he had thought like that, everything would have stopped and the whole effort of the provincial together with the supports of members and local bishop would have been in vain.

⁹² Kuminetz differentiated the weights of vow of obedient taken by diocesan priests and religious members. According to him, a religious completely subjects himself of herself to the competent authority in everything without any reservation (*regulares velle et nolle non habent*), and renounces on his or her personal will. Inversely, the vow (promise) of obedient of diocesan priest to the competent authority concerns a specified area of priestly life (KUMINETZ, G., *Klerikusok Kézikönyve I*, SZIT, SZIT, Az Apostoli Szentszék Könyvkiadóka, Budapest 2012, 297.

⁹³ SZUROMI, SZ. A., *Dottrina e disciplina della Chiesa. Teoria – fonti – istituti (Aud Religion und Recht 20)*, Berlin 2016. 55-57; PUTHIADAM, I., *A short history of Religious life*, 118.

Nevertheless, the Superior General also knows very well the local problem of the members in Kecskemét. In fact, I can say that the Superior General answered and approved the request with immediate effect, because he replied it under one week after getting the request letter. More precisely, as the Superior General referred, the letter was delivered to him on the 13th of September and he replied it the next day (14th of September, the same year). It testified that the Superior General's view was the same with the provincial's own. He saw with him that there was no other way to exonerate the schools and institutions of the Order in Hungarian province than to approve engagement in pastoral works, and if possible, to manage parishes. After all, "*evangelizálni annyit jelent, hogy a rendelkezésünkre álló minden alkalmas és becsületes eszközzel hirdetjük és terjesztjük a kinyilatkoztatott igazságok tartalmát.*"⁹⁴ So every potential instrument should be applied to proclaim the same truth revealed by Christ. Again, he was aware of the Order's situation in Hungary; his wish was to do all for the existence of the Order in Hungary and to *...eorum necessitatibus personalibus convenienter subveniant,...*⁹⁵ that is, meet the personal needs of the members appropriately; to save both the temporal goods of the Order and the members.

Obviously, before a provincial could pursue for Piarist religious parish to be erected, four approvals are indispensable for him to gather: the approval of the competent chapter, more or less, the community, the *erigating* bishop's approval, his own approval and that of the Superior General's. If anyone is missing, the parish cannot be called Piarist. Again, if a religious house would be joined-up to the given parish, then the fifth approval must be acquired, that is, an approval from the Holy See.

From line to line, one can see with me the challenges, conditions and legal protocols surrounding this erection procedure and agree with me that it is not an easy task. Even though, these kinds of challenges are not outward ones, they are not from the external powers, neither from day by day setbacks. They are completely inward challenges, but for the fact that parish erection is a matter with legal engagements, it attracts many arrangements to itself.

However, the Superior General approved and signed the erection of the Holy Trinity parish of Kecskemét. Although he made an important imposition: that the provincial should acquire the most vital erecting document with declarations as follows: "*Ex parte*

⁹⁴ PAPI KONGREGACIÓ, Római Dokumentumok XVI, *A pap, az ige hirdetője, a szentségek kiszolgáltatója és a közösség vezetője a harmadik keresztény évezred távolatában*, SZIT., Az Apostoli Szentszék Könyvkiadója, Budapest 1999, 19.

⁹⁵ Canon 619.

infrascripti Episcopi N.....nihil obstat, quominus nova paroecia in urbe N..... ad normam juris /452, §1c et 1423 §2/ domui religiosae Patrum Ordinis Scholarum Piarum in.... pleno uniri possit.” This is the format of official declaration used to erect parishes for religious institutes especially the Piarists. Here, the format or form is not filled-up, every local ordinary erecting parish for them would fill it up as a declaration. Therefore, it is left for the provincial to get it filled by Bishop József Pétery. This declaration primarily contains the two canons which empower a local ordinary to erect a parish for religious institutes. There all parishes to be erected for the religious should be rooted to these two canons below:

- The canon 452, §1 1917 code which says that *“Szentszék engedélye nélkül a plébániát nem lehet teljes joggal erkölcsi személlyel egyesíteni, úgy, tudniillik, hogy maga az erkölcsi személy a plébánosa az 1423, §2 szabálya szerint.”*

In explanation, a parish cannot be joined together under complete legitimacy to any moral person in a way that the moral person is the pastor without prejudice to the norms of the mentioned canon. In effect, this canon is saying when a parish is joined to a moral person with a complete legitimacy, the parish pastor is the moral person herself, but with the permission from the Holy See. Meanwhile, this act of joining the two juridical persons is allowed, though with the imposition of getting approval from the Holy See. Even, this act is also allowed by Can. 471, §1 of the same legislator, but with the condition that a wise pastor should be appointed whose obligation is to take care of the pastoral functions of the faithful of the given parish.⁹⁶ I would later elaborate on the reasons why legislators are always sensitive to this kind of joining of persons especially when religious institutes are considered on the chapter dealing with the temporal goods of the religious.

- *1423 §2 De (a püspökök) nem egyesíthetik a káptalani vagy püspöki asztallal vagy más erkölcsi személlyel, monostorokkal, szerzetesek templomaival vagy más erkölcsi személlyel, (...) de egyesíthetik azt a székes vagy társaskáptalannal, mely a plébánia területén fekszik ...)*

In explanation, the bishops are not allowed to join the seat of chapter of canons, seat of bishops, or another moral person with monastics churches, or monks' churches or with another moral person, but they can join them with cathedral or

⁹⁶ Canon 471, §1 allows a complete legitimate joining of religious parishes with moral person, cathedrals, etc, but requires that vice pastor should be appointed for pastoral duties. The reason here is that under this Code, the pastor is the competent religious institute herself, and being a moral person, the legislator requires appointment of proper pastor, that is, vice pastor in the case of religious institutes.

collegial seats situated at the parish's territory. In the first clause of this canon, it is forbidden to join-up these juridical and moral persons lying on circular grounds with those ones that have religious undertone. The reason would be talked about on the chapter discussing temporal goods of religious. In the second clause, the canon then allows the joining of cathedral chapters' or collegial chapters' seats with such juridical persons like parishes, provided the parish and the seat of the given chapter is located at the same territory.

If the “dos and don'ts” of the two canons are strictly examined, we would understand why they appear as basic references and conditions for Superior General's approval for raising the Holy Trinity parish in Kecskemét.

At the closing paragraph of the approval, the Superior General mentioned that he is disposing his positive answer with respect to the declaration of the bishop that would refer to these two canons as well.

3 Provincial's official information to the bishop about approval from Superior General

This section would form the last part of the Superior General's (Super superior's or Supreme Moderator's) stage; the section, when the bishop is informed about the positive response of the Superior General. Till then, the bishop could not act seriously in erecting the parish for them without the approval from their Superior General.

It is an official information containing relevant data and references as written by the Provincial in the first paragraph, thus: “*Mély tisztelettel értesítem Nagyméltóságodat, hogy a piarista rend reguláinak 277. pontja alapján kért engedélyt a kecskeméti plébánia felállításához a Generális Atya 516/1948.sz. leiratában engedélyezte.* In explanation, the provincial reports to the Bishop with deep respect, that the Superior General has approved the request of erecting the kecskemét parish made under the number 277th point of the Piarist regular with his rescript with the file number 516/1948⁹⁷ (he requested for similar document from the then bishop of Veszprém for their parish to be erected in Nagykanizsa with the file number 1224/1948).⁹⁸ The number 277 point of the “Piarist Regular” compels

⁹⁷ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés, Kecskemét 1948, 1225/1948*

⁹⁸ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Nagykanizsa rendház levéltára, Hivatalos levelezés, Nagykanizsa 1948, 1224/1948.*

that there should be an ordinary consensus about the parish to be erected, with support from both the Order herself and the Superior General. This expectation is hereby completed. There is now an effective and positive support from the provincial, the Order, as well as the Superior General (the Supreme Moderator). So, we can now affirm that every support and approval from the side of the Piarist religious institute is complete. The last step on erecting this parish would continue with the Bishop's act and stage.

On the second paragraph of this information letter, the provincial, under the direction of the Superior General requested from the Bishop to fill-up the parish erecting declaration, sign it and send it back to them. On this version, the Provincial filled-up the blank spaces of the declaration form with the needed data as follows: "*Ex parte infrascripti Episcopi Vaciensis nihil obstat, quominus nova paroecia in urbe Kecskemét ad normam juris /452, §1 et 1423, §2/ domui religiosae partum Ordinis Scholarum Piarus in Kecskemét pleno jure uniri possit.*"⁹⁹ This filled form is now definite, peculiar and proper to the Holy Trinity parish which is to be erected for Piarist Order in Kecskemét by the bishop of the diocese of Vac. On the third paragraph of the letter, the provincial pointed that, if the bishop fills, signs and sends this declaration to the Piarist Order, it would mark the end of the proceedings for erecting the Holy Trinity parish of Kecskemét. The Provincial ended up this letter by telling the Bishop that he hopes fully on his fatherly care and consideration on the issue at stake.

4 Release of Episcopal (*Votum*) document

This document was release by József Pétery, the local bishop exactly two weeks later, on the 8th of October the same year. It was an attachment to the announcement letter written to provincial by the bishop. The challenge here would be if the bishop still, has not changed his mind after many-many procedures and exchange of long letters, especially with the provincial. But the bishop, having being with the Order in finding solutions to their problems did not waste time to offer them the final document needed. The Bishop wrote: "*Értesítem Rendfőnök Urat, hogy a kecskeméti kegyesrendi plébániát a mai napon megszerveztem. Az erigálási okmányt Baranyi László apát plébános útján megküldtem az*

⁹⁹ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés, Kecskemét, 1225/1948*

új plébánia irattára számára.”¹⁰⁰ After the erection of the Kecskemét parish, the Bishop sent the *erigálási* (erecting) document through Baranyi László, the abbot and parish priest of the mother parish to the archives of the parish.

Now, the parish is “completely” and “legitimately” erected by the József Pétery, the Bishop of Vác diocese, to be used by the Piarist religious Order in Kecskemét.

A new day is down, a new era has begun, a new life has started, a wonderful gift, the gift of a parish gotten by Piarist religious Order and her members in Kecskemét city; glory be to God in the highest!

The Piarist religious order can now forge ahead to evangelize the city and do more pastoral works for the people of Kecskemét. The temporal goods of the Order and their schools would now be secured, because they would be regarded as belonging to the legal juridical person, the parish. Till today, the Holy Trinity parish exists as a juridical person in Hungary. The last extract released from the register of the department for religious coordination and relationship of Ministry of Human Resources on the 2nd of September 2016 says: “*A Kalocsa Keckeméti Főegyházmegye, mint az Országgyűlés által bevett és az egyházakkal való kapcsolattartás koodinációjáért felelős miniszter által nyilvántartásba vett Magyar katolikus egyház – nyilvántartási száma: 00001/2012 – belső egyházi jogiszemély,...*”¹⁰¹ In effect, the national register for religions in Hungary has the Archdiocese as a juridical person. The Arch-diocese can therefore exercise this juridical right over all parishes that fall within her territory.

Again, the members of the Order would engage in pastoral works, that is, their life, statutes and works are more guaranteed. The efforts of members of this Order in the city of Kecskemét for decades would no longer be considered something in vain. Among all other challenges, we can affirm that the ones pertaining the erection of the parish was the highest. Furthermore, the two problems facing pastoral functions of the faithful in the city, that is, problem of great number of the faithful and wide range of the parish’s territory, are solved because the Order would then substantially help in taking over a considerable part of the pastoral functions.

¹⁰⁰ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 5770/1948.

¹⁰¹ EMBERI ERŐFORRÁSOK MINISTÉRIUMA, *Egyházi Koordinációs és Kapcsolattartási Főosztály*, Kivonat, Budapest 2016, 11935-13/2016/EKKFO.

V. LEGAL CONDITIONS AND CHALLENGES ABOUT OFFICE OF HOLY TRINITY PARISH PASTOR DURING “*SUPER EPISCOPAL*” STAGE

Let us use the term “Super episcopal stage” to mark the time when the Holy See was involved in the matter at stake; the period when the Dicastery in charge of the pertinent act or erecting parishes and their pastorals would give right to proceed.

As we have already discussed earlier, a religious parish always go with exceptional, more especially when the given religious institute is to engage in that pastoral work as another apostolate other than their proper one. Piarist religious institute is specialized on teaching the youth, so for her Hungarian province to engage in pastoral work, many approvals should support it without prejudice to the norms of the *Regular Commune* of the Order. Again, Piarist religious Order is of pontifical right,¹⁰² therefore, such engagements of the Order, like taking up a parish apostolate would need approval from the Holy See.

Now, for the Piarists to assume a pastoral work of their own, they need approval of three authorities other than their provincial’s one:

- approval of their Superior General, who sees to the needs and legitimacy of the institute as discussed in the above chapter (cf. *Regular Commune* 277th point).
- approval of local ordinary, under whose territory and authority they Order’s house or province exists. (see c. 500 and 1427 of 1917 code and c. 678 of current legislator)
- approval of Apostolic See, under whose power every religious fall (see c. 499 of 1917; c. 593 of current legislator).

¹⁰² See c. 589. Some institutes of consecrated life are regarded as having pontifical right if the Apostolic See erected them or formally approved them after their erection. Those ones that are erected by diocesan bishops without approval from the Holy See are said have diocesan right.

The Superior General offered his approval, signed in Rome on the 14th of September 1948, with file number Roma 2/42.¹⁰³ The local ordinary, Bishop József Pétery issued his own two approval letters and sent to the respective offices. One of them is what he called the “*erigálási okmány*” which he sent to the parish archives through the help of Baranyi László, the parish pastor, the second approval, in form of declaration was an attachment to the letter announcing the erected parish, which he wrote to the provincial on the 8th of October 1948 with the file number 5770/1948. He used the following words to present it to the provincial: “*a plébánia elvállalásához szükséges római engedély kieszközlése céljából a kért nyilatkozatot idemellékelten megküldöm méltóságodnak.*” That is, I am sending you in attachment the requested declaration for the Roman approval for taking up the parish.

Now having gotten the approvals of both the Superior General and the local ordinary, Sándor Sík, the provincial could legitimately request for the Roman acknowledgement of the Holy Trinity parish. Here also, the positivity of the competent authorities was commendable. They abided by the encouragement of the current legislator’s canons pertinent to this chapter, which requires that, the diocesan bishops and religious superiors should proceed through working together when it comes to organizing works of apostolate of religious.¹⁰⁴ This mutual consultation is also pointed out and encouraged in pertinent canon to the chapter on the nature and end of conferences as it commands suitable and effective coordination as well as cooperation of Council of superiors or Major superiors, which should be observed, not only with the conferences of bishops, but with individual bishops as well.¹⁰⁵

In effect, every request implored by the faithful to the Holy See is always sent first to the *Sacra Congregatio* in charge of the particular issue in quote.

¹⁰³ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1217/1948. This document has an original file number, Roma 2/42 and served as an acknowledgement letter and approval for the erection of Holy Trinity Piarist parish in Keckemét.

¹⁰⁴ Canon 678, §3.

¹⁰⁵ See c. 708.

The religious have their Congregation called *Sacra Congregatio de Religiosis*, that is, Holy Congregation for Religious in the Vatican City. All requests of religious to the Holy See is address to this Congregation whose duty is to recommend or forward the request to the Papal See or to reject it if by any reason the letter worth not to be given audience by the Apostolic See. It is not surprising, the acts of the Mother Church, especially those concerning heavy arms like the religious need normal and required proceedings to arrive to a proposed end.

By virtue of the above reason and protocol, The Cardinal prefect of propaganda for *Sacra Congregatio de Religiosis* wrote a letter of recommendation to the Pope about the Holy Trinity parish of Kecskemét on the 6th of November 1948.¹⁰⁶ The content of this recommendation letter has two parts. The first section has salutation, *Beatissime Pater*, then references, that the Hungarian Piarist implored for a faculty of acceptance of parish in Kecskemét city in the diocese of Vác, whose local ordinary judges it fair to be entrusted to the aforementioned Order. This parts contains such information that the immediate competent local authorities have looked into this matter and found it worthy of executing. More or less, every other question that could rise towards this side is already answered in affirmation. In the second part of the letter, the Cardinal said that, based on the faculty and negotiations, including agreements of the superiors of the Congregation, together with approval of their Superior General in Rome, who also finds it justifiable, he himself finds it legitimate to accept and issue the faculty without prejudice to the norms of the Sacred Congregation in quote. In fact, we can say that the second paragraph summarizes all that could be written on this recommendation letter. It claims to be in the possession of all the recommending and approving documents needed from all the authorities

¹⁰⁶ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1426/1948.

concerned in this matter, plus the pertinent norms of Piarist Order to this chapter, proving that every one of them supports the agenda of erecting this parish. With this recommendation, one can conscientiously affirm that the recommendation of the Cardinal Prefect of propaganda for the Sacred Religious would be granted with no hesitations because the views and effects of the congregations of propagandas and the Apostolic See never contradict each other, they work for the same goal, *salus animarum*.

With the acquisition of Papal approval, one would say we have gone half-way in the required protocols to erect the Holy Trinity Parish of Kecskemét. The remaining part of the *erigálási* (erigating) procedure remains in the hands of József Pétery, the local ordinary which we would discuss in the subsequent chapter of this thesis.

VI. LEGAL CONDITIONS AND CHALLENGES FACING OFFICE OF PASTOR AT THE “DIOCESAN BISHOP’S STAGE”

Here, we shall deal such stage when the parish was legitimately erected by the legitimate authority with the legitimate proceedings under legitimate conditions. We shall examine the legitimacy of every stage and weigh its surrounding conditions with regard to the challenges at stake. Such a parish would be erected here which according to Szuromi, “*plébániai jogokkal felruházott saját szerzetesi templom,*”¹⁰⁷ a church that would be endowed with rights of parish. Precisely speaking, the Holy Trinity Piarist church would be as he said, “*a plébániai rangra emelt szerzetesi templom,*” that is, a religious church upgraded to parish level which would also be a “*nyilvános templom,*”¹⁰⁸ (public church). Wonderful!

The expressions used in this first paragraph are revealing that this stage would look more demanding, and its rudiments would be challenging as the case may be. So we shall now handle the stages one after another and along the line, counting on the challenges which both the religious and the lay faithful could be undergoing from the beginning to the end. But to make our work understandable, is deems suitable to dwell a little on the fundamentals and rudiments necessary to be known, just to enable the reader understand what happened during the act in quote.

1 Actual meaning of erection of parish

Before we engage in discoursing about the topic, “factors of erecting Piarist parish,” it is important to know what we mean by erection of a parish in general. A parish is erected by the proposing act of the local bishop to stabilize a certain community of Christian faithful under his authority and entrusting them to the care of a parish priest as their proper pastor (cf. can. 515, §1). That is, the act of making them to formally exist. The act of making their

¹⁰⁷ SZUROMI, SZ., *A plébánia viszonya a megszentelt élet intézményeihez és apostolic élet társaságaihoz, valamint egyes lelki mozgalmokhoz*, PPKE Kánonjogi Posztgraduális Intézetének folyóirata, Budapest 2009, 47-55, especially 52.

¹⁰⁸ Ibid.

being to be proper; bringing them together as one, uniting them to work for the salvation of souls within the boundaries the diocese under the authority of the bishop.

With this, we understand that parish is not merely a parish office building. It is a group of people; people who, by virtue of their practice of Christian Catholic faith, are governed, sanctified and taught by the parish priest who leads them in the local bishop's as their proper pastor. Here, we can feel that there should be a "need" for parish before it is erected, and whether a parish is diocesan or religious, it should be erected on this base.

Furthermore, for us to use the expression "erection of a religious parish," it is necessary to first treat the issue of erection of a parish ordinarily, that is, a diocesan parish, so that we can understand the difficulties surrounding the erection of the former.

It is stated clearly in can. 515, §2 that: "*It is only the diocesan bishop to erect, suppress or alter parishes. He is neither to erect, suppress, nor alter notably parishes, unless he has heard the presbyteral council.*" Only the local bishop possesses the power to raise up parishes from certain groups of people. They do so, only within the territories of their particular churches, their dioceses, but only after seeing the need of erection. This is exactly why the bishop needs to consult the presbyteral council for this act. This §2 gives the bishop the entire impetus to erect parishes but includes the condition of seeking the consent of the presbyteral council in quote. If we put in consideration the rudiments of can. 127, we shall affirm that the bishop's act in this aspect would be invalid if the support of the presbyteral council is omitted. Even in erection of a religious parish, this context of the code does not mention any superior of any religious institute or of any clerical organization as having the impetus to erect a parish. Everything is directed to the bishop. Owing to this fact, Bishop József Pétery sought the opinion of his diocesan presbyteral council before proceeding to erect the Piarist parish in Kecskemét, and being a religious parish, he also sought for the approvals of both the Superior General of Piarist religious order and Apostolic See. Otherwise, the parish would not be called religious.

Before the reforming views brought by the Vatican Council II, the erection, suppression and all about the establishment of a parish were so complicated because of the fact that many parishes were benefices: benefices of organizations, cathedral and collegiate chapters, and sometimes benefices of religious organizations as well. The procedural acts of erecting or suppressing a parish had to suffer protocols of consulting and deliberating with these different powers and hierarchies above. Consequently, these conditions could not adequately facilitate *salus animarum*. Then the Council plainly said it in *Christus Dominus*, no. 31. that the entire aim for the establishment of a parochial office is for the

good of the souls. As a result, parishes were taken away from these powers and made to be under the power of only the local bishops.¹⁰⁹ Again, if we look into the laws and obligations surrounding parishes, we would understand the reason why it is not advisable in every case to hand over parishes to institutes and orders. Thus, a parish is an institution faced with administrations, finance issues and every other distractions and it is better if they are handled by circular priests and local ordinaries.

Now let us look again into the jurisdiction of József Pétery, the local ordinary of Vác diocese in this act. He is the bishop of the diocese where the proposed Piarist religious parish would be erected, so it falls under his competence. That is right. Then the question would be: has he the right to erect a religious parish for the Piarists just as he erects parishes for his diocese? The question is obvious, because Piarist religious order is not *iuris dioecesiani*, but instead *iuris pontificii*. So one may automatically think that bishop József has no power to erect this Piarist religious parish, and believe me, if one guesses like that, his hypothesis may look right. But if we go deeper into what “exempt” serves in the case of religious parishes, we would understand that *iuris pontificii* means exemption from the extraordinary formal particular acts the bishop may carry out day by day in his diocesan administration. Meanwhile if only the local bishops have the right to erect parishes, and in this case, Piarist religious order is not diocesan in “*iuris* of establishment,” we would conclude that József Pétery has the right to erect such a parish for the Piarist religious order, which becomes religious in nature with definite approval from the Holy See.¹¹⁰ At this point, we recall that whenever a benefice of a religious order or institute of consecrated life are taken into consideration, as in this case of erection of a Piarist religious parish, the situation becomes different. The reason is that a diocesan bishop is not a member of the religious institute, neither the competent authority of the religious’ province. So if we want to be simple and straight in expression, we would say that he cannot erect a parish called religious. We can then say that, by nature of benefices of religious with *iuris pontificii* undertone, a specifically and profoundly named parish of the religious can only be erected by the Holy See. In other words, all parishes under religious care are also erected by the local bishops, but they become religious parishes with the recommendation of the Superior General and endorsed by the Apostolic See. Nevertheless, religious rightfully participates in parish apostolates. After all, both CIC 1917 and 1983 see parishes as belonging to temporal goods of the Universal Church and that is exactly the reason why neither of them

¹⁰⁹ See c. 510, §1.

¹¹⁰ CASA GENERALIZIA DEI PARDI CSOLOPI, *Scolarum Piarum Hungariae*, Romae 1948, 516/1948.

outstandingly talked about the erection of a religious parish as a new parish. Again, it serves as a reason why can. 683 provides the local bishops with the authority to visit churches and oratories to which Christ's faithful have habitual access, schools, other works of religion and charity entrusted to religious, during time of pastoral visits and in case of necessity (see c. 683, §1). Moreover, CIC 1983 understands the word erection as bringing the parish into existence. Then considering that the group of the faithful who require the erection of the parish is also part of the temporal good of the Church, the code sees it that, to bring them together and call them a parish and give them their particular pastor does not change them from being temporal good.

2 General methods and processes of erecting parishes

Generally speaking, everyone and every group of people at large belong to a particular local parish and pastor. Every area falls within the competent and authority of a given bishop and under the care of a given proper pastor. In other words, no place or area in this World can be said to have no bishop or proper pastor responsible for its pastoral care. There may be problems and challenges of land mass, distance, shortage of priests and so on, but however difficult it may be, no place falls out from the pastoral care of the Church.¹¹¹ The aforementioned challenges urge the Church to always look for more tools, methods and potentials to tackle the problem at stake. *Sent by Christ to reveal and to communicate the love of God to all men and nations, the Church is aware that there still remains a very gigantic missionary task for her to accomplish (AG 10)*, said the Vatican Council II. In adopting the required potentials and methods, the Church dabbles into creating more new parishes to enable a more fruitful result in *salus animarum*. If then, that ordinarily, no place or person is said to be without pastor or bishop, it makes it easier and logical for us to say that parishes are created from the already existing parishes. In a broader range, we would say that parishes are created to bring Christ closer to people, to make Him live among them, to make Christ more central in the lives of the people, to enable people feel the free gift of *mal kut JHWH*,¹¹² the kingdom of God; to facilitate the celebration of Christ and

¹¹¹ The people of God are never left without shepherds to take care of them. As a result of this, everyone belongs to a particular parish, or group of faithful. Due to problems like shortage of priests, land mass and distance, many groups of the faithful may have sacraments administered by their ministers after a very long time, some may not even have a pastor to come to them for pastoral works, but till, no place or person is said to be left out from the pastoral work of the Church.

¹¹² KRÁNÍTZ, M., *Alapvető Hittan II*. SZIT, Az Apostoli Szentzsék Könyvkiadója, Budapest 1999, 31.

His sacraments with the local group, to make the smallest group of people have an ecclesiastical undertone, that is, to make even the smallest group to be *ecclesia*; to make the missionary work of the Church be more concrete, to hand over the basic goal of the Church (*salus animarum*) to every being, to intervene into the everyday life of the people by building Church among them, to strengthen the people of God from a closer range, to gather the faithful under smaller groups, to handle the parishioners with more care, to make them feel the shepherds' love; to build stronger contacts and relationship between the Church and the people, to make the Church stay with the people, to make salvation be within people's reach and to make Church a home for all.

Owing to the fact that the Church wants to attain to these numerous goals by erecting parishes in and from already existing parishes, she uses the three methods to be mentioned below to make parishes more available for communities of the faithful. The three methods or ways are originally used by CIC 1917, such as division (*divisio*), joining (*dismembratio*), and uniting (*unio*). The situation demanding division always occurs when many parishes or at least one parish is created from the same territory that was originally the territory of only one parish. In ordinary meaning, a parish or parishes are carved out from the mother parish. In this case, all the temporal goods of the Church should be shared between the mother parish and the other newly created parishes. Most of this situation are seen in such fast growing Christian countries especially in African countries like Nigeria. In the dioceses of eastern part of the country like Orlu, Onitsha, Owerri, Aba, Okigwe and so on, villages are joined together to make up towns. These villages initially had only about one or two parishes situated at the bigger villages. Nowadays, all other villages strive to have their own parishes however small they are. As a result of this, bishops of these dioceses dedicate churches and erect parishes from time to time for these smaller villages. This makes them to always divide the temporal goods of the mother parish also from time to time. This was also the method used in erecting the Holy Trinity Piarist religious parish in Kecskemét, and for that, I would still elaborate it more after dealing with the other two. Although the other two methods of erecting parishes were not used in erecting the Kecskemét Piarist, but it is important to explain them and the situations in which they may be applied. So apart from *divisio* (division), *dismembratio* is used when only the boundaries of the parish or parishes change. That is, the already existing parishes retain their statutes with some changes in their boundaries. In *dismembratio*, the juridical personalities of these parishes retain their rights, that is, they are still parishes, but in pastoral works and effects, their boundaries change: they may be extended. We experience such situations like this,

most especially, in continents like Europe (for example in Hungary) where we have shortage of priests. The parishes may retain their juridical qualities, (that is, the parish functions on its own as a juridical person, both in administration of sacraments and official duties, such as registry works. At the same time, these parishes are still “*oldallagosan ellátottak*,” that is, partly or partially covered pastorally by other parishes and other parish priests. In this case, one parish priest looks after many parishes that are independent of each other in many cases.¹¹³

The *unio* is the uniting of parishes to make one parish. This system can be applied in such places where parishes lose their juridical personal qualities and reduces to be stations or Mass centers due to shortage in number of priests. In this case, only one parish or at least lesser number of parishes would be erected and others will completely lose their original parish statutes. Here, the office of the parish priest in these parishes, or in some cases, stations, are completely lost both in administration and otherwise. Union occurs mostly when *dismembratio* of parishes existed for a very long time to the extent that the parishes being covered by other parishes lose also their juridical impetus and depend completely on others for pastoral existence. In this case, administering of sacraments, teaching of catechism classes and other minor functions may be carried out and conducted on these churches and their parish buildings, but they are not functioning as parishes. Their registers and other official engagements are carried over to the parish they depend on.

Owing to the fact that in each case an already existing parish or group of faithful are considered, the laws surrounding erection of a religious parish are not seen separate. Again, this is the reason why the 1917 code prefers the use of the word uniting (*unio*) whenever the establishment of a new religious parish is put into consideration. Although we have to

¹¹³ The legislator, under canon 526, §1 assigns every parish priest to only one parish for pastoral duties. He also gives exceptions in the cases like lack of priests, where two or more parishes may be entrusted to one priest. It means that under normal circumstances, a priest is to take care of only one parish. This may be better understood from the point of efficiency and effectivity of works of priest. Pastoral works are carried out more easily and effectively when a priest is given only one parish to manage. But as in Hungarian saying: „szükség törvényt bont,” that is, necessity defiles law. In other words, if there is lack of priest in a diocese, a bishop may assign priests to two or many parishes. In such cases like this, the primary care of the souls of the faithful is prioritise to effectiveness of the pastoral works done. We sometimes have similar cases when many priests take care of many parishes *in solidum*, that is, in a joint manner. In such situation, many parishes are entrusted to many priests to centrally carry out the pastoral functions of those parishes (see c. 517 §1). Central, in the sense that one of them should be appointed to be the moderator of the pastoral works and should at the same time answer for these parishes to the bishop. As the case may be, every priest under this *in solidum* possess equal pastoral right, power and faculty except in issues of officially representing the parishes or answering for the parishes to the bishop. This type of care of parishes which was employed by on Code 83 is mostly experienced when parishes are entrusted to priestly religious orders or congregations with apostolate of pasoral works. These priests would be possessing the same rights of performance in terms of pastoral duties but with the appointment of parochial pastor for them. He moderates their works and answers for the parish to the competent authority and the local ordinary who entrusts the parish to them.

understand the skepticism of those writers who think that the issue of “uniting” is not advantageous if the religious benefices are taken considered. The problem here is better understood if we consider a situation whereby a community house unites with a parish as in the case of the Holy Trinity parish, which according to many writers, is almost impossible. The impossible situation is seen from the fact that a community house is solely a benefice of religious institute, almost proportional to the essence of the community nature of each religious institute respectively. Consequently, those community houses, which were originally erected and used by the religious who managed those parishes cannot be joined together with such juridical persons like parishes, especially when the juridical persons are also engaged in carrying out functions that may have no direct relationship with the apostolate of the religious institute. A community house is not an ordinary temporal good that may be united anyhow with other temporal good like parishes. Having elaborated on the real meaning, methods and the conditions of erecting a parish as well as religious parish, we can now easily understand the actual method been used and the reason of using it to erect the Holy Trinity Piarist religious parish in Kecskemét.

3 Method used in erecting Piarist religious parish in Kecskemét

Bishop Pétery József used the “division” method to erect the *Szentháromság plébánia* (Holy Trinity) parish of Kecskemét for the Piarist religious order. The reason for the use of this method is clear. There has been an existing parish: the “Ascension’s central parish” which originally covered the entire territory. As already explained above, no new community of the faithful raised to a parish level existed without pastor and no parish falls outside the boundaries of a diocese before its creation. New parishes are created to make *salus animarum* proper in smaller groups. In other words, the faithful of the new Holy Trinity parish were belonging to the Ascension’s parish taken care by Baranyi László, the parish priest, under the authority of the same local ordinary, József Péter.¹¹⁴

In erecting the new parish from the already existing Ascension’s parish, he did not apply the *dismembratio* nor the *unio* methods, because Piarist parish was not an already existing parish; it was suffering from lack of priest or lost its juridical impetus, it is a completely

¹¹⁴ PETRÓCI, S., *Emlékek Pétery József Püspökről*, SZIT, Az Apostoli Szentszék Könyvkiadója, Budapest 1997, 5. He was the bishop of Vác diocese for ten years (1942-1952).

new parish. So the only way to make it possible is to “divide it out” from the mother parish of the city.

History said that this attempt to divide Ascension’s parish was not new. The parishioners already thought to do so far back as at the end of 19th century, when the parish was having up to 60 thousand parishioners. Bogyó Pál who was the pastor then did not support the division of the parish, even though the flock was too big for the parish to accommodate. In his resistance he said: *“Amikor a váci megyéspüspök úr megosztja egyházmegyéje területét, akkor a kecskeméti apát-plébános is megosztja plébániájának területét.”*¹¹⁵ Literally translating, when the bishop of Vác divides his diocesan territory, then the abbot parish pastor of Kecskemét would also divide his parish territory.” So the faithful made a trial to get parish but with no avail. Again, István Révész, who took care of the parish from 1907 to 1927 did not support the division Ascension’s parish. Instead, he suggested that the chaplaincy of out-stations of Szentkirály, Koháriszentlőrinc, Lakitelek, Helvécia, Méntelek, Hetényegyháza and Ágasegyháza should be erected. He further seggeted the idea of inviting the Piarists to help in taking care of the flocks.

With the statements of these two pastors and their effects, we feel exactly why can. 515, §2 said that *“Episcopi dioecesanii paroecias ne erigat aut supprimat, neve eas notabiliter innovet, nisi consilio presbyterali.”* A bishop has the full right of erecting, ... or altering a parish, but should seek the consent of the presbyteral council. And believe me, the opinion of the presbyteral council could have been the same in this case if they were not contacted by the bishop before this act of reaction of the parish, that is negative reaction. The 1917 code says: *“Nehogy az új templom a már fennálló hátrányára szolgáljon, amelyet a hívek nagyobb lelki haszna nem egyenlít ki, az ordinárius mielőtt beleegyezését adná hallgassa meg az érdekelt szomszédos templomok igazgatóit.”*¹¹⁶ Thus, the legislator of 1917 code tells the local ordinaries not to give approval of building new churches without hearing from the leaders of neighboring parish to avoid creating more harm than good in the pastoral care of the faithful through their acts. This is because, building of a new church, especially if it will be very close to the mother parish church may bring some problems like division, disunity and disputes among the flock of the same parish. The 1983 code also repeated it when it says: *“Episcopus dioecesanus ne praebeat nisi, audito consilio presbyterali et vicinarum ecclesiarum rectoribus, cenceat novam ecclesiam bono*

¹¹⁵ KOZICZ, J., *A kecskeméti Piarista Plébánia Hetven éve (1948-2018)*, Budapest-Kecskemét 2018, 10.

¹¹⁶ See c. 1162, §3 of 1917 code.

*animarum inservire posse ...*¹¹⁷ Apart from the heads of neighboring parishes, the 1983 code included the presbyteral council as a group of concern to be heard by the local bishop before issuing approvals of building. The reason may be because the legislator sees presbyteral council as the one that helps the diocesan bishop in governing the diocese.¹¹⁸ Another reason may be to, attain to the objectivity of the matter at stake. The neighboring pastors may not be happy in every indication to see another church built up in their neighborhood. This reason could be behind the answer given by Pál Bogyó, who affirmed that he can only agree to divide his parish territory if his bishop would agree to divide the territory of his diocese.¹¹⁹ The answer of the two pastors showed that division of the Ascension's parish at this time would not serve for *salus animarum* of the faithful. They were totally against its motion, therefore, chose to accommodate every other solution to problem of evangelization in the parish other than dividing it up. Notwithstanding, when Sándor Sík, the Piarist provincial came up with their problems, both the bishop and the present parish pastor saw the need to create another parish in the city of Kecskemét.¹²⁰ As situation could be, the bishop, József Pétery was not at home to act promptly on the request of the provincial, he was on holiday. But seeing the importance and urgency of the matter at stake, he wrote a preliminary letter of empowerment to the provincial, saying, "*annak részéről nincs semi akadálya, hogy a felírásokat már most alkalmazzanak, ha erre szükség van.*"¹²¹ Of course, that was exactly what the provincial was interested: to be allowed to use the name, "*Szentháromság plébánia*" for safety of everything. The bishop affirmed that this letter or decree cannot be regarded as official one, because according to him, detailed discussions would be made when he goes down to Kecskemét for their meeting.¹²² Actually, whether written or not, the bishop of a diocese can command the

¹¹⁷ See c. 1215,§.

¹¹⁸ See c. 495,§1.

¹¹⁹ KOZICZ, J., *A kecskeméti Piarista Plébánia Hetven éve (1948-2018)*, Budapest-Kecskemét 2018, 10.

¹²⁰ See PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés, Kecskemét 1948, 1948/1029.*

¹²¹ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés, Kecskemét 1948, 873/1948.*

¹²² Later on, the provincial requested for the issuance of the parish declaring document from the bishop even though the bishop has orally given them the approval to apply "parish" as title to their community. Here also, we recall that such declaring statement cannot just be made orally, it must be a written one (see The commentaries made on the can. 37 in the NEW COMMENTARIES ON THE CODE OF CANON LAW, edited by BEAL, J. P., - CORIDEN, J. A., - GREEN, T. J., , Theological Publications in India, Bangalore, 2010.

Hence, "*Actus administrativus, qui forum externum respicit, scripto est consignandus; item, si fit in forma commissoria, actus huius executionis (c. 37).*" This means that an administrative act or official acts in general must be put in writing, even though the act to be executed is given a commissorial forum. Although, it does not mean that such act is not valid if it appears only in a verbal form, because we know that written form affects only the legitimacy and not the validity of document.

faithful under him in any way, by mere words of mouth as well, giving them valid singular instructions, to save situations that would be destructive if there are some delays in carrying them out in a documented form.¹²³

Although the discussion between the Bishop of Vác and the Piarist provincial on this matter seemed to have started before then. This could be seen while reading the reasons expressed by the bishop in his declaration with the file number 5570/48 in which claimed large number of the faithful and its territory respectively as reasons for dividing the Ascension's parish church. On this document, he did not recall nationalization as a reason, although the issue of nationalization that suddenly emanated would urge it more. Consequently, the provincial mentioned in this letter that the only way out would be that, members of the Order would engage in pastoral activities for existence.¹²⁴ With the whole reasons acclaimed both by the Bishop and the provincial, it is really advisable for this division of parish to happen. At this juncture, I find it necessary to elaborate on those few reasons that specifically contributed to erection of Piarist religious parish in Kecskemét.

4 Conditions that contributed to easy erection of Piarist religious parish in Kecskemét

It is really a fact that the city of Kecskemét accommodated the Piarist group in evangelization, there were still so many challenges and restrictions that made their evangelical work to be a little difficult, just as it used to be for followers of Christ. However, some other factors and conditions helped to make their works easy, as we shall discuss in this chapter.

4.1 there was a certain group who were in need of their pastoral care.

As a matter of fact, a certain group must be available – just like ordinarily, in the case of erecting any parish, - who require to get more from the Piarist group, or in other words,

¹²³After all, “*decretum intimatum habetur si ei, cui destinatur, coram notario vel duobus testibus legatur (see c. 55),*” that is, a decree is known when it is read to the destined person in the presence of notary or at least to witnesses.

