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THE ROLE OF THE DIOCESAN BISHOP IN THE ERECTION OF A PARISH IN LIGHT OF CANON 515 §2 OF THE 1983 CODE OF CANON LAW, WITH REFERENCE TO THE CATHOLIC DIOCESE OF MANGOCHI-MALAWI

A Thesis Submitted to the Institute of Canon Law in Partial fulfilment of the Requirements for the Licentiate Degree in Canon Law

BY

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DECLARATION OF THE STUDENT

TITLE OF THE THESIS:

THE ROLE OF THE DIOCESAN BISHOP IN THE ERECTION OF A PARISH IN LIGHT OF CANON 515 §2 OF THE 1983 CODE OF CANON LAW, WITH REFERENCE TO THE CATHOLIC DIOCESE OF MANGOCHI-MALAWI.

I, the undersigned, declare that this thesis is my original work and that it has never been submitted to any academic institution for any academic award. All the sources used are duly acknowledged.

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DEDICATION

I dedicate this work to the faithful of Christ in the Catholic Diocese of Mangochi, Malawi, as they live out their Christian vocation within parish communities, in communion with their bishop and priests. This dedication is inspired by the teaching of the Second Vatican Council, which affirms: “In each local congregation of the faithful, united with their sacred pastors, the Church of Christ is truly present and active. These are, in their own place, the new People called by God in the Holy Spirit and in full conviction” (cf. 1 Thess 1:5; *Lumen Gentium*, 26).

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ABBREVIATIONS ACRONYMS

AAS	*Acta Apostolicae Sedis*
Acts	Acts of the Apostles
AD	*Anno Domini*
Art./Artt.	Article/ Articles
c/ca	circa (around/about)
Can./ Cann.	Canon/ Canons
CCEO/1990	*Codex Canonum Ecclesiarum Orientalium* of 1990
CD	*Christus Dominus*
Cf.	Confer
CIC/1917	*Codex Iuris Canonici* of 1917
CIC/1983	*Codex Iuris Canonici* of 1983
CLSA	Canon Law Society of America
Co	Company
Cor	Corinthians
DCOP	Diocesan Council of Priest
DPMB	Directory on the Pastoral Ministry of Bishops *Apostolorum Successores*
ECM	Episcopal Conference of Malawi
Ed./ed./ eds.	Edition/ Editor/ Editors
et al.	*et alii* (and others)
Gal	Galatians
Gen	Genesis
gen. ed.	General Editor

GS	Pastoral Constitution on the Church in the Modern world *Gaudium Et Spes*
i.e.	id est, (that is)
LG	Dogmatic Constitution on the Church *Lumen Gentium*
Matt	Mathew
MCCB	Malawi Conference of Catholic Bishops
N.	Number
n./ nn.	number/ numbers
p./pp.	page/ pages
REV.	Reverend
Rev.	Revised
SCCs	Small Christian Communities
Vol.	Volume

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GENERAL INTRODUCTION

In relation to *Can.* 515 §2 of the 1983 Code of Canon Law, J. Arrieta, in his book, Governance Structures within the Catholic Church, asserts: "It is only the bishop who has the authority to erect, suppress or alter parishes in consultation with the Council of Priests, save those cases where there is an agreement between the Holy See and the State or where other subjects have certain rights."[1] Similarly, Can. 515 §2 of the 1983 Code states: "It is only for the diocesan bishop to erect, suppress, or alter parishes. He is neither to erect, suppress, nor notably alter parishes unless he has heard the presbyteral council." This canon clearly expresses the authority of the diocesan bishop in the establishment of a parish. However, it remains uncommon for many of the Christian faithful to be aware of the proper procedures involved in the erection of a new parish as a stable ecclesial community, or of the elements necessary for the healthy development of a parish.

This thesis seeks to present a comprehensive understanding of the canonical processes, requirements, and norms governing the establishment of new parishes. It also explores the specific role of the bishop in this process and how that role can be effectively promoted. The aim is to enable the clergy, religious, and laity of the Church to grasp the scope of the bishop's responsibility in the erection of parishes. By fostering such understanding, the thesis intends to equip all co-workers in the Church to collaborate more effectively with the bishop and assist him in fulfilling the mission entrusted to the Church by Jesus Christ. Furthermore, a clear grasp of these canonical procedures will help particular Church authorities to establish parishes that are truly stable juridical communities. This will also help prevent the erection of parishes that might later face significant challenges due to poor observance of canonical requirements.

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[1] J. I. ARRIETA, *Governance Structures within the Catholic Church,* Wilson and Lafleur Ltée, Montréal 2000, p. 249.