¹²⁴ See PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1948/1029.

there must be a group whose spiritual and pastoral needs require assistance from the Piarist religious order. In the previous chapters we saw that territorially, this group was existing among the faithful of the Ascension's (*Az Úr Mennybemeneteléről nevezett*) parish of Kecskemét, who in every indication, was ready to form the required community for the Piarist parish. It was noted that in this case, the constituting group of people, that is, the community includes, not only the people that were belonging to the already existing Ascension's parish, but also from almost every parish across the region. But because of the fact that a parish must be territorially limited (cf: can. 518), the faithful coming from outside cannot be included as its members.

4.2 The large number of the faithful under the mother parish, Ascension's parish.

When the pastoral need of the faithful increases due to the growth in the number of the parishioners, it is always advisable, provided there is sufficient number of priests, to divide the parish, create a new one out of the mother parish, to attain an effective result of the pastoral work, as we discussed in the above chapters. Dr. József Péteri, the bishop acclaimed in his rescript: "...*az Úr Jézus mennybemeneteléről nevezett kecskeméti plébánia híveinek számát, ...tekintve, kívánatosnak láttuk az Úr Jézus mennybemeneteléről nevezett kecskeméti plébánia megosztását és ennek következtében a Szentháromságról nevezett új kecskeméti plébánia megszervezését.*"¹²⁵

In the first paragraph of this rescript he brought to the notice of all (to whom it may concern) that considering the large number of parishioners and territorial land mass of the Ascension's parish, they see the need to divide the parish into two and erect another parish from it, called the Holy Trinity parish.¹²⁶

Can. 1427 of the 1917 code treats this issue with a more exact approach, as it says in its §1 that, "*az ordináriusok jogosok és kánoni okból bármely plébániát (...), örökre helyettes vagy új plébániát alapítva, vagy területüket széttagolhatják.*" More or less, it affirms that the local ordinaries have the right and with canonical reasons to divide parishes in order to create a perpetual minor parish or new parish or to extend their boundaries. In the §2 it

¹²⁵ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 5570/48.

¹²⁶ This act is always encouraged by the Church in such situations similar to that of Ascension's parish own; when the number of a parish flock necessitates the dividing up of a community for effective pastoral works and more especially for salvation of the souls (*salus animarum*) of the given faithful.

stresses the canonical reason “*cask az lehet, hogy, vagy nagy nehézséggel tudnak a plébánia-templomba menni, vagy a plébániai hívek száma nagy, akiknek lelki javáról nem tudnak gondoskodni...*”¹²⁷ This is exactly true to this situation: it was difficult for the faithful to get to the parish-church, and it has a large number of the faithful whose spiritual welfare is to be taken care of.

4.3 The land-mass of Ascension’s parish was big enough to be divided.

Another reason mentioned by the bishop in his same rescript was: that the territory of the Kecskemét High parish was too big. This is another possible reason that normally necessitated alteration of parish boundaries. The change in boundaries would come up if the largeness is not only in the number of the faithful, but also in the land mass of the territorial. The territory of Kecskemét Ascension’s parish extended up to the borders of the neighboring towns and areas like Lajosmizse, Nagykőrös, Szentkirály, Koháriszentlőrinc, Kiskunfélegyháza, Helvécia, Hetényegyháza, and Mintelek. The distance between Kecskemét Ascension’s parish and some of the surrounding parishes could range between 10 to 25 kilometers. This is really far for the faithful to practice their faith. A parish should be closer, accessible, possible and available for the parishioners under it.

4.4 To save the Piarist religious temporal goods from nationalizing act of the government.

Apart from the two reasons mentioned above, we have to highlight the more critical reason brought up by the Provincial. He made another point in his request to the bishop for erecting the parish: the nationalization of schools, properties and benefices of the religious order which started with the regime of the communists in the country. The law promulgating this nationalization was issued by the government on the 16th of June 1948

¹²⁷ Canons 1427 and 515 of 1917 code treated the division and alteration of parishes. Both codes see the diocesan bishop as the only person with the right to act in this manner. The 1917 code attaches that bishops should only act with canonical reasons to erect, for example, a perpetual minor parish, erect a new one and to enlarge the boundaries of a parish. The 1983 code does not set up this condition. Rather, it mandates bishop to seek the consent of the presbyteral council before acting validly. It may be assumed that these conditions are aiming at the same goal: to see that the reason to act in this way has canonical undertone.

under article XXXIII. This reason is more crucial, demanding and urgent. Consequently, Sándor Sik, the provincial claimed that there would be no other way out the bishop to intervention: “...*A rendház bizonyos helyiségeit ugyanis alig lehet másképp megmenteni, mint ha azok plébániai, illetőleg egházközségi helyiségekként fognak szerepelni...kegyeskedjég magát a plébániává nyilvánítást hivatalosan kiadni, hogy ennek alpján a szükséges helyiségeket jogosan a megfelelő jelölésekkel láthassuk el,*”¹²⁸ said the provincial. He meant that the parts of the religious house of Kecskemét and other areas of the community house would have no alternative way to be saved than to make them function as parts of parish and buildings of the parish community. So his plead for issuance of episcopal document was legitimate from the side of the Order. Obviously, the juridical nature of parish would be more assured and in matters pertaining acquisition of buildings and properties, it is more guaranteed than that of the religious house. Thus, *Ecclesia catholica bona temporalia iure native, independenter, a civili potestate, acquirere, retinere, administrare et alienare...* (c. 1254, §1), and this right which the Church has to acquire, retain, administer and alienate temporal goods is not exclusively attribute of only Apostolic See and particular churches, but also attributes of other public or private juridical person of the Church such as parish as in this case (see c. 1255). With this, the juridical nature of a parish is prioritized and is given right of independent and existence. Meanwhile, the parish would provide the *privilegium fori*¹²⁹ to the goods of the religious. Having the above legal potentials in mind, the provincial felt that a letter written to the bishop would be a good step to the solution of the problem. He therefore requested that his members would be involved in parish pastoral works.¹³⁰ Generally speaking, this system of requesting for parish was successful for the Order, because the province of Hungary

¹²⁸ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét Budapest 1948, 873/1948.

¹²⁹ See ERDŐ, P., *Egyházjog*, Szent István Kézikönyvek 7, Budapest 2014, 5; can. 120 of 1917 code, under the *privilegium fori*, provided priests and religious the privilege of appearing only at the ecclesiastical courts if legal matters arise. According to this canon, higher dignities of the Church like the cardinals, papal nuncios, bishops and even abbots can only appear at ecclesiastical courts in those matters concerning their offices. Canon 614 of the same code included lay religious and aspirants of religious to this privilege while canon 680 extended the privilege to the laity, provided it is not reserved to religious, otherwise they need formal approval.

¹³⁰ Naturally, the bishop knows what the superior is talking about, he is aware of the situations around his particular church. After all, a bishop is supposed to know everything what happens within the confines of his diocese, provided it concerns *salus animarum*. At the beginning of his letter, the provincial pointed out the reasons that prompted his request to the bishop. According to him, the two reasons were known to the bishop himself. Meanwhile, the point he made was that, the order lost its schools due to the nationalization of all schools in the country during the communist regime. By this act, all the teaching orders were excluded from teaching in the society. The Piarist order, being a teaching one that was stopped from teaching faced not only the challenges of existing as an order, but also problems of survival and maintenance towards its members.

used it to acquire parish in Kecskemét, Nagykanizsa and Sátorajújhely.¹³¹ Again, the provincial pointed out in the second paragraph of his request letter: that pastoral work is an undoubtable means through which the teaching orders who are debarred from teaching would offer their lives for the salvation of souls.¹³² After all, if their members would be made pastors, or more precisely, administrators of parishes, their functions would not be only sanctifying and governing, but also teaching the parishioners entrusted to them (cf. c. 519). As already mentioned above, we can agree that the Piarists, though being a teaching order, if involved in parish pastoral works, have not missed anything in carrying out their apostolates. Instead, they are fulfilling their teaching functions together with the other two basic priestly functions (governing and sanctifying) of Christ, though not among children and students, but also among the entire faithful. As the provincial mentioned, if the act of erection of this parish succeeds, the members of his order would have access to stably and independently manage their works of evangelization more effectively. They will also have more ground to sharing in the general apostolic pastoral functions in the diocese, thereby contributing more to the care of the souls.

In the fourth paragraph of this letter, provincial Sándor Sík wrote that the parish pastor of the mother parish knows about his request letter. This showed his proficiency and expertise. He consulted the parish pastor before doing everything. In other words, the parish pastor himself also sees the need to elevate the Piarist church to parish level. This working together between the provincial and the parish priest means a lot. It ensures that the aim of the request for erection of parish was not for a disadvantageous division of the community of the parish, but instead to enhance a more and easier carrying out of the same pastoral and apostolic work among the same community of Christ's faithful in Kecskemét.

4.5 Availability of Piarist religious church and house

When István Koháry invited Piarist religious order to come to the city, he planned a long term program for them; him and the people of Kecskemét never assumed that the work to be assigned to them would be a temporary one. The Piarists themselves were also aware, just like they always had it in other places, that their invitation may bring-forth a perpetual

¹³¹ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Sátorajújhelyi rendház levéltára, Hivatalos levelezés*, Sátorajújhely 1948, 1087/1948.

¹³² Paolo also made reference to this sacrifice which is expected of all the religious in his handbook, *La Vita Consacrata nella Chiesa*. See VALESIO, D. P., *La Vita Consacrata nella Chiesa*, (Facolta' di Dirritto Canonico San Pio X, Manuallia 4; edizione rivista e ampliata a cura de Musca, V.) Venezia 2010.

apostolate. The city therefore marked out a place for them to build their Church, religious house and school respectively. We can never guess that all were done without the consent of the local ordinary, especially to acquire right to build church and religious house. As a matter of fact, building a school may not necessarily require an approval from the local bishop, especially if the school would not use the name: “*Catholic school*” as its name.¹³³ Otherwise, the ecclesiastical authority (in the case, the local bishop) must be contacted. Again, if the school would be for Christian religious education, or something of that nature, it must be built with a formal approval from the competent ecclesiastical authority, or in this case, the local bishop.

From that time onwards, trials were made from time to time to build church by or for the Piarists who arrived in Kecskemét city. Here are some of the trials below:

- The first trial was made immediately when the Piarists arrived in the city. The building place was mapped near Dellő lake, and from thence, the building assignment gradually developed. They started using this church from 1730.
- The second trial was made by the religious house superior, Sándor Demka. He made serious efforts during his regime (1728-1754) to build a church for pastoral works besides teaching apostolate of the order. Although, he died before the building of the church was finished.
- Another attempt would be regarded as something indirect: when the Catholic faithful thought about division of Ascension’s parish into two parishes about the end of 19th century. History says, that the parish was having up to 165000 faithful. However, their idea was brought to zero, because the then *proper pastor*, Pál Bogyó, did not see it as something supporting *salus animarum* of the parish faithful. For him, division of the parish would be as bad as dividing the diocese.
- Further thought of building of church came up with the declaration of the parish council to build a Votive Church as a thanks-giving, after Kecskemét earthquake in 1911.
- Similar arrangement was made by a Benedictine nun, Benedicta Balázs, who organized a church-building committee in 1922 to raise-up a church in Máriaváros. She organized annually the collections and contributions to achieve this aim.

¹³³ Canon 803, §3 says that: „*Nulla schoola, etsi reapse catholica, nomen scholae catholicae gerat, nisi de consensu competentis autoritatis ecclesiasticae.*” That is, no school is to bear the name „*Catholic school*” without the consent of competent ecclesiastical authority, even though the school is in fact catholic.

- Another attempt to build a church is the one that maybe regarded as something merely formal: when Prince-primate, Jusztinián Serédi advised József Pétery, the Bishop of Vác to divide up Kecskemét parish, due to the large number of the faithful under it.
- Then, another indirect move to the solution was made by Sándor Kovács, the parish priest of Kecskemét. From 1928 to 1943 his idea was to separate the church in Czollner square to raise-up another parish.¹³⁴

We have seen that, building of church by and for Piarist religious order in Kecskemét had rigorous and long ways to go, had numerous challenges before this present Holy Trinity Church could be real. Among other challenges facing the building of church, the most crucial one had financial basis. The Order was even struggling for sustenance, let alone affording to build a church. So to get donors who would be financially capable to help them with such a money to start and finish building a church was almost impossible. Human resource and expertise was also another challenge, and sometimes there could time when the person with suitable experience would start one of the steps in the building process but would not live to continue and finish the work. There were challenges from negativity in the attitude of the parish priest who did not support the church building agenda, such as Pál Bogyó. I mean, such a negativity that would discourage both the faithful and the donors. Nevertheless, joy and happiness became the heritage of the Piarist religious Order, because the goal of building their church was finally actualized.

The availability of this church made the works of the Piarists to be easier. The church is now their own. They did not inherit it from another group or another church, the intention was always to build a church for them in order to effectively carry out their duties all the more. It was easier for the provincial to request for a parish when the church, that is, the place of worship, was built by them themselves.

4.6 The requirements of erecting a Piarist religious parish as stated in the *Regularum communes* were available.

The Piarist religious order has a central rule and conditions to meet before any parish would assumed to be their own wherever it may be. Once a parish is suggested to be taken over

¹³⁴ KOZINC, J., *A kecskeméti Piarista Plébánia Hetven éve (1948-2018)*, Budapest-Kecskemét 2018, 9-12.

by the Piarist, the first thing is to check if it meets the conditions stipulated in this Regular. Below is the Latin version of the *Regularum communes*:

“Ad erigendam in ecclesiis nostris paroeciam requiritur beneplacitum apostolicum ad normam juris. Ad hujusmodi erectionem ne procedatur, nisi postquam provincialis de consensus suae Congregationis declaraverit tale onus provinciam suscipere posse, et Generalis cum sua partier Cogregatione decisivum dederit consensum. Curandum ut paroeciae quae admittantur, pleno jure Communitati concendantur, ita ut religiosae fiant, praehabito apostolico indulto.”¹³⁵

That is, the erection of our parish requires to be as accepted by the apostolic law. No erection should proceed without the consensus reached by the provincial and the Community and the decision reached by both the General and the Congregation respectively. Make sure that before the parish is accepted, the full right of the Community is assured and is endorsed by the Pope.

Before we proceed, it is necessary to examine closely the properties of this *Regularum communes*, because it would help us place on a better scale, the processes, steps and rudiments applied along the ways while erecting the parish of the Piarist order in Kecskemét. Thus, the properties of Regularum can be considered as follows:

4.6.1 Observance of the Apostolic law

This first momentum of *Regularum communes* emphasizes on the processing of everything about the erection of the Piarist religious parish according to the norms promulgated by the Apostolic See. In other words, observing Apostolic ordinance is to say that, it should follow the processes of erecting parishes as promulgated by the Apostolic See. It is non the less, what the current legislator claimed in CIC 515, §2. That is, to say that even the parish of Piarist religious order must be erected, (...), by the diocesan bishop, though with definite approval from the Holy See. The act of involving the Holy See is quite understandable, because parishes are erected firstly for pastoral apostolates of a certain group of Christ’s faithful and their needs are almost generally known, “only pastoral.” But religious organizations and religious orders have their own particular apostolates to carry out. These orders and organizations should not forfeit their apostolates for parish works, even if need arises in another special area which requires involvement of the religious

¹³⁵ REGULAE COMMUNES, *Ordinis Clericorum Regularium Pauperum Matris Dei Scholarum Piarum*, Apud S. Panteloenem, Romae 1947, 102, (277 p.)

organizations. In such cases like this, care should be taken to see that religious apostolate is not overlooked, otherwise the pastoral help-out work may be to the detriment of their apostolate and duties.¹³⁶ Again, some of these religious organizations or orders are *iuris pontificii* in nature, that is, they have papal approval¹³⁷ and therefore if they should be involved into such duties of having a parish, they should need a papal consent.

4.6.2 Consensus reached by provincial and the community.

This ensures that the provincial, who is the “local competent authority” of the province has and shares the same views with the council of the religious community/communities where the new Piarist parish is to be erected. It also ensures harmony and mutual support between the provincial and the communities under his care.

For a provincial to decide on recommending erection¹³⁷ of a parish for the order, it is advisable that he deliberates it with the council or councils under his province, also to see that the need and conditions for erection of the parish is correctly proven. Otherwise his step toward this act would be similar to such cases when a bishop erects or alters a parish without the consent of the presbyteral council. If both the provincial and the community agrees on the need to erect the parish, it shows that the given act would really support and enhance pastoral works of the Piarists in that province.

4.6.3 Consent of Congregation/Order and the Superior General

To incorporate pastoral work through erecting a parish for the Piarist religious order, *regularum communies* compels consensus with the General. I think this is clear, because of the relevance of the pastoral works surrounding a parish, which are out from the teaching apostolate of the order. Before the order would be involved in such engagements that are not the basis of the order’s apostolate, it is necessary to seek the approval of the highest forum of the order to avoid grave mistakes, and also to make sure that the new task to be taken would not have negative impact on the life of the members and apostolate of the order in total.

¹³⁶ See 574, §1.

¹³⁷ Canon 589; see also CCEO 413.

4.6.4 Assurance of all full rights and papal endorsement

The rights mentioned here are firstly the ones given to the local bishop to erect the parish as a Piarist one. These rights should be perpetual, covering all things that belong to the parish. If the parish is erected from another parish, that mother parish should renounce from the rights of use of goods of the new Piarist parish. As already mentioned above, these rights should be written down and made absolute (cf. CIC 520 and 681). Anyone who is concerned in any way, through right of ownership of any of the goods of the parish, should renounce on them before handing them over to the order. With these renouncements, the perpetual nature of the parish is guaranteed. All these should be endorsed by the Holy See. Owing to the fact that the order has pontifical right and exemption, it necessitates involvement of papal approval when such serious mutual engagements like this arises between a diocese and the order.

5 Provincial's official request letter to the Bishop

The provincial of the Order, Sándor Sik, who is in this case, the competent authority responsible for coordination of apostolates and pastoral works of the province,¹³⁸ would have a lot to do in this stage besides the Bishop, though his participation would be more of intermediary, provisional and supportive. To start with, he saw the need to run to the local ordinary for help, in order to raise their church to parish church level. Under normal circumstances, such issues that have bigger weights should take this form of procedure especially when the apostolate of an order is turning to pastoral, other than their peculiar one. At this point, the challenges facing the religious institute in Kecskemét were not limited to demolishing forces from the communist system, the members had to count also on the challenges ranging from uncertainty of success of request for erection of parish from the local ordinary, through the powers and rights of the people concerned, across the approval of the Superior General, until the erection of the parish is actualized. At the bishop's level, the challenges would be: whether the bishop would accept their request and erect the parish for them, whether he would reason together with the Order in seeing

¹³⁸ The concept, „*province*”, used by c. 621 in this case resembles the territorial divisions applied in the expression of dioceses. Again the power exercised by the provincials – that is, the superiors heading provinces – are similar to the ones particular to local bishops, though superiors are not members of the college of bishops.

erection of the parish as the solution to their problems; whether he would be kind enough and sacrifice time to produce all the documents necessary to erect a parish for a religious institute, whether the Piarist religious would prove beyond reasonable doubt to having all the human and material potentials necessary for this erection process, etc.

As the case may be, the superior is the competent authority, the authority to carry out this act for his order, otherwise this act will be null and void if anyone else does it. That is, he knows fully well that, *Ad validitatem actus juridici requiritur ut a persona habili sit positus, atque in eodem adsint quae actum ipsum essentialiter constituent, necnon sollemnia et requisita iure ad validitatem actus imposita* (can. 124, §1). In this special case, he is the “qualified person” to act for the order in his province. Again, this issue among the two competent authority falls within those categories that should not only be verbally discoursed (cf. can. 681, §2).¹³⁹ That is, it is among those serious matters that would require signature of the concerned authorities, declaration of consents and documentation of the materials emanating from the procedural act. It also supersedes such acts that diplomatic field call “*note verbale*,”¹⁴⁰ in which a semi-formal document is produced in the third person modality but never signed. It requires the two competent authorities and their signatures. This same situation was applicable to those processes pertaining erection of Sátoraljaújhely Piarist religious parish which was almost simultaneously done together with the Kecskemét parish. There also, everything was formally written and documented.¹⁴¹

The provincial therefore addressed this wonderful letter of request to József Péteri, the then territorial and local bishop of Vác, which he wrote and signed on the 21th of August 1948.¹⁴²

Surely the act of raising a parish which the provincial was requesting is solely attributed to the bishop. As a matter of fact, “*paroecias erigere, supprimere au teas innovare unius est Episcopi dioecesani*.” Only the diocesan bishop has the right to erect, suppress, or alter parishes (can. 515 §2).¹⁴³ His request had specialty, because raising a (religious) parish is

¹³⁹ See c. 37 and its commentaries in the NEW COMMENTARIES ON THE CODE OF CANON LAW, edited by BEAL, J. P., - CORIDEN, J. A., - GREEN, T. J., , Theological Publications in India, Bangalore, 2010.

¹⁴⁰ MERRIAM-WEBSTER UNABRIDGED DICTIONARY, *Note verbale* is a diplomatic note that is more formal than an aide-mémoire and less formal than a note, it is drafted in the third person, and is never signed.

¹⁴¹ See PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, Magyar rendfőnökség *Rendfőnöki levelezés*, Kecskemét 1948.

¹⁴² PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés* Kecskemét 1948, 1029/1948.

¹⁴³ Before a diocesan bishop is to erect a parish, he is to hear the opinion of the presbyteral council. That is, the bishop should seek not only the mere verbal suggestion of one or two priests under him, but should bring-

totally different from erecting a religious house, or province. Thus if a religious house is to be erected, it has different background; it would be the function of the competent authority of the religious order, though with a previous written consent of the diocesan bishop.¹⁴⁴ This is issue of erecting a parish, so it falls under the competence of only the diocesan bishop.

It is obvious here, that the addresser of the letter, the provincial, showed his total subjection to him as the local bishop above him. Hence he addressed him as: “*kegyes atyám,*” that is, “*my gracious Father*” and at the closing of the letter he said: “*felszentelt kezeit csókolja Krisztusban alázatos szolgája,*” which literally means, “your servant in Christ¹⁴⁵ kisses your ordained hands.” The two expression enunciated openly both his subjection and submission to the bishop as code elaborated in can. 678, §1 when it says, “*In matters concerning the care of souls, the public exercise of divine worship, and other works of the apostolate, religious are subject to the authority of the bishops, whom they are bound to treat with sincere submission and reverence.*” The matter in quote is an outstanding example of what the canon is talking about. It concerns care of the souls, because firstly he is requesting for a parish, which is in itself, a certain community of Christ’s faithful, and this faithful is in the first place, entrusted to the local ordinary.¹⁴⁶ After all, “*a diocese is the portion of God’s people which is entrusted to a bishop to be shepherded by him...*” (CD 11).¹⁴⁷ Again, he requests for caring for souls of community of the faithful who would be stably instituted,¹⁴⁸ only for *salus animarum*. Secondly, this issue is exactly for a public exercise of divine worship. A parish is the highest center where the divine worship can be carried out day by day. A parish is the smallest community and center where the three fold priestly functions (governing, teaching and sanctifying) of Christ the Lord manifests without reservation. A parish accumulates and portrays the divine worship image of the stably instituted community of Christ and with the care of the parish pastor as the “proper pastor,” attains to reaching to the aims of the heavenly pastor, the Lord Jesus Christ.

in, the presbyteral council into this official proposal, give them a detailed and prior information before hand. It is also important to point out that failure to hear the council before erecting, suppressing or altering a parish would render the act of the diocesan bishop invalid (cf. can. 42 and can. 50 respectively.).

¹⁴⁴ See c. 608.

¹⁴⁵ The expression, „your servant” does not necessarily mean that the provincial is in any way to render any extra-ordinary services to bishop as a person, but he also shares in the Christ’s ministry of the bishop (see c. 519), who is the local ordinary of his province. Moreover, wherever the bishop is, there is the Church to the whom the provincial serves.

¹⁴⁶ Canon 369; see also CCEO 177.

¹⁴⁷ Although, CD 11 adds that the diocese should be shepherded by the bishop with the cooperation of the presbytery, he is still to be talked to in the first place.

¹⁴⁸ Meanwhile, a parish is non the less, a certain community of the Christian Faithful (see c. 515 §1).

Thirdly, this function is typically an apostolic one. The notion “parish” engulfs in its entity almost all the important key-points which the Lord Jesus himself had in mind while calling together his apostles. A parish therefore has the basic function of winning people for the kingdom of God, right from the day of conversion to the day of glorification of each and every one of the parishioners.

Now, we have seen the reason why a religious should be totally submissive to the local ordinary in matters like this,¹⁴⁹ because all these belong to his priestly apostolic mission in which every other priest and religious shares. If therefore, Sándor Sik, the provincial is requesting for an elevation of the Piarist church to parish, he would show his total reverence to him as the case may be.

6 The bishop’s official act of erecting the Piarist parish in Keckemét

As it were, the first thing the bishop did was to hear the cathedral Chapter, including those that are concerned in this matter. He did this to fulfill what can. 515, §2 compels when it says that “*paroecias ne erigat aut supprimat, neve eas notabiliter innovet, nisi audito consilio presbyterali.*”¹⁵⁰ In his rescript, he mentioned two reasons for his act of dividing up the Ascension’s parish church.

Owing to the fact that parishes must also be unique and territorially divided,¹⁵¹ bishop Pétery made clear the streets, districts and areas that fall within the boundaries of the newly created Piarist parish.

¹⁴⁹ See VALESIO, D. P., *La Vita Consacrata nella Chiesa*, (Facolta’ di Dirritto Canonico San Pio X, Manuallia 4; edizione rivista e ampliata a cura de Musca, V.) Venezia 2010.

¹⁵⁰ An interesting question may be put up here: could the act of Bishop József Pétery be valid if he had not heard the cathedral chapter, or more precisely, the presbyteral council? The answer is obvious. Canon 50 denotes that an authority must seek the necessary information and proofs and also must hear those whose rights can be injured before issuing a singular decree. So, in this case, when he is suppose to hear the presbyteral council, his should do so, otherwise his act becomes invalid.

¹⁵¹ When a parish is territorially divided, it makes all the Christian faithful living in the area to belong to certain territory. In other words, the faithful who resides within that territory belongs to that same community of the faithful as accaimed by c. 518.

The expression territorial is always used without prejudice to the nature and function of the personal parishes. Meanwhile, a parish may either be territorial or personal. When it is territorial, it comprises of the facts, conditions and qualities of the faithful living on a place as explained above. When it is personal, it forms the community of the faithful who seem to be together because of their special situation or case. This situation may have linguistic, tribal, demographic, or even educational reasons. We may get a clear example of this situation if we consider what the legislator requires from the diocesan bishops in canon 813. Infact, this canon is the most precise and specific on cases like this. It calls the diocesan bishops for a special responsibility. It says: „*Episcopus diocesanus impensam habeat curam pastorem studentium, etiam per*

Practically saying, the bishop was helped by the two proper pastors who in this case should act in the two competent authorities' stead, namely the Fr. Baranyi László (Abbot and parish priest) who was the parish priest of the Ascension's parish of Kecskemét and the then Superior of the Piarist religious house of Kecskemét, Nagy Vince. They helped in drawing the map of division.¹⁵² Their help made the meeting of Bishop and provincial an easy one. Although, this meeting was verbally made, but the rough sketch of the boundaries of the new parish was imagined and visualized.¹⁵³

Before We continue, it is important here to guess what kind of challenges would be facing the Piarist religious Order and her members residing in Kecskemét at that this episcopal stage like:

- a challenges of anxieties of uncertainties in the legitimacy of their request to have their own parish, otherwise it would be a very big mistake in the history of the Order.
- challenges emanating from numerous opinions of the faithful on their request for *divisio* of the mother parish,
- worries and anxieties about whether the Bishop would abide to his promise to the end also worries on what would be the content of Bishop's *votum*. This is because, though the matter is to erect a parish to save the temporal goods of the Order, but care of the faithful must be prioritized, and this *salus animarum* in the first place, which falls under the competence of the diocesan bishop. Consequently, for a religious parish to come into existence, the local ordinary's erecting *votum* is indispensably needed. God so kind, almost every bishop who received their request of erecting parish came to their help with kindness.¹⁵⁴ It is not surprising from the person of Pétery. The veneration of the Most Blessed Eucharist, youths and priestly education were the pillars of his episcopal governance,¹⁵⁵ so whatever that

paroetiae erectionem, vel saltem per sacerdotes ad hoc stabiliter deputatos, et provideat ut apud universitates, ..." The kind of parish to be erected in this manner is to be personal.

¹⁵² Whenever the Church is to carry out such acts pertaining local communities, it is always advisable that they involve the local pastors who would help in their acts to get a more precise results at the end of such acts.

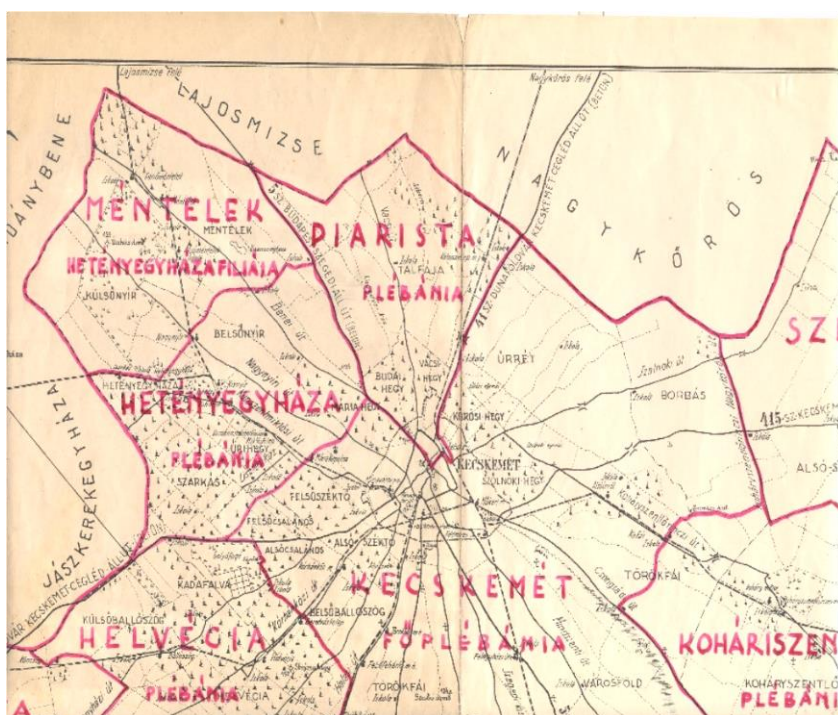
¹⁵³ KOZICZ, J., *A kecskeméti Piarista Plébánia Hetven éve (1948-2018)*, Budapest-Kecskemét 2018, 20.

¹⁵⁴ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Sátoraljaújhely 1948, 2980/1948.

¹⁵⁵ PETRÓCI, S., *Emlékek Pétery József Püspökről*, SZIT, Az Apostoli Szentszék Könyvkiadója, Budapest 1997, 63.

could be done to promote any of them would not be difficult for him to support.

- worries about what the attitude of the pastor of the mother parish, László Baranyi would be from the beginning to the end of the division procedure,
- anxieties about boundaries and territorial problems,
- worries about how the new parish could financially stand on its feet
- excitements on how they could manage and lead the new parish.



So now, let us look into the territory mapped out for actualization of the new parish erection. Ordinarily, the bishop and his two helpers (László Baranyai and Sándor Sík, guessed that, territorially, the Piarist Holy Trinity Parish should enclose the total administrative area

of the fourth district of the city, the Piarist square and Piarist technical school; all lying on the third district, plus the area of Buda mountain, Vacsí mountain, and the entire administrative area of Katona layout and Tajfája desert as sketched on the partial map above. One can imagine the kind of happiness that would be in the mind of entire religious of Piarist Order. There is hope now; hope of existence and survival.

Looking at the map of Kecskemét Piarist parish, one would see clearly that it was formally part of the Kecskemét Ascension's high parish. Hitherto, the mother parish was surrounded by Kiskunfélegyháza parish from the east, Nagykőrös and Lajosmizse at the west, then Lakitelek and Tiszakécske parishes at the north, with Ladánybene and Jászkerekegyháza

From the south, we see Kecskemét (VI) district Szabadság square 5th building towards east touching the numbers 2-44 of the parallel side of Rákóczi road, going straight, through the road crossing the Katona József waking road to the warehouses, and from there towards the south till the underpass. The eastern boarder passes through the underpass immediately beside the rail way towards the north till the concrete road of Nagykőrös, and from there, going towards Nagykőrös with enclosure of the left side of the road till the boader of Nagykőrös. The northern boundary include the side engulfed by the concrete road of Lajosmizse and concrete road of Nagykőrös towards the borderline of the two roads as stipulated on the document aside.¹⁵⁷ Summarily, the territory of the Holy Trinity Parish has over 60 streets, with different lengths. The boundaries demarcating the new parish from the surrounding parishes seem to be clear, plane and stable. This format was also used in demarcating the boundaries of Assumption's Piarist parish of Sároaljaújhely in the same year.¹⁵⁸ The number of the faithful that fall within the confines of Holy Trinity parish was then seem to be enough and capable of taking care of the new task. Owing to this fact, the bishop, before closing his resolution added the following: “*Az a reménység él bennünk, hogy ezen rendelkezésünk híveink lelki üdvét fogja szolgálni.*” That is, we hope that our resolution would serve for the salvation of souls of our faithful.¹⁵⁹ As I have mentioned above, a bishop, in all his resolutions would be aiming to the same goal of the Church, *salus animarum*. In other words, even in this case, the state and situation of the faithful was prioritized and not that of the Piarist order. Thus, it is true that the Piarist religious order requested to be given a parish so that they can have a forum of participation and existence through pastoral work, but if the *divisio* of Ascension's parish would be

¹⁵⁷ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1948/5570.

If we look closely at this document that demarcates the boundaries of the new parish, we would see that it contains all the factors that aneble it assume its official statutes. It has the title, „*A Kecskeméti róm. kat. Egyházközség területén a Piaristák részére erigált plébánia területe.*” That is, the parish area given to the Piarists in the parish community of Roman Catholic Church of Kecskemét. It has the introductory part that summerises the entire area, the detailed part showing all the streets falling to the east, west, north and south of the parish. Then the two proper pastors (Vince Nagy, the superior of Piarist religious house and László Baranyi, the parish priest of the mother parish) signed it with their hands. At last, the local bishop, József Péteri indorsed it with his signature and stamp and gave it a date.

The Sátoraljaújhely parish was also planned in this way, drawn and demarcated so clearly as we see in the document: PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Sátoraljaújhely 1948, 1471/1948 documented it.

¹⁵⁸ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Sátoraljaújhely 1948, 1471/1948.

¹⁵⁹ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 5570/1948.

detrimental to the salvation of the souls of the faithful, the bishop would not have been convinced to do so.

Presently, almost every parish erected from the mother parish have their proper pastors and no one is covered by another in terms of pastoral work. All these parishes were also erected with *divisio* method. Now, the neighboring parishes of Kecskemét Piarist parish are as follows: the mother parish, Ascension's parish at the east, Nagykőrös and Lajosmizse at the west, Széchenyi Város at the north, then Koháriszentlőrinc and Szentkirály parishes at the south. As the case may be, each of these parishes can now boast of having its independency, juridical person, as well as proper pastor. More precisely, they possess all the qualities of a parish namely: they all have a group of Christian faithful, stably instituted; they have their proper pastor and they are all under a given diocese (c. 515).

It is important to note that once a parish is erected, it has the same rights and responsibilities with other parishes erected in the past. No parish is seen to be more important than others, because all of them perform the same duty of *salus animarum*.

History said that the chronicles of the Piarist religious order regarded this Bishop Pétery's act of raising parish for them as a redemptive one; they were praising him to the extent that the members were singing the motto written on his episcopal arm. The motto says: "*Misericordias Domini in aeternum cantabo!*"¹⁶⁰ That is, I will sing the goodness of God forever (Psalm 89:2).

There is another relevant formal thing to be done to make the territory of the new parish independent. When a new parish is created out from another one, especially when the *divisio* method is used, it is necessary or even obligatory to, not only the new parish pastor to assume the new territory as his own, but the parish pastor of the mother parish to renounce from the territory of the new parish. In essence, to officially declare that he is no more the pastor of the new territory, neither the shepherd of the flock of the new parish. This is a vital act and should be written down officially to avoid many problems like: problems of encroachment into another parish's territory, problems of dragging and quarrelling on the goods of the parishes, problems of execution of faculty and exercise of right on the flock, problems of mixing up of potentials between the two parishes, and so on.

With respect to the command made by the authority of the diocese, this renouncement was done by László Baranyi, the parish pastor of the high parish and was submitted in letter to

¹⁶⁰ KOZINC, J., *A kecskeméti Piarista Plébánia Hetven éve (1948-2018)*, Budapest-Kecskemét 2018, 20.

the bishop on the 10th of September the same year. With this, we can say that the territory of the new parish is completely legalized.¹⁶¹

7 Announcement and information of Bishop's erecting act

The act of division of the Ascension's parish was regarded successful, in the sense that, the criteria for erecting a parish (being erected by the bishop himself, the bishop consulting the presbyteral council and the entire people it may concern, etc.) and the elements (having a certain group of people, being under and within the territories of the diocese, being stable, and having a proper pastor) necessary for a parish to come into existence were all present. After this, the bishop then officially announces his act. He did it in two ways:

7.1 Ordinary announcement

This is the announcement József Pétery, the bishop made on his resolution after erecting the parish and drawing the boundaries of the new parish. He said: "*Tudtára adjuk mindenkinek, akit illet, ... az Úr Jézus mennybemeneteléről nevezett kecskeméti plébánia megosztását és ennek következtében a Szentháromságról nevezett új kecskeméti plébánia megszervezését.*"¹⁶² That is, we bring to the awareness of all who are concerned, (...), the division of The Lord's Ascension's parish and as a result, the erection of the new Holy Trinity parish of Kecskemét. The exclamation: "*tudtára adjuk mindenkinek, akit illet*" is a very clear, ordinary and official announcement. It is, bringing to the notice every forum with legal, ordinary, primary and official interest, the division of an old parish and the erection of a new parish.

7.2 Notice to the competent authority (provincial) of the Piarist Order

After the arrangement and erection of the parish for the Piarist religious order, the bishop wrote a formal letter to the dr. Sándor Sik, the provincial of the above mentioned order as

¹⁶¹ Ibid.

¹⁶² PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés, Kecskemét 1948, 5770/1948.*

a notice, that he has erected a parish for them. “*Értesítem a Rendfőnök Urat, hogy a kecskeméti kegyesrendi plébániát a mai napon megszerveztem.*” In essence, he informs the Provincial, that today he has organized the Kecskemét religious parish. This letter is seen to be obvious for two reasons. Firstly, to inform him that he fulfilled the request he made when he affirmed that erection of Piarist religious parish would save the critical situation around the buildings of the order.¹⁶³ Secondly, it is an official act that should be done. Thus, even if no request was made by the provincial himself; that is, if the parish was voluntarily offered to Piarist order by the bishop without any pronounced or formal request, the bishop should still inform the provincial, who is in this case the competent authority, that he gives his religious order a parish to manage. This kind of notice also serves as an ordinary declaration to the general public about this given act, in case if anyone has anything, opinion, information, or idea against the given act of erecting the parish.

In the same first paragraph of this letter, bishop József Pétery said that he sent him the erecting (*erigating, erigálás-i*) document of the parish to the religious house archive through László Baranyi, abbot and parish priest. With this, he made sure that the acts and processes of this parish erection was well documented. As we said earlier on, such acts like erection of a parish within particular churches need serious documentations just as we see on the .¹⁶⁴

The second paragraph of the letter also contains a step very vital, namely the appointment of the pastor and his assistants. The Bishop says: “*az új plébánia plébánosát a Rendfőnök Úr előterjesztése alapján fogom kinevezni.*”¹⁶⁵ This point of acts of bishops is always really exciting and interesting. He waits the provincial to present the person to be appointed a pastor.

Before we continue in treating the appointment of the pastor, there are two important topics that need to be treated: the legal properties that surround this newly erected parish; that is, the things that made it Piarist and the characteristics general to very parish. These two topics would help us to know the “dos and don’ts,” the peculiarities, functions and the manner proper to the newly erected Holy Trinity parish. Knowing very well that, however religious the Holy Trinity parish is, it is still a parish, we therefore prioritize the treating of characteristics of parish in general.

¹⁶³ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 873/1948. In this request, the provincial stated that the only solution to save their religious house would be to raise up their churches and communities to a parish level.

¹⁶⁴ See c. 681, §2.

¹⁶⁵ See c. 456 of 1917 code and c. 682, §1 of 1983 code respectively.

VII. CHARACTERISTICS OF PARISH IN GENERAL

The characteristics of a parish in this aspect refers to those manners and responsibilities peculiar to parish, which constitute its integrity as a parish. Just like every institution, a parish is a body, a stably instituted and functioning entity, so there should be so many things that make it what while. For this reason, the Second Vatican Council outlined some characteristics to qualify parishes, among which we point out the ones that are more important to be reckoned with regard to the Holy Trinity parish. These characteristics are as follows:

1 A parish has Eucharist at the center

The Most Blessed Eucharist forms the center of gathering of the faithful, just as it also forms the root and hinge of the celebrating community.¹⁶⁶ No wonder, on the appointment letter given to József Erős, the first pastor of the parish, the bishop laid emphasis on the faithful's share in the Eucharistic celebration.¹⁶⁷ Surely, "*no Christian community, however, can be built up unless it has its basis and center in the celebration of the Most Holy Eucharist (PO 6).*" The Eucharist is the beginning and the end, the heart of the gathered people of God under Catholic denomination. It is the soul of the Church, the center, which all other endeavors of the Church surround, the motor that makes the Church mobile; the apex of faith of the people of God chosen to follow Christ. The Holy Eucharist is the Christ, the reason for our belief, the captain and the anchor of the ship (the Church) that leads us to shore of heaven. It is the aim of our striving and the hope of those who believe in Christ, the joy of the followers who gather in His fellowship day by day. Therefore, "*the pastor is to see to it that the Most Holy Eucharist is the center of the parish assembly...he is to work as that ...they frequently approach the sacraments of the Most Holy Eucharist and penance.*"¹⁶⁸ The Holy Trinity parish is always the center of the

¹⁶⁶ See PO 5. 6.

¹⁶⁷ Canon 528, §2.

¹⁶⁸ See c. 528, §2.

eneration of the Most Blessed Eucharist in the city of Kecskemét both through attending Masses and Benedictions.

The highlights of the Vatican Council II are more on the Eucharist which is celebrated together by the priest and the faithful. We are aware of the difficulties that go along with this proposition, especially in such occasions like when there is scarcity of priest to celebrate the Eucharist. The CIC 1248 §2 (1983) encourages that these people under this situation should take part in the liturgy of the word organized in the parish church, spend more time in individual private prayers and attending such prayers organized among families.

Sunday Mass is always an obligatory duty of ordained priest which is observed in a very serious note in every age. On a Sunday Mass, the faithful of a given parish fulfil the commandment of the Master Jesus Christ in celebrating His paschal feast, commemorate his Passover and Last Supper, celebrate His Body and Blood, assume His fellowship and share His love. With this, a priest would feel the need to celebrate Holy Masses almost day by day to derive more strength for daily Evangelization.¹⁶⁹ Szuromi has a lot of collections in his writings on the sources and theory of medieval canon law in which he highlighted the celebration of Holy Mass on daily basis as one of the main duties of priests as noted by the Decretum Burchardi Wormatiensis.¹⁷⁰ It shows that obligation of daily Masses for priests is not a new thing in the Church.

The *Sacrosantum Concilium* attributes special values to those elements that enrich and differentiate the Sunday Mass from other week day Masses, for example: the *homily*, which always adds difference to the Holy Masses celebrated in the Churches of religious. This is so, because people always presume that religious priests would have more time to meditate for deeper reflections especially on homilies and that is why even the medieval bishops gave them permission to say homilies in parish churches besides the diocesan priests on Sunday Masses.¹⁷¹ Homily provides the quorum within which the priest addresses the flock of the Lord Jesus entrusted to him not only in the bishop's stead but also in Christ's stead as well. In this, he explains and teaches the Word of God bounded in Scripture and culture. He makes the *Dei Verbum* well understood to the faithful. In other words *Communion* is

¹⁶⁹ This everyday celebration of the Holy Eucharist is encouraged by both Codes and CCEO as well. In CCEO we have exceptions on those days which Szabó called "aliturikus" days, that is, those days on which Holy Masses are not allowed to be celebrated in Eastern Churches depending on their respective regulations (cf. SZABÓ, P., *A Keleti Egyházak Szentségi Joga*, Szent Atanáz Görög Katolikus Hittudományi Főiskola, Nyíregyháza 2012, 179.

¹⁷⁰ SZUROMI, SZ. A., *Medieval Canon Law, - sources and theory -*, SZIT, az Apostoli Szentszék Könyvkiadója, Budapest 2009, 132.

¹⁷¹ SZUROMI, SZ. A., *Medieval Canon Law, - sources and theory*, 132.

made *verbal*.¹⁷² This is why many parishes around Kecskemét often invite the Piarist priests as speakers for their parish feasts. A priest is therefore advised to exclude all things that are personal, human and social which may be contrary to words and deeds of Christ while saying sermons. Another element that would differentiate Sunday Mass from other daily Masses is the opportunity for the parishioners to lay and express what we call “prayer of the faithful.” The Sunday Mass provides the pastor the opportunity to celebrate Mass for the people of God entrusted to his care. Besides this, the flock themselves are also given the chance to gather their petitions and lay it to the feet of the Lord Jesus,¹⁷³ who acts and sacrifices on the altar of every day Mass. The petitions may be made on the private thoughts and words of the faithful present on the Mass. In this prayer, the faithful can express their requests, feelings, problems and needs which liturgically are assumed to be a joined offering together with the bread and wine which the priest offers to God in Christ’s stead.

2 A parish is a representative of the universal Church

The Holy Trinity religious parish appears as a mirror of faith of the city of Kecskemét. By its community, it manifests the evangelical aim of the Entire Church of Christ. A parish forms the smallest community of the same community of the faithful scattered all over the World. It represents the Universal Church by carrying out all the duties, though in a local way, which the Mother Church assigned to be done at every corner of the Earth. In other words, parishes are the most important among all other various groups established by the diocesan bishop, in the sense that they represent the visible Church constituted throughout the whole world.¹⁷⁴ That is, the parish gathers together the Christian faithful who have been incorporated in Christ through baptism in which they are made priests, prophets and kings exercising the mission which God has entrusted to the Church to fulfill in the world (cf: c. 204 §1). The Second Vatican Council highlights the characteristic of the parish in making the Church visible in its local church community, which, having its pastor, portrays

¹⁷² In so many English speaking areas, the Blessed Eucharist is called *Communion*. That is, when someone goes to receive the Blessed Eucharist, he is receiving the Communion; in this case, the Holy Communion. This expression tells about the equality and level of relationship between the Eucharist and the Christian Church community, the essence of the Church as the mystic body of Christ. When this equality and mystery is understood, one can say that he or she is receiving the Holy Communion: The Holy Communion of the early Christians who initially realized this equality, the Holy Communion of the saints here on Earth, in purgatory and in Heaven.

¹⁷³ See SC 53.

¹⁷⁴ See SC 42.

the image of the community instituted by Jesus Christ for His flock. In this way parishes make the Church to be perceptible or touchable.

All these are direct attributes of the Holy Trinity parish; both the faithful and the Piarists do everything possible to portray the image of the universal Church.

The local parish emphasized by the Council here is the one in which the faithful would be able to express their potentials, charisms, possibilities, to build up the one mystic body of Christ.

3 A parish collaborators in strengthening relationship between local parish and the diocese

The authorities and members of the Piarist Order always strive to strengthening relationship between their religious institute and the diocese under which they work. In the year of erecting the parish in Kecskemét (1948), they invited Bishop József Pétery for several times to celebrate liturgies with the. An example of this was when they celebrated the 300 years of the death of St Joseph Calasanz together with 200 years of his canonization which was approved by Pope Pius XII, for which they organized series of programs. During this time they often invited the bishop to celebrate the Holy Mass with them.¹⁷⁵

As a matter of fact, Piarist members are always known for their high level of pietism which they portray, which manifests more deeply in their church liturgy both on Sundays and on week days as well.

They always prepared for every given Holy Mass; aspires to celebrate every liturgy on the highest quality with the faithful. The preparation and celebration of the first lent by the vice pastor with the help of vicars and the faithful was really amazing. From Ash Wednesday till the end of lent, the Holy Masses started at 6:30 am, each time at one of the side alters in the church. This also elevates the emotional side of the liturgy.¹⁷⁶ In other areas of working together between a parish and the diocese, the Piarists also showed outstanding examples like the ones outlined below:

- In administering the sacraments. Truly, "*bishops are the principal dispensers of the mysteries of God, just as they are governors, promoters, and guardians of the entire liturgical life in the church committed to them,*"¹⁷⁷ the Piarist religious Order

¹⁷⁵ KOZICZ, J., *A Kecskeméti Piarista Plébánia Hetven éve 1948-2018*, Budapest-Kecskemét 2018, 304.

¹⁷⁶ KOZICZ, J., *A Kecskeméti Piarista Plébánia Hetven éve 1948-2018*, Budapest-Kecskemét 2018, 305.

¹⁷⁷ CD, no. 15.

always promote the bond of administration of these Sacraments with the neighboring parishes and the diocese at large.¹⁷⁸ The parishes handed over to the Piarist religious Order always experience a higher number of the participants when administering the Holy Sacraments. The schools which are under their management are fertile avenues for evangelization of the youths and as a result, those young ones receive the Holy Sacraments from parishes of the Order.

- The Piarists also use oil for administering the sacraments of Baptism, Confirmation and Anointing of the Sick which are blessed by the bishop during the Holy Week. It makes the communication and relationship between the Holy Trinity parish parishes and the diocese to be concrete.
- Annual visit of Holy trinity parish by the local bishop. Owing to the strong relationship which always reigns between the parish and the diocese, they always invite the Arch-bishop of Kalocsa-Kecskemét to visit them every year,¹⁷⁹ just as they invited bishop József Péteri when the parish was belong to the diocese of Vác, especially to administer the sacrament of Confirmation and also during the opening Mass of the academic year for their schools. In such visits like this, the bishop directly strengthens the connection between the diocese and the local parish and indirectly connects the latter with the universal Church, because along the visit, he is enriched with such information from the parish and the faithful which would help him account for his diocese at the *ad limina* visit and report to the Apostolic See.¹⁸⁰

4 A parish should have sense of community.

The Holy Trinity parish, being religious in nature, is always known as an order has a very high sense of community. Thus, “*The office of pastor is not confined to the care of the faithful as individuals, but is also properly extended to the formation of a genuine Christian community.*”¹⁸¹ A sense of community should be encouraged in a parish, because a parish is a community of the faithful. The *CD* declares that the parish exists solely for the good

¹⁷⁸ Apart from the very topic of the concentration of the mysteries of sacrament of orders on the person of the bishop, the faculty of administering the sacraments to the faithful is given to the priests and the deacons also by the bishop. This faculty can as well be taken from them by the bishop if the need arises. In this way, the bishop both directly and indirectly takes care of all the Christian faithful entrusted to him whatever the case of their needs may be.

¹⁷⁹ Canon 396 compells the diocesan bishops to visit all parishes of their dioceses in wholly or partly, at least once in every five years.

¹⁸⁰ See 399.

¹⁸¹ PO 6.

of the souls,¹⁸² the souls of the faithful. Pastors are therefore obliged to do everything in reaching the spiritual needs of all the parishioners entrusted to them. They should involve the cooperators, the assistant pastors in this salvific work.¹⁸³ Hence it denotes: “*in the exercise of the teaching office, it is the duty of the pastors to preach God’s word to all the Christian people so that, rooted in faith, hope and charity, they may grow in Christ and that the Christian community may bear witness to the charity which the Lord commanded. In imparting this instruction they should seek not only the assistance of the religious but also the cooperation of the laity...*”¹⁸⁴ To achieve this, they should involve every member of the parish, mobilize and make appropriated use of the potentials of the learned, teach and enlighten the ignorance, visit the families of the flock, seek the opinion of the parish council members¹⁸⁵, organize catechism classes for the children, teach religious and moral education to the adolescence, visit the sick¹⁸⁶ and strengthen them, exercise a paternal charity towards the poor, the afflicted, the lonely, and those exiled from their homelands.¹⁸⁷ His action should not be limited to only those who attend the Sunday Masses and worship regularly in the parish church. He should use the mind of the shepherd searching for the lost sheep; those who do not join the community of the faithful in the parish, because he is responsible everyone living within the territory of the parish.¹⁸⁸ They should work together with everybody to ensure the perfect solution to every problem facing the salvific work.¹⁸⁹

5 Effective preaching of the Word of God to everyone

This is one of the three main function of the priests besides the governance and the sanctifying of the people of God. For the fact that, governance is also involved, it is mainly attributed to the parish priests. In preaching the word of God, the Church fulfills the commandment given by the Bride, Jesus Christ: Go therefore, make disciples of all nations,

¹⁸² CD 31.

¹⁸³ This would require that the pastors has plans and division of works in which the assistants are involved.

¹⁸⁴ CD 30, 2.

¹⁸⁵ Canon 536 § 1 stated that: “*If the diocesan bishop judges it opportune after he has heard the presbyteral council, a pastoral council is to be established in each parish, over which the pastor presides and in which the Christian faithful, together with those who share in pastoral care by virtue of their office in the parish, assist in fostering pastoral activity.*”

¹⁸⁶ See PO 6.

¹⁸⁷ See 529.

¹⁸⁸ SZUROMI, A. SZ., *La parrocchia e gli Istituti di vita consacrata e le Società di vita apostolica, nonché la presenza di alcuni movimenti spirituali*, Rome 2012, 518.

¹⁸⁹ See AA 10, 30.

(...), and teach them to observe all the commandments I gave you (Mt 28: 19-20). “*The local community should not only promote the care of its own faithful, but filled with the missionary zeal, it should also prepare the way to Christ for all men (PO 6).*” Therefore, by preaching the gospel, the Church makes her function worthwhile. The Holy Trinity parish is never lacking in this aspect; it always has at least three priests (Pastor and two vicars) working under it.¹⁹⁰ They always conduct programs to convey the Word of God to majority, participate in hospital counselling, organize seminars and meetings for the ex-students of the Piarist schools, etc.¹⁹¹

The Second Vatican Council, with the document on the life of the priests encourages them to make it a point of duty, to preach to as many people as possible, owing to the fact that they are co-workers to the bishop in evangelization. After all, nobody can be saved who has not first believed. In this way, they carry out the Lord’s command “Go into the world to and preach the Gospel to every creature” (Mk 16: 15) and thus they set up and increased the people of God..., Priests then owe it to everybody to share with them the truth of the Gospel in which they rejoice in the Lord¹⁹²

6 Missionary work and evangelization

The Piarist religious Order is known for ages for tremendous efforts in missionary activities and evangelization, especially among the youths, as already mentioned in the chapters above. They imitate Christ also in missionary endeavors. Jesus Christ himself is a missionary. He was sent by the Father to carry out His mission of redeeming mankind. The Holy Spirit was also sent by the Father to be with the Church till the second coming of the Lord Jesus. Jesus also sent out his apostles and disciples to go out to preach the Gospel to all nations. The Church, by its nature, is missionary; by doing her missionary work, the Church realizes herself. The Church, being the mystic Body of Christ and the Church of the apostles continues this mission as her right and obligation across the globe and hopes to do it till the end of time. The Piarists always share in the Church’s missionary work without reservation. This is why when dr. Balázs Bábel appointed László P Görbe to

¹⁹⁰ See the agreement updated by dr. László Dankó (the archbishop of Kalocsa-Kecskemét and dr. Emil Kállay on the 25th of August 1998 on the fundamentals of managing the parish after the communist regime in Hungary.

¹⁹¹ See PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 5770/1948, the attached file which is dealing with appointment of pastor and the vicars.

¹⁹² See PO 4.

be the proper pastor of the Holy Trinity, he acknowledged on the last paragraph of the appointing letter, that faith have been proclaimed with carefulness and zealousness by Piarist religious fathers who worked working at the Piarist parish.¹⁹³ Parish communities have then this missionary work to continue. Families and relatives who make-up the parish should have mission and evangelization in mind while training their children. In their pattern of education, they should accommodate the sense of mission; they should let their children know that the faith they practice was brought by the missionaries and they can as well be missionaries to others. The parish priest and his co-workers in the parish should endeavor to enlighten the people of God in the aspect of mission also. They should feel the concern and the necessity to fill-up the vacuum in the field of the missionary vocation. Many religious congregations and orders have missionary work as their apostolate. They should do more, especially when parishes are entrusted to them to train the parishioners to adopt the sense of mission and evangelization that goes beyond the parish to which they belong.

7 Vocations' fostering center

A parish is the most adequate center for encouraging and fostering priestly and religious vocations. The Piarist religious parish and Piarist school in Kecskemét is known to be the alma matter of many priests, religious and bishops in the country and because these students were living in the hostels of the religious order, they participated a lot in the parish community programs during their school time. Archbishop Balázs Babel (the present local ordinary of the territory where the Holy Trinity parish belongs) was also a student of the Piarist school in kecskemét. The Vatican II Council, on its Decree on the Priestly Formation, see it as a challenge and duty from the side of the families and the parishes as well as priests to foster vocation. It expects families to form first seminaries, where children are educated to form good habits in terms of faith, charity and piety.¹⁹⁴ To achieve this, families should abide to their promises and vows made during the baptism of their children: to bring them up according to the teachings of Christ, to form them to be real disciples of Christ, to help them towards utilizing their abilities, charisms and potentials in

¹⁹³ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 2016, 378/2016.

¹⁹⁴ PO 2.

answering the vocational and evangelizing calls of the Lord Jesus. The Decree also points on the duty of the parishes in this aspect; in drawing closer the young people, involving them in taking active part in the pastoral works of the parish, and also to provide suitable forums for the actualization of those ideas. This responsibility also refers to all priests who should convey this information to the youths by their exemplary lives in humility, hardworking and happy lives which demand mutual charity and fraternal cooperation.¹⁹⁵ The various religious congregations and orders should be out enough, to be engaged in doing many things to support the priestly and religious vocation, like having foundations which are precisely for this purpose, conducting seminars and conferences to enlighten both the young ones and their parents on this issue, organizing some actions and groups partaking in prayers and using the parishes entrusted to them to achieve their goals.

¹⁹⁵ See OT 2.

VIII. LEGAL CHARACTERISTICS PROPER TO OFFICE OF PIARIST RELIGIOUS PASTOR IN KECSKEMÉT

We have already elaborated on the characteristics of a parish in general with so many references to the guidelines of The Vatican Council II. The question then would be, whether the religious parishes and the ones under the care of the clerical societies of apostolic life do not belong and share on the above outlined qualities and characters. Really, religious parishes are also parishes and have the same aim like every other parish: *salus animarum*. The differences always originate from the very notion of their proper entities and inner qualities. That is, as religious priests and secular priests are all priests but still differ from each other in apostolic works,¹⁹⁶ so also there are some qualities and characters proper to only the religious parishes. As a result, the Kecskemét Piarist religious parish has some peculiar characteristics and qualities proper to it, through which the aim of its erection is manifested. Therefore, it is important explain these unique properties in order to understand the part it plays in the lives of the faithful in the city of Kecskemét and its vicinities.

1 The holder is not an individual

This is to say that, the holder of juridical personal entity of the Holy Trinity parish is the Piarist religious institute, the Order itself. With this, the juridical person is perpetual in its manner and function. Practically, the juridical person claims the rights and the responsibility of the parish just as in the case of every other benefice that belong to the religious, having the religious pastor to be in charge of the pastoral activities in the parish as proper pastor. The giving back of parish to the Piarist religious order after the communist regime in Hungary was discussed by the two competent authority, between dr. László Dankó and dr. Emil Kállay respectively. As a result, the parish was given back to the Piarists. The two authorities agreed on the conditions for the pastoral works of the parish.¹⁹⁷

¹⁹⁶ See VALESIO, D. P., *La Vita Consacrata nella Chiesa*, (Facolta' di Dirritto Canonico San Pio X, Manuallia 4; edizione rivista e ampliata a cura de Musca, V.) Venezia 2010.

¹⁹⁷ The agreement was written and signed by the two competent authorities in Budapest on the 25th of August 1998, the feast of founder of the Order (St Joseph Calasanz)

Although the 1917 code fashioned parish pastors with juridical and moral powers when it says: *parochus est sacerdos vel persona moralis cui parocia collata est in titulum cura animarum sub Ordinarii loci auctoritate exercenda*.¹⁹⁸ The 1983 code does not support the motion any longer. It rather advised that “*persona iuridica ne sit parochus*,” that is, a juridical person is not to be a pastor. Truly, the present legislator says: “*The pastor (parochus) is the proper pastor of the parish entrusted to him, exercising the pastoral care of the community committed to him under the authority of the diocesan bishop*,”¹⁹⁹ and been the collaborator of the bishop installed in a stable manner, he is seem to be the absolute holder of the parish, but he is not; he is not the juridical person, instead, he practices the personality by representing the juridical person, the parish. This is why the competent authority of the Piarist religious Order has the right to appoint pastors to fill up the office whenever it is vacant.

2 The pastor of Holy Trinity parish is not the owner of the fruits of the parish’s wealth

The nature of religious life makes a member to loose right of ownership when it comes to earnings of fruits of the wealth of his working area. He lost this right when, apart from taking-up the evangelical counsels of chastity, poverty and obedience,²⁰⁰ he or she joins a certain group of community who live together throughout their lives for the sake of prayer, worship and service.²⁰¹ Then Piarist Order is such a religious institute whose members publicly pronounced these evangelical counsel.²⁰² Consequently, even if the members had properties or heritages before the vows of evangelical counsels, they should write an official will about those properties, otherwise they have to renounce the right of ownership over them,²⁰³ just like the first Christians who brought together all they had, renounced from the right of ownership over them in order to benefit from them within the same group

¹⁹⁸ Canon 451 of 1917 code.

¹⁹⁹ Canon 519.

²⁰⁰ KUMINETZ, G., *Klerikusok Kézikönyve I*, SZIT, SZIT, Az Apostoli Szentszék Könyvkiadóka, Budapest 2012, 297; MAGYAR KATOLIKUS LEXIKON, *XIII. kötet Szentl-titán*, SZIT, Az Apostoli Szentszék Könyvkiadója, Budapest 2008 273.

²⁰¹ See c. 599-602; KRÁNÍTZ, M. – SZOPKÓ, M., *Teológiai Kulcsfogalmak Szótára*, SZIT, Az Apostoli Szentszék Könyvkiadója, Budapest 2001, 165.

²⁰² See 607, §2.

²⁰³ See SZUROMI, SZ. A., *Bevezetés a Katolikus hit rendszerébe*, SZIT, Az Apostoli Szentszék Könyvkiadója, Budapest 2014, 43.

of Christians.²⁰⁴ The pastors of the Holy Trinity parish may claim some fruits of the pastoral work of the parish based on prescriptions of the local ordinary on salaries of priest in his diocese, but being a religious, he is expected to hand over some or the whole of those fruits to the competent authority of the Order, depending on the requirements of the regulations of the institute in quote. In essence, he gets part of the fruit and not the whole. The 1917 code underlines the share of parish income when it said *“ha a pébániát teljes joggal egyesítették szerzetes házzal, (...), helyettest kell kinevezni, aki (...), megadva neki a javadalomnak illő részét a püspök ítélete szerint.”*²⁰⁵

3 There is no changes in the person of the holder of the parish “come what may”

The Piarist religious Institute is the holder of the legal and personal juridical entity of the Holy Trinity parish, and this statute is perpetual, it is not temporary. In the middle age, the holder of the juridical entity of the parishes owned by the religious institutes and monasteries were also institutes and monasteries themselves. The Holy Trinity parish of Kecskemét is owned by the Piarist religious Order and this juridical power never changes even though the appointed pastors change from time to time. This state of the parish is really advantageous because changes in the person of pastors and vicars never affected the worship, character or pastoral systems adopted by the parish. In the case of diocesan parishes, the situation may be different because every pastor organizes and plans the system and style of spirituality he deems to use in taking care of the parish entrusted faithful.

4 The religious pastor is subjected to supervisions of the diocesan bishop as well

This is general to every religious parish; the pastor is subjected to the supervision of the both the local ordinary and the competent authority of the province. The pastors of the

²⁰⁴ See CCEO 410. The Code of Canons of the Oriental Churches used more strict words to elaborate this level of renouncement. It says: *“...that they renounce the world and totally dedicate themselves to the acquisition of perfect charity in service to the Kingdom of God...”* That is, completely abandoning the earthly things and sunstituting them with heavenly one.

²⁰⁵ Canon 471, §1 (1917).

Holy Trinity parish are now appointed by the archbishop of Kalocsa-Kecskemét with the nomination made by the Hungarian provincial of Piarist Order and this empowers the two authorities to supervise the pastoral activities going on in the parish. That is why the current legislator says: “*In operibus apostolatus religiosorum ordinandis Episcopi dioeceseani et Superiores religiosi collatis conciliis procedant oportet*. That is, there should be a mutual consultation between diocesan bishops and religious superior in matters concerning the works of apostolate of the religious institutes.²⁰⁶

5 The two pillars of a religious parish are taken into consideration

The Holy Trinity parish has two views in its scope: the diocesan view and the Piarist religious view. The religious parish church requires prudence and reverence in observing the rights and obligations surrounding it when nourishing from the two sources. Otherwise, more harms may be caused than good in the aspiration of working for *salus animarum*. If the two views are managed very well, they complement each other, thereby enriching the lives and pastoral quality of care of the faithful under it. The observation of the two views should extend to the spiritual, cultural, moral and educational values as well as feasts of both the faithful belonging to the parish and the Piarist Order. The table below shows how the two pillars of the Piarist religious parish are observed in feasts and celebrations.

Parish divine activities	Piarist divine activities	Mixed divine activities
1.The feast of the patron saint of the parish (Solemnity of the Holy Trinity)	1. The feast of the founder or patron saint of the religious institute (Feast of St. Joseph the Calasanz: 25 th of August)	1. Feasts and solemnities of the universal Church
2. Veneration and remembrance of the high donors of the parish	2. The feasts of the Kecskemét religious house.	2. Benedictions of the Most Blessed Sacrament

²⁰⁶ Canon 678, §3.

3.Those divine activities which all parishes and churches of the diocese are obliged by the bishop to observe	3. Feasts and ceremonies particular to Kecskemét Piarist parish, like feast of 70 years of erection of parish which the Order observed in 2018	Such usual and general divine activities like feast of the Most Sacred Heart of Jesus
4. The Holy Masses which are applied by the parish pastor: <i>pro populo</i> and <i>ad int. ordi.</i> Masses.	4. Convent Masses. that is, buked Masses of the parish itself, ²⁰⁷ and other activities surrounding the third order of the institute	4. The First Friday and First Saturday devotion in veneration of the Sacred Heart of Jesus and honor of the Blessed Virgin Mary respectively
5. The funeral ceremonies and Masses of the parish faithful which are among the sole obligations of the religious pastor	5. Feasts and activities surrounding the religious chapters.	5. Those activities and commemorations requested by groups and not individuals of the parish.

²⁰⁷ If in the case of religious parish churches, we do not talk about the parish Masses, because the convent Masses take their place. That is, the application of every buked Mass belongs to the function of the monastery itself and are therefore under the control of the superior. Hence they are called convent Masses.

IX. PROBLEMS VERY COMMON TO OCCUR WHEN PARISH IS ENTRUSTED TO RELIGIOUS PASTOR (AS IN THE CASE OF KECSKEMÉT PIARIST PASTOR)

We have already discussed that a religious is not primarily called for pastoral activities unless it appears to be the theme of the apostolate of the institute. Aside this truth, we add that, some religious institutes made tremendous positive impacts on parish pastoral works from age to age. Those ones are exceptional. As a result, the Papacy always recognizes their participations in parish evangelism, especially when it is remarkable and sometimes appreciates their efforts with privileges. An example of these privileges was the Oneroso bull promulgated by Pope Benedict XIV on the 7th of September 1750. As Szuromi said, this bull retained its validity across the two canon law codifications up to this present time. Oneroso fashions all public chapels and churches of the Norbertine (Premonstratensian) religious institute with parish rights as an acknowledgement of the efforts made by the institute in quote in parish pastorals.²⁰⁸ Nevertheless, it is understandable that if a parish is entrusted to a religious priest or to a member of clerical society of apostolic life, there may be some few discrepancies between either the pastor and the bishop or the religious institute and the bishop. Among many of these likely problems, I chose to draw attention to just a few as we can see below.

1 Reconciliation of the two fields

The first problem always comes from the reconciliation of the apostolate of the religious institute with the natural public pastoral activity of the parish. Szuromi said: “*Nyilvánvaló, hogy a szerzetespap sajátos lelkiisége befolyásolja a mindennapi pasztorációs végzését,*²⁰⁹ and if it is obvious that the proper spirituality of the religious pastor influences his everyday

²⁰⁸ SZUROMI, SZ. A., *A szerzetesi és szerzetesrendre bízott plébániákra vonatkozó hatályos egyházfegyelmi előírások vázlata*, A Pázmány Péter Katolikus Egyetem Hittudományi Kara, hittudományi folyóirat I.III. évfolyam, 2019.3-4, 234.

²⁰⁹ SZUROMI, SZ., *A plébánia viszonya a megszentelt élet intézményeihez és apostolic élet társaságaihoz, valamint egyes lelki mozgalmokhoz*, PPKE Kánonjogi Posztgraduális Intézetének folyóirata, Budapest 2009, 47-55, especially 52; SZUROMI, SZ. A., *A szerzetesi és szerzetesrendre bízott plébániákra vonatkozó hatályos egyházfegyelmi előírások vázlata*, 273.

activities, then out hypothesis on the accidental controversy when reconciling the two fields is also obvious. When József Erős, the first pastor and other two vicars were appointed to work at the newly erected parish, it was difficult for them to adapt to the new situation and join the two apostolates together. Thus, till then they were only engaged in teaching, without prejudice to the *Regular* and apostolate of the of the religious.²¹⁰

Again, when the parish is joined together, it symbolically compelled the reconciliation of the two apostolates for members of the Institute in Kecskemét.

As a matter of fact, the aim of religious life is, the pursue of perfection, even though apostolates differ. Canon 630, §1 (1917) says: “*Religiosus, qui paroeciam regit sive titulo parochi sive titulo vicarri, ment adstrictus ad observationem votorum et constitutionum, quantenus haec observation potest cum muneris sui officiis consistere.*” In explanation, a religious who is leading a parish, whether a pastor or a parochial vicar is obliged to keep his vows and rules surrounding his statutes as far as they can be reconciled with the requirements of his office. So a religious pastor is never in an easy office as far as he fills the office of a parish. Sure, he may be exempted by the competent authority of his religious Order from some requirements proper to their *regular*, due to his office. Yes, but it becomes detrimental if his appointment is perpetual, because it means that, the pastor will almost be deprived of one or some of the key elements of his religious life. A religious should live his or her life under vows (evangelical counsels). According to cc. 487 and 488, §1 of 1917 code, this aim forms the base of the essence of religious life. If therefore, the religious pastor would be engaged with full commitment in carrying out the daily activities of the pastoral work, it is not guaranteed that the rudiments making up the qualities of his religious life would not be in a disadvantaged situation. On the other hand, the religious pastor may be tempted to prioritize the apostolates and characters of his religious institution against that of the parish. That is why Szuromi warned that the pastor should not forget that his pastoral care should extend to every member of the parish community and in a broad sense, to every one living within the territories of his parish.²¹¹ Therefore, before the writing of the agreement, the leaders of the two parties should consider whether the vows of the institute of society could be reconciled with the life and expectations of the parish, he claimed.²¹² The table below which summarises the juridical

²¹⁰ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 5770/1948.

²¹¹ Canon 518; SZUROMI, SZ. A., *A szerzetesi és szerzetesrendre bízott plébániákra vonatkozó hatályos egyházfegyelmi előírások vázlata*, 233.

²¹² SZUROMI, A. SZ., *La parrocchia e gli Istituti di vita consacrata e le Societa di vita apostolica, nonché la presenza di alcuni movimenti spirituali*, Rome 2012, 522; cf. CIC 681, §2.

properties of office of religious pastor shows that, from age to age, the Church does not want to change the state of his office, because she always sees everything from the scope of *salus animarum*, therefore the two Codes bear similar provisions in this matter.

Before 1983 Code	After 1983 Code
Nomination was done by the provincial	The same
Appointment was the right of bishop	The same
Installation was done by the bishop himself or through his delegate	The same
The pastor's reverence was to both the bishop and the competent authority	The same
Privation of the office could be done by any of the competent authority even without the consent of the other	The same
The vice pastor has the right of sanctifying the parish faithful	It is also the pastor's right
The vice pastor maintained both the religious and pastoral life in the parish	The pastor maintains both the religious and pastoral life in the parish

2 Problem from the entrusting bishop

Sometimes the local bishop who is entrusting parish to the religious institute would not be considerate with regard to the apostolate of the religious pastor. This is mostly experienced when a religious pastor is appointed to take care of a diocesan parish due to lack of priests in the diocese. For example, situation may occur when a religious pastor in this case is given many parishes to manage at the same time. If he would conscientiously fulfil pastoral obligations of his office, the spirituality of his religious life must surely suffer detriments, due lack of time, commitment and concentration. No wonder, the current legislator warns that, “...*qua de causa, quantumvis actiosi apostolatus urgeat necessitas, sodales hurom institutorum advocari nequeunt ut in variis ministeriis pastoralibus operam adiutricem praestent.*”²¹³ Yes, these institutes with contemplating characters should not be involved

²¹³ See 674; PC 7.

in active apostolic works, because if the function and its surrounding conditions given to them comprises of such areas that do not suit the internal character of their religious' apostolate, it may bring problems between the religious and the entrusting bishop. We thank God, only the Holy Trinity parish church was entrusted to the Piarists in Kecskemét, so they were able to manage it conveniently. That is why the decree on the pastoral office of the bishop in the Church says that religious engaged in the active apostolate should be imbued with the spirit of their religious community and remain faithful to the observance of their rule and submissiveness towards their own superior. Bishops should not neglect to impress this obligation upon them.²¹⁴ It is indeed the duty of the bishop to protect the image and character of the religious institutes however the need for their apostolate may be. During his visitations to the religious houses, monasteries and their parishes under his authority, he should promote the inner manner of the religious and encourage them to be loyal to the laws and regulations guiding them.

There are some situations where the life of the religious pastor is different from the expectations of the parishioners.²¹⁵ They may expect him to use the pastoral systems and methods of the former diocesan predecessors which may in some extent unacceptable and inapplicable by him.

3 Territorial problems

There are some problems arising when the territory of the parish is not clearly demarcated. This happens most often when another parish or parishes are separated from the original mother parish, for example, if the territory of the parish was initially desolated and without inhabitants, and later many people relocated to that area, it may give rise building another church or raising up another parish. In some cases, the bishop may entrust the new parish to a clerical religious institute or to clerical society of apostolic life. This may happen by the invitation of the bishop to the religious institute, which in most cases, would be, to take care of a special apostolate in the given place. This may give rise to so many serious problems especially if the territories are not clearly demarcated or if the bishop and the superior of the institute did not make distinctions on where the houses and streets belong. Apart from this one, we also experience similar problems arise in cities where parishes are

²¹⁴ CD 35, 2.

²¹⁵ Ibid.

built very close to each other, as in the case Holy Trinity parish which is situated at a distance of about 100 meters from the mother parish (Ascension's parish). However, the Holy Trinity parish is clearly demarcated with streets as boundaries and as a result, lesser issues occur from this.

4 The over-application of character or apostolate of religious institute

As Szuromi said, the everyday pastoral activity of a religious pastor is influenced by the proper apostolate of his religious institute.²¹⁶ Here, we are talking about such situations when a religious pastor applies more of the characters, apostolates, rules, regulations and methods of his institute without thorough consideration of the civil manner and statutes of the faithful under his care. In this way, either the faithful would be overlooked and are given lesser concern from pastoral care or they are over-involved in the life style of the religious which may scare away the less pious parishioners. The Holy Trinity parish is always lucky to nominate such pastors who chose the average methods; they balance the Piarist apostolates with the pastoral potentials. This kind of mistake can be made by the individual religious pastor (parochial vicar) or even by the religious institute itself. With regard to this, Szuromi supported the motion highlighted by Álvarez-Suárez, that the religious who is leading a parish should take cognizance of every individual belonging to his parish excluding every kind of discrimination.²¹⁷ He should be the shepherd of all.

5 Mixing up of the benefices

Usually, when the religious is assigned to a parish whether with an act of joining or uniting a parish a religious institute, the wealth and benefices of the parish and the religious is supposed to be pronounced with demarcations and written documents, especially when the

²¹⁶ SZUROMI, SZ. A., *A plébánia viszonya a megszentelt élet intézményeihez és apostolic élet társaságaihoz, valamint egyes lelki mozgalmokhoz*, PPKE Kánonjogi Posztgraduális Intézetének folyóirata, Budapest 2009, 47-55, especially 52; SZUROMI, SZ. A., *A szerzetesi és szerzetesrendre bízott plébániákra vonatkozó hatályos egyházfegyelmi előírások vázlata*, 237.

²¹⁷ SZUROMI, A. SZ., *La parrocchia e gli Istituti di vita consacrata e le Società di vita apostolica, nonché la presenza di alcuni movimenti spirituali*, Rome 2012, 521; see also in ÁLVAREZ-SUÁREZ, A., *En camino hacia el sacerdocio: reflexiones desde la antropología cristiana del Vaticano II*, in *Seminarium XLVIII/1* (2008) pp. 139-165, in particoare pp. 162-164.

assignment is temporary. The expression ‘temporary’ seems to go contrary to the second element of the parish treated above which says that a parish must be stable. However, it can be understood if the religious pastor, as the parochial vicar, is taken into consideration, just as already mentioned.

Meanwhile when the parish is not perpetually handed over to the religious, it requires that the bishop and the superior makes it clear what belongs to the diocese and what belongs to the religious institute to avoid misunderstanding. In the case of Piarist parish of Kecskemét, the hand-over is perpetual, and still bishop József Pétery, with the approval from Congregation for Clerics, joined the Holy Trinity parish with the religious house under four conditions; the conditions on how many priest should serve at the parish, conditions on the rights, temporal goods, and the incomes of the parish; conditions on governance of the parish and its goods, without prejudice to norms guiding governance of other parishes of the diocese and finally the condition referring to the Papal approval of the act of union.²¹⁸ All these were clearly written down so that it would not create source of problems and disunity between the parish community and the Piarist religious Order.

6 If the functions assigned to the religious pastor are not written down

Szuromi used can. 681, §2 to highlight the importance of having an assignment being clearly written down about the nature, requirements, expectations and limitations in the pastor’s pastoral duties. This is very important, especially in those cases where the religious is not perpetually assigned to a parish. Can. 520, §2 says: “... *in each case it is to be made by means of written agreement between the diocese and the competent superior of the institute or society, which expressly and accurately defines, among other things, the work to be accomplished, the persons to be assigned to the parish, and the financial arrangements.*” For example, in the war zone areas where the parishes are destroyed or even in the more missionary regions, the diocesan bishop may hand over a parish to a clerical religious institute or to clerical institute of apostolic life for a period of time. Therefore, the functions, duration of assignment, limits of power, care of temporal goods,

²¹⁸ See The resolution document of József Pétery propounded on the 24th of december 1949 about joining the Holy Trinity parish with the Piarist religious house of Kecskemét on which he referred to approving document relised from Rome by the Cogregation for Clerics on the 27th of January 1949 with the file number 7516/48.

especially the financial issues and many other things concerning pastoral work should be put in writing. Apart from this extreme example, parishes are often handed over to religious institutes due to lack of priests or sometimes just for cooperation sake, to maintain relationship between the diocese and the give religious. This is more or less, an agreement between the diocesan bishop and the competent superior about the pastor's pastoral functions in the parish. The Holy Trinity parish is a religious parish, so agreement about its pastors look different, the pastor abide to the fundamental agreements made between the two authorities about the total governance, rights and obligations of the parish which is renewed and updated on the 25th of August 1998 by dr. László Dankó (the then archbishop of Kalocsa-Kecskemét) and dr. Emil Kállay (the then provincial of Hungarian province) in Budapest. Normally, after the agreement of the two parties, a copy of the agreement should be given to the pastor himself. Moreover, even if the pastor is the one that is perpetually assigned to an office as in the case of a diocesan priest, the bishop can hold back some of the functions of the office for some reasons.