1. Background of the Study

After many years since the establishment of several parishes within particular Churches, it is evident that some of these parishes—except for a few—have not developed or grown sufficiently to operate in a stable manner and fulfill the various objectives of the Church's mission. This situation suggests that certain essential elements may have been lacking at the time of their establishment—elements necessary for laying a solid foundation for a stable ecclesial community. For example, in some parishes, certain lay Christian faithful still hold the view that the parish priest alone is responsible for all parish activities, without recognizing their own role in parish life. This creates the risk of placing the entire burden on the shoulders of the parish priest. Consequently, some key aspects of parish life as a stable ecclesial community are neglected. This becomes especially apparent when a parish priest is transferred or removed by the bishop: it can seem as though all parish operations, apostolates, and ministries are removed along with him. The incoming parish priest is then perceived as starting from zero, introducing new initiatives or altering parish dynamics based on his own preferences. It is important to understand, however, that a parish is a juridic person, which exists independently of individual office holders, including the parish priest. The parish priest merely represents the parish, which, as a juridic person, has its own rights and obligations. Many among the Christian faithful lack this understanding. They do not realize that the parish priest is primarily a coordinator of parish activities, and that all other members of the faithful are called to actively participate, each according to his or her own state and abilities.

Moreover, some parishes continue to struggle with financial difficulties, including the inability to provide for the expenses of divine worship, pay parish workers, support apostolic initiatives, and ensure the dignified sustenance of their ministers. Additionally, legal challenges

are not uncommon. Some parishes find themselves entangled in land disputes with local leaders and communities, to the extent that even civil district councils, the judiciary, and law enforcement agencies are unable to resolve the conflicts. In certain cases, such issues are brought before interreligious dialogue bodies for mediation, especially when the disputes involve misunderstandings between the Church and other religious groups. Beyond the legal and administrative challenges, the spiritual life of some parishes appears to lack depth, becoming merely routine. Prayer life, devotions, and knowledge of Church doctrine often need significant improvement. The importance of revitalizing the depth of spiritual life (faith) was also highlighted in the Strategic Plan of the Diocese of Mangochi (2011–2016).

To address these foundational problems effectively, it is essential that, from the moment of a parish's erection, the Christian faithful are made aware of and understand the role of the bishop in establishing a parish as a stable ecclesial community. It is indeed the bishop who oversees and coordinates all activities within the diocese to ensure the holistic implementation of the Church's mission. As the center of collaboration among the various diocesan bodies, offices, and individuals—each according to their own condition and capacity—the bishop plays a crucial role in ensuring that newly erected parishes are not only juridically valid but also pastorally viable, spiritually vibrant, and communally sustainable.

2. Purpose of the Study

The purpose of this study is to raise awareness about the requirements and processes involved in the establishment of a parish as a stable ecclesial community. In addition to examining the canonical aspects, the study also considers the pastoral dimensions that accompany the process of erecting a new parish.

The aim is to assist parishes in attaining the stability intended by their establishment through the authority of the bishop. To support this goal, the researcher also offers a set of recommendations at the conclusion of the study, based on common challenges encountered during the process of establishing new parishes.

This canonical research may prove valuable to local ordinaries, presbyteral councils, parish priests, presbyters, religious men and women, and all the lay faithful involved in the establishment and life of parishes. Its purpose is to encourage all Christian faithful and those engaged in ecclesial service to actively participate in the building up of parish communities, ensuring their stability and vitality in accordance with the Church's mission, together with their bishop.

3. Rationale of the Study

This study on the role of the bishop in the establishment of a parish as a stable ecclesial community has been carried out with due consideration of the objectives and mission of the Church, particularly within the canonical and pastoral dimensions of parish life. In order to fulfill the Church's mission at the parish level, there are specific procedures and criteria that must be followed when erecting a parish. If these ecclesial norms are respected and implemented, there is greater assurance that the newly established parishes will effectively achieve the Church's primary mission: the salvation of souls.

4. Central Question of Investigation

The central question guiding this investigation is: How can the role of the bishop be promoted in the establishment of a new parish amidst the challenges encountered in the process? This question is explored by analyzing the difficulties faced during parish erection and offering corresponding recommendations to address them constructively.

5. Research Hypotheses

If the Christian faithful are made aware of the bishop's role in the establishment of parishes, they may come to understand that they are collaborators and participants in the process, rather than controversial decision-makers. They may realize that the bishop alone has the responsibility to evaluate both the general circumstances of the diocese and the specific conditions of a proposed parish before making a decision to erect it or not.

Furthermore, an informed and involved Christian community may be inspired to take greater care of ownership of their parish, becoming more responsible for its various needs. As a result, newly erected parishes may no longer struggle to provide for the costs of divine worship, the support of ministers and parish workers, and the execution of apostolic activities.

In addition, when the faithful, workers, and ministers are aware of their roles and responsibilities, there is a reduced risk of tension, dissatisfaction, or feelings of being overburdened—issues that sometimes compromise human dignity and pastoral harmony. A better understanding and active participation could lead to more stable parish administration, allowing parishes to fulfill their mission more effectively. Ultimately, stable and well-managed parishes may become capable of generating new ecclesial communities, leading to the expansion of the Church's mission into other territories through the establishment of new parishes by already thriving "mother" parishes.

6. Methodological Considerations

6.1 Methods of Approach

This thesis employs a combination of methodological approaches—historical, exegetical and analytical, descriptive, and prospective—to provide a comprehensive investigation into the role of

the bishop in the establishment of a parish as a stable ecclesial community, particularly in light of Can. 515 §2.

a) Historical Method

The historical method has been applied primarily to trace the juridical development of legislation concerning the erection of parishes as stable ecclesial communities. This involves examining the canonical tradition and the historical sources that contributed to the formation of Can. 515 §2. The aim is to understand how the role of the bishop in the establishment of parishes has evolved over time within the framework of ecclesial and canonical tradition.

b) Exegetical and Analytical Method

This method involves a close textual study of Can. 515 §2 to uncover the legislator's intention behind the canon. Through critical analysis of the canon and its application in various ecclesial contexts, the research seeks to interpret its meaning accurately while taking into account the pastoral and juridical implications in local Church settings.

c) Descriptive Method

The descriptive approach is used to identify and present the canonical elements and pastoral requirements articulated by the Church concerning the erection of a parish. It involves examining magisterial documents, canonical norms, and ecclesial practices that define and support the establishment of a parish as a stable community of the faithful.

d) Prospective Method

The prospective method is employed to propose constructive recommendations that respond to the central question of the study. By evaluating the current challenges and possibilities

in the process of parish establishment, this approach aims to offer practical solutions and forward-looking suggestions for enhancing the exercise of episcopal authority in this area.

6.2 Structure of the Thesis

The structure of the thesis is divided into three chapters:

Chapter One: The Juridico-Canonical History of the Erection of a Parish

This chapter explores the historical and canonical development of the establishment of a parish as a stable ecclesial community throughout the Church's tradition. Drawing on relevant sources, it examines the evolution of this concept beginning with the Old Testament and continuing into the New Testament, as well as the Patristic period.

Further, the chapter investigates the understanding and juridical treatment of parish establishment during the Medieval period, including the *Corpus Iuris Canonici*. It also analyzes the Tridentine legislation (1545–1563), the norms of the 1917 Code of Canon Law, the teachings of the Second Vatican Council (1962–1965), the legislation of the 1983 Code of Canon Law, and the recent Magisterium of the Church.

Through this diachronic study, the chapter aims to highlight the continuity and developments in the Church's legal and theological understanding of the parish as a permanent and structured community of the faithful under the pastoral care of a bishop since entrusting a parish to a parish priest is a later development.

Chapter Two: The Juridical Study of Canon 515 §2 on the Role of the Bishop in the Erection of a Parish

This chapter examines the juridical sources of Can. 515 §2 of the 1983 *Code of Canon Law*. It traces the development of this canon from its initial formulation to its present structure in

the 1983 Code. Furthermore, the chapter offers a detailed analysis of the text of Can. 515 §2 in order to uncover and articulate the mind (*mens legislatoris*) of the legislator. In addition, it explores related canons within the 1983 Code and relevant provisions in the *Code of Canons of the Eastern Churches*. This textual analysis aims to provide a clearer understanding of the canon's meaning, practical implications, and juridical application.

Chapter Three: Conformity of the Particular Law of the Catholic Diocese of Mangochi with the Provisions of Canon 515 §2

This chapter presents the historical background of the Catholic Diocese of Mangochi and highlights its particular legal provisions regarding the role of the bishop in the erection of a parish as a stable ecclesial community. It also examines the complementary norms issued by the Malawi Conference of Catholic Bishops (MCCB) concerning parish erection. Moreover, the chapter investigates the practical challenges that affect the erection and stable establishment of parishes within the diocese. Finally, it offers recommendations aimed at promoting the stability and vitality of parish communities in conformity with universal and particular canonical norms.

CHAPTER ONE

THE JURIDICO-CANONICAL HISTORY OF THE ERECTION OF A PARISH

Introduction

The development of the parish in the Catholic Church did not occur in a single day; rather, it was a gradual process that unfolded over many centuries. In the early stages of Christianity, there was no formal system known as the parish. Nor were there any universally accepted procedures for the creation of parishes. The concept of the parish emerged from the earlier ecclesial structures, which were organized into local Christian communities. The activities and writings from this formative period laid the groundwork for what would eventually become the formal establishment of parishes.

Moreover, the development of canon law itself reflects a similar gradual evolution. In the early centuries, norms governing the establishment of parishes were not well defined, as canon law had not yet developed into a comprehensive juridical system. Over time, however, a more structured legal framework emerged, culminating in clearer canonical norms regarding the erection of parishes within the particular Church. Thus, the juridical study of the erection of a parish as a stable ecclesial community within the canonical tradition does not offer a complete picture in a single stage. Rather, when considered as a whole, the accumulated historical and legal data reveals a coherent understanding of the norms, requirements, procedures, and the specific role of the bishop in the establishment of a parish.