7 Problems from the proper feasts

To solve problems arising from observing feasts of both the parish and the religious institute, it is advisable to do as Szuromi highlighted in his article pertinent to this chapter. He said that when a given parish is religious, that is, being fashioned with all the rights and obligations of a religious parish and used for public services, the liturgical calendar of the given institute supersedes the calendar of the local diocese of its location in her daily liturgical activities, but the reverse becomes the case if the parish is diocesan and only managed by a religious institute.²¹⁹ In this, we consider the problems arising from coincidence on the dates of the feasts proper to the institute of society against the feasts of the diocese and the parish as well.²²⁰ For example, if the feast of the founder of an institute or society coincides with the day of dedication of the cathedral of the diocese or let's say, the feast of the patron saint of a country like St. Stephen of Hungary. Another example may be when such feasts of the institute or society falls on the day of the patron saint of the parish which is entrusted to them. In the later situation it is easier to find solution,

²¹⁹ SZUROMI, SZ., *A plébánia viszonya a megszentelt élet intézményeihez és apostolic élet társaságaihoz, valamint egyes lelki mozgalmokhoz*, 52.

²²⁰ SZUROMI, A. SZ., *La parrocchia e gli Istituti di vita consacrata e le Società di vita apostolica, nonché la presenza di alcuni movimenti spirituali*, Rome 2012.523.

because both feasts may be celebrated together, provided the competent superior gives right to do so. The former situation may bring problems, because it is assumed that the feasts proper to any religious or society should be subjected to the feast of the diocese and the country as the case may be; and these institutes and societies need to observe their feasts with other houses and parishes they have all over the world. This also needs that the competent superior agrees with the diocesan bishop on how to get rid of a better solution. This also needs that the competent superior agrees with the diocesan bishop on how to get rid of a better solution. On the presentation he made on liturgical feasts and solemnities at religious parishes in Munich, Szuromi referred to the “Directorium” of the universal centralized order to solve the problem. This Directorium always guides the liturgical solemnities and feasts within a religious calendar, giving room to the diocesan proper days of celebration. As he said, the reconciliation of the two calendars is an agreement which happens firstly on the international level, that is, between the Liturgical Commission of the religious order and the Congregation for Divine Worship, with the approval from the Congregation for institutes of Consecrated Life and Societies of Apostolic Life together with the Superior General (who must have agreed in everything with his Council). Notwithstanding, a particular feast or celebration proper to a religious parish or diocesan parishes entrusted to religious order within the territory of a given diocese depends on the agreement between the local competent higher superior (the provincial) and the local diocesan ordinary (the diocesan bishop), with regard to the universal Directorium approved by both highest authorities. In essence, as Szuromi concluded, the solution to such liturgical cases must come from the agreement of the two local ordinaries (the diocesan bishop and the religious local competent authority) with regard to the instructions of the approved Directorium of the diocese and also of the religious order.²²¹

²²¹ See SZUROMI, SZ. A., *Presentation on liturgical feasts and solemnities at religious parishes* (Juridical Commission; General Chapter on the Norbertine Order, Freising amay, Munich 2006).

X. CHALLENGES FACING THE GOVERNANCE OF TEMPORAL GOODS OF HOLY TRINITY PARISH IN KECSKEMÉT

The Church is said to possess right of acquiring, retaining, administering and alienating temporal goods, provided that those goods serve to pursue her proper purposes (ordering divine worship, decent care and support of the clergy and other ministers, exercising works of the sacred apostolate and of charity towards the needy).²²² The Piarists in Kecskemét therefore had right to community house, church and other properties which could serve their apostolic duties as the case may be. Knowing fully well that bringing benefices into existence in the case of the religious is only partially the right of the diocesan bishop, because the superiors only request for his consent (he does not erect benefices for the religious), the erection of solely called religious parish falls within the competence of The Holy See. However, the Magisterium does not necessarily apply this system, instead She maintains that the power of the local Bishop also reaches the religious parishes. This is why we should first try to understand what temporal goods mean in the case of the religious.

As already mentioned, a parish as it were, from its statute, is a temporal good of the Church. It is not ranking on the same level with such benefices like religious or community houses and oratories that are instituted by the religious; they do not fall within this range. If then parish is taken into consideration, we will go back to what Can 515 § 2 of the current code said: “*the diocesan Bishop alone can establish, suppress, or alter parishes (...)*.” Here the question would be, if religious parishes are inclusive or not. Of course, as far as the name *paroecia* is taken into consideration, it must fall under the competence of the local Bishop. This is made more understandable if we refer to 1917 code which says: 1427, §1 that: “*Possunt etiam Ordinarii ex iusta et canonica causa paroecias quaslibet, invitis quoque earum rectoribus et sine populi consensu, dividere, vicariam perpetuam vel novam paroeciam erigentes, aut earum territorium dismembrare.*”²²³ The erection of the Holy Trinity Piarist religious parish fell under the authority of the local bishop of Vác. A local bishop can carry out this act of erecting parishes, stations and chaplaincies from altering

²²² See 1254, §§1 and 2.

²²³ Canon 1427, §1.

or joining the already existing parishes only to meet to the salvation of souls of the faithful in his diocese.

The bishop erects, or more precisely, alters the nature of parishes with no request of consent from the pastors of those parishes nor the support of the faithful. These two canons are not against the motion of the Holy See who reserves to herself the right of revocation of those parishes under the care of the religious. It merely means that, though the local bishop has the right of erection, joining and alteration parishes for his diocese, but cannot do these same things for religious parishes and parishes under the care of clerical societies of apostolic life without consulting the Holy See. Consequently, the religious order who believes that it has been injured by the decree of the bishop regarding the issue at stake can recourse against his decision to the Holy See. It is not like erection of religious or community houses of a religious institute which are done merely with the previous written consent of the diocesan bishop. The current canonical process therefore contains the formats below as adequate rudiments and fundamental to be kept in this case:

- there should be official admission by the diocesan bishop to the religious order (even to those with pontifical rights) in order to carry out their apostolic activities within his diocese (if the religious community is with pontifical right, they need the approval of their own highest superior, e.g., general, with permission of Congregation for Institutes of Consecrated Life and Societies of Apostolic Life for the lawful reception of this permission.
- there should be an agreement between the diocese and the religious order with a detailed list of those apostolic activities which the concrete religious institute is going to do within the territory of the diocese, including those diocesan parishes which will be under the pastoral care (entrusted to them) of the order, together with those sacred places which are – or will be erected as – own property of the order, with particular attention to open chapels and churches (in the case of the former, it is necessary to define in the agreement of that). The agreement must contain all of the obligations and rights of both sides in order to avoid any further disharmony or canonical conflict

Now let us see how the bishop of Vác succeeded in joining the Holy Trinity parish with the religious house of Piarist Order located at the place, it would help us understand the challenges which were surrounding both the parish and the pastor.

1 The joining of Holy Trinity parish and religious house

When the parish was erected and approved by the Holy See for the Piarist religious in Kecskemét, it brought many changes to the lives of the members living in the city. Hitherto, the members, especially the parish vice pastor and the vicars were also only teaching the youths in schools, without prejudice to norms of *Regular Commune*, they would now accommodate parish pastoral works. The challenges they encounter would be discussed in the topic dealing with those problems that are likely to occur in parishes entrusted to pastor of clerical religious institutes and clerical societies of apostolic life.

Whenever a parish is being erected for a religious institute, two juridical persons appear to exist, which coincides with each other to manifest the act being done:

1.1 The erected parish, which is also a juridical person

As a matter of fact, a parish on itself a juridical person. This is because, a parish is *universitates personarum*, that is, aggregates of persons brought or united together by the Church to focus on such purpose of the Church which is above the interests of the constituting individuals, namely, Church's mission (see c. 114, §1).²²⁴ This mission is more or less, the only goal of the Church: to bring all humanities to the table of Christ. The erected parish of Holy Trinity is thereby striving to abide to this mission, following Christ step by step for *salus animarum*. As the current legislator said in the pertinent canon to this chapter, if a parish is legitimately erected, in other words, if erected through *a iure* or *ab homine*, it possesses juridical personality by the law itself.²²⁵ In the case of Holy Trinity parish of Kecskemét, just like in very other parish of the universal Catholicism, we talk about personality by law itself.²²⁶

1.2 The religious house, as juridical person.

Before the erection of parish, a religious house has been existing for the Piarist religious members to live in, without prejudice to the norms of CIC 665, §1 of

²²⁴ As a matter of fact, such juridical persons like the parish can be brought into existence either by exercising the pertinent law available to it (that is, *a iure*), or by a decree promulgated by a competent authority (by *ab homine*)

²²⁵ See c. 515, §3.

²²⁶ It possesses juridical personality by law itself, because it possesses all the elements of a legitimately erected parish; constituting a group of Christian faithful, being stably erected, given a proper pastor to manage it and existing under the authority of a given diocesan bishop.

the current legislator.²²⁷ The establishment of this religious house abided by all the requirements of the pertinent canons to this chapter (cc. 608-611). This religious house also possesses juridical quality because it was erected by competent authority according to the constitution and with the previous written approval of the diocesan bishop of Vác (see c. 609, §1).

Now, we are seeing that two juridical persons are standing before the members of the Piarist religious Order in Kecskemét. This is how it used to be whenever a parish is entrusted to religious institutes, and more especially, when the entrusted religious' apostolate is different from parish pastoral works. Therefore, the whole situation necessitates the joining of the two juridical person; the parish and the religious house.

The act of joining a parish with a religious house, by right, should only be carried out by the Apostolic See as stated above. After all, *“Immutationes in institutis vitae consecratae ea afficientes, quae a Sede Apostolica approbata fuerunt, absque eiusdem licentia fieri nequeunt.”*²²⁸ And this kind of act in the life of religious require the approval of the Holy See; to join their religious house with another juridical person. According to 1917 code, *“A Szentszék engedélye nélkül a plébániát nem lehet teljes joggal egyesíteni”*²²⁹

In other words, it is allowed to join the two juridical persons but only with the approval from the Holy See. Just as we have seen and we would still see, József Pétery joined the Holy Trinity parish with the Piarist religious house in Kecskemét with the approval from the Holy See. Again, in another pertinent canon to this chapter, the Holy See allows the joining of religious house as a property of a moral person with a parish if the religious house is lying within the territories of the parish, provided that, the prior approval is from the Holy See. It means that, the Holy See supports these acts, but exclusively under Her disposition. Canon 1422 of 1917 code says in this aspect: *“A javadalmak megszüntető egyesítése, azok eltörlése vagy szétagolása, ami a javadalmi javak elvonásával történik, (...) az egyformán egyenlő, vagy kevésbé fő egyesítése a szerzetes jevadalomnak a világgal, és megfordítva, (...), egyedül a Szentszéknek van fenntartva.”* Some of these joining acts may result to end, abolishment or dismemberment of state of some benefices and can result to withdrawal of some of them, because it could be the joining of benefices of the same value, but it can as well happen between benefices with varied potentials.

²²⁷ This same legislator mandates in c. 608 that every religious community must have a legitimately established community house, where they reside and this establishment of religious house must follow the norms of law.

²²⁸ Canon 583.

²²⁹ Canon 452, §1 of 1917 Code.

The Holy See through the Congregation of the Clerics approved the joining of the Piarist religious house with the Holy Trinity parish on the 27th of January 1949 with the file document 751/48 in Rome. But before we continue, it is very important examine those reasons why the Holy See reserves for Herself these kinds of acts concerning the religious in order to understand how they form challenges to the Piarist religious Order.

- To save and preserve the religious temporal goods in mixing up with other ones to the detriment of the given religious.
- If for any reason, a given religious or its temporal goods are desolated partially or completely, the acts of arrangement of her temporal goods would be handled more easily.
- The temporal goods of the parish, which are by themselves the goods of the faithful would not be tampered with, whatever change occurs in the religious institute whose temporal good is joined to the parish.
- To avoid conflicts that may arise in the management of the juridical persons temporal goods, which may occur under the administration of a given pastor or through the singular acts of the religious competent authority.

Then let us look into the conditions guiding the joining of the Piarist Kecskemét religious house with the Holy Trinity parish without prejudice to the temporal goods of their respective personalities as promulgated by Bishop József Pétery, the local ordinary of the diocese of Vác as shown below:

1.2.1 temporal goods and right of the parish

- Providing four priests to work at the parish: the pastor or vicar, two assistants and an organist,
- The authority of the parish remains intact.
- Parish temporal goods remain for the parish.
- Financial incomes due to the parish remain the same.
- Donations from the faithful are parish own.
- All supports offered by and through the parish before the joining act remain parish own.

By merely looking at the potentials and rights reserved to the parish, one can easily affirm that non of its rights or authorities is deformed, so it could ordinarily function normally without any restrictions.

1.2.2 Temporal goods and rights of the religious house

- The authority of the religious house remains unchanged,
- The temporal goods of the religious house remain the same.
- Movable objects that already belong to the religious house are due to it.
- Property goods that already belong to the religious house are also due to it.
- The church raised in honor of the Holy Trinity should be owned by the religious.
- Benefices offered for the church's services belong to the religious.

By looking at the jurisdiction of the religious house also, one can surely note that all rights are reserved for the house to successfully join the parish without any fear or force.

After outlining these rights and jurisdictions, the Bishop involved two important principles to guide and protect the erected parish. The two principles say:

- the parish and its goods should be governed like every other parish in the diocese.
- the parish and its goods are entrusted to the aforementioned Order with approval from the Holy See without prejudice to the norms of canon law.

With the above demarcation of rights, responsibilities, temporal goods and authorities, we can say that the two juridical persons joined together could work harmoniously side by side without difficulties.

It is then a challenge to all members of the Order, ranging from the priests working at the parish, through the competent authorities and even the diocesan office to abide to these written conditions to attain to a very successful pastoral work for *salus animarum*.

These conditions were renewed in form of agreement made and signed by the diocesan Bishop of Vác (dr. László Dankó) and provincial of the Order (dr. Emil Kállay) on the 25th of August 1998, on the feast of St. Joseph Calasanz.

The agreement primarily has three principles as follows:

- The bishop is the competent high pastor and coordinator of the pastoral functions of the faithful in the diocese (cc. 378; 369).
- The diocesan bishop welcomes religious orders in his diocese for apostolic works and entrusts pastoral works on them (cc. 678; 681; 683).

- The religious orders carry out their apostolic and pastoral functions, under the entrustment of the diocesan bishop as participators in the pastoral works of the diocese, helping in a special way with their charisms (above canons and c. 675, §3).

After the three principles, it would be better to use the table below to show and explain how the bishop and the provincial agreed on the functions, rights and duties of the authorities and participators of the Holy Trinity parish of Kecskemét respectively.

Bishop's rights and duties	Religious institute's rights and duties	Vice-pastor's rights and duties	pleno iure/by law
entrustment of a territorially demarcated parish to the Order	provincial accepts the parish on behalf of the Order	governance of parish and leading of pastoral activities	transfer of the priest as in law
appointment of vice-pastor and vicars (c. 547)	nomination of vice-pastor and vicars for the parish (c. 682, §1)	the same rights and responsibilities are due to the priests of the parish like other diocesan priests	removal of priests in from parish (c. 682) if need arises, which is due to the two authorities
bishop supervises management of financial incomes	he also has right of supervision especial on religious apostolates and pastorals	priests in the parish should attend meetings of the clerics in the diocese	religious parish is different from other parishes, experiencing effects of peculiar laws
receives <i>Pro populo</i> and <i>Ad int. Ordinarii</i> Masses	hospitality and supply of religious priests should harmonize with other priests' though with peculiarities	financial incomes of the parish are different from those of the Order	incomes are handled without prejudice to norms guiding parish councils ²³⁰

²³⁰ See PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1638/1948. The parish council of the two parishes in Kecskemét city also worked in accordance with the national regulations for functioning of parish councils in the country. Their rules and guidelines are always promulgated by the Hungarian Bishops's Conference. The organized functioning system started when Csernok János (1852-1927) was the Archbishop of Esztergom. After some years of trying the promulgated rules, the definitive regulation for parish councils was released in 1939 with the name '*plébániai képviselők Igazgatási Szabályzata*.' After so many years of experience, the Hungarian Bishops' Conference, in their December conference, released the latest one in 1992 which is still in use, with the name '*Magyarországi Katolikus Plébániai Képviselőtestületek Szabályzata*,' without prejudice to the norms of the New CIC (1983).

diocese can contribute to the maintenance of the church	the parish, the church and their properties belong to the Order	incomes of the parish are handled by the pastor	donations from the faithful are handle according to c. 531
bishop supervises financial incomes	provincial also supervises financial incomes	all bills and salaries of workers of the parish are payed by the parish ²³¹	church collections are handled according to national norms of parish council
Other stipulated collections are paid to the diocese	collections for Catholic schools and seminarians are due to the Order	celebrates <i>Pro populo</i> and <i>Ad int. Ordinarii</i> Masses, accounts to bishop ²³²	priests of the parish are payed as in in canon and civil law
the diocese can support renovations	renovation of the church is its duty	accounts <i>binacio</i> Masses to the provincial	
ensures that payment of lay workers abides to civil norms	pays pension wages of priests of the parish and other extraordinary expenses of the church	parish pays for all ordinary expenses of the church	

We hope that this table would help the reader to agree with us that the management of the Holy Trinity Piarist religious parish should not encounter problems if the respective rights, obligations and functions surrounding the parish are observed and kept as expected. It is

²³¹ See EGRI ÉRSEKI LEVÉLTÁR, *Főegyházmegyei Hatóság levelezés*, Északi rész, Eger 1993, 59/1993. When Gyüre László, the administrator of Piarist Assumption's parish of Sátoraljaújhely requested for money for maintenance from the Arch-diocese, dr. Seregély István, the Arch-bishop of Eger reminded him in writing: "Az egyházjog szerint rendelkezik a rend tulajdonában lévő templom minden bevételeivel, de viselni kell az ezzel összefüggő kiadásokat is." The parish is therefore suppose to take care of payment of all the bills due to its Church as well.

²³² PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1536/1948. On this document the provincial, Sándor Sík gives room for the request made by dr. István Erős vice pastor of the Holy Trinity parish of Kecskemét. Thus, he requested from the provincial to allow the *pro populo* Holy Masses which he always says for the parishioners under his care to be counted as *ad. int. prov.* Holy Masses on his side.

then left for every concerned person or authority to follow the table of division of jurisdictions very strictly.

To affirm the content of the above table, they also concluded the agreement with another two principles as stated below:

- the present agreement takes effect from the day it was signed till withdrawal day. The withdrawal could be anticipated by any of the participators with the condition that the other party should be given a whole academic year, unless both of them agreed to change on it.
- the present vive-pastor is Géza Tóth who started his work on the 18th of October 1978 and remains until the next chapters' meeting coming forth in 1999, when the newly elected provincial would nominate another pastor to the bishop to appoint.

Having dwelt through the conditions surrounding joining of the two juridical persons, it is advisable to treat the respective temporal goods under the care of the Piarist religious institute in Kecskemét one after another so as to know more the privileges those goods enjoy.

2 The Holy Trinity “parish property”

The parish property looks like the beneficial property in some aspects. This is because both of them share three elements in common: *firstly*, being instituted as a juridical person; *secondly*, the act of institution can only be done by the competent authority; *thirdly*, it must be on a stable manner. The different here is that the parish property consists of only those properties that exclusively belong to the parish. After its erection, the parish may acquire some properties in due course of its pastoral endeavors, of which, some may even possess juridical quality. For example, Schools, homes, hospitals, art and cultural centers, offices, and things of this nature that belong to the parish are solely belonging to it. They are its properties.

The document of joining the Holy Trinity parish with the religious house received from Pétery József, the bishop of Vác, (on its 4th point) declared Holy Trinity parish and “all its temporal goods” to be under the care of the Piarist Religious Order, with reference to the

rescript of the Roman Congregation for Clerics expounded on the 27th of January 1949.²³³ Thus, all the temporal goods of the parish would be among the parish properties. He also added on the 3rd point of the incorporating letter, that the Piarists should govern the parish and handle its temporal goods as every other parish in the diocese. Truly, Holy Trinity parish, by virtue of its nature as juridical person and being made up of aggregate of persons (faithful) under it, has many properties belonging to it. If any of these parish owned bodies or goods has charity undertone in its functions, such as foundations, associations and other charitable organizations, the donations and offerings they gather from the faithful belong to the parish. Donations and offerings which arrive for the upholding of those groups caring for the poor also belong to the parish. As a result of this, these properties are not under the competence of the superior of the institute, but the religious pastor. The St. Anthony's offering is an example of this. The pastor keeps the financial contacts strongly with the bishop in order to account to him just as Can. 1287 §1 compels when it says: *“Both clerics and lay administrators of lay ecclesiastical goods whatever which have not been legitimately exempted from the power of governance of the diocesan bishop are bound by their office to present an annual report to the local ordinary who is to present it for examination to his financial council; any contrary custom is reprobated.”*

Sándor Sík, then provincial of the Hungarian province held right of supervision over these categories of temporal goods of the Holy Trinity parish which in this case pertains seeing that the properties (for example, offering or donation) are properly applied to their aims. As a matter of fact, these properties that belong to the parish also go with responsibilities. The same parish has the right and obligation of amendments, constructions and maintenance over all these properties that belong to it. In some countries like Hungary, every monetary property of a parish is compulsorily to be put into bank and the management should be with the description and cooperation of the bishop and the parish council respectively. Can. 1280 denotes that: “Each juridical person is to have its own finance council or at least two counselors who, according to the norm of the statutes are to assist the administrator in fulfilling his or her function.”

Another important issue to be highlighted is the state of the pastor himself with respect to these goods. The pastor, being religious, who even though, takes care of a parish community of the faithful, remains a religious person and should live a religious life. And

²³³ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, Magyar rendfőnökség új levéltára (1.1.b), *Hivatalos levelezés*, Kecskemét 1949. This incorporation declaration of the Bishop of Vác, written on the 24th of December 1949.

as stated above, his religious statute deprives him of the right to personal individual properties. Thus, being an administrator to the goods of the juridical person, the parish, offerings may be given to him by groups, congregations or even by individuals. It is forbidden for him to use these offerings for individual purposes, the offerings are directly owned by the religious institute to which he belongs. This may sound interesting, but that is the reality. He lost his right of dispositions for the use of revenue and private belongings on the day of his perpetual profession. It means that before the first profession the member has every right over his or her personal material heritages, and latest, before taking the final vow which is perpetual in his statute. He should make a will about his personal things, and the will must meet, not only the norms of the proper religious Institute pertinent to this chapter, but also the demands of the civil law as well.²³⁴ Consequently, anything a religious owns and earns, as far as his religious life is concerned, he accumulates them for the institute to which he belongs.²³⁵ Moreover, if these heritages accumulate through other means, like pension, subsidy or insurance, they go straight to the institute, unless proper law states otherwise. This law guiding the renouncement of goods by the religious is not aiming at making the members loose the fundamental rights of acquisition, but instead brings them to embrace the poverty and community of Christ which are among the key vows a religious takes up on the day of perpetual profession. The legislator is striving to detach the members from worldly things in order to live under simplicity and communal sharing. The members of the Piarist religious Order live both their poverty and community lives as required, so their priests working in parishes also abide to the manner of evangelical counsel mentioned above.

This act of losing the right of acquisition attracts some other tendencies along. It means that the institute should take care of all the religious members, to train them right from the novitiate stage till they finish their educational studies, as well as in every training assigned to them, thereby providing them with all that is required to live a normal life. The Order is also responsible for all that is needed for them to live a healthy life, and at their old age, take care of them till the last day of their lives. That is why Can. 610 says that houses can only be erected if there are *“suitable safeguards for those things which are required to carry out properly the religious life of the members according to the proper purpose and*

²³⁴ Canon 668, §1.

²³⁵ Canon 668, §3.

spirit of the institute.” It also bounds the erection of houses if the needs of the members are not guaranteed.²³⁶

As the case may be, the religious pastor, who is assumed to have professed perpetually, acquires and accumulates nothing of his own. If the pastor of Holy Trinity parish should get anything on his own (maybe due any special arrangement proper to his office), it must be under the directions and approval of the competent local higher superior, the provincial. All that he has belongs to the institute to which he is a member. The offering given to him directly belongs to his religious institute. Moreover, we have made it clear in the chapter above, that in the case of the religious, the juridical person, the institute is the one in charge of the parish and not directly the pastor appointed to lead the Parish.²³⁷

Summarily, the religious pastor should be aware of the goods belonging to the parish, the ones that are under the governance of the local diocesan bishop and those that belong to his religious order or congregation especially in such cases where the parishes are owned by the religious. This is because, the religious pastor, as the administrator of the temporal goods of the parish, is bound to account to the local bishop on only those goods that are diocesan in their statutes, he but is not compelled to account to him for those ones that directly belong to the religious institute. Here the reports about the religious’ assets are made only to the religious institute. This act of distinguishing goods is also expected of the religious pastor in such cases like, if he accepts goods in trust for pious causes. The cases may be *inter vivos*, and can as well be under last will entrustment or merely statement as stated in the Can. 1302 - §1. The pastor should account to the local ordinary if the goods in quote are designated for some place or diocese or for the assistance of their inhabitants or pious causes. He should know what the current legislation mentioned in the Can. 1301 is referring to the major superior in the clerical institute of pontifical right and in clerical societies of apostolic life of pontifical right or to the proper ordinary of the member in other religious institutes. The religious pastor is also to abide to the rules guiding the goods of the Holy Masses especially in such cases when Masses are independently formed in legacies or in any other way. He should take cognizance of the power of the local ordinary as mentioned in canon 1308, mostly to enjoy the power of the local bishop who can even reduce the obligations regarding the Masses from the independently formed legacies to the level of offering, legitimately established in the diocese, because of diminished revenues if his religious happens to be in such problems (see c. 1308 §§ 3 and 4; see also c. 1309).

²³⁶ See c. 610, §2.

²³⁷ See c. 520, §1.

3 The Holy Trinity “parish church property”

If the religious institute is clerical in nature, the legislator allows and advises that they possess church or parish church as the case may be,²³⁸ with hope that they cannot build church without the consent of the local ordinary.²³⁹ The Holy Trinity parish church belongs to the Piarist religious Order. It is always easier for religious institutes to possess churches than parishes. Contrary to the beneficial property, the parish church has a lot of sources and that is why it attracts the attention of not only the pastor and the parish, but also that of the bishop and even the superior of the monastery as the case may be. This is because of the varieties of activities and divine functions that take place in the religious church which different authorities should carry out. Another source of these differences is what we have discussed in the issue of incorporating parishes: that a parish can be incorporated to the monastery or religious house, without incorporating the church itself. In other words, unless the church is specifically mentioned to be involved during the process, incorporation of the parish does not necessarily involve the parish church. When this situation occurs, the activities and governance in the parish may fall under different authorities than the church itself. Dr. József Pétery released a document specifically, to incorporate the Kecskemét religious house with the newly erected Holy Trinity parish, with respect to declaration of the Roman Congregation for Clerics promulgated on the 27th January 1949 with the file number 7516/48.²⁴⁰ For us to understand the different dimensions of the properties found around this parish, it is necessary to glance through the division of labor towards rights and responsibilities of management of temporal goods of the religious parishes with special regard to divine activities proper to the religious parish church:

- The church always remains religious’ provided it is owned by the monastery; that is, it enjoys exemption from the local ordinary.
- Everything about financial issues of the church belong to neither the parish nor the religious pastor, but solely to the superior.
- The local ordinary has the right of supervision in the religious churches but this comprises mainly over the pastoral activities.
- If the parish is owned by the religious while the church belongs to the diocese, the church maintains its statutes to be diocesan. Therefore, the administration of the

²³⁸ Canon 611, §3.

²³⁹ Canon 1215, §3.

²⁴⁰ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1949. This incorporation declaration of the Bishop of Vác, written on the 24th of December 1949.

financial properties belongs to the religious pastor who accounts to the bishop, and follows the directives of the local diocese. Thus, it is the right of the bishops of a province to set limit on the offerings on the occasion of the administration of sacraments and sacramental.²⁴¹ Although, this case does not apply to the Holy Trinity parish, because both the church and the parish belongs to the Piarist Order.

- The collection boxes ordered by the local ordinary are under his directives.
- Likewise, those collections ordered by the universal and proper law of the diocese are under the competence of the local ordinary. For example, the collections for Peter's pence, mission, etc.
- If there is no special specification, the money put to the collection boxes by the faithful belong to the parish church.
- If offerings are given to individual priests in the church, maybe in the name of appreciation for the pastoral services they rendered, it is assumed that the money belongs to the monastery, more precisely, under the authority of the competent superior.
- If the parish church is owned by the religious, every account of the material goods accumulated should be made to the superior.
- When the parish church is religious, the acceptance, administration, collection and keeping of the donations for building, maintaining and amendment of the parish church is the duty of the religious institute, otherwise it belongs to the local ordinary (See c. 630 of 1917 code).

In any case, the administrator of finance, or precisely, financial goods of the church should abide to the boundaries and limitations true to his office. Hence, can. 1281 - §1 says: *“Without prejudice to the prescripts of the statutes, administrators invalidly place acts which exceed the limits and manner of ordinary administration, unless they have first obtained written faculty from the ordinary.”* The canon highlights that the written faculty of the bishop is indispensable. Although, canonical traditions hold that these faculties can as well be given orally. This must have been from the experience of the Church that when things are not put into writings, they may be forgotten or denied; or even deceit or confusion in the voice of the bishop can bring up problems especially when such communication devices like mobile phones are applied in the giving of the faculty.

²⁴¹ See c. 1264, §2.

After all these, we acknowledge that parish church firstly serves the rights of the faithful, as it forms the place where their spiritual needs are attended to. In other words, a place where the Christian faithful are free to make known to the pastors of the Church their needs, especially spiritual ones, and their desires. Among these needs, the spiritual ones are highlighted, which may be from an individual or group and even association belonging to the parish, which may be expressed orally or in a written form. Canon 529, §§ 1 and 2 makes it known that pastors are to properly attend to these spiritual needs when visiting families, sharing in their individual problems, showing pastor's love to the sick, helping the poor and the afflicted, patronizing those who take up the sacraments of matrimony in fulfilling their obligations, promoting the lay associations, consoling the dying, etc. A pastor, or more precisely, a parish fulfils these obligations more easily and effectively if it has its own church attached to it to make it parish church. The reason lies on what we have discussed on topic of the characteristics of a parish as well as religious parish. This does not necessarily mean that a parish cannot be erected without a church; after all, a parish is formed by a group of people that are proper in terms of territory, and pastor. A parish in that form is constituted by the communion of the fellowship of the children of God in a particular place under the care of a pastor. Owing to the above factors, it is true that whenever a parish church is mentioned, it is always a name attributed to a diocesan parish as well.

Notwithstanding, we should not forget that both the Holy Trinity parish and its Church are religious in nature. Many writers have tried to define the term religious church, but have not come to a common explanation. The reason lies on the fact that a religious parish church has some characteristics proper to it like:

3.1 It must be owned by the religious or be under use by the religious.

That is, the religious must possess the right of ownership over it. This right of ownership can be from many sources:

3.1.1 By building.

That is when the religious builds the church, maybe from the offerings gotten from the faithful, or when sponsored by the Generalate of the

religious institute. In many countries of Africa, for example, the churches are being built by the religious themselves. They may buy or get a land property from either the natives or even from the local bishop. After then, the financial source of building may be from their monasteries abroad, the indigenes, the local diocese, etc. This one gives the religious the highest assurance and provides an undoubtable certificate of occupancy as well as an infinite right to own the church. The Holy Trinity Church was build by the Piarist religious Order themselves, with the help of the faithful donors, donations from benefactors and benefactresses and people of good will.

3.1.2 By lapse

This situation arises when the law behind or guiding the church building has been obsolete and the conditions determining its statutes are outdated. The law in quote may be civil or ecclesiastical. The religious may occupy a church when the right existing on it elapses and can as well loose this right if its right on the church conditionally elapses.

3.1.3 By offer

A church may be offered to the religious by the diocesan bishop, or even, in rear cases, by another religious institute. The later occur when the religious owner of the church is about to leave or stop the pastoral work of a parish for any reason. For example, when the religious owner of the parish can no longer provide priests from their monasteries and religious propositions in a given area, due scarcity of priestly vocation and if they see that there is no hope of solving this problem in due course of time, they can decide to hand over their parish to another religious monastery working around the region. If this happens, both the two parties should render their willing and interests to the diocesan bishop who assigns the pastoral works to the new Order.

3.1.4 By incorporation

This happens when the parish church is legally and completely united. In the incorporation of a church with the monastery or religious house, we always

consider two rampant situations as follows: *firstly*, when the church has been existing in a place and the religious came to reside around or near it. The *second situation* is, when the monastery has been existing in a place, maybe for a longer time but without church and later the parish church is built up which it incorporates. In each case, the church become religious church provided the incorporation is considered with an indefinite act as already explained in the previous chapters. In the case of the Holy Trinity parish and the Piarist, the religious house had been existing before the building of the church, which it later incorporated.

3.2 It cannot be of a temporary use

In the above mentioned ways of acquisition of the parish church, the act of having a religious parish church presupposes that it has a perpetual undertone. Otherwise it cannot be called religious parish church, as we discussed on the topics above.

3.3 It must have considerable relationship with the religious institute.

The relation been mentioned here is talking about the day by day pastoral functions carried out by the pastor with the help of other parish assistants.

After all these, we have seen that, there are different ways and systems of handing over the pastoral care of a church to the religious. The first system is used in such situations, as in the case of the Holy Trinity church of Kecsemét, when the religious has a 100 percent and full right on the church, because it has right of ownership on it through acquisition. Under this system, both the religious house and the church are completely and legally joined together. The rules of this acquisition are mentioned above in the chapters above. The second system is when only the church is belonging to the monastery or the religious. We experience this situation when an already existing religious church is joined to a parish whose function is only to handle its pastoral functions. In other words, a religious' church is joined to a juridical person (that is, the religious church and the parish), though without any complicated situations. Then, the third is more interesting, when a religious covers a church only on pastoral activities. The carrying out of the pastoral activities

mentioned here is totally different from such situations when a religious individual (pastor) is appointed by the bishop to care for a given church, as we discussed in the previous chapters. In that case, the pastor's right is not full in terms of duration of his office. His office can never be made stable. Contrarily, covering-up in this case is backed up with a perpetual right. This normally occurs when such religious orders like the mendicant orders are given parishes who from the nature of their apostolate cannot have their own properties, whether as an individual or as an order. They take care of all the religious activities but cannot take hold of the temporal goods of the church in quote. But knowing fully well the problems that usually go along with this kind of parish, we suggest that, they should be given a perpetual pronouncement.

Hence, if we should now talk about a religious parish church, we would see that it is merely the product of incorporation of a parish and a religious church. This would make a religious church to belong solely to the monastery and nourish from the qualities proper to the religious. In this case, the religious church does not form a unique or different entity neither juridical person, because it is also part of the juridical person, the monastery, thereby maintaining its own juridical personal statute also as parish. This is shown clearly, for example, on the latest certificate of juridical person of the Holy Trinity parish issued by the by dr. Balázs Bábel, the arch-bishop of Kalocsa-Kecskemét on the 23rd of March 2017 to prove the state of the parish. He said: “...*hivatalosan igazolom, hogy a kecskeméti Római Katolikus (Szentháromság) plébánia (6000 Kecskemét, Jókai u. 1) szervezeti egység, amelynek képviselője Görbe László plébános.*”²⁴² By certifying that the Holy Trinity parish is an organizational body, or more precisely, juridical body, the archbishop recognizes the juridical quality of the parish aside the religious house to which it is united to. The religious parishes, whether owned by the clerical religious institutes or clerical society of apostolic life constitute juridical persons, they are “subjects capable of acquiring, retaining, administering, and alienating temporal goods according to the norm of law.”²⁴³ In other words, parishes of the religious are also temporal goods that possess juridical qualities. Sometimes it seems inconvenience to talk about the Church in terms of acquiring, administering

²⁴² See the certificate released by the archbishop for the juridical personality of the parish on the 23rd of March 2017 with the file number 291/2017.

²⁴³ See c. 1255.

and maybe alienating temporal goods. But we cannot deny the fact that The Church is not merely spiritual fellowship of the flock, but also the group of the followers of Christ made institutional. It therefore should incorporate those material things as well, which would enable a free flow of the preaching of the kingdom of God given to her as mission. Jesus Christ filled the poor with material goods: fishes and bread. The Church also has a lot to do in enriching the poor, not only by the spiritual nourishment but by material goods as well. This can only be attained if She possesses enough temporal goods to serve the flock. The religious, been part of the Church also has a lot to play in this scene, because they also take care of the flock spiritually, socially, materially and otherwise.²⁴⁴ Sometimes the religious pastors, the religious institutes and apostolic societies at large may be regarded incompatible with this situation because of their vow of poverty. Even the current legislation bounds the mendicant orders from organizing collections unless the local bishop allows it.²⁴⁵ At the same time, this cannot apply to every situation of the religious; the religious also manage parishes and institutions which are public forums for the people of God. Besides, they also accept donations from their flock; the faithful who receive the spiritual services from them consider it their obligation to help in maintaining them in their functions just as it was in the lives of the first Christians. As a result, some of these temporal goods serve to carry out effectively the pastoral care of the faithful, though some of them are from the appreciations of the faithful to the religious.

4 The Piarist “religious property” in Kecskemét

The property of religious, after joining a parish with a religious house is always understandable, straight and clearly specified. This is because, the properties of a parish are governed independent of those of the church and of course, those of the religious houses and monasteries. For example, “*Unless the contrary is established, offerings given to superiors or administrators of any ecclesiastical juridical person, even a private one are presumed given to the juridical person itself.*”²⁴⁶ So it is always specified clearly. Although

²⁴⁴ See VALESIO, D. P., *La Vita Consacrata nella Chiesa*, (Facolta’ di Dirritto Canonico San Pio X, Manuallia 4; edizione rivista e ampliata a cura de Musca, V.) Venezia 2010.

²⁴⁵ See c. 1265, §1.

²⁴⁶ Canon 1267, §1.

problems may arise in this case as well, because parishes are completely joined with the religious monasteries or religious houses, and it sometimes makes benefices become confusing and questionable. Apart from this, every other situations follows the directives of the proper law of the diocese, and if the clerical society or religious is an exempt one, the universal law makes demarcations between the properties of these juridical bodies.

Another situation arises when the religious parish has foundation founded by the faithful to help the functioning of the parish. As a matter of fact, no foundation founded in the parish church by the faithful claims juridical qualities, because they do not make up a different entity from the life of the parish unless the religious institute is by nature clerical, which is originally exempted from the influence of the authority of the local ordinary. Otherwise, the solution is easy to be found; they follow the directives proper to the diocese. So, if the foundation is clerical and exempt, all about it belongs the higher superior or the Superior General of the institute. Consequently, it is required that the intention of the founders be known and written down at the beginning to avoid those problems that may arise in due course of time. In any case, all attentions should be drawn to use and apply the directives of the code of canon of the current legislation pertinent to this chapter. That is why the norms determining the particular law urges the administrators to render account to the faithful concerning the goods offered by the faithful to the Church.

To be precise, the Hoy Trinity parish church belongs to the Piarist religious Order. In his joining declaration, dr. József Pétery the bishop of Vác said: “...és maga a Szentháromság tiszteletére emelt templom is a Piarista Rend tulajdonában maradjon, ...”²⁴⁷ This statement is straight and clear. Dr. Seregély István, the Arch-bishop of Eger made similar statement to László Gyüre about Sátoraljaújhely parish when he wrote him: “A Nagyboldogasszonyról nevezett templom a piarista rend tulajdona.”²⁴⁸ These declarations point that these churches are properties of Piarist religious Order and their states are not temporary, they are stable. If the property is religious, it is fashioned with privileges as already mentioned in the above chapters. This privilege gives them protection against every internal and external authorities which may act detrimentally to the state of the religious temporal goods. This protection is assured by can. 493 of 1917 code which says that: “minden szerzet, mégha egyházmegyei jogú is, csak a Szentszéktől törölhető el akinek

²⁴⁷ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, the incorporation declaration of the Bishop of Vác, written on the 24th of December 1949.

²⁴⁸ EGRI ÉRSEKI LEVÉLTÁR, *Főegyházmegyei Hatóság levelezés*, Északi rész, Eger 1993, 59/1993.

fenntartva, hogy ez esetben a javakról intézkedjék, de mindig a felajánlók szándéka szerint.”

On his document of joining the Holy Trinity parish with the religious house, the bishop warned on the 2nd point that the authority and temporal goods of the parish should be kept separate from those of the religious in a way that donations from the faithful and the previous offerings of the faithful belong to the parish, while every other offering which may come from the ecclesiastical services should belong to the religious house.²⁴⁹ Owing to this declaration, the provincial released such a sketch of arrangement to clarify the conditions between Piarist religious properties and parish properties as explained and translated on the table below:

“A rendház tábbra is átengedi használatra azokat a helységeket, amelyeket eddig is a plébánia használt” ²⁵⁰	A religious house still allows the parish to use those areas it used till now
A jelenlegi adminisztrátor részére, (...) a plébánia hivattal szemben levő raktárszabát a rendház átengedheti használatra	The religious house could allow the present administrator (...) to use the store-room opposite the parish office
A földszinti rendházi fogadószobát alkalmilag a plébániai vendégek is használhatják	The parish visitors can also use the religious house sitting room on the ground floor
A rendház méltányosan megállapított térítés fejében gondoskodik a plébánia étkeztetéséről. Ez természetesen a szabályaink szerint...	The religious house takes care of parish feeding under a fairly agreed fare, naturally without prejudice to our norms...
A plébánia által eddig kezelt pénztárak: 1. egyházközségi pénztár, 2. templom pénztár, 3. A Szt. Antal pénz	The cash registers under the control of the parish: 1. parish cash register, 2. church cash register, 3. St. Anthony’s cash register
Az egyházközségi pénztár marad továbbra is a plébánia kezelésében.	The parish register would still remain under the care of the parish

²⁴⁹ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, Magyar rendfőnökség új levéltára (1.1.b), *Hivatalos levelezés*, the incorporation declaration of the Bishop of Vác, written on the 24th of December 1949.

²⁵⁰ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, Magyar rendfőnökség új levéltára (1.1.c), *Harmadik Korszak*, Vegyes ügyek, Kecskemét 1965, 1265/1958.

Mivel a templom és az összes fölszerelés a piaista rend tulajdona, az ezek fönntartására és megjavítására szolgáló templompénztárt/ csengőaprópersely és az oltárperselyek jöveldelme/ ezentul a házfőnök kezeli, mint rector eccl.	Owing to the fact that the church and all equipment are properties of Piarist Order, all collection destined to their maintenance and renovation: the church cash register, coins collection, and the alter collections would from now be under the care of house superior as the rector eccl.
Ugyanigy a Szt. Antal pénztár is ezentul ne aplébánia, hanem a rector eccl. kezelje	The same applies to St. Anthony's cash register; henceforth, not the parish, but the rector eccl. should take care of it

The above table strictly and specifically demarcated governance of benefices between the Holy Trinity parish, the Holy Trinity church and the religious house in Kecskemét. Obviously, the religious properties were never mixed up with the parish ones, but sometime both properties could overlap to help each other. That is, sometimes religious properties were used by the parish to render services to the faith and vice vassal as shown by the above table.

XI. RUDIMENTS ABOUT THE PASTOR OF HOLY TRINITY PARISH

For us to elaborate and understand the phenomenon, the person and duties of Holy Trinity parish pastor (a religious pastor), it will surely be necessary to adhere to the ordinary meaning of the notion “pastor.” The current legislation denotes: *“Parochus est pastor proprius paroeciae sibi commissae, cura pastoralis communitatis sibi partem ministerii Christi vocatus est, ut pro aedem communitate munera exsequatur docendi, sanctificandi, et regendi, cooperantibus etiam aliis presbyteris vel diaconis atque operam conferentibus christifidelibus laicis, ad normam iuris.”*²⁵¹ Literally translating, a pastor (*parochus*) is the proper pastor (pastor) of the parish entrusted to him, whose duty is to exercise the pastoral care of the community handed over to him probably by the bishop (diocesan bishop) in whose ministry of Christ he has been called to share, so that for that same community he carries out the function of teaching, sanctifying, and governing, also with the co-operation of the presbyters or deacons and with the assistance of lay members of Christian faithful, according to the norm of law.

Just like in the case of difference between a religious and diocesan parish (in which we said that, religious parish still remains a parish, whatever difference may be between the two), likewise we would say that a religious pastor is also a pastor, whatever the case may be; therefore, all that can be applied in the case of other pastors are applicable to him as well, though with difference in the person (physical and juridical) who holds the parish. So it would be better for us to first approach the notion of “pastor” in an ordinary and general point of view. Moreover, the above fantastic definition discloses that a pastor has a lot to do to take care of the flock entrusted onto him; pointing that a pastor is not mere a civilian who lives independent of his parishioners. A pastor should be for his flock, be at the center to answer for the souls of the faithful under his care. With the help of the above definition, let us look into the properties attached to the “person of pastor” with special regard to Holy Trinity parish.

²⁵¹ Canon 519.

1 He is a “proper (own) pastor”

In other words, he is assigned to a given parish to carry out the salvific functions of a particular group of people of God in a parish and that parish must always be proper. The person to be assigned must be an ordained person, chosen to care for a particular parish. He can never be a lay person, but a fully ordained cleric, and only an ordained person, but a deacon cannot be appointed to be a pastor.²⁵² Hence, “*Ut valide in parochum assumatur, oportet sit in sacro presbyteratus ordine constitutes.*”²⁵³ This is why a lay person or a religious may sometimes seem to possess the qualities and virtues needed to carter for the faithful, still he cannot be appointed a pastor. To be a pastor, the person must begin by been ordained and chosen to handle a parish.²⁵⁴ Even, presbyters sharing the same clerical right with him, like the chaplain, administrator etc.,²⁵⁵ could be in charge of a certain group of the faithful but they are not pastors and that is why the legislator warns them not to harm the parochial ministry of the pastor in any way.²⁵⁶ Consequently, their offices regarding the given parish or group of faithful are not stably instituted.

2 The parish is entrusted to him

The second and important property of a pastor is the entrustment of parish to him. One becomes a pastor, or in other words, one becomes a parish pastor if that parish entrusted to him is a certain community of Christian faithful.²⁵⁷ In the office of the pastor, we have a to-and-fro conditional situation: the parish precedes the pastor just as the pastor presupposes the parish. As already discussed in the above chapters, the diocesan bishop is the only person that possesses the power to entrust a parish unto someone;²⁵⁸ entrusting a priest to work as a collaborator in his stead, to be a proper pastor of a group of the faithful

²⁵² This should be highlighted because sometimes situations may arise when exercise of pastoral care is entrusted to a deacon, or even to someone who is not a cleric, especially due to lack of priests. Even though, the person performs many pastoral functions to maintain the parish, he is never called a pastor to that parish. The souls of the faithful under that parish can never be entrusted to him.

²⁵³ Canon 521, §1.

²⁵⁴ Canon 521, §1.

²⁵⁵ See c. 549.

²⁵⁶ See c. 559.

²⁵⁷ ERDŐ, P., - SZUROMI, SZ. A., *Egyházjog*, SZIT, az Apostoli Szentszék Könyvkiadója, Budapest, 2014, 371. Erdő and Szuromi highlighted that the parish entrusted to the pastor should not be imagined to be merely something territory, but instead an erected and governed group who are specifically defined with such demarcating elements like territory.

²⁵⁸ See c. 519.

in his diocese. If a religious priest is the proper pastor, the relationship between the pastoral work of the parish entrusted to him and the apostolate of his religious community *nem mellérelteltség, hanem alárelteltség kapcsolatban vannak egymással*,²⁵⁹ that is, not coordinating but subordinating in nature, to the benefit of the pastoral work in quote.

3 His office is under the authority of the bishop

A pastor is proper to the parish given to him by the bishop, but not independent from the diocese which the parish belongs to. He is the shepherd but not the high shepherd of the flock of the parish. So, the word, “proper,” refers to the local group of the faithful he governs. His works are controlled by the bishop who assigns him a pastor. He should then do everything to enhance a very strong relationship between the parish and the diocese. This affirmation is well understood in the way it is expressed by current code, where the diocesan bishop is described as the owner of Christ’s ministry in which the pastor shares.²⁶⁰ The authority of the diocesan bishop highlighted here is highly necessary in whom all the rights of the administering of the sacraments are complete.²⁶¹ Again, his authority to ordain and send priests to evangelize, the authority to govern the greater flock of God in Christ’s stead, and so on, are all in him.

4 The three main functions of Christ’s ministerial priesthood are his attributes

The code of 1983 has added this property in its definition of pastor; the three main functions of a priest, namely teaching, sanctifying and governing the flock entrusted to his care. There are so many functions, or in a better expression, responsibilities which originate from the state of the office of a priest, and they are well carried out if the priest is well disposed as required by the vow of obedience he took on his day of ordination.²⁶² These form the center of the duties of a pastor which I will still elaborate in the subsequent topics.

²⁵⁹ SZUROMI, SZ. A., *A szerzetesi és szerzetesrendre bízott plébániákra vonatkozó hatályos egyházfegyelmi előírások vázlata*, 237.

²⁶⁰ Canon 519.

²⁶¹ See CD 15.

²⁶² See KUMINETZ, G., *Klerikusok Kézikönyve I*, SZIT, SZIT, Az Apostoli Szentszék Könyvkiadóka, Budapest 2012, 296-298.

5 His pastoral function requires the help of collaborators

The last property mentioned by the current legislation is, the working together of the pastor with the presbyters or deacons with the assistance of the lay faithful as collaborators. This property also appeared among the properties of parish as we have discussed above, because parish is the office of the pastor which has the same function with the pastor who holds it. It explains that the pastoral work is never a personal endeavor and can only be achieved if the parish works as a community, aiming towards the same goal of *salus animarum*.

The 1917 code makes the person and horizon of pastor to be more wider. Apart from individual pastors, it empowers moral persons to be pastors as well. Thus a pastor could be ordinarily an individual (a priest) and can be a moral person. And again, it affirmed that the pastor “cares for the souls of the parish.” Hence it denotes: *“Parochus est sacerdos vel perona moralis cui paroecia collecta est in titulum cum cura animarum sub ordinarii loci auctoritate exercenda.”*²⁶³

In the first addition it says that a pastor can also be a moral person. The moral person considered here could be a religious order or clerical religious organization. So it refers to such occasions when a parish is entrusted to religious as in this case of the Kecskemét Holy Trinity Piarist parish. This code also adds that the pastor takes care of the souls entrusted unto him. The function of the pastor, whether in form of rights or obligations, and whether as an individual or as a moral person is simply to take care of the same people of God entrusted to his care. That is why he should do all to see that this aim is achieved.

After these explanations, we would dabble into treating the issue of religious pastor in order to comprehend the conditions and challenges which surrounded the pastor of Holy Trinity parish.

²⁶³ See c. 451, §1 of 1917 code.

XII. A RELIGIOUS PASTOR (PAROCHUS)

As we already discussed in the previous chapters, that a pastor can be appointed to lead a parish which is entrusted to clerical religious institutes or clerical societies of apostolic life in many ways. The situation here is essentially different from appointing a pastor to a diocesan parish in which we have only one way, one person and one stable office to talk about. At the same time, we experience many ways in which a religious pastor can be chosen and assigned to a parish. The reason behind it simply arises from the aforementioned nature of religious life and apostolate. The apostolate of every order or clerical institute always manifests on the parish pastoral work entrusted to them or entrusted to their individual member. Let us then see below the different situations when a religious pastor is appointed for parish pastoral works

1 when a parish is owned by a religious, and the parish pastor is also a member of the same religious order

The system has been in the management of Holy Trinity Kecskemét Piarist parish for two eras now. The first era was from 1948, the time when the first pastor, dr. József Erős was appointed to take care of the parish till 1958 when the governance of the parish was given to circular priest appointed from different dioceses. Another era started from 1978 till date. The period when the management of the parish was given back to the Piarist religious order, the time after the diocesan priests' regime till the present time.

This system, that is, when both the parish and the pastor is completely Piarist, is always regarded as the best among many other ways of managing parishes by the religious. It was also applied when the Sátoraljaújhely Piarist religious parish was filled up after its erection in 1948.²⁶⁴ The system is accompanied with many advantages, because there is uniformity and harmony in the spirituality of the parish under the religious institute and the religious itself. This kind of parish has specialties which according to Szuromi, are provided by the

²⁶⁴ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Sátoraljaújhely 1948, 1638/1948. Regarding the very complicated pastoral situation in Sátoraljaújhely after the exchange of boarder of the state of Hungary, cf. SZUROMI. SZ.A., *A Kassai Egyházmegye közigazgatásának változásai 1918 és 1982 között*, in *Magyar Sion* V (XLVII) 2011, 97-103.

character of the give religious institute.²⁶⁵The religious institute sees and handles the parish as their own and for that reason, they take care of it with full love. Here the apostolate of the religious institute is seen more clearly and carried out more effectively in the lives of the parish members. The only condition is that: “*hac temen lege utu nus presbyter sit paroeciae parochus*”, that is, one of the presbyter should be appointed to be a pastor. An example of this was when dr. József Erős was appointed in 1948 as the first pastor of the parish. One can imagine and guess how high the zeal he used in doing his pastoral works. Other members who were also appointed to be pastors of the Holy Trinity parish like Géza Tóth, István Szabó, Zoltán Fórián Szabó and so on did wonderful pastoral works as well. They took care of the parishioners like a good father who really cares for his household. The competency of appointment of religious pastor always changed in the history of the Church. For example, till the Council of Trent, the practice was different, pastors were appointed by the superior of the religious, sometimes without the consent of the local bishop. Consequently, governance of the parish and things related to that were all in the hands of the competent superior. Monasteries of this era had similar experience. Their superior had overall power over the monasteries and convents. They decided on everything, and also appointed pastors to parishes belonging to them. Moreover, they extended their powers even to appoint a priests who were not members of their religious institute, like secular priests, all without consent nor confirmation from the local bishop. As a result, those priests who worked for the monasteries in such conditions like this were all with *vicarious ad nutum amovibilis* statutes. They could be removed at any given time by the competent superior of the monastery. Their works were strictly restricted to only taking care of the pastoral works of the given monasteries. In each case the benefice belonged to the monastery, because the pastor is appointed to take care of only the pastoral works.

The Council came up with a different view, an opinion that makes the whole procedure to be closer to fundamental theoretical and disciplinary concept of the Church. A view that places pastoral works of all kinds of parishes, including monastic and other religious ones, under the care and authority of the local bishops. The Council thus enacted that, bishops are to appoint pastors to monasteries of the religious. It extended this right to be practiced

²⁶⁵ SZUROMI, SZ., *A plébánia viszonya a megszentelt élet intézményeihez és apostolic élet társaságaihoz, valamint egyes lelki mozgalmokhoz*, PPKE Kánonjogi Posztgraduális Intézetének folyóirata, Budapest 2009, 47-55, especially 52.

by the bishops even in such situations when a parish is completely or partially joined to the religious monastery respectively.

In a clearer explanation, after the Council, the pastor handling such a parish is nominated and presented by the competent superior to the bishop who then appoints him to this office.²⁶⁶ Although the bishop has the right even to nominate and also appoint the religious member, but the legislature prefers the superior's nomination, because it considers the superior knowing better the members' qualities and personalities.²⁶⁷ This order is affirmed also in the 1917 code which says that, the right of presentation is reserved to the superior who can as well install the same pastor with the right given to him by the bishop.²⁶⁸ The religious members should be ready to assist the diocesan works up to the highest extent. The Vatican Council II hence urges them in this way: "Religious should always attend upon bishops, as upon successors of apostles with devote deference and reverence. Whenever they are legitimately called upon to undertake works of apostolate, they are obliged to discharge their duties in such a way that they may be available and docile helpers to bishops..."²⁶⁹ Furthermore, it stretched more arms and authorities of local bishops in matters pertaining pastorals. Thus, the decree on the bishop's pastoral office in the Church compels the religious to be of assistance to the diocesan bishops for *salus animarum*. Hence, it says: "... indeed religious should comply promptly and faithfully to the requests and desires of the bishops in order that they may thereby assume an even more extensive role in the ministry of human salvation."²⁷⁰

When therefore, a parish is owned by a religious and the appointed pastor is also a member of the participating religious, their support to the bishop is more coordinated, unified and vigorous.

2 When the parish is a religious one, and religious priests carry out the apostolate *in solidum*.

Sometimes a parish can be entrusted to religious institute or society with the arrangement that many priests take care of the faithful at the same time, that is, *in solidum*. This arrangement is always good whenever a parish is given to religious and societies, because

²⁶⁶ Canon 471, §2 (1917).

²⁶⁷ See c. 455, §1 (1917).

²⁶⁸ Ibid.

²⁶⁹ CD 35,1.

²⁷⁰ Ibid.

it portrays more clearly the true nature of the life of religious. After all, the current Legislator states that: “...when circumstances require it, the pastoral care of a parish or of different parishes can be entrusted to several priests “*in solidum*,” (...).²⁷¹ Therefore, it is always encouraged by the Church to involve religious groups in the pastoral functions of the parish, especially when they could be and work together. By this system, many priests with different ideas would join heads together to aim at the welfare of the parish, though with the coordinating function of the appointed moderator.²⁷² Surely, the Holy Trinity parish is never entrusted *in solidum*, but it always functions in a manner similar to this, because the provincial agreed with archbishop of Kalocsa-Kecskemét that the Order should always provide three priests to work at the parish (the pastor and two vicars) as already explained in the chapters above. The working together, planning and taking care of the faithful together, as a task and role of religious life is achieved here. The condition is, that the bishop should appoint one of them as a moderation. The legislator says: “*si cura pastoralis pluribus in solidum committatur, moderator, de quo in c. 517, §1.*”²⁷³ His appointment is necessary to avoid arguments and problems arising from leadership struggle.

3 When the parish is joined to a religious community with a complete legacy as in the case of Holy Trinity parish

The joining of religious houses, monastery with parishes were allowed by the 1917 code, though with the approval from the Holy See. Otherwise it is forbidden. And when this happens, a pastor (vice pastor as in 1917 code) should be appointed. The Holy See keeps the right of giving approval for herself in order to protect the temporal goods of the moral

²⁷¹ Canon 517, §1.

This canon is regarded new among the two codes, precisely found in the 1983 code. At the same time, it solved the problem which is likely to occur when applying the same canon: the problem of leadership of the parish. It mandates that one of those priests working jointly in the same parish should be pointed out as moderator who directs the joint action of other priests and answers for the parish to the bishop. He is the one that takes the actual possession of the parish during installation, others replace their taking possession of the parish with profession of faith, even though all of them take care of the parish at the same time.

²⁷² See ERDŐ, P., - SZUROMI, SZ. A., *Egyházjog*, SZIT, az Apostoli Szentsek Könyvkiadója, Budapest, 2014, 373. It is also remarkable that these priests share in the faculties proper to management of parish, like faculty of administering the sacrament of matrimony and other faculties of dispensation as stated by canon 543, §1. Another interesting thing pertaining this case is that the parish handled *in solidum* can only be vacant if all the priests appointed to work together cease to function. It means that if one of the priests cease to function, it is not vacant, the parish continues its functions in the same statute, and if the moderator ceases to work, another moderator should be appointed from among the remaining members (cf. c. 544).

²⁷³ Canon 520, §1.

person who are joined up with parishes as explained in the chapters above. That is why the Code says: “*Sine Apostolicae Sedis indulto paroeciae nequit personae morali pleno iure uniri, ita ut ipsamet persona moralis sit parochus, ad normam can. 1432, §2.*”²⁷⁴ In explanation, it is forbidden to join a parish with a moral person in such a way that the moral person is the pastor himself according to the norms of can 1432, §2.

Consequently, the legislator of 1917 code did not allow a religious pastor to be a physical person, it is never an individual. In other words, the juridical person or person is not the pastor himself who cares for the pastoral duties. The pastor is always the juridical person, and in this case, this was also applicable to religious convents or the monasteries. They are the holders of the parishes themselves and the responsibilities of the pastoral work lie on them. The bishop gives the parish to them as personal under his personal competence. The parish pastors of these parishes under religious care during this era are called parochial vicars. In other words, the vicar represents the given moral person in issues pertaining to pastoral duties of the parish. In the present legislation, this term, “parochial vicar” is applied to the assistant priests who are helping the parish priest in the parish functions as mentioned in the cc. 545-552 of the aforementioned code. Although the legislator of 1917 code holds all the rights and responsibilities of a pastor to these parochial vicars as well, it still maintains that the moral person, that is, the religious institute is responsible for the parish. The Holy Trinity parish was erected under the reign of 1917 code, therefore it applied the use of vice-pastor (parochial vicar) to dr. József Erős who was appointed to head the parish at that time. After the enactment of the 1983 code, the parish transitioned to the use of pastor to those priests who lead the parish.²⁷⁵ On the other way round, this same code made two differences in taking care of the soul of the faithful who belong to these parishes. It used two expressions like “*aki a lelkek gondját képletesen viselni*”²⁷⁶ and “*aki ténylegesen viselni.*”²⁷⁷ That is symbolically taking care of souls (*in titulum*) and really taking care of souls. Meanwhile, the moral person is in charge of the parish, but because of not being physical, we cannot say that it concretely takes care of the souls of the parish faithful. It is therefore said to be “*in titulum,*” or “*képletesen gondot visel a lekeknek.*” But if the moral person would like to really take care of the souls of the parish faithful, it should appoint a “vicar,” (vice pastor). For someone to take care of souls of the faithful of a given parish community, he should be concrete and physical, otherwise his function is *in titulum*.

²⁷⁴ Canon 452, §1 (1917).

²⁷⁵ See c. 510, §1.

²⁷⁶ Canon 452, §2.

²⁷⁷ Canon 471, §1 (1917).

This same expression is used by the legislator when explaining the bishop's giving and handing over of the parish to the monasteries. In other words, it says the possessor or the holder is not the owner of something in quote. So in that case, the monastery or the convent holds or possesses the parish that does not belong to it. Meanwhile the parish, just like every other temporal good of the Church belongs to the local diocese. God so kind, the current legislator has stopped the joining of parishes to chapters of canons (cf. can. 510, §1) from which these complicated situations emanate

4 When the parish is diocesan, and a religious is appointed to be the pastor

Sometimes a pastor can be appointed from a clerical religious institute or clerical society of apostolic life to care for a non-religious parish, such as a diocesan parish. Many situations necessitate this system of parish apostolate. It could be because of shortage of number of priests in the diocese, or because a religious order is working in a diocese in which they could cooperate with and help the diocesan bishop in this way; it could also be out of any other reason for which the religious and the diocese decide to work together.²⁷⁸ After all, the Vatican Council II, in its decree on the bishop's pastoral office in the Church also sees religious priests as ordained in the office of the presbyterate as the diocesan priests with the same motif: to be cooperators and collaborators of the bishops in dioceses under whose territory they work. The decree went on to say that, they should be seen to be belonging to the clergy of the diocese because they also work for *salus animarum* in the diocese.²⁷⁹

They therefore, get the parish from the bishop, who with the consent of the competent superior entrusts the parish to the given convent or monastery, with the requirement however that one presbyter is to be the pastor of the parish. So the member appointed among them to be the pastor is also obliged to care for the souls entrusted to him and assume all the canonical responsibilities proceeding from the parish and his statute.²⁸⁰

²⁷⁸ See c. 680; SZUROMI, SZ. A., *A szerzetesi és szerzetesrendre bízott plébániákra vonatkozó hatályos egyházfegyelmi előírások vázlata*, 239.

²⁷⁹ See CD 35, 1.

²⁸⁰ SZUROMI, SZ. A., *A szerzetesi és szerzetesrendre bízott plébániákra vonatkozó hatályos egyházfegyelmi előírások vázlata*, 239.

Knowing fully well that all pastoral works of a diocese are under the care of the diocesan bishop, the religious also takes part in the pastoral duties within the territory of a diocese under the diocesan bishop.²⁸¹ As a result of this, the religious that work under a local ordinary within the boundaries of the diocese are also members of the clergy of the diocese; the bishop can even decide to appoint one of them to be pastor of one or some of his parishes. In this appointment, he requires a full consent of the competent superior. Otherwise, the religious is not allowed to carry out the pastoral function as entrusted by the bishop without his provincial's approval; that is, outside his religious institute. The reason lies on the fact that religious life has totally different primary goal to achieve, the goal of the founders of the religious institute. That is why canon 671 states that: "*A religious is not to accept functions and offices outside the institute without the permission of a legitimate superior.*" This limitation or regulation aims at preserving the life and apostolate of their own institute as well as seeing to the congruence between the activities, charisms of the members and the institute. It indirectly means that the religious are to be encouraged to help the pastoral works of the diocese both by the superiors and by the bishops themselves, and at the same time safeguard the apostolate of the give religious. This is why the Council includes that religious can also help by taking parishes on a temporary basis, and we guess that the temporary nature of the pastoral work mentioned here would help him make changes whenever the work proves difficult to be reconciled with his religious statute. Furthermore, The Vatican Council's decree on the bishop's pastoral office also warns that mutual consultation supersedes this kind of religious engagement in diocesan pastoral activities. Hence it says: "*With respect to those works of the apostolate which religious are to undertake, bishops or episcopal conferences, religious superiors or conferences of major religious superiors should take action only after mutual consultation...*"²⁸²

In summary, whenever need arises, a bishop can appoint a religious to be a pastor of a parish; if the is not religious, it is not advisable to make his office stable. Moreover, his religious statute is subordinate to his disposition as a religious pastor and this situation becomes sensitive in this form.²⁸³ By this, his appointment resembles the case where parishes are handed over to religious institutes to manage for a period of time, in which

²⁸¹ See c. 678, §1.

²⁸² CD 35, 5.

²⁸³ SZUROMI, SZ., *A plébánia viszonya a megszentelt élet intézményeihez és apostolic élet társaságaihoz, valamint egyes lelki mozgalmokhoz*, PPKE Kánonjogi Posztgraduális Intézetének folyóirata, Budapest 2009, 47-55, especially 52.

their individual member is appointed as the parochial vicar. Truly, this pastoral vicar must be nominated by his superior, who presents him to the bishop for assignment and even if the bishop himself chooses the pastor (still with the confirmation from the competent superior), his office should not be made stable. Unfailingly, there should be an agreement between the competent superior and the diocesan bishop pertaining the work to be done, the particular person to be appointed and system of pastor's wages.²⁸⁴ Hence, the legislature extends this working agreement to every other works that the diocesan bishop would entrust to the members of the religious life.

In both cases, owing to the fact that the pastor or vicar to be appointed is a member of a clerical religious or clerical society of apostolic life, the Vatican Council II urges the superiors and the diocesan bishops to meet from time to time in order to discuss and deliberate on those affairs that concern this apostolate in their territory to achieve harmonious and fruitful relationship.²⁸⁵

Generally speaking, a member of an institute or society is allowed to be appointed pastor of such a parish that is not related to the given religious and its apostolate, but with limitations and conditions. It is also clear and understandable that, the circumstances surrounding this case are quite different and wide ranged. Then due to the vast stature of the topic, I find it better to elaborate more on it in the subsequent topic which treats their appointments by the bishop.

5 When the parish is a religious but a diocesan priest is appointed to be the pastor

This system talks about having a parish called religious with a diocesan priest as the pastor of the parish. Such situation arises when, for example, a given religious institute has no priest to handle their parish, due to scarcity of priests, or they have no qualified priest. It can also happen when religious priests are restricted from filling up the office of pastor of their parish as in the case of the Holy Trinity Kecskemét Piarist parish.²⁸⁶ The Franciscan

²⁸⁴ Canon 681, §2.

²⁸⁵ See c. 708.

²⁸⁶ KOZICZ, J., *A Kecskeméti Piarista Plébánia Hetven éve 1948-2018*, Budapest-Kecskemét 2018, 159-234.

Mendicant religious Order's parish in Baja is handled by diocesan pastors of the Archdiocese of Kalocsa-Kecskemét till today due to lack of priest from their Order.²⁸⁷ Meanwhile, The Piarists were bounded from being pastors of their parish in Kecskemét for (from 1958 to 1978) 20 years. Under this time, only diocesan priests and other priests were appointed by the local bishops with special influence and order from the government to manage the parish.²⁸⁸ The first diocesan head of the parish was dr. István Bagó, whose appointment was signed by Bishop Vincze Kovács, the then vicar general of the diocese. History say that Vicar General's act of signing dr. Ivstán Bagó to head the parish was under the influence and force by Gyula Szakács, the Government's officer in charge of religious affairs and worship in the country.²⁸⁹ As a matter of fact, we may regard this era as another one that reckoned a high level of challenges against the Piarist religious Order in Kecskemét, because they had their own parish and had members to carry out their parish pastoral works, but were restricted from functioning. One could imagine how difficult it was for them to bear.

Notwithstanding, there are two important things to point out here. The first one is that dr. István Bagó was an administrator but not the pastor of the parish. In other words, he was a vicar of the parish and not the proper pastor. The Church always applies the practice of appointing administrators instead of pastors mostly when the office of the pastor is not to be considered stable.²⁹⁰ Again, this notion is employed when the appointed person is not a full member of the competent institute of particular church that owns the parish. So when a religious priest is to be appointed to handle a diocesan parish or a diocesan priest to head a parish belonging to a religious institute, the person is always given the office of the administrator and not of a pastor of the given parish. Otherwise, "*Parochus stabilitate gaudeat oportet ad tempus indefinitum nominetur...*"²⁹¹

²⁸⁷ See KALOCSA FŐEGYHÁZMEGYEI LEVÉLTÁR, I. Kalocsai Érseki levéltár, 1. Kalocsai Érseki Hivatal, a. *Egyház Kormányzati iratok*, Ordines Religiosi.

²⁸⁸ The Hungarian communist regime had a very nasty effect on the life and existence of religious institutes in the country. For a period of 20 years, the Hungarian Government high performer, Gyula Szakács did not allow the Bishop of Vác to appoint a Piarist member to be pastor of their parish in Kecskemét. Irrespective of several requests made by the Superior General of Piarist order, whenever he visited Hungary, to retrieve back the right of being pastor of Kecskemét Piarist parish, Szakács Gyula even worsened their difficult situation for them. The answer he gave to the request of Superior General in 1966 underlined the Government's regard to the Kecskemét Piarist parish as we have noted above. He maintained that the Piarist priests should only be involved in teaching and not in pastoral works. See KOZICZ, J., *A kecskeméti Piarista Plébánia Hetven éve (1948-2018)*, Budapest-Kecskemét 2018, 159.

With this, he gave a summarising reaction and answer of the Government to the Piarists' requests.

²⁸⁹ See KOZICZ, J., *A kecskeméti Piarista Plébánia Hetven éve (1948-2018)*, Budapest-Kecskemét 2018, 159.

²⁹⁰ Canon 539; cf. CIC 549.

²⁹¹ See c. 522.

Another thing to be highlighted is the forceful appointment of dr. István Bagó. As the case may be, Bishop Vincze Kovács appointed István under the forceful influence of the Government's officer, Gyula Szakács. His administrative act was not free from force; therefore, it is invalid. Thus, the current legislator says: "...*parochi officii provisio Episcopo dioecesano competit et quidem libera collection ...*"²⁹² That is, the provision of office of pastor belongs to the diocesan bishop, and indeed by free conferral. In the above case of appointing dr. István Bagó, the act of Bishop Vincze Kovács was not with free conferral, it was under influence of Gyula Szakács. Other administrators who also controlled the Holy Trinity Kecskemét Piarist parish include, Ferenc Zoltán Marosszéki (1962-1965) who succeeded dr. Bagó István. He was transferred Holy Trinity parish while his predecessor was transferred to Újpest Magyarok Nagyasszonya parish. Even this transfer of István Bagó had to be approved by the Government sector in charge of Churches, that is its validity was also questionable.²⁹³ The third administrator of the parish was dr. Lajos Kemény (1965-1969), also from the diocese of Vác. History say that he was a student of Piarist School and had his first school leaving examination at the Junior Seminary under the Piarist control in 1950. As a matter of fact, his former bond with the school made him to be better in administration, cooperation and maintenance of relationship with the Piarist order during his regime. As a result, he Piarist Order requested for the stability his office, but for the same fact that his office was administrator's one, we cannot presume his office to be something with *vicarious perpetus* undertone. After taking over the parish, he was kind enough to meet with the Piarist administration (represented by Jochs József, house superior and Mészáros Imre, house superior from Budapest; both attended in Province's stead) to discuss serious issues concerning pastoral works and administration of the parish, just as advised by the current legislator in such cases when a diocesan parish is being entrusted to a religious (see c. 681, §2).

All these administrators were all diocesan priests, but they were appointed to head the Piarist Holy Trinity religious parish. Consequently, none of them filled this office on a stable manner, they were all administrators.

The office of a parish administrator is seen and experienced more in those cases where parishes are entrusted to religious institutes and societies, especially during the time before the promulgation of 1983 code. As aforementioned, within that era, the pastor of a religious

²⁹² See c. 523.

²⁹³ See KOZICZ, J., *A kecskeméti Piarista Plébánia Hetven éve (1948-2018)*, Budapest-Kecskemét 2018, 175.

parish is the juridical or moral person itself, and not the individual member taking care of the parish, the 1917 code therefore suggested the appointment of what it called “parochial vicar,” which we have already discussed on the topics above.

Having gone a long way in explaining the different ways in which pastors can operate in religious parishes and how religious pastors operate in diocesan parishes respectively, we would then boast of having a thorough and widened horizon in examining the appointment of the first pastor to the Holy Trinity parish as well as the challenges encountered during the procedural act.

XIII. THE ACT OF APPOINTING PASTOR (VICE PASTOR) TO HOLY TRINITY PARISH

The appointment of vice pastor (*helyettes plébános*)²⁹⁴ to the Holy Trinity Parish was done without prejudice to all the conditions and requirements necessary for appointing a pastor to any religious parish. Knowing fully well that a pastor is a proper pastor to the faithful of his parish, bishops are thus required to be very careful and serious with the necessary rudiments, procedures to be observed, as well as the personal qualities of the person to be appointed. The desirability and its processes are more simple when a diocesan parish is to be occupied. But when a parish is religious in nature, the acts of provincial must never be omitted, otherwise the appointment of a religious member may be illegal. So let us look into the primary requirements that should be observed and provided for appointment of a religious pastor.

1 There should be a parish (probably religious parish) office vacant for a pastor to fill-up

Generally, office of a pastor is made vacant because it is newly created (as in this case of the newly created Holy Trinity parish) or the parish pastor transferred, removed, restricted in any form, or he died, etc.

As the case may be, there is a parish erected by József Pétery, the bishop of the local diocese. he declared the parish “erected” with his rescript promulgated on 8th of October 1948. This date marks the day of making the dream of erecting this parish a reality. A parish was truly and surely erected, so it needs a pastor to be its proper pastor. So luckily as it were, the Order has the human resource, that is, it can effectively supply the parish with a pastor. This is reasonable to be highlighted because sometimes a religious parish may be erected or already existing without having someone capable to handle it as a pastor, and also, a religious order may have qualified priests to be pastors of any parish but with no parish to be taken care of. Here, the Piarist Order has a parish erected for them and a qualified pastor to be appointed for its office.

²⁹⁴ See 471, §1 of 1917 code. This code mandated the appointment of *helyettes plébános* to take care of pastoral functions whenever a parish is completely joined to religious or community house as already explained in the above chapters.

2 The provincial should nomination a pastor

As already mentioned above, a provincial has a special duty to carry out, whenever a pastor is to be appointed from his religious institute. The right of nomination is completely his own. The reason is aforementioned; beside other reasons, he is the competent authority for his province and he is the person that knows his religious members very well.

To make sure all the necessary protocols are covered up, Bishop József called the attention of the provincial on the second paragraph of his rescript towards nominating a pastor as already mentioned on the first requirement above.²⁹⁵ Thus he wrote: *“az új plébánia plébánosát Rendfőnök Úr előterjesztése alapján fogom kinevezni.”* With this statement, he preserves two rights: the provincial’s right as the nominator and his own right as an appointer of the pastor for the office. Both two codes agree that nomination and presentation could be done by the religious competent authority but the appointment of the parish proper pastor or vice pastor remains the right of the diocesan local ordinary. For that, the present legislator compels that: *“ab Episcopo dioecetano religious nominator, praesentante vel saltem assentiente competenti Superiore.”* Therefore, the Bishop appoints religious pastors based on the nominations made by their competent superior.²⁹⁶ Although, canon 456 of 1917 code allows the competent superior to install his nominated and presented member as it says: *“A szerzetesekre bízott plébániákra, az az előljáró, akit a szabályok szerint a jog megilleti, rendjének papját mutassa be a helyi ordináriusnak, aki engedélyezi neki a beiktatást.”* The right of appointing the pastor is still reserved to the bishop. It is also the right of the diocesan local ordinary to appoint vicars of the parish as referred by Bishop Pétery in his rescript. One may be surprised why even the vicars assisting the pastors can be appointed only by the bishop, especially in the case of religious who lives together in the same religious house and parish with the pastor. The reason lies on the simple fact that vicars are to help the pastors in matters concerning pastoral care of the faithful.²⁹⁷ The emphasis on the canon 476, §4 of the 1917 code refers that; *“a szerzetes segédlelkészeket az előljáró, ... mutatja be az ordináriusnak, aki őket jóváhagja.”* That is: the competent authority should present the religious vicars to the local ordinary who approves them.

²⁹⁵ See PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés* Kecskemét 1948, 5770/1948. The announcing letter written and attached by the Bishop to the provincial, requesting the appointment of pastor and assistants of the parish.

²⁹⁶ Canon 682, §1.

²⁹⁷ Canon 548, §2.

The acts of the two authorities here complement each other but cannot be put to scale of preference or of hierarchy, because the local ordinary to whom the parish belongs, always has the right to reject the person nominated by the superior, without prejudice to the norms of canons 153, §1 and 159, §2 of the 1917 code. Again, the act of competent superior in nominating both the religious pastor and vicars makes the act of bishop to look as something restricted to only approval act, but it is not true; he observes the normal legitimate protocol pertinent to his act. That is why we maintain that the rights of the two competent authorities should never be put to scale of preference or of hierarchy.

To practice his right of nomination, Sándor Sík, the provincial wrote a nominating letter to the bishop saying: “... *szíveskedjék ujonan alakuló kecskeméti plébániánk vezetésére dr. Erős József rendtársamat kinevezni;*” nominating dr. József Erős to be appointed head of the newly erected Holy Trinity parish of Kecskemét.

He wrote this nominating letter to the local ordinary on the 16th of August 1948²⁹⁸ requesting from the bishop to appoint the aforementioned member as pastor. Before we continue analyzing this letter, let us highlight the level of loyalty portrayed by the provincial towards the bishop in order to cover all required protocols.

In the first and the closing paragraph of the nominating letter, he showed his total submission to the Bishop. It is not by chance; the Legislator compels all religious to be submissive to the local ordinary of the diocese within whose territory they participate, especially in those matters that concern *salus animarum*.²⁹⁹ That is the reason for portraying himself “son” to the bishop when is used “*fiúi tisztelettel*” and “*maradok (...) Krisztusba alázatos szolgája*” expressions to plead on the bishop for appointing the pastor.