1.1 Etymological Meaning of Parish

The word *parish* has various meanings. It is sometimes used to designate the group of the faithful living within a defined territory. It also has the proper meaning of a territory. The word

parish, in Latin *parœcia* or *parochia*, comes from the Greek *παροικία*, which means "a gathering of dwellings." Modern terminology is therefore faithful to the etymological meaning of the word *parœcia*, when it considers the parish as a territorial circumscription established within a diocese.[2]

In fact, for centuries, the terminology was used in the opposite sense: the word *parœcia* referred to the diocese, and the word *diocesis* referred to the parish. But in the 6th century, the current meaning of these two terms was established.[3]

1.2 Scriptural Foundation

The study of the scriptural foundation reveals that the term *parish* has roots in the original Greek versions of both the Old and New Testament Scriptures. In the biblical context, however, the word *parish* conveys a meaning and structure that differ significantly from its contemporary ecclesiastical usage. This difference provides insight into the manner of its initial understanding and the authority involved in its origin, especially when compared to the current canonical framework for the erection of a parish.

In Old Testament usage, the Greek word *paroikia* refers to a group of foreigners or sojourners—people living temporarily in a foreign land without citizenship or the right of domicile. These individuals, residing in unfamiliar territory, longed for a permanent homeland (Cf. Heb 13:14). The noun *paroikia* can be applied, for instance, to Abraham during his time in Egypt (Cf. Gen 12:10), and also to the Israelites while they were enslaved in Egypt (Cf. Ex 2:22). In this

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[2] WERNZ-VIDAL, *Jus canonicum*, II, Rome, 1943, p. 912: "Coetus fidelium intra territorium degentium." See also J. OTADUY., *Diccionario General De Derecho Canonico*, Vol V, Universidad de Navarra, Pamplona 2012, p. 901.

[3] Cf. R. NAZ, "Paroisse," in *Dictionnaire de droit canonique*, t. 6, Librairie Letouzey et Ané, Paris 1957, col. 1234.

scriptural sense, the term highlights a transient and dependent status, in contrast to the stable and structured concept of a parish in today's ecclesial context.[4]

1.2.1 The Origin of Parish in the Scriptures

The scriptural foundation affirms the origin of the ecclesial structure now known as the parish.[5] Although the specific term 'parish' does not appear explicitly in the Bible, the Scriptures offer a biblical perspective that foreshadows the future establishment of parishes. Implicitly, the biblical witness suggests that it is God's will for the Church to be organized into communities, which would later develop into the structure called the parish.

A community, by definition, is a group of persons collaborating toward a common purpose. Jesus Christ did not intend for his disciples to carry out their mission in isolation. For example, when sending out his disciples, Jesus sent them in pairs. As stated in Luke 10:1–4:

> After this the Lord appointed seventy-two others and sent them on ahead of him in pairs to every town and place where he himself intended to go. He said to them, 'The harvest is plentiful, but the laborers are few; therefore, ask the Lord of the harvest to send out laborers into his harvest. Go on your way; I am sending you out like lambs into the midst of wolves. Carry no purse, no bag, no sandals; and greet no one on the road.

This passage illustrates that Jesus recognized the importance of his disciples working in companionship, affirming that the smallest form of community begins with at least two persons. This is further emphasized in Matthew 18:20: *"*For where two or three are gathered in my name, I am there among them*."*

Additional scriptural passages reinforce the divine origin of early Christian communities, which laid the groundwork for what would eventually be institutionalized as the parish. Among

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[4] D.M. NGONA, *Small Christian Communities. A Source of Renewal for Parish Life*, (A Theological-Canonical Approach), Thesis, Cuea Press, Nairobi 1995, p. 57. See also G.L. ABEGUNRIN, *Parish Organisation in Conciliar Documents and in the Code of Canon Law*: *with special reference to Oyo Diocese in Nigeria*, Dissertation, Pontificia Universitas Urbaniana, Romae 1988, p. 3.

[5] D.M. NGONA, *Small Christian Communities. A Source of Renewal for Parish Life*, (A Theological-Canonical Approach), Thesis, p. 57. See also G.L. ABEGUNRIN, *Parish Organisation in Conciliar Documents and in the Code of Canon Law*: with special reference to Oyo Diocese in Nigeria, Dissertation, p. 3.

these are Luke 9:1–6; Matthew 10:10–11; Mark 6:12; and the Great Commission in Matthew 28:19–20.

1.2.2 The Role of St. Paul in Establishing Ecclesial Communities

The life of St. Paul after his conversion had a profound influence on many, leading numerous followers to embrace Christianity. In the New Testament, following the death of Jesus Christ, St. Paul emerged as one of the principal evangelizers, laboring tirelessly to establish local Christian communities as churches in various cities (Cf. Acts 14:21–23). He collaborated with these local communities—recognized as churches—in places such as Antioch, Lystra, Corinth, Jerusalem, Ephesus, and other regions.