The nomination of the provincial here was specific, straight and legally acceptable, and therefore valid. Both the work and the person to do the work were identified and called by name: “*szíveskedjék (...) kecskeméti plébánia vezetésére dr. Erős József (...) kinevezni.*” As a matter of fact, though in parenthesis, the work to be done is pointed out; the proper pastor’s work; the pastoral care of the parish.

Apart from the nomination letter (with file reg.no. 1005/1948) analyzed above, the provincial wrote another letter, to the Bishop which is more detailed in content, just two months after the first one, precisely, on the 11th of October the same year. In this one, he

²⁹⁸ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1005/1948.

²⁹⁹ Canon 678, §1.

included names of vicars to be appointed as well. The tone of the letter remains as the first one; “...kérem méltóztassék plébánosnak dr. Erős József –et, segédlelkészeknek pedig Scultéry Kálmán és Kolláti István rendtársaimat kinevezni.”³⁰⁰ The Provincial used exactly this same method while appointing a vice pastor to the parish of Sátoraljaújhely which also belonged to his province; he nominated both the vice pastor and the vicars with the same request letter.³⁰¹ Meanwhile, the only difference between the contents of the two letters was that the later one contains names of the vicars to be nominated with the vice pastor. It is quite understandable why the nomination of the vicars was as important as the nomination of the pastor in such a parish like Holy Trinity parish of Kecskemét. The number of the faithful, that is, the volume of the pastoral work to be done always determines whether vicar is to be appointed to a parish or not. Canon 545, §1 of the current legislator says: *Quoties ad pastoraalem paroeciae curam debite adimplendam necesse aut opportunum sit, parochus adiungi possunt unus aut plures vicarii paroeciales,*” encouraging even more vicars to be appointed to help the pastor in the parish pastoral functions if necessity warrants it. Considering the volume of pastoral duties of the Holy Trinity parish, there was need to nominate two vicars together with the pastor. The Bishop’s rescript of erecting the parish already related that too much number of the faithful was one of the main reasons of dividing Ascension’s parish at all.³⁰² So the number of faithful around Kecskemét necessitated it also, coupled with the effective works of Piarist religious order during that time in the city.

3 The personal quality of the appointee (nominee)

Although office of pastor is freely conferred by the local bishop³⁰³ *to whom he considers suitable*, especially in the cases of diocesan parishes, and also requires the provincial’s nomination in the cases of religious parishes,³⁰⁴ still appointment of a pastor to a parish, in either case, is never made spontaneously. The provincial should make sure that his

³⁰⁰ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1279/1948.

³⁰¹ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Sátoraljaújhely 1948, 1638/1948. He wrote to the Chapters’ Vicar: “...legyen szabad plébánossá Németh István, segédlelkészekké Horváth Ambrus és Mészáros Lajos rendtársaimat tisztelettel előterjesztem.”

³⁰² See PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 5770/1948.

³⁰³ Canon 523.

³⁰⁴ Canon 682, §1.

nominee is equal to the task ahead of him and the bishop should also be sure that person nominated to him would have the potentials required for the particular parish works. As a matter of fact, both codes agreed that the person to be appointed should be sound in doctrine, morals, zeal for *salus animarum*, with full knowledge and virtues together with all the characteristic properties necessary to handle the parish in quote (see c. 453, §1 of 1917 code and canon 521, §2 of the 1983 code) Each affirmed that the qualities should not be missing or questionable in the person to be appointed as a pastor. To make this concrete, 1917 code addressed the local ordinaries on how to manage their conscience when deciding on the person to be appointed. It says: “*A helyi ordinárius (...), ítéletében nemcsak a tudást kell figyelembe vennie, hanem mindazokat a tulajdonságokat is, amelyek a megüresedett plébánia vezetésére szükségesek*”³⁰⁵ The bishops should not only consider the knowledge of the person, but also consider all the qualities required to lead the vacant parish. In all, many qualities are expected of the pastor just to make sure that *salus animarum* is prioritized. To make sure all these requirements are attained without mistakes, the current legislator went further to encourage local ordinaries to consult the vicar forane (the territorial dean) and conduct suitable investigations to see that an appropriate person is selected for the office of the pastor.³⁰⁶

³⁰⁵ See c. 459, §2 of 1917 code.

³⁰⁶ Canon 524.

XIV. BISHOP'S LETTER OF APPOINTMENT FOR OFFICE OF PASTOR OF HOLY TRINITY PARISH

Before we deal with the Holy Trinity parish and different canonical terminologies which were used regarding the appointment of pastor – member of religious order – we must highlight on the following: 1) that the examples of different historical epochs and times are only illustration. However, based on current canon law in force – the local diocesan ordinary intended to fulfil his rights as a supreme responsible and defender of Catholic faith within his diocese; 2) intending to enlighten the difference of concept of CIC (1917) as compared with the CIC in force (ie. 1983); 3) making clear that – based on the current CIC – both sides who made agreement to do apostolic (including parish pastoral) work can recall – or ask to recall – the originally nominated person from any reason – under significant reasons for the diocese or religious ordinary -, giving free chance for the religious ordinary to offer a different person to be pastor and providing the diocesan ordinary (the bishop) the possibility to freely accept and appoint him. Our description below only shows the custom of concrete diocese and religious order in different times – based on different reasons, using different technical terms for the appointment or removal – just as we used other countries and cases as well, in similar contexts. Every single case is accessible in the current record office and – if those are earlier in the archive of the diocese or religious order as they are referred in the footnotes.

Bearing in mind what were mentioned before, it is quite clear the appointment to office of Holy Trinity parish is such an administrative act (or even if we call it a decree) of the bishop³⁰⁷ that requires to be put in writing.³⁰⁸ Apart from that, *cuiuslibet officii provisio scripto consignetur* (can. 156), thus, the Holy Trinity parish is an *officio*. Among other appointment acts which diocesan bishops perform within the territories of their particular churches,³⁰⁹ they are always courteous and prudent to official requirements and formalities guiding appointment of parish pastors. Bishops of dioceses and superiors of religious institutes know very well that postings and transfers which they give to the clerics under them require written document, as the case may be. All the while, we have been

³⁰⁷ See c. 51.

³⁰⁸ See c. 37.

³⁰⁹ These acts should also be territorially limited, because the power of governance of the bishop is territorially difenied, including his power of judgement, as expalined by HÁRSFAI, K., *Egyházi Eljárásjog*, SZIT, Az Apostoli Szentszék Könyvkiadója, Budapest 2006, 35.

experiencing that every singular act or decree promulgated by competent authorities along the process of erecting the Holy Trinity parish was put in writing. This written form is not a recommendation, neither instruction for administrators who promulgate them,³¹⁰ but requirements. It needs to be done, especially if the given administrative act regards external forum. Thus, the appointment letter to this office of pastor, given to dr. József Erős, (the appointed pastor) was drafted and signed on the 22nd of October by József Pétery, the local bishop of Vác as we can see on the appendix II of this thesis.³¹¹ The paragraphs of this letter contain a lot of important phrases which need to be explained for the reader to understand their reasons.

Firstly, the written act referred in its first paragraph, to be an answer to the provincial's request; *A Tartományfőnök Úr előterjesztésére (...) kinevezem Tisztelendőségedet (...)*; that is, his appointment was carried out with the total consent and request of the provincial, without prejudice to the norms guiding appointment of religious pastors. The same thing also happened when the present pastor, Fr. László P. Görbe was appointed by dr. Balázs Bábel, the Arch-bishop of Kalocsa-Kecskemét on the 20th of June 2016. The Arch-bishop claimed that he is acting without prejudice to the norms of can. 682, §1.³¹² Again, Fórian Szabó Zoltán, the immediate former pastor before him, was also nominated by József Úrban³¹³, the new provincial and was appointed pastor by dr. Balázs Bábel on the 31st of August 2003.³¹⁴ Dr. István Seregély, the Arch-bishop of Eger used the expression "*Úgy értesültem*" (that is, I was informed, or I heard) as a referential expression for appointing Fr. László Gyüre as parish priest of Sátoraljaújhely Piarist parish. Precisely he wrote: "*Úgy értesültem, hogy a Tartomány-főnöke a sátoraljaújhelyi Nagyboldogasszony plébánia vezetésével akarja megbízni.*"³¹⁵ In essence, he appointed him parish priest based on the information he got from his provincial. Furthermore, István Szabó was nominated by Labancz Zsolt (the provincial) to be the parish administrator after the funeral of the deceased parish priest, Zoltán Fórian Szabó. He was appointed by the Archbishop as well. His regime lasted for only one year.³¹⁶

³¹⁰ BEAL, J. P., - CORIDEN, J. A., - GREEN, T. J., *New Commentaries on the Code of Canon Law*, Theological Publications in India, Bangalore, 2010, commentary on canon 37.

³¹¹ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, 5770/1948, the attachment about the appointment letter of the parish vice pastor.

³¹² PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Magyar rendfőnökség új levéltára, Hivatalos levelezés*, 397/2016. Dr. Balázs Bábel, the local ordinary of the diocese referred to the canon pertinent to his act, showing Fr. László that he is not commanding him unlawfully.

³¹³ KOZICZ, J., *A Kecskeméti Piarista Plébánia Hetven éve 1948-2018*, Budapest-Kecskemét 2018, 289.

³¹⁴ KOZICZ, J., *A Kecskeméti Piarista Plébánia Hetven éve 1948-2018*, Budapest-Kecskemét 2018, 295.

³¹⁵ EGRI ÉRSEKI LEVÉLTÁR, *Főegyházmegyei Hatóság levelezés*, Északi rész, Eger 1993, 59/1993.

³¹⁶ KOZICZ, J., *A Kecskeméti Piarista Plébánia Hetven éve 1948-2018*, Budapest-Kecskemét 2018, 301.

Secondly, the Bishop appointed dr. József Erős, not as a pastor but vicar (vice pastor) of the parish. This statute is always interesting and extraordinary, and is always encountered when appointment of religious is put into consideration before the 1983 code, as we discussed in the chapters above. The 1917 code was always careful in using the title *vicarius perpetus* so as not to create difficulties when removing religious pastors from offices.

Under 1917 code, we could only talk about the *vicarius perpetus* if the diocesan parish is to be filled up with a diocesan priest. This is because, as already mentioned, when considering religious parishes, the juridical person and as well, the pastor is the religious institute itself. Therefore, every other member of the institute is deprived of the stability that would hinder his removal at any time, if needed. This easy removal is also provided in the case of vicars as canon 471 (1917): “*Vicarius si sit religious est amovibilis sicut parochus religious de quo ...*” Again, if the vicar (assistant parish priest) who is helping the pastor is a religious, he also can be removed just like the pastor (*parochus*) as mentioned in the §5 of the canon 454; and those pastors who belong to any religious community can be removed at any time, even with an immediate effect. The aim of easy removal of religious pastors, through making their offices unstable was never to facilitate the end of participation of religious in parish pastoral works; it is out of the importance and seriousness of the of office of pastor which requires total commitment and self-denial from the pastor. The weight and importance of this function has been felt even from the 6th century when parishes already had gotten right (from the synods of that era) to baptize converts in parish churches (*in keresztelő templom*), officiate in their sacrament of matrimony and burial activities; whereas the parish pastor strives in teaching of faith, taking care of the poor and the sick, as well as in celebration of everyday Eucharist for the faithful.³¹⁷ Again, the function of the pastor of a parish is universal just as priest is also universal. That is, whether he is a diocesan or religious pastor, his function remains the same as he belongs to the same Christ’s Church whose duty is to preach the Gospel to the ends of the Earth (Acts 1: 8)³¹⁸

The 1983 code see it from a different point of view. It rather centers everything in *salus animarum* which should be made stable. It therefore compels that a pastor must possess

³¹⁷ SZUROMI, SZ. A., *Az Egyházi Intézménytörténet*, SZIT, az Apostoli Szentszék Könyvkiadója, Budapest 2003, 67-68.

³¹⁸ KLÉRUS KONGREGÁCIÓ, *Római Dokumentumok XXXV, A papi élet és szolgálat direktórium*, (14), SZIT., Az Apostoli Szentszék Könyvkiadója, Budapest, 2009, 16.

stability and must be appointed for an indefinite period of time.³¹⁹ I must say that the two different reasons shared among the two codes have their respective impacts when applied in pastoral works. This is because, if there is no harmony between the religious institute and the local diocese, the format applied by the 1917 code could be beneficial, otherwise, there could be need for the *removal of the pastor* which may be carried out with difficult procedures and difficulties if the pastor does not comply to the act of removal. Contrarily, if *salus animarum* is prioritized, the practice observed by the later code (1983 code) would be the solution to problems. Moreover, the fruit of pastor's work could be reaped and achieved through his good acts and commitments to his duties when he is left to be at a parish for a longer time.

The opinion of the Church is shown on the norms of canon 520 of the current legislator, which advises the entrustment of parishes to clerical religious institutes and clerical society of apostolic life, but with the condition that one of the members to be appointed to be the pastor.³²⁰

So, dr. József Erős was appointed vice pastor (*helyettes plébános*) of the Holy Trinity parish, without prejudice to canon 451, §2 of 1917 code, which provides the vice pastor with all the rights proportional to the right of proper pastor. His statute as vice pastor is given with respect to the norms of the canon 471, §1 of the same code. Thus, the code says: "*Ha a plébániát teljes joggal egyesítették szerzetes házzal, (...), helyettest kell kinevezni, (...).*" Owing to the fact that the parish is completely united with the Piarist religious house of Kecskemét, it is obvious that only "vice pastor" can be appointed for the parish. But this does not remove anything from the rights and obligations attributed to him. It is not like the powers exercised by the administrators, who though, share equal rights and powers with the proper pastors but with limitations, as the legislator says: "*...semmit nem szabad tennie a plébánián, ami a plébános vagy a plébániai javadalom jogainak kárára volna.*"³²¹ They are not allowed to do anything that would be detrimental to the goods of the parish and rights of the pastor. Thus, in matters of rights, responsibilities and powers of pastors, the 1983 code does not make any difference between the office of religious and diocesan pastors. Meanwhile, the state and statute of this same office changed after the promulgation of the 1983 code.³²² In addition to these rights, the bishop also referred him to decree

³¹⁹ Canon 522.

³²⁰ Canon 520, §1.

³²¹ Canon 473, §1 of the 1917 code. The 1983 code also restricts the administrators' exercise of powers in Can. 558 on those matters reserved for only the pastors, unless the pastor himself allows or delegates them to do so.

³²² See c. 520, §1 of the current legislation.

promulgated on the rights and responsibilities of pastors, which are peculiar to his own diocese.

Thirdly, on the second and third paragraph, the Bishop directed his mind to two of the pastor's works where he should lay more emphasis. These are the celebration of the Eucharist and care of the poor. He called on him to sacrifice more time in the Eucharistic education of the faithful of the parish to straighten them day by day with the Bread of life.³²³ To care for the poor is to do like Jesus who always cured, fed, and taught the poor with special care, just as canon 529 compelled the pastors to do.

Fourthly, on the fourth paragraph, the Bishop refers to his own decree that subjects religious members to examination before appointing them pastors. The current legislator demands real conviction on the person to be appointed pastor of a parish when it says: "*oportet de eiu idoneitate, modo ab Episcopo dioecesano determinate, etiam per examen, certo constet.*"³²⁴ Therefore, bishops can even conduct exams for the people they are to appoint pastors.³²⁵

Although, on this letter, he exempted dr. József Erős from the task of taking this examination with regard to his doctorate degree in theology. This practice still holds till today. Many dioceses hold examinations for those priests and religious who are to take up office of pastors or vicars, with exemption of those who have at least license in sacred theology or canon law. These exemptions do not necessarily exonerate from the knowledge of rights and responsibilities of pastors and vicars, but presupposes that the exempted person would be keen and ready to look after knowing those rudiments and fundamental needed for pastoral duties if they are missing from the contents of his educational engagements. This is exactly why Bishop Pétery told dr. József, "*...a hivatkozott rendeletben előírt anyagot lelkiismeretesen tanulmányozza át ...*"³²⁶ That is, to conscientiously study the assignments given in his decree on the examination of the pastors.

³²³ Canon 528, §2.

³²⁴ Canon 521, §3.

³²⁵ The 1983 code highlighted and generalized examination for those priests who are to be appointed as pastors. The 1917 code also laid emphasis on the qualities and virtues of pastors but did not specifically demand examination from them. Still Bishop Pétery, who was leading the diocese under the norms of this code promulgated a special decree for religious pastors who would be pastors in his diocese.

³²⁶ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 5770, attachment on the appointment of the vicar.

1 The Provincial's authorization letter to the pastor

After the bishop's appointment letter, the provincial also gave the parish vice pastor his letter of authorization. This is normal in those particular acts of appointments that involve someone from religious. The provincial, or more precisely, the competent authority must give the appointee another letter of authorization from the side of the religious institute. If the appointee is to be appointed to work in a parish or office connected to his religious house, the letter of authorization given to him by the provincial serves as only a confirmation letter to the duties given to him by the local ordinary, without prejudice to the pertinent norms of canon 682, §1. On the other hand, if the religious is appointed to work in a place other than the confines of his religious house, the letter of authorization would have dual purpose, it would also contain a transfer from the his former religious house to the new religious house connected to the new place of appointment, without prejudice to the common nature of religious life.³²⁷ An example of this was when Labancz Zsolt, the provincial gave Fr. László P. Görbe letter of authorization to be parish priest of Holy Trinity Parish, he says: "...*ezt a levelet küldjük neked, amellyel 2016. augusztus 1-jei hatállyal a budapesti közösségből a kecskeméti közösségbe helyezlek át, és a Kalocsa-Kecskeméti Érseki Hatóság 520/2016-os számú kinevezésével összhangban megbízlak Szentháromság plébániánk plébánosi feledatainak ellátásával...*"³²⁸ On this letter, the provincial transferred Fr. László P. Görbe from the religious house of Budapest to the religious house of Kecskemét in conjunction with the appointment given to him by the Arch-bishop of Kalocsa-Kecskemét. In the case of dr. József Erős, the pastor, there was no need for transfer since his appointment was not beyond the premises of his religious house. Thus, the provincial addressed this letter of authorization to dr. József Erős on the 31st of October the same year; the day of the Feast of Christ the King. The first question would be: is the bishop's appointment letter not enough for the vicar to work in the Holy Trinity parish of Kecskemét? The second question would be: if it is enough why then is the provincial writing another letter to repeat the same thing written by the Bishop? After all, "*opera quae ab Episcopo dioecesano committuntur religiosis, eiusdem Episcopi auctoritati et directioni sununt.*"³²⁹ And if the functions entrusted to the religious by the bishop are

³²⁷ See c. 607, §2.

³²⁸ See PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 2016. The Provincial's letter of authorization to Fr. P. Görbe László served also as a transfer letter with which he transferred him from Budapest house to Kecskemét house.

³²⁹ Canon 681, §1.

subject to the authority of the same entrusting bishop, an outsider may not feel the necessity of the provincial's appointment letter.

Before answering the question, I think it is important to first outline below the significance of this provincial's appointment letter:

- *firstly, it could serve as an appointment as well.* This is to affirm that dr. József Erős is a religious who automatically has two competent authorities above him. Therefore, if an appointment is to be given to him by a diocesan bishop or something like this, he should also be appointed by the provincial. Hence the provincial wrote him: “*a megyéspüspök úr kinevezése után, a rend nevében is megbízom Főtisztelendődégedet az ujonan alapított kecskeméti piarista plébánia vezetésével.*” That is, after the diocesan bishop's appointment letter, I also, on behalf of the Order, entrust on you the leadership of the newly instituted Kecskemét Piarist parish. From view of this first paragraph, we can surely say that it is an appointment letter. No wonder, before the Council of Trent, appointment of pastors to such parishes belonging to religious or attached to monastic houses were all done by the superiors of those institutes other than the diocesan bishops. They did so because, they did not see parish activities from pastoral point of view, but instead they saw it as works attached to their religious life, works done in the name of the religious and among the religious. Consequently, the life and apostolate of a given religious completely influenced the pastoral works of parishes.

- *secondly, it could serve as a confirmation to the appointment letter of the bishop,* because the bishop engages dr. József Erős on something (parish work) other than the apostolate of his religious institute, a work that is outside the religious house and proper career; the work aside teaching as in the case of Piarists, whereas “*fundatorum mens atque preposita a competenti auctoritate ecclesiastica sancita circa naturam, finem, spiritum et indolem institute, (...) servanda sunt.*”³³⁰ And if the nature, purpose, spirit and character of every given institute should be preserved, one may question how dr. József Erős could observe it if he would be appointed by the bishop to another work other than teaching, for which the Piarist Order is known for.

- *thirdly, it could also be a license towards the pastoral assignment to dr. József Erős.*

A license which serves for two purposes. The purpose of allowing him participate in the pastoral work of the diocese and also as a reference to how the former Piarist fathers participated in pastoral works in the past. Hence he wrote: “*az első piarista nemzedékek*

³³⁰ Canon 578.

*szemében a lelkek üdvösségével való foglalatосkodás érdemszerzősége tekintetében, semmiben sem állott mögötte a tanításnak.*³³¹ That in the eyes of the first Piarist generation, parish work was never behind teaching if its meritorious side of it is considered under *salus animarum*. Again, that the old Hungarian Piarists spent at least the same amount of time bringing back lost souls through administering atoms of grace in parish works aside of school education. So the provincial admits and justifies the engagement of dr. József Erős in pastoral works. Otherwise the next question would be if the founder of the Order allowed at any time, parish pastoral works especially during that critical time of communist system.

- *fourthly, as a complement of the bishop's appointment.* He said that aside the bishop's appointment letter, he also gives him another letter in the name of the Order. That means, by virtue of his statute, the bishop's appointment letter is not enough, or more precisely, it requires that the Order also gives him its own appointment letter as well. In other words, if the appointment of the provincial is missing, the bishop's appointment would be "valid but lacking," it would be felt as a one-way appointment, and there would be such feeling that only the veto power of the bishop is used to engage such a pastor who is religious. Again, being the leader of his province, he is required to assign the member-pastor to engage on another or special duty other than the apostolate proper to the religious institute.

- *fifthly, as a determining factor to the bishop's appointment as well.* It means that a professed religious is such a full member of his or her institute, who abides strongly to the *regular* of the given institute for his or her engagements. This *regular* moderates and limits the functions of the members. If then for any reason any member is to engage in another work, the competent authority should dispense him or her; and in this case the appointment of the provincial dispenses dr. József Erős from the bounds of only teaching, as the apostolate demands, and at the same time, empowers him to take up the pastoral function of the parish. To get this dispensation accomplished, the appointment of the competent authority is almost indispensable, so it complements and determines the appointment letter of the bishop.

³³¹ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1352/1948.

2 Installation of the pastor

Installation, or inauguration is a very important aspect both in *provisio canonica* and in the management of *officio*, especially in *officio ecclesiastica*.³³² It marks the time when the person validly appointed by the legitimate authority officially and publicly takes up aggregate of rights and responsibilities attached to the office due to him.³³³ Before we go on to elaborate on the circumstances of installation of dr. József Erős, the parish Vice pastor, it is necessary to glance a little through the profession of faith made by him before the day of assumption of his office. He professed faith on the day he made an official visit to József Pétery, the local ordinary; the visit he made without prejudice to the bishop's particular decree to this chapter. Meanwhile the bishop compels all religious working under or within the boundaries of his diocese to pay an official visit of introduction to him before or immediately after assuming the given office.³³⁴ As already explained in the previous chapters, a local ordinary possessing a legislative power can enact laws proper to his diocese, provided he maintains the universal laws and does not go contrary to the ones stemming from super episcopal powers.³³⁵ So the bishop is exercising this legislative power when requesting for an official meeting from religious institute members working under his care. This kind of visit would have a lot to induce to the spirit of the person taking up the new office and it must have a remarkable influence on him, because any instruction or piece of advice given to him by the Bishop on this day would remain in the spirit as long as the management of that office prevails. It also provides the Bishop and the appointed religious with the opportunity to share expectations, and if necessary, dialogue on issues of interests with one another. Again, with this introduction, the bishop would personally know the one to whom he is entrusting the parish.

To leave no stone unturned in all these procedural protocols, dr. József Erős visited the Bishop and made the profession of faith in the hands of the Bishop himself on the 29th of October the same year.³³⁶ Profession of faith is always required whenever some serious things happen or things with heavy weight are done in the Church pertaining care of souls.

³³² See c. 147.

³³³ See ERDŐ, P., *Az egyházi hivatal fogalma és sajátosságai a kánonjogban*, a PPKE Kánonjogi Posztgraduális Intézetének folyóirata, Budapest 2009, 15-26, especially 21.

³³⁴ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, 5770, attachment on the appointment of the vicar.

³³⁵ Canon 392, §1.

³³⁶ KOZICZ, J., *A Kecskeméti Piarista Plébánia Hetven éve 1948-2018*, Budapest-Kecskemét 2018, 24.

That is why whenever sacraments are administered,³³⁷ or offices are assumed the Creed of the Church is likely to be professed. For the fact that offices in the Church serve for or support the Church in her works for *salus animarum*, those who fill them up are compelled to profess faith before assuming them. That is why the 1917 code proclaims that a pastor is obliged from the minute he takes over the parish, and before or during the taking over of the parish to profess faith as denoted by can. 1406, §1 no.7, because as it said, his office is for *salus animarum*. On the other hand, it assures that the person taking up the office is not arbitrarily taking it. He abides to the faith, laws and commandments behind the office. The legislator of 1917 code insists that no one should arbitrarily take over the goods conferred to him without profession of faith if the good to be assumed is subject to profession of faith (cf. can. 1443, §1). As the case may be, a parish office is such a good that outstandingly necessitates profession of faith.³³⁸

However, the installation of the parish Vice pastor took place two days after the profession of faith and meeting with the bishop. As God wished, this day was the Sunday of the feast of Christ the King. What a remarkable day! The act of installation, according to the pertinent canons of the two codes to this chapter is reserved to the bishop. The bishop is in fact, the person who appointed the person to the office of pastor. Then, for the fact that the person to be installed is also a religious, everything should be done without prejudice to the norms of canon 163 of the current legislator which requires that: “*Auctotitas, cui ad normam iuris competit praesentatum instituere, instituat legitime praesentatum quem idoneum reppererit et qui acceptaverit.*” That is, in explanation, the competent authority, (the bishop) who is installing the person, presented according to the norm of law, should install the pastor whom he finds suitable for the office. Thus, the 1917 code whose norms were applied here denoted that: “*a plébánosok kinevezésének és beiktatásának a joga a helyi ordináriust illeti meg, kivéve a Szentszéknek fenntartott plébániákat ...*”³³⁹ Notwithstanding, the code always reserved the right of presentation and installation to the person it is due to, especially in the case of religious members. Although, the bishop could not attend the installation ceremony, he therefore delegated the dean of the zone, pastor László Baranyi, to officiate it in his stead. After all, “*potestas exsecutiva ordinaria*

³³⁷ Such sacraments like baptism, confirmation, administering first Holy Communion and sacrament of holy orders require profession of faith from the person receiving the sacrament.

³³⁸ Many other offices also compell profession of faith from the people filling them, like the president and participators on Synod, the Cardinals, the bishops and those who share equal power with them, vicar of canons, the canons, consultors, vicar generals, theological, canon law and philosophical professors, rectors of seminaries and superiors.

³³⁹ Canon 455 of the 1917 code.

*delegari potest tum ad actum tum ad universitatem casuum, nisi aliud iure expresse caveatur.*³⁴⁰ Again, canon 527, §2 of the current legislator intentionally used the expression: “*Ordinarius aut sacerdos ab eodem delegatus*” to give rights and powers to those priests who would participate in such acts in bishops’ stead. So the act of delegating the dean/vicar forane is completely legitimate. This same situation occurred when Géza Tóth was appointed pastor on the 18th of October 1978. He was installed by Izidor Marosi, parish priest and dean of the zone on the 26th of November the same year, also on the feast of Christ the King. Here also, the right of installation was practiced by the dean in the bishop’s stead. that is, the bishop reserves the right of installation for himself, but delegates the act of execution to the dean who performs on his behalf.³⁴¹

The act of installation always marks many things like, the day a conferred office begins works in effect; it also shows that the person is loyal to the office he is taking up, marks the day of transition on the holder of the office for the people under the authority of the installed person, thereby preparing their minds for the administration and fellowship of the new leader of the given office. In the case of pastors, installation portrays more the stable manner of the office. The stability which forms one of the elements of parish. If then the bishop could do it by himself, it manifests the physical nature of this stability all the more.

3 Bishop’s acknowledgement of installation

After the installation, the provincial, Sándor Sík sent a telegraph to the bishop accounting to him how the ceremony was done. This really showed the mutual work and benefits we have been talking about which existed and should exist between the Piarist religious Order and the Archdiocese of Kalocsa-Kecskemét.³⁴² The provincial saw the need to give the bishop the an account of the successful installation of the pastor whom he appointed from their order. Besides, the provincial’s joy should be understood, dr. József Erős was the first Piarist parish pastor (vice pastor) to be installed after the erection of Holy Trinity parish.

³⁴⁰ Canon 137, §1.

³⁴¹ KOZICZ, J., *A Kecskeméti Piarista Plébánia Hetven éve 1948-2018*, Budapest-Kecskemét 2018, 235.

³⁴² See 680.

The bishop then replied in letter, acknowledging the well done installation. The bishop's concern could be felt from the words of his acknowledgement as he said: "... *alkamat adott nekem, hogy lélekben én is résztvegyek az ünnepségben.*"³⁴³

At the end of the letter, the Bishop commended that the installed pastor's work would serve for the *salus animarum* of the good faithful of Kecskemét, the merit of Piarist Order and to the greater glory of God.

³⁴³ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 5264/1948.

XV. RUDIMENTS ON THE APPOINTMENT OF VICARS

The appointment of vicars to parishes has two fundamental reasons namely, to help the pastoral function entrusted to the pastor,³⁴⁴ especially in parishes with large number of faithful, and also to create avenue for younger, newly ordained priests to learn and practice how to carry out pastoral activities under the supervision of pastors. Other reasons include, to involve them in special sectors of parish apostolate, to facilitate missionary works among the faithful, to provide working avenue for ordained priests, especially in African countries where many priests work in a parish due to larger number of priests in diocese, etc.

After the appointment of pastor (vice pastor), Bishop József Pétery also appointed the two vicars nominated by the provincial. As already explained above, their functions are known; to help the vicar in the pastoral duties entrusted to him at the Holy Trinity Parish Church. The diversity of functions of pastors always necessitate the help of other presbyters. Besides the vicars, there are also other *minősített segítők* “qualified” helpers who work either to help the pastor or to function in his stead. The code of 1917 mentioned some of those reasons and situations when it is necessary to appoint “qualified helpers” to office of proper pastors of parishes as outlined below:

- sometimes there may be need to appoint administrators due to, for example, the pastor is suspended, sick, or restricted in his office. When the process of appointing the administrator is still going on, the vicars should take over the management of the parish. In this case, if there are more than one vicar, the older in age, otherwise the neighboring parish pastor should be appointed to take over the office temporarily. If maybe, the case concerns religious parish, then the religious house superior should take over the leading of parish before the office of the pastor would be filled up by the bishop (cf. can. 472, §2). The current legislator also supports this act exactly with this same process in canon 541, §1.
- when the pastor is incapable of taking care of the pastoral work of the faithful due to their large number. The legislator advises the bishop to appoint one or more vicars to help the pastor (see c. 476, §1 of 1917 code).

³⁴⁴ See c. 548, 2.

They are qualified helpers. The current legislator also encourages the same act in similar situation,³⁴⁵ and extended hands to appointing deacons as well as the laity to help the pastor if the diocesan bishop sees it as solution to pastoral problems, especially in times of lack of priests.³⁴⁶

- when a vicar is appointed to take care of a particular function in the parish pastoral work. It suggests an appointment of vicar if a particular function, for example, youth's pastoral work, hospital, prison and other apostolate of the parish necessitate it (see c. 472, §2 of 1917 code). The current legislator also supports this act in its canon 545, §2. In the recent times, some continents like USA made considerable steps in systematically organizing the pastoral care of those groups who are differentiated by their nationality, language, culture, etc, thereby appointing *vicarious parochialis* to solve the problem.³⁴⁷
- when the pastor is to go on annual vacation. The one-month vacation could be taken out once but could also be used instrumentally (c. 533, §2;),³⁴⁸ During these times when the pastor is not present in the parish, a helper should be appointed, whose aid must be approved by the bishop. Then, if the pastor is a religious, his competent authority should also recommend the appointee (see c. 476, §4). The current legislator says that, it is the duty of the local ordinary to see that another priest has the jurisdiction to cover the parish when the pastor is on vacation.³⁴⁹
- if by any reason, for example, health issues, the pastor would suddenly be away from the parish for some time (more than one week) a helper or substitute should be made available (see c. 465, §5 of the 1917 code).
- If the pastor is old, mentally ill, or suffers from ignorance, blindness or other permanent restrictions, the legislator advises an appointment of vicar to help him (c. 475, §1 of 1917 code).

³⁴⁵ Canon 545, §1.

³⁴⁶ Canon 517, §2. It does not mean that they do things not allowed to non ordained people, because the canon demands that a priest should be appointed who directs and coordinates the pastoral duties of the parish with his powers and rights.

³⁴⁷ SZUROMI, SZ. A., *A szerzetesi és szerzetesrendre bízott plébániákra vonatkozó hatályos egyházfegyelmi előírások vázlatja*, 3-4, 235.

³⁴⁸ The code of 1917 provided two months for vacations of pastors, unless the bishop sees any reason to shorten or allow extending the vacation periode for him (see c. 465, §2). As a matter of fact, the 60 days did not contain those days when the pastor goes on anual retreats (see c. 465, §3).

³⁴⁹ Canon 533, §3.

- The current legislator also adds that, if the office of the moderator mentioned in its canon 517, §1 is vacant, the local ordinary should appoint another one among others *in solidum* to help-out the moderation (see c. 544)

In the case of the Holy Trinity religious parish, the reason for appointing two vicars (Kálman Scultéty and István Kolláti) was because of the larger number of the faithful belonging to it as explained on the second point of the reasons for appointing vicars.

1 Appointment letter of the vicars from the bishop

The appointment of vicars also falls within those acts of the bishop (that is, provision of office) that requires written format (see c. 156); though the validity of the act does not depend on the form, yet it needs to be written down. The appointment letters of the two vicars of Holy Trinity parish (Kálman Scultéty and István Kolláti) were also drafted and signed on the 22nd of October 1948; the same day when the appointment letter of the Vice pastor was also signed. It was not by chance, because the nominating letter from the provincial generally contained the name of the three at once.

Just like on the letter of appointment of the pastor, the bishop referred to the nomination of the provincial: “*Tartományfőnök Úr előterjesztésére megbízom Tisztelendőségedet, a Szentháromságról nevezett kecskeméti kegyesrendi plébánián a kápláni teedők végzésével.*”³⁵⁰ The Bishop appoints each of them with regard to the nomination of the provincial to the duties of parochial vicar of the Kecskemét Holy Trinity parish. The canon 476, §4 of 1917 code says that it is the competent authority, who with the right reserved of him, nominates vicars from the religious to the bishop who approves them. The current legislator further suggests, to hear the pastor of the parish where the vicar would work if the diocesan bishop finds it necessary, and if possible, to hear also the opinion of dean of the vicariate.³⁵¹

On the second paragraph of their appointment letter, the bishop compelled them to things peculiar in his diocese; the submission of data; officially meeting with the bishop and requirements for examination. Among the three particular requirements, conduction of examination for the vicars seems to have more weight, because he made it clear on the

³⁵⁰ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 5770/1948.

³⁵¹ Canon 547. The consideration of the parish pastor’s and dean’s opinion must be because they are the ones who know the nature of the work to be taken up by the vicar and they know more about the faithful among whom the appointed vicar would serve.

fourth paragraph that: *A vélgleges kápláni kinevezését vizsgájának sikeres letétele alapján fogom megadni.* That is, he will give them the appointment of vicar's duty based on the result of the conducted exam. This is very serious and very good of the bishop, because even though the 1917 code did not make this examination a point of duty for vicars, he maintains that they should pass exams set by him before their appointments.³⁵² Apart from knowing the suitability and capability of the person to be appointed, conduction of examination is also advantageous in other ways.³⁵³ It would also induce in the appointed clerics, the mind of seriousness, and to know where he should laid more emphasis in his pastoral engagements.

Ordinarily, the apostolates of vicars are controlled by the universal canons, that is, universal Code of Canon Law, the diocesan directives, and that of the parish pastors under whose directions they intend to work (then, if a religious person is put into consideration, then the directives from the competent authority is added to it). Thus, the functions of vicars depend on the directives and guidelines of these hierarchical bodies as we can see below.

1.1 On the universal code of canon law

Here, we mean those pertinent canons that direct the functions of vicars, especially from view all the requirements, rights and duties due to them by virtue of their fundamental and particular statutes as clerics and vicars respectively. For example,

- canon 545, §1 which generally demands that they should be appointed for effective pastoral duties of the parish,
- the same canon 545, §1, that requires cooperative works with the parish pastor from them,
- canons 273-289 which contains rights and obligations regarding all clerics of every level. together with parochial vicars.
- canon 546, which say that only members of the sacred orders could be appointed as vicars.³⁵⁴

³⁵² Here one may wonder why examinations should be set before appointing someone for the office of vicar. The question would then be, if one did not pass the examination what would happen? The answer for this question is simple, because knowing very well that the work to be done by the vicar involves *salus animarum*, it is never advisable to entrust it on such a person who is not worthy of it.

³⁵³ See c. 521, §3.

³⁵⁴ We must continue to highlight on this point that only ordained priests are given the power to be pastors and substitutes of pastors in their office, especial in this modern time when permanent deacons and lay faithful pretend to be alternatives to problems of scarcity of priests. It is certain that, their share in the

- canon 472, §2 of 1917 code, which uses vicars to fill the gap of governance before appointment of an administrator, if there no other way to solve the problem of parish leadership before the administrator is appointed.
- canon 475, §2 of 1917 code and cano 549 of current legislator (1983)³⁵⁵ which says that when a vicar is substituting the parish pastor in everything, he enjoys all the rights and faces all the obligations of the pastor except the obligation of *pro populo* Masses.
- canon 550, §1, which obliges every vicar to reside at the parish where he is appointed to work, unless the bishop for a just cause decides otherwise.³⁵⁶ Although, in the case of Kálman Scultéty and István Kolláti, (owing to their statutes as religious and knowing that the religious house is also at the same place with the parish) the religious house of Keckemét could as well be regarded as parish residence for them.
- The right of vacation which is due to vicars in the same manner with the pastors. Precisely, they are also allowed to go on vacation for at most month. The period could be continuous or interrupted (see c. 533, §2).
- canon 476, §4 of 1917 code, which denotes that it is the function of the provincial (competent authority) to nominate or present a vicar for the bishop to approve.

1.2 On particular laws and directives of the bishop

Particular laws also guide the vicars, because a bishop has the right to govern the particular church entrusted to him with legislative, executive judiciary powers³⁵⁷ for *salus animarum*, and these powers are proper, ordinary and immediate on his

ministerial priesthood of Christ, priests become *imaginem Christi*, representing Him with full power and grace which are indelibly stamped in their souls to be salvific co-workers of the same Christ in redemptive functions untill He comes again, cf. XI. PIUS, „*Ad catholici sacerdotii*,” körlevé, Szent Penitenciáriai válasza, AAS 28 (1936) 10-19 in DENZINGER, H. – HÜNERMAN, P., *Hitvallások és az Egyház Tanítóhivatalának megnyilatkozásai*, Örökmécs Kiadó, Bánytereny, SZIT, Budapest 2004, 727.

³⁵⁵ It is not surprising that the two codes agree that, on the absence of the parish pastor, the vicar takes over all his right and obligations with the exception of *pro populo Masses*, the Holy Masses offered for the parish faithful. He is not the proper pastor to the flock, so he cannot run in front for the faithful if their *salus animarum* is considered.