Acts 2:42–47 offers a vivid portrayal of an early model of a local faith community that gathered regularly. This model shows clear similarities to the present-day structure of Christian gathering known as the parish. The passage states: “They devoted themselves to the apostles’ teaching and fellowship, to the breaking of bread and the prayers.” This same pattern continues today, as Christians in a parish gather as a community for prayer, the Eucharist, fellowship, and the teaching of the faith. This indicates that the apostles—particularly St. Paul—played a foundational role in forming the early Christian communities, which serve as the basis and inspiration for the modern parish structure.

Another passage that illustrates St. Paul’s role in the formation of local Christian communities as a precursor to the parish is Acts 20:28. Here, Paul exhorts the elders of the Church in Ephesus, saying: “Keep watch over yourselves and over all the flock, of which the Holy Spirit has made you overseers, to shepherd the Church of God that he obtained with the blood of his own Son.” This concept of entrusted leadership and pastoral care directly parallels the responsibilities of bishops and parish priests in today’s ecclesial framework.

Furthermore, for the continued stability and growth of the early Christian communities, St. Paul provides guidance in his pastoral letters. In 1 Timothy 3:1–7 and Titus 1:5–9, he outlines the qualifications for elders (presbyters) and overseers (bishops) in the Church. These roles served as the foundation for the modern-day parish clergy. These passages emphasize the moral, spiritual, and doctrinal integrity required of those entrusted with leadership, thereby reinforcing the continuity between the early Church communities and the structured pastoral care present in contemporary parishes.

Saint Paul writes:

> Here is a trustworthy saying: Whoever aspires to be an overseer desires a noble task. Now the overseer is to be above reproach, faithful to his wife, temperate, self-controlled, respectable, hospitable, able to teach, not given to drunkenness, not violent but gentle, not quarrelsome, not a lover of money. He must manage his own family well and see that his children obey him, and he must do so in a manner worthy of full respect. He must not be a recent convert, or he may become conceited and fall under the same judgment as the devil. He must also have a good reputation with outsiders, so that he will not fall into disgrace and into the devil's trap.

The works of St. Paul provide an excellent example from Scripture of the early establishment of ecclesial communities as Churches, forming the foundational basis for the later development of parishes. Paul wrote to communities he knew personally, many of which he himself had founded and organized.

Stanislaus, in his book, highlights the role of St. Paul, stating: "After the departure of Jesus Christ, St. Paul not only inculcated the Church as the Mystical Body of Christ, but he also undertook the first steps to manifest its nature as a social and juridic body. He did this by founding Christian communities in the Roman Empire."[6] Likewise, James A. Coriden, writing in *The Jurist*, reflects on the nature of parishes in relation to the local congregations developed during the time of St. Paul in the New Testament. He observes: "Parishes are not branch offices or local outlets of

[6] S. J. GRABOWSKI, *The Church. An Introduction to the Theology of St. Augustine*, B. Herder Book Co. New York ©1957, p. 166.

a central corporation, like banks or auto agencies or service stations. They are unique communities of Christian people. They are authentic Churches, just like those described in the New Testament in Jerusalem, in Antioch, in Corinth, and Ephesus."[7]

1.2.2.1 The Competent Authority to Establish Local Christian Communities

The scriptural foundation and tradition show that, after being commissioned by Jesus Christ, the apostles and other disciples with leadership responsibilities played a key role in the establishment of local Christian communities as churches. For example, in Acts 14:23 we read: "Paul and Barnabas appointed elders for them in each church and, with prayer and fasting, committed them to the Lord in whom they had put their trust." A primary condition for establishing these local Christian communities was the conversion of heart by those who had received the preaching of the Gospel and subsequently received baptism. Acts 14:21–22 affirms this: "They preached the gospel in that city and won a large number of disciples. Then they returned to Lystra, Iconium and Antioch, strengthening the disciples and encouraging them to remain true to the faith."

However, the churches of this first generation were far from uniform; they were organized in diverse ways. As James A. Coriden notes in his book, The Parish in Catholic Tradition: "Leaders had emerged, but patterns of leadership were not yet fixed. It was a time for founding and building communities." In many cases, householders served as hosts and patrons of the house churches—for example, Stephanas in Corinth (Cf. 1 Cor 16:15). In 1 Thessalonians 5:12, Paul refers to three forms of leadership or roles within the community. Further, in 1 Corinthians 12:8, 28; Romans 12:6; and Ephesians 4:11, Paul provides various lists of leadership roles and ministries. While some common roles appear—such as apostles, prophets, teachers, pastors, or ministers—the names

[7] J. A. CORIDEN, The Jurist, 54(1994)22-39. *The Vindication of Parish Rights*, p. 23.

and functions differ. It is evident that this early period was marked by considerable diversity, allowing space for the unique emergence and exercise of individual leadership gifts within the communities.

1.3 Contributions of the Fathers of the Church to the Establishment of a Parish

It is well known that Christianity was first established in cities. Originally, the Christian community was gathered around a single church served by the bishop. When the number of the faithful increased, it became necessary to create several places of worship—called *tituli*—within the same city. These were served by priests known as *presbyteri cardinales*, or "hinge priests." Their name indicated that they were as essential to the Christian life of the community as hinges (*cardines*) are to the functioning of a door. These *presbyteri cardinales* lived in the episcopal city and formed the *presbyterium* or council of the bishop. Such is the origin of urban parishes.[8]

During the time of the Church Fathers, the formal procedures for the establishment of a parish were not yet fully articulated in a single, comprehensive document. However, their writings—such as homilies, letters, theological teachings, and pastoral ministry—laid the groundwork for the future development of the parish system. Though lacking formal codification, their contributions were foundational in shaping ecclesial structures.

Many of the principles and insights offered by the Church Fathers remain relevant in the Church today, particularly in relation to parish life and community building. Below, are some key elements contributed by the Fathers of the Church that significantly influenced the development of the parish structure.

[8]Cf. R. NAZ, "Paroisse," in *Dictionnaire de droit canonique*, col. 1236.

The contributions of the Church Fathers offer valuable insight into the foundational principle that everything taking place within a diocese falls under the jurisdiction of the bishop. What is particularly noteworthy about the current canonical norms regarding the establishment of a parish and episcopal jurisdiction is that, some of these norms can be traced back to the teachings and practices introduced by the Church Fathers.

1.3.1 Ignatius of Antioch (1st-2nd Century 35-107 AD)

Ignatius of Antioch strongly emphasized obedience to the bishop, recognizing the bishop as both shepherd and pastor of the diocese.[9] Obedience to the bishop, therefore, is not merely a matter of discipline, but a theological expression of fidelity to Christ. In his *Epistle* to the *Trallians*, Ignatius writes: "For when you are obedient to the bishop as to Jesus Christ, it is evident to me that you are living not after men but after Jesus Christ, who died for us, that believing in His death you might escape death."[10] This statement underscores the spiritual authority of the bishop as a visible sign of unity and communion with Christ.

Ignatius, in his *Epistle* to the *Smyrnaeans*, taught strongly against divisions for the sake of the good of the Church. He writes: "Division is the beginning of evils. Follow your bishop as Jesus Christ followed the Father, and the presbytery as the apostles; and to the deacons pay respect as to God's commandment. Let no one do anything pertaining to the Church apart from the bishop."[11]

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[9] IGNATIUS OF ANTIOCH, *Epistula ad Trallianos,* Cf. J.B. LIGHTFOOT, *The Apostolic Fathers,* Macmillan and Co Limited, New York 1907, n. 2-9, p.147-148. See also M.W. HOLMES, *The Apostolic Fathers. Greek Texts and English Translations,* 3rd Ed. Baker Academic, Michigan 2007, nn. 2-3, pp. 214-217

[10] IGNATIUS OF ANTIOCH, *Epistula ad Trallianos,* Cf. J.B. LIGHTFOOT, *The Apostolic Fathers,* n. 2, p.147. "Cum enim subiecti estis episcopo tamquam Iesu Christo, mihi videtur non secundum homines vivere, sed secundum Iesum Christum, qui pro nobis mortuus est, ut credentes in morte eius evadatis mortem. " (For when you are obedient to the bishop as to Jesus Christ, it is evident to me that you are living not after the manner of men, but according to Jesus Christ, who died for us, in order that by believing in His death, you may escape from death.) See also M.W. HOLMES, *The Apostolic Fathers. Greek Texts and English Translations,* 3rd Ed. Baker Academic, Michigan 2007, n. 2, pp. 214-215.

[11] IGNATIUS OF ANTIOCH, *Epistula ad Smyrnaeans,* Cf. J.B. LIGHTFOOT, *The Apostolic Fathers,* n. 8, p.158. See also M.W. HOLMES, *The Apostolic Fathers. Greek Texts and English Translations,* 3rd Ed. Baker Academic, Michigan 2007, n. 8.1-8.2, pp. 254-257.

This passage clearly affirms that the unity of the Church is rooted in communion with the bishop, who guarantees the legitimacy of sacramental and ecclesial life.

In addition, Ignatius, in his *Epistle* to the *Ephesians*, urges the faithful to love and esteem Onesimus, their bishop. He exhorts them to be perfectly united in submission—submitting themselves to the bishop and the presbyters—so that they may be sanctified in all things. Implicit in this teaching is a responsibility also laid upon the bishop: he must not allow any form of division within the diocese, as such disunity undermines the life and growth of the Church.