³⁵⁶ Kuminetz considers this residence as one of the conditions manifesting the disposition of a priest (pastor) as required by his office as a pastor, (cf. KUMINETZ, G., *Klerikusok Kézikönyve I*, SZIT, SZIT, Az Apostoli Szentzék Könyvkiadóka, Budapest 2012, 296.

³⁵⁷ Canon 391, §1.

All these powers furnishing diocesan bishops' works aim at ensuring the most effective pastoral work of the bishop among the group of Christ's faithful entrusted unto him. Nevertheless, these powers should not be considered absolute, because he should also acknowledge that the laws and rights he exercises in this aspect do not stem from the higher authorities like the Holy See or from the Bishop's Conference.

side as far as his diocese is concerned.³⁵⁸ He therefore can enact laws guiding and directing the functions of vicars in his diocese as well. For example:

- a vicar could be appointed for a specific function in the parish other than ordinarily and generally assisting the pastor.³⁵⁹ His apostolate or substitution of pastor may be regulated to a particular area of pastoral functions of the parish (c. 548, §1). (Ifj.) Jenő Németh was nominated by Sándor Sík, the provincial, to be appointed hospital chaplain only.³⁶⁰
- the vicar appointment letter from the bishop directed the minds of both vicars (Kálman Scultéty and István Kolláti) to the decree proper to his diocese, and also to the vicars' examination which they should complete before getting the main appointment letter from him.

In bigger parishes and in cases where many vicars are appointed in unity, pastoral works of the parish could be profoundly divided among them by the bishop on his appointment letter. Again, in some dioceses where so many stations belong to a central parish due to lack of priests, the vicar or vicars of the parish could be assigned to those stations in division. In this manner, the pastoral apostolates of the vicars would depend on the directives given by the bishop.

1.3 On the directives of the parish pastor

Apart from the pertinent canons of this chapter regarding the universal and particular areas, the code provides the parish pastor with the right to direct and moderate the pastoral functions of the vicars in his parish. It is not by chance, the pastor being the proper pastor of the flock entrusted to him controls all the pastoral engagements of the local parish, divides functions and executes activities with the full right proper to his office in the sense that every other person working in the parish automatically becomes his helper. Hence, canon 548 §1 says: “*Vicarii paroecialis obligations et iura, (...) specialius autem mandato parochi determinatur.*” So the parish pastor's instructions and mandates determine more closely and specifically the functions of the vicars. It is therefore advisable that parish

³⁵⁸ See c. 381, §1.

³⁵⁹ Canon 548, §2.

³⁶⁰ See PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1005/1029.

pastor conducts meetings with the vicar or vicars and other ministers of his parish to attain a more coherent, hormonal pastoral work in the parish.

1.4 On instructions of the competent authority of a religious order

By being a religious, the religious vicar owes his superiors with reverence. Truly, all that matters of religious are subject to the power of bishops whom they are bound to follow especially in those matters concerning *salus animarum*,³⁶¹ (in this case, a vicars posted to Holy Trinity parish owes the bishop a complete reverence), yes, but they still remain religious. Thus, even in their statutes as vicars, which is regarded as an external apostolate, they are also subject to their proper superiors, and according to the pertinent canon of this chapter, they should maintain faithfulness to the discipline of their institute.³⁶² It means that, the competent authority, who is in this case the provincial, can influence his pastoral activities, more especially, when the parish is completely religious. Moreover, the pertinent canon to this chapter of the code provides the religious superior with the power to remove the vicar at his discretion, even without the consent of the local ordinary, if situation requires such act.

³⁶¹ Canon 678, §1.

³⁶² Canon 678, §2.

XVI. LEGAL CONDITIONS AND CHALLENGES FACING OFFICE OF PASTOR DURING “PAROCHIAL STAGE”

By the expression “parochial stage,” we mean the time after of erection of the parish; the time when all the authorities who are concerned in the erection work have given their consents for the functioning of the parish; when the processes and protocols due to formal act of bringing the parish into existence have ended, then the Piarist members in Kecskemét could call the parish “theirs,” and all the targets and aims of requesting for erection of parish seemed to have been realized. Therefore, in this chapter, we would like treat the powers of the pastor, his rights and obligations with regard to mode of function of office of Holy Trinity parish, his reverence, punishment regarding his person and office, loss of his office, *sede vacante* in his office, rights and obligations of the Christ’s faithful belonging to it, etc. But for the fact that this dissertation is dwelling only on the conditions and challenges facing the office of the pastor, we would not endeavor to dabble into topics about the lay faithful.

1 Jurisdictions of pastor of Holy Trinity parish

By virtue of the significant of sacrament of Holy Orders and characteristics of the office in quote, the powers of the religious pastor matches with that of diocesan pastors’ whose functions basically aim at salvation of the souls entrusted to them in their parishes. Owing to the reason that he is religious, the power of the pastor of Holy Trinity parish should be nourishing from the fundamental powers of the Piarist religious institute at large, whom the parish is entrusted to. As we have discussed earlier on, both codes compelled appointment of proper pastor (vice pastor in the 1917 code) to practically and concretely execute these powers as we can see below.

1.1 He is a proper pastor of the Holy Trinity parish

If his is a pastor and proper to his office, it means that he is the proper shepherd of the flock or Christ’s faithful under Holy Trinity parish. The name “pastor” empowers him with full right to watch over his sheep day in, day out, without ceasing, leading the pastoral and

spiritual tasks of the community of the faithful around the parish. He is the one to go after the souls of the parish community if they are scattered; to bring them back to their local parish if for any just cause they make their way to other places; to make them feel at home in their particular community; to feed them on a very good spiritual pasture; to solve their spiritual problems; to bring them to the good water of Jordan (like Israel) in order to quench their spiritual thirst; to convey to them the Heavenly graces through sacraments; to arrange them in a good fold; to balance their spiritual fluctuations; to feed them and make them have rest of mind; to listen to their complains; to look for those who are lost; to rescue those who are driven away; to bind up the ones who are wounded; to strengthen the sick among them; to feed them with judgment (see Ez 34: 11-16). No wonder, “*A pap Krisztushoz ontológiailag hasonló léte az alap a közösség szolgálatára rendelt léthez, says the Congregation for Clerics.*”³⁶³ And if his presence ontologically resembles that of Christ’s, as the base of the community entrusted to him, he should be steadfast, and not relent in any case concerning the flock. However, the two codes agree on the powers of the pastor regarding his parish but with some differences when a pastor is appointed from a religious institute. In effect and powers of the pastors who led the Holy Trinity parish under the reign of 1917 code would differ in some aspects from those of the pastors who led and are still leading the same parish under the canon law in force (1983) as illustrated on the table below:

Under 1917 code	Under 1983 code
1. He was not pastor, he was vice-pastor to the parish	He is a pastor
2. His functions were limited to pastoral duties	He functions extend to every duty of a pastor
3. He had not full right as pastor	He has full right as pastor
4. The flock of the parish was not his own	The flock of the parish is his own
5. He did not represent the parish in every juridical affair, because, not every act fell within his competence.	He represents the parish in every juridical affair (c. 532).

³⁶³ KLÉRUS KONGREGÁCIÓ, Római Dokumentumok XXIII, *A pap, mint a plébániai közösség pásztorja és vezetője*, SZIT., Az Apostoli Szentszék Könyvkiadója, Budapest 2003, 10.

6. In financial issues, he could not decide alone	He can decide alone in financial issues as well, though involving the parish council in certain issues
7. The chapters of the Order had more powers on the parish	The parish is subject to the power and authority of the Bishop
8. There was lesser emphasis on working together with the Bishop	There is more emphasis on working together with the Bishop
9. He was the pastoral teacher but not the parochial teacher to the faithful of the parish	He is both pastoral and parochial teacher to them
10. He was the pastoral leader but not the parochial leader of the parish	He is both the pastoral and parochial leader of the parish ³⁶⁴
11. He was not the governor of the parish	He is the governor of the parish

1.2 He is the judge of his flock

The judgement mentioned here is solely divine. The judgement of God Himself whom the pastors represents in all their parish endeavors; the judgement Christ bestowed on the pastors to manifest. Pastors therefore, should practice both justice and mercy of God simultaneously, because both of them complement each other in *opus Dei*. As a matter of fact, the pastor's judgment is direct and ordinary because he is the proper pastor (*parochus*) of the parish under him. Being a judge, he must strive to be just and fair in his judgments. His judgment is not merely tribunal in essence, it is the practice of Christ Himself who is the truth. Therefore, he never should be one-sided, biased or play partiality between conflicting members.

As the case may be, the judgment of pastor of Holy Trinity parish is always administered in two ways. *Firstly*, in everyday activities of the pastoral duties among members of the faithful. Here, he is never allowed to practice "preferential treatments" to any special person or group in the parish community; that is, *nem feledkehet meg a plébános arról, hogy hivatala az egész plébániaközösséghez (518. kán), sőt – tág értelemben – a plébánia*

³⁶⁴ KLÉRUS KONGREGÁCIÓ, Római Dokumentumok XXIII, *A pap, mint a plébániai közösség pásztorja és vezetője*, 9; cf. II. JÁNOS PÁL: *Pastores dabo vobis* szinódus utáni apostoli buzdítás (1992. III. 25.), 18; KLÉRUS KONGREGÁCIÓJA, *Tota Ecclesia*, A papi élet és szolgálat direktórium, Róma 1994, 30.

*területén élő minden emberhez szól;*³⁶⁵ no one should be seen to be more important than the other, because whether rich or poor, everyone is equal in Christ. He should not put differences between the healthy and the sick, the indigenes and non-indigenes, the young and the old, men and women. *Secondly*, when he administers the sacrament of confession to the faithful under his care. In this judgement he is representing God who is the Judge of all judges. During absolution in the sacrament of reconciliation, he should know that, that power he administers is never his own, so he should do all to adequately represent Christ who was always merciful even to the worst sinners; who always told the sinners and the sick: go in peace, your sins are forgiven.

1.3 He is the teacher of the flock

For a pastor to fully represent Christ in the priestly functions among the faithful entrusted to him, he should also be a sound teacher both in *ad forum internum*, that is, inside matters, and also in public forums, as well as in general matters, as the case may be. A pastor, whether secular or religious, exercises the power of teaching towards the parish in his care. Just as parents have power and right towards their children to educate and train them in physical and social matters, so also the pastors teach the flock in spiritual areas. The pastors of Holy Trinity parish are ever provided with the opportunities and potentials to teach the faithful under them especially during Sundays and weekdays homilies, retreats and catechism classes, etc. In his teachings, a pastor should adhere to preserve the good faith, rebuke and warn the faithful especially when they are following the wrong ways in the practice of their faith.

2 Rights of pastor of Holy Trinity parish

As already discussed on the previous chapters, the Holy Trinity Piarist parish is in the first sense a “parish,” which is indeed erected with the qualities and elements as required in other diocesan parishes. Therefore, its religious nature has diminishing but magnifying in effect on it, because it would possess all the rights attributed to other diocesan parish,

³⁶⁵ SZUROMI, SZ. A., *A szerzetesi és szerzetesrendre bízott plébániákra vonatkozó hatályos egyházfegyelmi előírások vázlatja*, 3-4, 233.

thereby enriching itself more with other peculiarities and exemptions which are due to religious parishes. We highlight peculiarities and exemptions which stem from the spiritualities of these religious institutions, because through them, religious parishes portray their apostolates as charisms with which they enrich their pastoral works for the benefit of the faithful in parishes entrusted to them and as a result, the Holy See exempts them from some powers of the local ordinaries under whose authorities they perform. For a pastor to fruitfully execute his rights, he should abide to ecclesiastical spiritualities which are the basis of pastor's pastoral engagements, especially in the case of religious, because as Congregation for Clerics claimed, *a legfontosabb lelkipásztori tevékenység a lelkiesség. Bármilyen lelkipásztori terv, (...), ha eltekint a liturgia és a lelkiesség elsőbbségétől, eleve kudarokra van ítélve.*³⁶⁶

Generally speaking, the legislature expects the religious to carry out apostolic action in parishes under them with respect to the nature of their institute which would always be for *salus animarum* of the faithful in their parishes just as De Paolo pointed out as well.³⁶⁷ However, the rights of the pastor of Holy Trinity parish are those ones outlined in the canon 462 of 1917 code and canon 530 of the current code respectively. It is interesting to see that some of those rights reserved in the canon 462 of 1917 code are still maintained even in those situations where the parish is completely joined to cathedral or collegial chapters without prejudice to canons 415, §§1-5 of the same code.³⁶⁸ But before we proceed, it would be necessary to compare these rights and functions reserved by the two codes to a pastor (whether secular or religious) in order to see where more emphasis are laid and also to point out the differences between the two, plus the modifications made by the current legislator (if there is any) and their reasons.

CIC 462 (1917)	CIC 530 (1983)
1. The administration of ceremonial baptism	1. The administration of baptism ³⁶⁹

³⁶⁶ KLÉRUS KONGREGÁCIÓ, Római Dokumentumok XXIII, *A pap, mint a plébániai közösség pásztorja és vezetője*, 2003, 11.

³⁶⁷ See VALESIO, D. P., *La Vita Consacrata nella Chiesa*, (Facolta' di Dirritto Canonico San Pio X, Manuallia 4; edizione rivista e ampliata a cura de Musca, V.) Venezia 2010.

³⁶⁸ The CIC (1917) made the rights of pastor to be specific in those parishes which are joined to either cathedral or collegial chapters to avoid conflicts in share of powers and rights, reserving the right of decision to the bishop if questions or disputes arise in any case (see c. 415, §4.)

³⁶⁹ The right of baptism is always fundamental among all rights of the pastor; even parishes are regarded as high -ranked if there baptistery in them in the 6th century and for that, they used the name "keresztelő templom" (baptistery church) to denote those churches which had baptistery for baptism of the faithful; Cf. SZUROMI, SZ., *A plébánia viszonya a megszentelt élet intézményeihez és apostolic élet társaságaihoz*,

2. The publicly taking of the Blessed Eucharist to the sick in his parish	2 The administration of sacrament of confirmation to those who are in danger of death, according to the norm of canon 883, n. 3.
3. The publicly or privately taking the Blessed Eucharist like food for the journey to the sick in danger of death and strengthening them with the oil of extreme-unction, without prejudice to the prescripts of canons 397, n. 3; 514; 848, §2; 938, §2	3 Administration of Viaticum and of the anointing of the sick ³⁷⁰ without prejudice to the prescript of canon 103, §§ 2 and 3, and the imparting of apostolic blessing. ³⁷¹
4. Announcement of the candidates for ordination and sacrament of matrimony, blessing the marriage; giving nuptial blessing	4 The assistance in marriages and nuptial blessings.
5. Administering proper burial ceremony according to the norm of CIC 1216.	5 The performance of funeral rights
6. The blessing of houses on Holy Saturday according to the liturgical rites; or other days according to the local culture.	6. The blessing of the baptismal fonts at Easter time, the leading of procession outside the church, and solemn blessing outside the church
7. The blessing of the baptismal font on the Holy Saturday, the leading of procession and solemn blessing outside the church, with resplendent and ceremony, unless at the chapter's church in which the chapter gives the blessing.	7 The more solemn Eucharistic celebration on Sundays and holy days of obligation

valamint egyes lelki mozgalmokhoz, PPKE Kánonjogi Posztgraduális Intézetének folyóirata, Budapest 2009, 47-55, especially 47.

³⁷⁰ See PO 6.

³⁷¹ KLÉRUS KONGREGÁCIÓ, Római Dokumentumok XXIII, *A pap, mint a plébániai közösség pástora és vezetője*, 22.p.

Comparing the columns of the outlined rights, we can observe that in the first one, both codes consider baptism as the basic and primary rights of a pastor which he should not delegate to another person unless there is a serious hindrance.³⁷² At the same time, this should not be understood on a strict sense; it is not absolute, because in the religious churches, administration of the sacrament of baptism can be given to any clerical member, because if for example, they are working *in solidum*,³⁷³ each of them would possess equal right in terms of administration of sacraments. Again, if the parish is entrusted to clerical religious institutes or clerical societies of apostolic life (in which a moderator is appointed), pastoral care can be entrusted to several priests *in solidum*, which empowers every participator to possess the right of administering the sacrament of baptism. In the diocesan parishes also, the clerical assistants to the pastor can be given the right to baptize. On the second column, the 1917 code reserves the publicly taking of the Eucharist to the sick for the pastor, whereas the current legislator did not talk about this as a right particular to him. This may be because it sees that, the frequent visitation of the sick on every first Friday of the month as well as on other days of penance overtakes the ceremonial way of publicly taking the Eucharist to the sick. Nevertheless, the taking of the Eucharist to the sick here refers to the time when the sick is really in the danger of death, because the frequent receiving of the Eucharist after his recovery from sickness does not matter. In any case, the pastor always has the priority whenever the Eucharist is to be taken to the sick. Again, the current legislation may presume that the assistant priest - and even on extraordinary situations -, with the permission from the bishop, the non-clerical religious members and laity can take the Eucharist to the sick. This code rather employs the administration of the sacrament of confirmation by the pastor to the faithful who is in danger of death. Here it rather refers in distinction about such a sacrament which other substitutes and assistants are not allowed to administer. That is, the pastor should not delegate this act to any substitute. In the third column, both codes bear the sacrament of anointing of the sick with the oil proper to it, though the 1917 code still maintains that in such cases like that, the Eucharist should be administered publicly. Furthermore, we can feel the difference in the two senses. The notion, “extreme-unction,” was used for centuries for administering the sacrament of the sick, especially in such cases when the person is in his or her last days of

³⁷² This same tolerance is observed in the rudiments of Eastern code, which though considers only the bishops and priests to have right to baptise, but allows deacons, other members of religious institutes who are not priests, the laity and even the parents respectively, as the case may be, to administer the sacrament of baptism. (see SZABÓ, P., *A Keleti Egyházak Szentségi Joga*, Szent Atanáz Görög Katolikus Hittudományi Főiskola, Nyíregyháza 2012, 123.

³⁷³ See c. 517, §1.

life as noted in the code of 1917, whereas the code in force (1983) did not use the expression “in danger of death,” and this maybe because of its regard the frequent practice of the sacrament. In the number four of the columns, both codes see the assistance in the marriages done in the parish and nuptial blessings as a function proper to the pastor. Actually, any other person, besides the pastor and the local ordinary and of course, the Roman Pope, assisting in the marriages in the parish should need the faculty of participation from the pastor. In number five also, both codes bear the burying of the dead as his special function. With this, he carries out the corporal work of mercy and also gives final reverence to a member who belonged to the flock of his parish. On a special note, the burial of a member of the monastery or religious institute is not the function of the parochial vicar or parish priest as the case may be. It is rather the right of the competent superior. Even the lay people living or working in the monastery or convent do not fall under the competence of the parish priest, provided the person did not die outside the confines of the institute. They are to be buried by the superior, unless the person is a scholar from the school which just has contact with the monastery or religious house; in such cases like this, the parish priest has the right to bury him or her. In the 6th column, the 1917 code highlights the blessing of houses on Holy Saturdays which was continuously practiced from the olden times and still exists in some places. The current code does not consider it special as pastor’s function. Nowadays, in so many regions of the world, normal blessing of houses is done after Christmas, precisely during epiphany. This blessing, according to 1917 code, can be done at any time of the year in accordance with the culture of the region. In its number six, the current code holds blessing of the baptismal fonts at Easter time, the leading of procession outside the church, and solemn blessing outside the church to the pastor which the 1917 code has in the number seven of its lists. The procession mentioned here must be done outside the church. If it is organized inside the premises of the parish as it happens in so many places on Palm Sundays, Christ the King and on the day of the presentation of the Lord, it is reserved to the parish pastor, but any priest can lead it in his stead. The blessing that fall under this category are strictly the ones that happen outside the church but are within the territory of the parish. Here, it is assumed that the faithful are invited to attend the blessing ceremony, therefore it needs the participation of the pastor. Otherwise, if the blessing happens in the church, - even though some parishioners are there -, any priest can lead the ceremony. In the case of the religious parish, these special occasions and ceremonies with such a high dignity were reserved to the competent superior. Again, the 1917 code specified that the blessing of the baptismal font is on the

Holy Saturday, the current legislator only said that it should be during the Easter time. In its number seven, the law in force (1983) highlights the importance of the solemn Eucharistic celebrated on Sundays and holy days of obligation to be among the special functions of the pastor. This may have been from the basis of the fact that, after the Vatican Council II, the Church brings liturgy of the act of Sunday Mass to be at the center of the gathered flock of the parish where the priest stands on the altar, facing the faithful, while celebrating the Holy Mass and also uses their language in celebrating. In this, the pastor celebrates with the faithful to mark the act of Christ in sanctifying His flock.

Conclusively, the pastor has all these rights to exercise because he is the proper pastor (*parochus*) of the flock entrusted to him. The local ordinary can decide for a just cause, to cease any or some of the rights outlined. In the same way, the religious pastor can only practice these rights if the religious institute do not place hands on any of them. The pastors of Holy Trinity parish always enjoy these rights outlined on the table without restrictions, just like every other parish within the territories of the archdiocese.

3 Obligations of pastor of Holy Trinity parish

Being a *parochus*, a religious pastor shares all the obligations due to every other diocesan pastor; his office (office of pastor) regulates and dictates his obligations, therefore, we shall look at it firstly from ordinary point of view. A parish which contains a group of Christ's faithful in a community would need pastor's total life commitment for the salvation of souls. He does this firstly by totally sacrificing his life from the day of perpetual vows; he channels it to pastoral engagements when he is appointed a pastor. Ordinarily, a religious priest should be willing and ready, as an instrument of spreading the gospel, whom the bishop can call upon at any time, if needed, to save souls even in the parishes. Really, religious are exempted from many apostolic engagements due to their general proper apostolate in the order, still *communities which are not dedicated exclusively to the contemplative life can be called upon by the bishops to assist in various pastoral ministries....*³⁷⁴ These are trying to let religious understand their statutes and responsibilities not only as religious but also as co-evangelizers with the bishops and

³⁷⁴ PC 7.

presbyters of the diocese. So they may be called upon as individuals,³⁷⁵ groups³⁷⁶ or institutions at large,³⁷⁷ to help in the pastoral functions of the parish. As a matter of fact, by his statute as being religious and at the same time pastor, more would be expected from a religious pastor; he would have two phases of canonical obligations to complete,³⁷⁸ but for the fact that his parish pastoral work is completely for *salus animarum*, which is always prioritized against every other engagement in the Church, his obligations as pastor would supersede his rights and obligations as a religious. In any case, for the fact that *parochus* of Holy Trinity parish remains a pastor, let us look at his obligations firstly from ordinary point of view.

3.1 Pastoral care of all the faithful of the Holy Trinity parish

The nature of the office of Holy Trinity parish requires a serious pastoral arrangement from the its pastor as a shepherd, to see to the spiritual welfare and sustenance of the flock that falls to his disposition. The complexity of his office necessitates many schedules like, schedule of basic pastoral works, schedule of division of labor, schedule of demand and supply of pastoral potentials, scale of preference of activities, schedule of Eucharistic acts, schedule of evangelical works and preaching, schedule of charity actions, and care of the sick, etc. Being a religious, he should also employ a schedule of application apostolates of the Order. That is, he should draw a plan of his pastoral works. To achieve this, he has to involve the members of the parish so that his teachings, governance and work of sanctification would directly get to the targeted people. Among the outlined obligations in pastoral care, he should pay more emphasis on the following below:

3.1.1 Celebration of Holy Mass

Both the Old and New Testament (as in the sacrifice of Jesus the High Priest also) consider priests firstly from the point of offering sacrifice of thanksgiving, praise, reconciliation and petition to God on behalf of the people. This function always makes the person and duty of priests to be unique in the society from age to age. *A pap tehát szolgájaként Krisztusnál*

³⁷⁵ See c. 678, §2.

³⁷⁶ See c 517, §1.

³⁷⁷ Canon 520, §1.

³⁷⁸ See c. 678, §§ 1 and 3.

*kevesebbként, a népnél azonban többként lép az oltár elé.*³⁷⁹ With this grace, his presence in the community of faithful assures spiritual nourishment from the Body of Christ who commands that the offering of bread and wine as His Body and Blood on the Last Super should be kept as testament until He comes again. The current law in force compels that: “*after a pastor has taken possession of his parish, he is obliged to apply a Mass for the flock entrusted to him on each Sunday and holy day of obligation in his diocese (c. 534, §1).*”

This sole function is always carried out adequately by pastors of Holy Trinity parish. It applies to Sundays, feasts and other weekdays as well. The Mass intention of the pastor of a parish should firstly be to offer the problems, joys and sorrows, good wills, petitions and supplications, and he should do it as an obligation on Sundays and holy days of obligations guided by the diocesan calendar. Because of the intimate connection between the celebration of the Blessed Eucharist and the parish community, this obligation of the pastor on celebration of Holy Mass is never delegated, unless if for a just cause the pastor is restricted or impeded from completing it, otherwise, he should apply the Masses for the people on the same days through another person or on other days himself. In such situations for example, when other stations and Mass centers such as St. Joseph the worker church of Városföld and Marian Chapel (both are around Kecskemét) were entrusted the Holy Trinity parish to pastorally cover-up, the pastors of those times applied only one Mass for the entire people under his care (see §2 of the same canon).³⁸⁰ This obligation extends to - though as mere responsibility - those Masses which members of the parish faithful requested to be applied for any reason, - their diseased and living members, private intentions, etc. -, on other days of the week or other Holy Masses of Sundays. These should neither be omitted for any reason, though they could be applied by any other priest who is helping in the parish. This situation becomes more interesting when a parish has both a pastor and a parochial administrator.

As outlined in canon 539, there are situations in which the bishop is required to appointment of a parochial administrator who would exercise the same functions as the pastor (though with few limitations),³⁸¹ such as, if the pastor is in captive, or exiled, or

³⁷⁹ XII. PIUSZ, *Mediator Dei*, Liturgia, AAS 39 (1947. november 20.) 528-580, in DENZINGER, H. – HÜNERMAN, P., *Hítvallások és az Egyház Tanítóhivatalának megnyilatkozásai*, 753 .

³⁸⁰ From time to time, the following parishes were entrusted to be covered-up by the priests in Holy Trinity parish due to one reason or the other: Lajosmizse, Nagykőrös, Szentkirály, Koháriszentlőrinc, Kiskunfélegyháza, Helvécia, Hetényegyháza, and Mintelek.

³⁸¹ Canon 540, §§ 1-2.

banned, ill or other causes like that.³⁸² According to legislator, the diocesan bishop should designate a parochial vicar to save the situation, so that the sheep would not be left without shepherd. If such situation arises, the bishop is to decide (or if better, both of them can decide among themselves) whether the pastor or the parochial administrator is to carry out the obligation of applying Mass for the people. Whatever might be the case, the venue of this Mass must be the parish church and its obligation should never be entrusted to another person to be applied in another place. Two important things are to be deduced from these explanations. *Firstly*, whoever applies this Mass should never take any stipend for it even if he has other two Masses to apply on the same day, however, with regard to the instructions of the local ordinary. *Secondly*, that these Holy Masses offered by the pastor and his substituting priests are territorially limited to the parish of the faithful. As a result of this, even if this Mass is applied by another person, it can be done only on Sundays and on other days of obligations in the diocese at that parish church.

For the fact that we are dealing with the condition surrounding a religious pastor, we must always add the peculiarities proper to his statute. Within religious communities, houses and monasteries, the assignment of Masses (together with time and venue of applying them) to every clerical member fall under the authority of the superior. Here we could suppose difficulties in the case of the pastor if really the superior is to decide which Mass he should apply. This problem is always solved by exempting the pastor from this precepts and influence of the superior so that he can be able to apply Masses for the faithful belonging to the parish. An example of this was when Sándor Sík (the provincial) allowed the *pro populo* Holy Masses applied by dr. István Erős (vice pastor of the Holy Trinity parish of Kecskemét), to be counted as *ad. int. prov.*³⁸³ That is, he exempted him from the obligations of applying the *ad. int. prov.* Masses for the benefit of the faithful of the parish. Therefore, it is quite obvious why Szuromi insisted that, if a religious priest is the proper pastor of the parish, the relationship between the pastoral work of the parish entrusted to him and the apostolate of his religious community *nem mellérelteltségi (coordinating), hanem alárelteltségi (subordinating) kapcsolatban vannak egymással.*³⁸⁴ This exemption does not alter the statutes of the religious pastor for been subjected to the authority of the superior (as

³⁸² This obligation aims at pointing to the intentions of the Masses being said by the pastors of this parish. Generally, a priest is to apply Masses for the intentions already buked by the faithful. Otherwise, if there is no special request for a given Mass, the priest who celebrates the Mass is free to choose his Mass intention..

³⁸³ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1536/1948.

³⁸⁴ SZUROMI, SZ. A., *A szerzetesi és szerzetesrendre bízott plébániákra vonatkozó hatályos egyházfegyelmi előírások vázlata*, 237.

requested by c. 678, §2), who nominated him to this office, rather it aims at prioritizing the *salus animarum* of the faithful which is the main goal of the endeavors of the Mother Church.

3.1.2 Catechism and homily

The pastors of the Holy Trinity parish are known for their well utilizing of both catechism classes and homilies as forums of teaching and strengthening the faithful in their everyday Christian lives. Their apostolate as teaching the youth is an added advantage, therefore every of their pastors are enriched with a lot of experiences and knowledge on how to teach the children and the youths, speaking in youth's language, so that they can understand the Word of God and teachings of the Church. As we have pointed out earlier on, a pastor is the proper teacher to his flock, he exercises this right through given adequate, proper and sound preaching during the Sunday homilies, conduction of catechism classes both at the parish and in schools for the youths, organizing seminars, symposiums, congresses and lectures for the faithful and arranging retreats for the parishioners especially during advents and Lenten seasons. The legislator commands: "*He is to have particular care for the Catholic education of children and youth.*"³⁸⁵ The Vatican Council II calls this forum a "sacred right" among the youths and the children and advises that all who participate in their education should adhere to it, especially the parents who gave lives to their offspring.³⁸⁶ *Therefore this holy Synod reminds pastors of souls of their acutely duty to make every effort to see that all the faithful enjoy a Christian education of this sort, especially young people who are the hope of the Church.*³⁸⁷ To achieve success in this aspect, the pastor should visit the parishioners frequently to know their problems, hear their complains and share in their worries, correct their failings, and encourage them in their weaknesses, and so on. The experience and information he gathers from the visitations would help him modify his homily which he addresses to the same faithful. This is the reason why it is advisable that the pastor himself says the homily whenever Masses are applied for the faithful in his parish, because he is the shepherd who knows his flock.

³⁸⁵ See c. 528, §1.

³⁸⁶ See GE 1.

³⁸⁷ GE 2.

3.2 Administering of sacraments to the faithful

The duty of administering the sacraments solely falls under the competence of the parish pastor. Through the sacraments, the pastor welcomes the faithful under his care in baptism, brings them to share among the people invited to the Lord's Supper, prepares them to receive the gifts of the Holy Spirit with sacrament of the confirmation, reconciles them with God and the Church through absolution of their sins, strengthens the week among them with the oil of the sacrament of the sick, officiates in their sacrament of matrimony³⁸⁸ and encourages the ones with vocational calls. On the appointment letter given to dr. József Erős by the provincial, he relates to the practice and administration of sacraments by the Kecskemét Piarist Fathers: "... hiszen a kecskeméti atyák miseszolgálata, győntatása és tanyai apostolkodása sohasem szünetelt,"³⁸⁹ he said. As we have seen above, it is the right and obligation of the pastor to administer the sacraments to the faithful in his care, provided that they themselves request it. Although, if need arises, there are some sacraments which the assistant priests and vicars may administer in his stead, inversely the pastor is not allowed to administer the sacraments that belong to the duties of the bishop, such as the sacrament of confirmation; but he can do it if the receiver is in danger of death³⁹⁰ or in special cases, if the bishop gives him special permission, as well as on Holy Saturdays when he baptizes those catechumen who belong to his parish (see c. 866).

3.3 Residing at the parish

One of the important obligations of a pastor is that he should live at the parish rectory. This obligation is by virtue of the nature of his office; an office that is proportional to the duties it carries out. When defining a parish, we used such expressions like, being an aggregate of persons and being territorially limited. Invariably, the pastor who take care an aggregate of person that is territorially limited should live among them. The current legislation says: "*A pastor is obliged to reside in a rectory near the church.*"³⁹¹ His function requires that

³⁸⁸ See c. 530.

³⁸⁹ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1352/1948.

³⁹⁰ After these ones outlined above, every other sacrament or sacramentary, as well other acts of faith, like the litany, parish congresses, devotions – except some extraordinary ones like processions in odd times, retreat, *tridium*, and so on, which the superior has to arrange – are to be organized and administered by the pastor. If the pastor is a religious, he should take cognizance of the activities of the religious institute or monastery in fixing the dates for these events and should also make sure that the spiritual and pastoral care of the faithful does not suffer set-backs.

³⁹¹ Canon 533, §1.

the faithful entrusted to him would be able to reach him at any time when they are in need of his care. His work is shepherd-like, so his staying with the sheep which he rears is compulsory to him. Yes, there may arise such situations when it is not possible for the pastor to live near the church as we experience sometimes in the case of parishes in bigger cities. Normally, big cities suffer from lack of accommodations and lands for building rectories. As a result, rectories could be situated at a place far from the parish church. Of course, this is such a case in which the legislator says that the local ordinary can permit the pastor to reside elsewhere, *especially in a house shared by several presbyters, provided that the performance of parochial function is properly and suitably provided for.*³⁹² The emphasis here is more on living at the rectory and not at any house around the territory of the parish. This emphasis then solves the problem that use to arise when a pastor has many parishes and stations to cover; then he is obliged to live at the one chosen to be the rectory. The same mandate is applicable to the vicar; he is obliged to reside at the rectory and if for any reason the bishop permits him to live any another place, the place should be the community of other priests, provided that it is not detrimental to his pastoral functions (see c. 550, §1).³⁹³ This shows how serious it is, that the pastor lives among his flock. Here we highlight two points in the case of pastor living elsewhere: firstly, the legislator's command that it must be with the permission of the bishop and secondly it prefers living with presbyters in a common place. This community life is strongly recommended by the Vatican Council II (CD 30, 1). According to the decree, this way of living promotes and gives rise to an efficacious apostolic work as well as giving example of the charity and unity life of the faithful. The 1917 code applied the same measure; that the pastor can reside elsewhere with the permission from the bishop and with the same conditions that the pastoral work should not suffer disadvantages.

3.4 Care of the poor and the sick

It is the duty of the pastor to share with the poor and the sick in their sufferings. The community of the faithful, the Church, always pays serious attention to the less privileged and the sick and Jesus Christ, the Master never did without them. This emphasis is mostly

³⁹² Ibid

³⁹³ In cases like this, the legislator sees both the pastor and the vicar to share the same obligation, because he is the assistant to the pastor in pastoral works, he should also make himself reachable to the faithful and support the pastor in everything. The Vatican Council II calls pastors cooperator with the pastor and mandates them to make an outstanding and active contribution to the pastoral ministry under the authority of the pastor (cf. CD 30, 3.)

on the disposition of the pastor towards the faithful; to support them with his presence and care. He does this by visiting them more frequently especially those in the danger of death, to console them and administer sacraments to them. On the appointment letter of the provincial to dr. József Erős, he reminded him of the zealotness in pastoral works and religious works: “*Közismert buzgóságával legyen rajta, hogy egy szomorkodó híve se maradjon vigasztalás, egy szomjazó lélek kegyelmi felüdítés, és egy szenvedő se az örök életre való felkészítés nélkül.*”³⁹⁴ That is, be on it with the zealotness known of you, so that no soul of your flock would be without comfort, no thirsty soul would be without gracious refreshment, and no suffering shall be without preparation for eternal life. This requires that the pastor should try to make the administration of the sacraments reachable to the faithful; if it requires paying for the sacraments, he should render it on a low cost or even free of charge to those who cannot afford it. Jesus Christ spent many times caring for the poor, the sick and the needy. Therefore, a priest who performs in Christ’s stead ought to prioritize the condition of the less privileged. Beyond this, the pastor should embrace the poor faithful of his parish as a father to whom they can go with confidence to lay their burden with the hope of relief. It is true that other priests can as well do this work, like the vicars and other assistant priests when they are *in solidum*, they are helping him to fulfill this obligation or doing it in his stead if for any just cause the pastor himself cannot be able to do it himself. A religious pastor would do more in this, because it is assumed the monasteries and religious – or missionary - houses can apply more skills and methods due to their special apostolates, thereby achieving better results in evangelization among the poor and the sick.

3.5 Fight against false teachings and beliefs within the territory of the parish

Being the teacher of his flock, the pastor accounts and answers for the validity, authenticity, and acceptability of belief and faith taught within the territories of his parish. He should keep watch ever what is taught to the faithful especially in schools; monitor the different sects and groups in the parish area, to make sure that their contacts with the members of the flock are not misleading and deceiving. Therefore, his teaching obligation is never limited within the community of the faithful, but he also teaches them in public.

³⁹⁴ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés, Kecskemét 1948, 1352/1948.*

He should also be concerned with the content of the faith and moral teachings both in the religious and government schools in the parish area, provided the faithful belong to the audience of such teachings, in order to warn the faithful on time if he suspects things that are dangerous to their faith. To overcome this, the pastor himself can as well organize some meetings, conferences, seminars and things of that nature in order to create forums to enlighten them on the dos-and-don'ts of the articles of faith. The pastors of the Holy Trinity parish are always watchful, they create avenues to reach out to the faithful especially through visiting them at homes, thereby having more opportunities to discover those groups which may be roaring around the faithful to mislead them. The superior of the institute is expected to strengthen this obligation of the pastor by his frequent visitation to the parish if he is not residing at the religious house attached to the parish.

3.6 Other obligations

By other obligations we consider those obligations that do not directly refer to the pastoral care of the faithful but still compel the pastor (religious pastor) in view of his religious statutes. We would divide these obligations into two groups: those stemming indirectly from his office as a religious pastor, such as fostering particular spirituality due to spiritual demands of the parish faithful. These particular spiritualities may be, for example, specified pastoral and liturgical culture of the Institution, group observation of office of hours (applying of breviary) with the faithful, continuous observations of Holy Our, organization of different Marian devotions, spiritual direction and conduction of constant confessions for the faithful by the religious priests, veneration and observation of feasts of those saints and blessed who are particularly connected to the religious institute.³⁹⁵

Another group of these indirect obligations may be stemming from the pastor's statute as a religious, for example, the wearing of habits. The legislator compels: "*Religious are to wear the habit of the institute, made according to the norm of proper law, as a sign of their consecration and as a witness to poverty.*"³⁹⁶ Meanwhile if the institute has its proper habits, like the Franciscan, Cistercians, Norbertine (Premonstratensian) and so on, the religious pastor from the given institute must wear his habit both in the parish engagements and in public when representing the faithful (which is properly regulated within the

³⁹⁵ SZUROMI, SZ. A., *A szerzetesi és szerzetesrendre bízott plébániákra vonatkozó hatályos egyházfegyelmi előírások vázlatja*, 3-4, 237.

³⁹⁶ Canon 669, §1.

constitutions or statute of the concrete religious order supplied with the own rule – in harmony with the higher religious law – of the particular local community of aforementioned religious orders, in their “house rules” and in their so called “liber usum”). The same canon says that if the Clerical religious is an institute which does not have a proper habit, their pastor should wear clerical dress according to the norm of canon 284 (see §2 of the same canon). Its proper meaning is defined in every territory by the authority of the local Bishop’s Conference. Another obligation of a religious pastor is to strive for his perfection in spiritual life, his personal conversion, the strict fellowship service of God and imitation of Christ. He can achieve these through daily examination of conscience well as frequent approach to sacrament of penance (see c. 664).