Again, in his *Epistle* to the *Magnesians*, Ignatius prays that the churches may be granted a union of both flesh and spirit, which belong to Jesus Christ, our unfailing source of life. He prays for a union of faith and love—greater than all else—and, above all, a union with Jesus and with the Father. He writes: "In whom, if we endure patiently all the spite of the prince of this world and escape therefrom, we shall attain unto God."[12] Here, Ignatius reaffirms that ecclesial unity, grounded in obedience and communion with the bishop, is a pathway to holiness and ultimate union with God.

Additionally, in his *Epistle* to the *Philadelphians*, Ignatius affirms the bishop's unique authority by stating: "Do nothing without the bishop."[13] This highlights the necessity of episcopal oversight in matters that are specifically reserved to the bishop, ensuring fidelity to the Church's legislation and promoting unity within the ecclesial body. One such matter is the establishment of a new parish, which cannot be undertaken without the bishop's knowledge and consent. In

[12] IGNATIUS OF ANTIOCH, *Epistula ad Magnesians,* Cf. J.B. LIGHTFOOT, *The Apostolic Fathers,* no.1, p.143. See also M.W. HOLMES, *The Apostolic Fathers. Greek Texts and English Translations,* 3rd Ed. Baker Academic, Michigan 2007, n. 13, pp. 210-211.

[13] IGNATIUS OF ANTIOCH, *Epistula ad Philadelphenses,* Cf. J.B. LIGHTFOOT, *The Apostolic Fathers,* n.7, pp.154-155. "Nihil sine episcopo facite." Here, St. Ignatius of Antioch emphasizes the importance of unity and obedience within the Church.

continuity with this teaching, Ignatius exhorts the faithful: "Cherish union, shun divisions, be imitators of Jesus Christ, as He Himself also was of His Father."[14] These words reflect his deep concern for ecclesial harmony under the legitimate authority of the bishop.

1.3.2 Tertullian (155–240 AD)

Tertullian contributed significantly to the understanding of ecclesial hierarchy by outlining the major offices within the Church. He listed these offices in hierarchical order: bishop, presbyter, and deacon.[15] He expounded on their respective roles, stating: "The single bishop presides in the place of God, the presbyters in that of the apostles, and the deacons are entrusted with the ministry of Jesus Christ."[16]

Furthermore, in both *De Praescriptione* 32,1[17] and *Adversus Marcionem* IV,5,2[18], Tertullian refers to the *ordo* of bishops. He emphasized the apostolic nature of the episcopate, describing it as the faithful transmission of apostolic teaching through an orderly succession of office across generations. For Tertullian, the episcopate had an authentic apostolic foundation; however, he did not regard bishops as successors of the apostles with all their original rights and privileges fully intact. His writings indicate that the authority of bishops is not self-derived but

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[14] IGNATIUS OF ANTIOCH, *Epistula ad Philadelphenses,* Cf. J.B. LIGHTFOOT, *The Apostolic Fathers,* n.7, pp.154-155.

[15] D. RANKIN, *Tertullian and the Church*, Cambridge University Press, Cambridge © 1995, p. 145.

[16] D. RANKIN, *Tertullian and the Church*, pp. 143-144.

[17] TERTULLIAN, *De Praescriptione Haereticorum*, Chapter 32, Section 1 : "Edant ergo origines ecclesiarum suarum, evolvant ordinem episcoporum suorum ita per successiones ab initio decurrentem ut primus ille episcopus aliquem ex apostolis vel apostolicis viris, qui tamen cum apostolis perseveraverit, habuerit auctorem et antecessorem." ("Let them [the heretics] produce the original records of their churches; let them unfold the roll of their bishops, running down in due succession from the beginning, in such a manner that the first bishop of theirs shall be able to show for his ordainer and predecessor some one of the apostles or of apostolic men—a man, moreover, who continued steadfast with the apostles.")

[18] TERTULLIAN, *Adversus Marcionem*, Book IV, Chapter 5, Section 2: "Habemus et Ioannis alumnas ecclesias. Nam etsi Apocalypsin eius Marcion respuit, ordo tamen episcoporum ad originem recensus in Ioannem stabit auctorem." ("We have also the churches fostered by John. For although Marcion rejects his Apocalypse, the order of bishops, when traced back to its origin, will rest upon John as its author.")

handed down from the apostles. It is a divinely instituted authority, which includes the responsibility of establishing new parishes.

1.3.3 Cyprian of Carthage (200–258 AD)

St. Cyprian of Carthage, writing in the 3rd century, further developed this understanding by grounding ecclesial unity in the communion between the bishop, clergy, and faithful. In *De unitate ecclesiae* 17, he writes: *"Episcopatus unus est, cuius a singulis in solidum pars tenetur. Ecclesia quoque una est, quae in multitudinem latius incremento copiosiore porrigitur: quomodo solis multa radii, sed lumen unum, et rami arboris multi, sed robur unum tenaci radice fundatum."* That is, "The episcopate is one, each part of which is held by each one for the whole. The Church also is one, which is expanded and spread out into a multitude with a copious increase; just as the rays of the sun are many, yet the light is one; and the branches of a tree are many, yet the strength is one, based on a tenacious root."[19] This image-rich ecclesiology reflects a deeply pastoral and juridical vision of the Church as an organic communion. For Cyprian, the bishop is not simply a figure of authority but the sacramental sign of the Church's unity, whose role is essential to the identity and stability of the local Church. His thought laid a decisive foundation for later canonical norms concerning ecclesiastical governance. The principle that the faithful must be united with their lawful pastors, particularly the bishop, implies a structured and stable form of community life—what would later evolve canonically into the concept of the parish. Thus, Cyprian's theology becomes a theological antecedent to the canonical recognition of the parish as a defined community entrusted to the care of ordained ministers in communion with the bishop.