XVII. THE RELIGIOUS PASTOR'S REVERENCE, OBEDIENCE AND DEPENDENCE

The dual reverence of religious pastor towards his competent authority and the diocesan bishop who entrusts parish on him is natural, because by virtue of his statute, he is religious and by virtue of his office, he is pastor. Thus, two competent authority gave dr. József Erő letter of assignment to the office of pastor of Holy Trinity parish: Bishop József Pétery (who gave him appointment letter) and the Provincial, Sándor Sík (who gave him letter of authorization). This situation automatically demands two directions of obedience and reverence from him, and it is not by chance.³⁹⁷ With this, the double direction of respect and reverence expected of him towards the bishop and the provincial is obvious and understandable. Consequently, when he is carrying out the pastoral activities of his parish, his should not forget that he is a religious; in the same way, he should not forget that he is a pastor when he is living solely his religious life. It is also natural that, obeying or “serving two masters at a time” *sok okot adott vitára, esetenként kemény vitára szerzetesek és püspökök között*,³⁹⁸

This problem is solved by what the Second Vatican Council's decree on the bishop's pastoral office in the Church stated, that all religious, exempt and non-exempt, are subject to the authority of the local ordinaries in those things which pertain to the public exercise of divine worship (except where differences in rites are concerned), the care of the souls, sacred preaching intended for the people, the religious and moral education of the Christian faithful, (...) matters of proper clerical decorum, works of sacred apostolate, etc³⁹⁹ So, bishops should accept, and consider the service of the religious with open minds, while the religious should work in full *communio* with the bishops.

Nevertheless, the religious pastor's main function is the care of the souls of the faithful. In other words, he should be exempted from many things in the institute so that he can be able to fulfill the pastoral duties given to him. Owing to the fact that it will not be an easy task for him, because it is never easy to serve two masters at the same time, it is necessary to treat the two situations separately.

³⁹⁷ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1352/1948.

³⁹⁸ DOMINGO, J. A., *Szerzetsjog*, Magyarázat az Egyházi Törvénykönyv 573-746. kánonjához, SZIT, Az Apostoli Szentszék Könyvkiadója, Budapest 1999, 168.

³⁹⁹ See CD 35, 4.

1 Reverence and dependence towards the bishop

The diocesan bishop is the owner of the vocation carried out in the diocese for the salvation of souls; the vocation of governance, teaching and sanctifying the people of God his particular church. Every other cleric who partakes in the pastoral function of the diocese shares in his apostolic duties. As a matter of fact, “bishops enjoy the fullness of the sacrament of orders, and all priests, as well as deacons are dependent upon them in the exercise of authority, *“for the presbyters are prudent fellow workers of the episcopal order (...) therefore bishops are the principal dispensers of the mysteries of God... (see CD 15).”* The religious, including the Piarist order is also subject to the bishops of the territories where their religious houses or communities are built. It is true that the bishop is not the competent authority to the religious, but the Church made it to be in this way, compelling them to have almost the same level of respect and obedient towards the local ordinaries, with highlights on matters that concern *salus animarum*.⁴⁰⁰ Other than that, their faith would also be dangerous to the Church as St Bernhard said.⁴⁰¹ The obedient we refer here also emanate from the primary council of obedient which a religious takes as a vow (*professio religiosa, votum religiosum*) among the three fundamental councils of religious life, though with more canonical undertone in this context.⁴⁰² This reverence becomes special and more clear when it is not just entrusting a parish to a religious priest as pastor, but when the religious has no other alternative way to survive than to get themselves accommodated by the local ordinary for survival. An example of this situation happened in 1948, during the nationalization of the benefices of the Piarist order, when all the buildings were taken over and the members of the order were stopped from teaching. The then provincial (Sándor Sík), turned to the local ordinary (József Pétery), requesting that bishop includes the names of Piarist religious members who were stopped from teaching in their schools in Kecskemét and Vác respectively when making diocesan postings. Although, reverence of these members still ranges between the bishop and their competent authority (the provincial), but in this situation, they are more or less, totally dependent upon the bishop for survival. Therefore, their reverences to the bishop seem to be higher, because all their works seemed to be solely pastoral as they requested themselves.

⁴⁰⁰ Canon 678, §1; cf. DOMINGO, J. A., *Szerzetsjog*, Magyarázat az Egyházi Törvénykönyv 573-746. kánonjához, 167-174.

⁴⁰¹ PUTHIADAM, I., *A short history of Religious life*, From the Desert of Egypt to the Oasis of the second Vatican Council, Asian Trading Corporation, Bangalore 2010, 118

⁴⁰² KUMINETZ, G., *Klerikusok Kézikönyve I*, SZIT, SZIT, Az Apostoli Szentszék Könyvkiadóka, Budapest 2012, 297.

Consequently, if the entrusting bishop as in this situation is not tolerance towards religious, he may easily harm their primary apostolate, which consists first of all the witness of their consecrated life, and which they are bound to foster by prayer and penance.⁴⁰³ Still canon 681, §1 persists that: “*works which a diocesan bishop entrusts to religious are subject to the authority and direction of the same bishop, without prejudice to the right of religious superiors according to the norm of canon 678, §§2 and 3*”

Therefore, it is not an exaggeration from the side of canon 631, §1 of 1917 code when it says: “*Idem parochus vel vicarius religiosus, licet ministerium exerceat in domo seu loco ubi maiores superiors religiosi ordinariam sedem habent, subset imediate omnimodae iurisdictioni, visitation et correctioni Ordinarii loci, non secus ac paroshi saeculares, regulari observantia unice excepta.*” In explanation: whether the religious pastor or parochial vicar with his office at a place where the higher superior continuously resides, the pastor is under the direct, ordinary inspection and punishment of the bishop, though with the exemption of only the matters pertaining religious discipline. So, Church would expect the following aspects and areas of the parish churches to be under the bishop’s competence of inspection: the altar, the pulpit, the tabernacle, the Holy Eucharist itself, the baptistery, the equipment to administer the sacraments both in and outside the church, the oil of the sick, the confessional, the vestments, especial those that belong to the parish church, the sacristy, the tower of the church and the bell, the bowl of the holy water at the entrance of the church; crosses and sculptures that are mounted by the parish. Moreover, all those schools, homes and oratories where spiritual undertakings of the faithful are conducted should also be under the inspection of the bishop.

2 Obedience and dependence to the competent superior

We have already said that whatever a religious is doing, whether in or out of the religious premises, he remains a religious. Hence the current legislator says: “*In apostolatu externo exercendo religiosi propriis quoque Superioribus sununt et disciplinae institute fideles permanere debent...*”⁴⁰⁴ This canon tries to draw the basic statute of the religious life; a life totally committed to God through evangelical counsel; therefore, submission to the

⁴⁰³ See c. 673.

⁴⁰⁴ Canon 678, §2. Even in those areas when a religious is exercising an external apostolate, he is still subjected to his proper superior and must remain faithful to the discipline of the institute.

authority of the superior is more or less, submission to these counsels. That is why 1917 code applies such an expression like: “*Az előljáróknak és a káptalanoknak uralkodó hatalmuk van az alattvalók fölött...*”⁴⁰⁵

Having seen the reasons why a religious pastor should totally submit himself to the authorities of the local ordinary of his parish, we would then point out below some of those areas which portray total submission of the same religious pastor to the authorities of his superior.

- Spirituality area. It is the function of the superior to check the individual, personal and spiritual life of the religious pastor as well as his community life.
- Balancing area. He should see that there is balance in the lives of the religious members. That is, irrespective of the fact that the religious pastor’s office should prioritize *salus animarum* of the faithful against his religious life, the superior ensures that pastoral engagements are not detrimental to the religious statute of religious pastor.
- Reconciliation area. It is also the function of the superior to check whether the pastoral function given to the religious pastor can be reconciled with his religious life.
- Exemption area. The superior should see that the religious pastor is not compelled to observing those programs or activities of the religious life that would in any way, restrict his pastoral work of the faithful. This exemption does not impair his obedience and reverence to the superior, because he even has the power to call him back from the external work given to him by the bishop if need arises. That is why canon 678, §3 of the current code implores that: “*In operibus apostolatus religiosorum ordinandis Episcopi dioecesiani et Superiores religiosi collatis conciliis procedant oportet.* That is, there should be a mutual consultation between diocesan bishops and religious superiors in matters concerning the works of apostolate of the religious institutes.
- Visitation area. The superior has the right of visitation to both religious and diocesan parishes where a member of his institute is assigned to work. This occasion helps him to gather information about the pastoral, spiritual and religious performance of the subject member. This type of visitation can be located in two levels: 1) the own higher superior has obligation to do it together with one or more

⁴⁰⁵ Canon 501, §1 of 1917.

consultors (based on the constitutions or *statuta* and the particular rules of the concrete community); 2) the highest superior within centralized pontifical religious orders – (based also on constitutions or *statute* determining the years of term when the main visitation takes place by the general – master, *abbas*, etc. – of the order together with his consultant (or by the deputy of the highest superior with one or more consultants), regulated by the constitutions of *statute*. The schedule of this highest visitation is defined during the General Chapter of the order.

Generally, a religious pastor owes the competent superior a high reverence and obedience in all that concerns his religious life, just as a diocesan priest fully depends on the diocesan bishop for his priestly work. Well, it is obvious that here those areas are considered which do not limit the right of a person wherever he may be, that is, pertaining his religious life and pastoral work.

XVIII. THE PUNISHMENT OF A RELIGIOUS PASTOR

The two codes declare the independent spiritual-worldly punishment of the subject perpetrators,⁴⁰⁶ and the coerce of offending members⁴⁰⁷ as innate, ancient, own and proper right - *függetlenül minden emberi tekintélytől* (i.e. c. 2214, §1 of 1917 code) – of the Church to achieve conversion of the lawbreakers and *salus animarum* of the faithful. A religious pastor (in this case, the pastor of Holy Trinity parish), - being head of an office that is subject to the Church -, can be subjected to ecclesiastical coerces and penalties for many reasons.

- *Firstly*, by virtue of being ordinarily a baptized Christ faithful. By his baptism, he enjoys not only privilege of being reborn as child of God or being free from sins, who is made disciple of Christ or coheir of the Kingdom of God,⁴⁰⁸ but also shares in other responsibilities due to every Christian, including penalties which may be measured to lawbreakers who defile moral or legal commandments of the Church (which are in conjunction with canon law).⁴⁰⁹ Hence, “*Nativum et proprium Ecclesiae ius est christifideles delinquentes poenalibus sanctionibus coercere*” (c. 1311), therefore, the Church also has the right to coerce offending religious pastor with penal sanctions.
- *Secondly*, by virtue of his vocation as a priest ordained in the order of the Church, whose statute and functions are exposed of offences and delicts surrounding administering the sacraments. It means that the legislator would always try to protect the Christian community against illegal manners and misbehaviors that may arise from of the lawbreakers.⁴¹⁰
- *Thirdly*, by virtue of his office as being a pastor of a parish; an office which is clearly regulated by canon law (cf. cc. 515 §3; 532); an office fashioned

⁴⁰⁶ See canon 2214, §1 of 1917 code.

⁴⁰⁷ See canon 1311 of current code.

⁴⁰⁸ A KATOLIKUS EGYHÁZ KATEKIZMUSA, A latin mintakiadás fordítása, SZIT, Az Apostoli Szentszék Könyvkiadója, Budapest 2002, 1213.

⁴⁰⁹ See ERRAZURIZ, Carlos José M., Justice in the Church, A Fundamental Theory of Canon Law, Collection Gratianus Serries Handbook, Montréal 2009, 109-164.

⁴¹⁰ To adhere to this, the code employs such penalties such as *poenis expiatoriis* (cc. 1336-1338) or *remediis poenalibus et paenitentis* (cc. 1339-1340); in any case the protection of the community of the faithful is prioritized against the perpetrator (the priest).

with very high spiritual qualities (cf. c. 528, §1); but it has a lot to do in order to be proportional to its entity; an office that qualifies an aggregate of persons and makes them assume juridical undertone (see c. 515, §1); combined with special vocation: instituted for *salus animarum* of the faithful under its care (see cc. 528-531); Finally, an office which makes the Christian faithful concrete and physical in a given society.⁴¹¹ *Fourthly*, by his special statute as a religious, which is additional to his ecclesiastical statute as well. If a pastor is a religious, he would also be bound by the *regular* and constitutions of his religious order which makes him subject to the internal coerces and penalties that are due to every member depending on the person's positions and dispositions.

As a matter of fact, when the punishments of the clerics are to be discussed, mainly the offences and delicts here below should be recalled:

- delicts against ecclesiastical authorities and freedom of the Church (cc. 1370-1377);
- usurpation of ecclesiastical functions and delicts in their exercise (cc. 1378-1399);
- crimes of falsehood especially canon 1391;
- delicts against special obligations (cc. 1392-1396);
- delicts against human life (cc. 1397-1398).

Some of these penalties have *ferendae sententiae* undertone, that is, they have effect on the perpetrator only when they are pronounced against him, while others are *latae sententiae* in their modes, which makes them commence in their effects immediately when the perpetrator commits them.⁴¹² A religious pastor is treated in the same way as in the case of diocesan priests if they commit any of the outline offences and delicts above.

Both codes (CIC 1917 and CIC 1983) agree that the two authorities have the right of removing the religious pastor from the parish even without the consensus of each other. Hence the current legislation says: "*A religious can be removed from the office entrusted to him or her at the discretion of either of the entrusting authority after having informed the religious superior or of the superior after having informed the one entrusting; neither*

⁴¹¹ See COUNCIL OF TRENT, Sess. XXIV, c. xiii); SZUROMI, A. SZ., *La parrocchia e gli Istituti di vita consacrata e le Società di vita apostolica, nonché la presenza di alcuni movimenti spirituali*, Rome 2012, 526.

⁴¹² ERDŐ, P., - SZUROMI, SZ. A., *Egyházjog*, SZIT, az Apostoli Szentszék Könyvkiadója, Budapest 2014, 610.

requires the consent of the other."⁴¹³ This removal is neither deprivation of the clerical statute nor hindrance in religious life. It still needs grave reason to be accomplished. The bishop who has the right to appoint a religious pastor and supervises his pastoral functions has also the right to punish him if he finds him working contrary to the expectations and requirements of his office. The religious superior also has this same right both in inspecting and in sanctioning the same religious pastor because he is the competent authority to him, who not only has the right of nominating and appointing him to the office of pastor, but also has the right to punish his actions on behalf of the institution. A pastor of Holy Trinity parish is therefore subject to the coerces and punishments of the competent religious authority (the provincial) of Piarist Hungarian province as archbishop of Kalocsa-Kecskemét archdiocese. The question here would be, who has the priority or using in such cases where two authorities have to exercise their individual powers in punishing the same religious pastor on a given delict? The answer can easily be solved: just as the decision of the local ordinary prevails if the two authorities do not agree on one thing pertaining the religious pastor, - as far as parish apostolate is concerned -, the punishment of the local ordinary also should enjoy priority, knowing fully well that pastoral care of the souls of the faithful in the diocese is solely in the hands of the local bishop and must be prioritized. Nevertheless, if the situation requires that the function of the religious pastor would be changed or finish his term, the competent local bishop has right to recall the one who was appointed by him. It happens when the delict committed concerns teaching of faith, morals and discipline. In each case, the religious superior is the one to act on concrete penalty. The two authorities owe each other with only information if either of them decides to exercise the power of punishment on the religious pastor, but they do not owe each other with reason and approval of the punishment to be given. The mutual informing each other aims at seeing that the faithful do not remain without pastor, and this should be taken very serious. The failure of mutual information in such cases like this could result from poor ecclesial communication, instability in service in the diocesan office and poor relations between the bishop and the religious. God is so kind, the Holy Trinity parish of Kecskemét, its pastors and the holding religious order (the Piarist) always abide to the well balanced cooperation between the competent diocesan authority and the religious, so there has not been any cause for applying extra-ordinary measures in removing or transferring pastors of the parish.

⁴¹³ Canon 682, §2.

Whatever the offence or delict committed by the religious pastor maybe, the legislature suggests “warning and remedial processes” to be applied just to see that much harm is not done, especially in the *salus animarum* of the faithful when punishing the pastor. The removal of the pastor from the parish does not always bring the actual solution of the problem unless it seems better in a particular case. However, when every other tool has been used and the situation still requires it, transfer or removal may be the next step to follow. Whatever might be the case, the punishment of the Mother Church is always to restore the harm caused by the perpetrator, setting him on the way to conversion, and to protect the Christian community from being effected in any way.

XIX. LOSS OF OFFICE OF A RELIGIOUS PASTOR

The office of a religious pastor is a typical ecclesiastical office which is treated by the current legislation between canons 145 and 196, with the mode of losing it, particularly treated under the canons between 184-196 respectively, whereas the procedures for his removal or transfer would be found under canons 1740-1752. The two codes provide chances for the three parties (pastor, bishop and religious competent authority) to recourse to the Apostolic See if any one of them feels harmed in the process and wants to deserve his right. This opportunity would reconcile the act of the two authorities who could remove the religious pastor without the consent of each other and in which the pastor may feel injustice in their acts. However, owing to the fact that this thesis deals only with the conditions and challenges which are facing office of the religious pastor of Holy Trinity parish in Kecskemét, we would not treat the procedures of recourse to the Apostolic See or to the Generalate of the Piarist Order. We would merely deal with those areas that are likely to happen in this office.

1 By removal

The removal of the parish pastor is to be discussed under two different eras: the period before and the period after the Council of Trent. Before the Council, two types of appointments were practiced for those priests who were pastors of the religious parishes. The first was the appointment of the *vicarius ad nutuum amovibilis*, a pastor who can be removed at any time without any complicated processes. The canon law in force has similar act and aim in mind when using such titles like “administrators,” “parish administrators,” “rectors of churches,” and “chaplains” to denote offices of such appointees that take care of a certain community of Christian faithful but without the title of a parish pastor. For example, almost all the heads of Holy Trinity parish of Kecskemét appointed after dr. József Erős (dr. István Bagó, Ferenc Zoltán Marosszéki, dr. Lajos Kemény, etc.) were all diocesan priests;⁴¹⁴ certainly, all of them were administrators and not parish pastors nor vice pastors. Their offices had *vicarius ad nutuum amovibilis* undertone and they could be removed at any time without complicated legal proceedings.

⁴¹⁴ See KOZICZ, J., *A Kecskeméti Piarista plébánia hetven éve 1948-2018*, Budapest-Kecskemét 2018, 159-234.

The second type was the appointment of the *vicarius perpetus*, the pastor, who has a stable manner and cannot be removed without the normal process required for the removal of a religious pastor. That is why 1917 code said in his favor: *“nem minden plébánosnal egyforma az állandósága; akiké nagyobb azok elmozdíthatatlanok, akiké kisebb, azok elmozdíthatók.”*⁴¹⁵ That is, there is no uniformity in the stability of pastors, the greater ones are immovable and the lower ones are movable. The lower ones should consist of administrators, rectors of churches, etc. who may be appointed for a specific period to the office of pastor. The code insists that, *“akit plébánia kezelésével bíznak meg, mint annak rektorát, annak állandónak kell lennie, ami nem akadályozza elmozdíthatóságának a jog szabálya szerint,”*⁴¹⁶ but this does not preclude those situations when a pastor must be removed for a just cause without prejudice to the norms pertinent to its proceedings. This stable expression was also borrowed by the current legislator when composing the properties of a parish (see c. 515, §1)

The code of canon law outlined those manners that may require the removal of a pastor⁴¹⁷ (religious pastor also) and parochial vicar as in the case of Holy Trinity religious parish like:

- manners which may cause grave harm, detriment or disturbance to the ecclesiastical community.
- incapability or permanent infirmity of mind or body which may result to the inability of the pastor to accomplish his pastoral duties.
- if the pastor loses his good reputations among upright and responsible parishioners or an aversion to the pastor which will not cease in a short time.
- if the pastor gravely neglects or violates the parochial duties, and which he did not stop doing after several warnings.
- poor administration of the temporal goods of the Church which gives rise to damages and to which no remedy is possible to be found.

⁴¹⁵ Canon 454, §2.

⁴¹⁶ Canon 454, §1 of 1917 code. In the §3 of this same canon, the legislator does not allow the degradation of parishes with stable manners. Hence it denotes: *„az elmozdíthatatlan plébániákat nem lehet elmozdíthatókká lefokozni a szentszéki jóváhagyása nélkül.”*

⁴¹⁷ See c.1741.

2 By privation

The punishments due to other clerics are also applicable to the religious pastor who is in charge of a parish just from the view of the fact that he is also a member of the presbyters. These delicts are outlined in the canons 1378 to 1389. Some of these delicts are more serious and grave than others with regard to their nature and the impact they create against the object (the faithful). For example, the priest whether secular or religious, who absolves an accomplice as stated in the canon 977 incurs a *latae sententiae* which is reserved to the Apostolic See. In this case the priest falls into one of the five excommunications that are under the competence of the Holy See. And the excommunication here goes with the deprivation of all that accompanies his clerical statute and offices he holds. He therefore automatically loses the office of the pastor. The New Commentary on the Code of Canon Law explains the reasons for elevating this delict to assume such seriousness like this, even though some others may seem to have more gravity. This is from the fact of trying to protect the composition of the sacrament in quote, the integrity of the priest himself as far as his penitent relationship is concerned, as well as the faith of the faithful.⁴¹⁸ This is the reason why the absolution given in such a situation like this is invalid. Such *latae sententiae* are also experienced if the sacraments of the Eucharist and Penance are simulated. That is when a person who is not a priest or who has no right to act on it, attempts the liturgical action of the Eucharistic, and also when a person who, though has no right and still hears the sacramental confession and absolves the confessor.

Further graver delicts also include the ones against the sixth commandment in several ways, such as, when a priest solicits a penitent to sin against the sixth commandment in the act, on the occasion or under the pretext of confession, if the delict is so grave, the priest may be dismissed from being a priest, otherwise he should be suspended, prohibited or deprived, depending on the gravity of the delict.

In an extraordinary case, the parish office may be taken away from the pastor by a civil authority as punishment. Such a thing happened when dr. József Erős, the first parish pastor of the Holy Trinity parish was unjustly sent away from the parish during the communist system. That is, the parish was taken from him under privation. It is true that the punishments referred under privation of office are firstly canonical, but we also see this

⁴¹⁸ BEAL, J. P., - CORIDEN, J. A., - GREEN, T. J., *New Commentaries on the Code of Canon Law*, Theological Publications in India, Bangalore 2010, commentary on the delict of absolution of accomplice in the sin against the sixth commandment.

one also as an example, because the pastor's office was taken out from him, unjustly as a punishment. Meanwhile, the Kecskemét Police Headquarter prosecuted him, alleging him for creating disunity between the good contact of the Church and the Government. He was therefore sent to house of arrest at the Tömörkény parish, thereby losing the parish office.⁴¹⁹

3 By transfer

When we say “transfer” in the case of religious pastor, we do not strictly see it from the same viewpoint as in the case of diocesan priests, because the transfer of diocesan priests is done by the bishop without any obligation for compromise or negotiation. Pastors and vicars are transferred from one parish to another, and of course, their function is generally parish pastoral, as the case may be. The situation becomes different in the case of religious; pastors and vicars are transferred, but may not be from one parish to another, it could be from a parish to another section of the apostolate of the religious institute, unless the given religious institute is basically on parish apostolate as their vocation. So, in religious life, the expression, “transfer” is applied in the first place, when members are transferred from one house to another,⁴²⁰ and as we know, religious institutes always have lesser number of parishes to manage in dioceses. For example, apart from Kecskemét Holy Trinity Parish, the Piarists Religious Order could boast of only Sátorajújhely parish,⁴²¹ which was erected at the same time and process with the Kecskemét parish. Thus, the chances of transferring pastors from one parish to another was too minimal. When a religious is to be transferred as a result of a committed offence, he may also be transferred from their religious parish to a diocesan parish, provided that there is mutual agreement between the bishop and the competent authority. Owing to this system, arch-bishop József Bánk

⁴¹⁹ KOZICZ, J., *A Kecskeméti Piarista plébánia hetven éve 1948-2018*, Budapest-Kecskemét 2018, 153. When he was brought out from this house of arrest, he was not sent back to the Holy Trinity parish, but to Dabas parish.

⁴²⁰ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1095/1948. With this letter, Sándor Sík, the provincial transferred three members at the same time from one house to another. He transferred Németh Jenő from Kecskemét house to Budapest house, Hatvani Ede from Veszprém to Kecskemét and Murányi Károly from Debrecen to Kecskemét house.

⁴²¹ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Sátorajújhely 1948, 1638/1948.

transferred dr. Béla Bátorfi from Piarist Holy Trinity parish to the parish in Gödöllő on the 18th of October 1978⁴²² after the provincial's request for the act.

Notwithstanding, if religious pastors are to be transferred before the stipulated time of elapse of office, it could be mostly because of one of the offences like, exercise of trade or business contrary as on the prescripts of canon 1392; violation of celibacy, that is, the delict of attempting marriage as mentioned in the canon 194, §1, n.3; living in a concubinage or persisting with scandal in another external sin against the sixth commandment of the Decalogue. The concubine in this issue refers to the clerics living under the vow of celibacy, and to such clerics of the Eastern rite as well as married permanent deacons who continuously keeps sexual contacts with a third party other than their wives. Furthermore, if the cleric violates the obligation of residence, - if he is holding an ecclesiastical office - , he should be transferred or removed from that office after a warning (c. 1396).

Moreover, if he illegitimately makes profit from a Mass offering. If this happens, the Bishop has the right to interdict or suspend the priest, and in this case he discusses the privation of pastoral and priestly rights from the pastor with the superior. This superior can as well initiate the withdrawal of the religious pastor if he happens to be the first among the two competent authorities to know about the delicts of the priest. This penalty measure can be applied if seemed to be an alternative with a remedial result, if the pastor dabbles into any of the delicts mentioned above. However, it is highly advisable to apply an immediate remedial measures to avoid scandals towards the faithful. In such cases like this, he can be transferred to be pastor of another parish under their religious institute or sent to work in another sector of apostolate of the order.

4 By resignation

Resignation in this aspect is considered under two conditions. The first one is when a solely religious or monastic parish is put into consideration. Thus, owing to the conditions that make it almost impossible, we would rather talk about the religious institute renouncing on the religious parish. This can only happen with the consent of the competent *decastarium* of the Apostolic See, without prejudice to those canons pertinent to this chapter on the nature and future of the temporal goods of the parish in quote. This situation

⁴²² KOZICZ, J., *A Kecskeméti Piarista plébánia hetven éve 1948-2018*, Budapest-Kecskemét 2018, 235

is so rare, but it could happen, because a clerical religious institute or a clerical society of apostolic life could be incapable and also sees the impossibility of taking care of its parish pastoral duties in a place in future, especially due to lack of priests, difficulties from a permanent political system (e.g. communism in Far Eastern countries), problems from constant war, etc. In such situations like these, the institute can temporarily hand over the parish to the local diocese, but they can decide to perpetually renounce on it, though with the approval of the competent *decasterium* of Apostolic See. If this is achieved, the parish will lose its religious statute and becomes a diocesan parish.

The second condition would be when an individual pastor is put into consideration. Here, the resignation of pastor is primary and has obvious reason if he reaches the age of seventy-five, and this applies to the religious pastors as well. For example, Géza Tóth resigned being a parish pastor of the Holy Trinity parish when he was 75 years old. His renouncement was accepted by the provincial who nominated László Cselik to take over the office from him.⁴²³ Such resignations like this is considered just, requiring that every other reason of resignation should be put to scale for justification. A reason is also considered a just one, if for example, it concerns health issues. László Cselik resigned to be a parish priest of the Piarist religious Trinity parish of Kecskemét out of health problems. He was nominated by dr. Emil Kállai, (the provincial of the Order), and appointed by archbishop dr. Balázs Babel. However, László because of his health issues, renounced being a pastor within one year.⁴²⁴ A pastor may choose to resign by himself, but can even be advised by his superior or the bishop to resign. In any case, the resignation commences when the bishop who appointed him accepts it. In the case of a religious pastor, we assume that the competent superior should also acknowledges the bishop's acceptance, because such a situation may arise when the superior has no other capable priest to present to the bishop for appointment. Such a case like this would presuppose the mutual cooperation and dialogue of the bishop and the superior to sort-out the issue. There can even be resignations that have scandals behind them, in which the competent authorities would suggest to the pastor to resign from the office of the parish.

Nonetheless, the reason for resignation is not considered just if it is out of grave fear unjustly inflicted, or malice, substantial error or simony. Therefore, canon 189 §2 mandates that the authority should not accept resignations that are not basically on just and proportionate causes.

⁴²³ KOZICZ, J., *A Kecskeméti Piarista plébánia hetven éve 1948-2018*, Budapest-Kecskemét 2018, 288.

⁴²⁴ KOZICZ, J., *A Kecskeméti Piarista plébánia hetven éve 1948-2018*, Budapest-Kecskemét 2018, 89.

5 By laps of time

When office of a pastor is stably situated and made perpetual without prejudice to the pertinent canons to it, we do not suppose attributing “lapse of time” as one of the conditions affecting it. However, CIC 520 §2 provides a specific and predetermined period of entrusting parishes to clerical religious institutes or clerical society of apostolic life. Meanwhile, if the stipulated time elapses, the local bishop may take back the parish from them, though this time interval can be extended. With this, both the religious institute and the appointed religious pastor loses control over the parish. Actually, in the appointments of the pastors of Holy Trinity parish, - just like in the case of every other religious parish - , the time interval of office of the appointed pastor used to be between two meetings of the Chapters of the Order.

Another situation may arise when a parish or parishes are entrusted to a group of religious priests *in solidum*, and maybe, they agree within themselves – or even with the directives of the bishop and the competent superior – that office of pastor should rotate from one hand to another within a specified time. Here also, the pastor loses the office when the time lapses.

In the diocesan level, canon 522 provides another opportunity to restrict the stability of office of pastor with time when it says that the diocesan bishop can appoint a pastor of parish for a specific time provided that it is permitted by the decree of the Conference of Bishops. In this canon, the legislator considers the decree of the Conference of Bishops as an exceptional tool. To be more precisely, proper laws or decrees of a country’s Bishops Conference or even that of the local bishop can specify the period of holding the office of pastor in a country or in a diocese. When such a decree is ordinarily observed in a diocese, it also affects the religious pastor who is appointed by local bishop in his diocese. If such situation arises, and the pastor is a religious, it is then assumed that the diocesan bishop discusses the case of the appointment of pastor of religious parish with the competent superior.

SUMMARY

This thesis discussed conditions and challenges facing Office of the Holy Trinity Religious Pastor in Kecskemét. We claimed that the topic is an interesting, but to be sincere, it is not a rare one, because it discourses such situation and problem which the Church has been overlooking for ages and sometimes talks about it, but with lesser concern, whereas, it draws heavy interests to itself, especially when we consider the Holy Trinity Piarist religious parish in Kceskemét. We cannot say that the unique nature of the topic makes it extraordinary in the pastoral engagements of the Church, it has only been seen as less important by the competent authorities holding it as well as the authors and writers in the theological field. The efforts made so far, regarding this filed could be the ones made by few great canon lawyers of our time, such as Szabolcs Anzelm Szuromi, and Velasio De Paolis, then brief references from Domingo J. Andrés and few others.

As a matter of fact, the gift of religious and societies is indeed a divine one, and their participation in the apostolic work, especially in the parish pastoral works is really a grace. The office of the religious pastor whether from the clerical religious institute or clerical society of apostolic life been treated in this project deserves serious attention, because it places the pastor in between two authorities, two apostolates, two conditions, etc. He is a religious and a pastor at the same time. Consequently, besides all the advantages and fruits of involving a religious in the pastoral apostolic activities of the Mother Church, the Church is expected to treat the difficulties, controversies and problems that always occur from the dual nature of this office of religious pastor.

The first problem encountered by this office originated from the mere nature and definition of parish itself. Naturally, a parish is regarded as such a community of a Christian faithful which among other elements constituting it, should be stably instituted in a particular Church under the authority of the diocesan bishop.⁴²⁵ Now, involving a religious in handling a parish already means bringing him to such functions which are due to diocesan personnel. There should be a way to balance-up the two equations for him (equation of parish and equation of his religious apostolate). On the other hand, the diocesan bishop is the chief priest and high pastor of all parishes and parishioners of his diocese. That is, the diocesan bishop is also the high pastor of parishes entrusted to Piarist religious institute; the same parish which is regarded as a Piarist own parish with the immediate competent

⁴²⁵ See c. 515, §1.

authority as the provincial. Even, a diocesan bishop is the one to erect Piarist parishes.⁴²⁶ A religious parish, however *exempt* in nature, is never separated territorially from the influences and authority of the diocesan bishop. Therefore, it is really a challenge.

Secondly, sometimes the nature of pastoral works cannot be reconciled with the religious life of the institute. The aim of religious life is the pursue of perfection, though apostolates may differ. In other words, just as canon 663 says, the first and foremost duty of all religious is to be the contemplation of divine things and assiduous union with God in prayer.⁴²⁷

The Piarist religious institute is originally founded by St. Joseph Calasanz, to educate the youths, especially the poor youths. In short, *Scholarum Piarum* is a teaching Order.⁴²⁸ Again, the pastor of Kecskemét Holy Trinity parish is expected to observe the cloister adopted to the character and mission of the religious house to which he belongs, even though he is a pastor.⁴²⁹ This is a challenge to him. Simply saying, when he is at the parish he should not forget that he is a religious, and if he is in the religious house, he should not forget that he is a pastor. This is really considerable. Nevertheless, this is a difficult and complicated challenge. Notwithstanding, we know, parish work is more of pastoral than praying. The diocesan bishop of Vác, and now, the archbishop of Kalocsa-Kecskemét,⁴³⁰ appoints the pastor to this parish (see c. 520, §1),⁴³¹ and installs him as someone who shares in his apostolic mission,⁴³² even though he is a religious. The pastor owes him respect and submission and still remains a religious.⁴³³ For example, when taking the vows of religious life, a member admits among other things, to live a community life. To appoint him pastor, especially to such a parish that is not related to his religious apostolate, makes it almost impossible for him to live a considerable and effective community life with other members,

⁴²⁶ Canon 515, §2. The bishop is also to erect the parishes which are entrusted to clerical religious institutes and clerical societies of apostolic life, though he does it with approval from the Holy See as written in CIC (1917) Can. 452 which was the legislator and norm in force when the Holy Trinity parish of Kecskemét was erected.

⁴²⁷ See c. 663, §1.

⁴²⁸ See REGULAE COMMUNES, Ordinis Clericorum Regularium Pauperum Matris Dei Scholarum Piarum, Apud Pantateonem, Romae 1947.

⁴²⁹ Canon 604 of 1917 code.

⁴³⁰ See the website of the The Catholic Bishops' Conference of Hungary „Pásztorlevél az egyházmegyéék területének átrendezéséről.” The boundaries of Hungarian dioceses were remarked and redemarketed by St Pope John Paul the II with his Apostolic Constitution called „*Hungarorum Gens*” promulgated on the 30th of May 1993. Before this time, the territory of the Holy Trinity Piarist parish was belonging to the diocese of Vác, but the Papal act of redrawing the boundaries joined the same territory to the arch-diocese of Kalocsa-Kecskemét. The document pertinent to this act was released to the faithful by the Hungarian Catholic Bishop's Conference in Budapest on the 11st of June the same year.

⁴³¹ See c. 456 of 1917 code.

⁴³² See CD 15.

⁴³³ Canon 678, §1.

unless the community house is very close to the parish. The canon 630, §1 of 1917 code says: “*Religiosus, qui paroeciam regit sive titulo parochi sive titulo vicarri, ment adstrictus ad observationem votorum et constitutionum, quantenus haec observation potest cum muneri sui officiis consistere.*” In explanation, a religious who is leading a parish, whether a pastor or a parochial vicar is obliged to keep his vows and the rules surrounding his statutes as far as they can be reconciled with the requirements of his office. However, the pastor should be exempted from fulfilling some norms of the vows or constitutions that may not allow him to carry out his pastoral duties, otherwise he would have problems in fulfilling them, and if the appointment is perpetual, the pastor will almost be deprived of one or some of the key elements of his religious life. A religious should live his or her life under vows. According to canons 487 and 488 §1 of 1917 code, this vow forms the base and essence of religious life. If therefore the religious pastor would be engaged with full commitments in carrying out the daily activities of the pastoral work, it is not guaranteed that the rudiments making up the qualities of religious life would not be in a disadvantageous situation. According to Szuromi, before the writing of the agreement guiding the pastoral work of the religious member,⁴³⁴ the leaders of the two parties (that is, diocesan bishop and the competent authority) should consider whether the vows of the institute or society could be reconciled with his religious life and expectations of the parish respectively.⁴³⁵

The joining together of a parish and religious house is also another factor that brings up challenge to this Holy Trinity Piarist parish of Kecskemét. As a matter of fact, the joining act is a symbolic way of compelling the reconciliation of the two apostolates, and this is exactly what both the pastors and vicars of the Holy Trinity parish of Kecskemét faced and are still facing day by day. I can say, this is the reason why the pertinent canon to this chapter compels that such acts of *unio*⁴³⁶ must be with a definite approval from the Holy See⁴³⁷

The erection of the Piarist Holy Trinity parish of Kecskemét, being a religious parish, had many stages and levels of procedures before making it real. There was what we called *preepiscopal stage*; when the community of the faithful was not yet called a parish but merely a group of the faithful belonging to the mother parish, though at that time they were

⁴³⁴ See c. 520, §2.

⁴³⁵ SZUROMI, A. SZ., *La parrocchia e gli Istituti di vita consacrata e le Società di vita apostolica, nonché la presenza di alcuni movimenti spirituali*, Rome 2012, 522.

⁴³⁶ *Unio* is one of the methods of erecting religious parishes as treated in the above topics.

⁴³⁷ Canon 471, §1 (1917).

striving with all efforts to be instituted a parish.⁴³⁸ At this time, members of the Piarist Order who were working in Kecskemét under the mother-parish (Ascension's parish) as vicars were faced, not only with the challenges of reconciling their religious apostolate (teaching) with the pastoral work of the parish, but also with the challenges of having many authorities above them (the parish pastor of the mother-parish, their house superior, their provincial and the local ordinary) to obey.

The next stage is the one we termed *supper superior* stage, which also had many challenges facing the erection of the parish. This is the time when the superior was to give his consent to the agenda of erection of the Holy Trinity parish.⁴³⁹ Then, *supper episcopal* stage, which talks about the approval of the Holy See to both the erection of the parish and the joining of the Kecskemét Holy Trinity parish with the religious house of the Piarists in the city.⁴⁴⁰ The *episcopal stage* is also a very vital area of this thesis. It comprises of the bishop's act of erecting the Holy Trinity parish in Kecskemét; his singular act with which he saved the situation of the temporal goods of Piarist religious Order, solved the problem of difficulties in pastoral functions of the Ascension's parish due to its large number of the faithful and wide range of territory.⁴⁴¹ All these were not only solutions to problems, but also challenges to both the office of the religious pastor and the newly erected Piarist parish in quote.

The erection and management of the parish had also what we called *parochial stage*, which comprises of the time the normal pastoral activities of the parish were carried out by the pastors and the vicars with the help of other Piarist religious members in the religious house in Kecskemét, together with the rights and obligations of the pastors appointed from time to time to head the parish. The challenges emanating from the management of the financial and temporal goods of both the parish and the religious house were not left behind; we also treated them with adequate seriousness. The parish, the church and the religious house have their different financial and beneficial incomes. These temporal goods would bring very big problems if they are mixed-up in any way. All these challenges, conditions and problems arise from the fact that religious has different statute in the Church, different way of life, different mode of apostolate and as a result, it has different canons guiding its endeavors for *salus animarum*.

⁴³⁸ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 1029/1948.

⁴³⁹ CASA GENERALIZIA DEI PARDI CSOLOPI, *Scolarum Piarum Hungariae*, Romae 1948, 516/1948.

⁴⁴⁰ SACRA CONGREGATIO DE RELIGIOSIS, *Facultas acceptandi paroeciam*, Romae 1948, 9463/48.

⁴⁴¹ PIARISTA REND MAGYAR TARTOMÁNY KÖZPONTI LEVÉLTÁRA, *Hivatalos levelezés*, Kecskemét 1948, 5770/1948.

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