[19] CYPRIAN OF CARTHAGE, *De unitate Ecclesiae* 17, in *The Fathers of the Church*, vol. 36, ed. ROY J. DEFERRARI, CUA Press, Washington, DC 1958, p. 107.

Cyprian of Carthage, in his writings, emphasizes the role of the bishop as a pastor. In support of this pastoral role, Cyprian advocated for the presence of a single bishop in each local church.[20] Cyprian's insistence on one bishop per local church arose partly from ecclesial disputes, particularly conflicts between legitimately elected bishops and rival claimants. In some instances, bishops unilaterally appointed their successors, transferring episcopal power and responsibility without proper procedure. To address these issues, Cyprian supported a succession model in which a single bishop would be established in each city or town and his legitimacy confirmed by recognition from other bishops within a broadly conceived episcopal college.[21] His emphasis on unity and proper succession was rooted in pastoral concern—*pro bono animarum*—"for the good of souls."

Moreover, Cyprian addressed the question of episcopal succession and the proper method of bishop elections, aiming to preserve the dignity of the episcopal office, which was at times under threat. According to Cyprian, following the death or deposition of a bishop, a new bishop was to be elected by the laity and possibly the clergy, with the approval of neighboring bishops. The new bishop would receive his authority not from his predecessor, but from the bishops who

[20] J. P. BURNS, *Cyprian The Bishop. Routledge Early Church Monographs*, Taylor and Francis Group, London 2002, p. 90. That is why today though there may be two or three bishops in a diocese, among them there is only one diocesan bishop as a shepherd of the diocese. The other bishops are just assistants who are either auxiliaries or coadjutor.

[21] Cf. CYPRIAN, *De Ecclesiae Catholicae Unitate*, Chapter 5: "Episcopatus unus est, cuius a singulis in solidum pars tenetur." This statement underscores the unity of the episcopate, where each bishop holds a part of the whole. *Epistula 55 (Ad plebem Thibaris)*, Section 7: "Habere non potest Deum patrem qui ecclesiam non habet matrem." Here, Cyprian emphasizes that one cannot have God as Father without the Church as Mother, highlighting the necessity of being in communion with the Church and its legitimate bishop. *Epistula 67 (Ad clerum et plebem)*, Sections 5–6: "Nec episcopum sibi quisquam constituit, sed ecclesia universa, quae ad episcopum spectat, in episcopo est." Cyprian insists that no one appoints a bishop for himself; rather, the entire Church, which pertains to the bishop, is in the bishop. This underscores the communal aspect of episcopal appointments. *Epistula 69 (Ad clerum et plebem Furnitanam)*, Section 1: "Episcopus non potest ordinari nisi in praesentia plebis, quae scit vitam uniuscuiusque, et in conspectu cleri, qui probat mores et actus." Cyprian asserts that a bishop cannot be ordained except in the presence of the people, who know each person's life, and in the sight of the clergy, who approve the morals and actions. This highlights the importance of communal recognition in episcopal ordination.

supervised the election and performed the ordination.[22] These regulations proposed by Cyprian sought to ensure the integrity of episcopal authority and promote a stable and effective governance structure within the Church.

1.4 Development of Parishes up to VI Century

It is well known that Christianity was first established in the cities. Originally, the Christian community was gathered around a single church served by the bishop. As the number of the faithful increased, it became necessary to create several places of worship within the same city, known as *tituli*, which were served by priests called *presbyteri cardinales*, or pivotal priests. Their name indicated that they were as essential to the Christian life of the community as hinges (*cardines*) are necessary to the functioning of a door. These *presbyteri cardinales* lived in the episcopal city and formed the *presbyterium*, or the bishop's council. This is the origin of urban parishes.[23]

At the beginning of the 4th century, as Christianity spread to the countryside, it became necessary to establish religious centers there for the benefit of the *plebs*. The priests assigned to these centers were called *presbyteri plebani*, from which comes the title of *curés plébains* (pleban priests), still used today as an honorary title in Savoy and Brittany (for example, the *curé-plébain*

[22] CYPRIAN, *Epistula* 67, 5: "Episcopus plebe praesente sub omnium oculis deligatur, et dignus atque idoneus publice iudicio ac testimonio omnium probetur." (The bishop should be chosen in the presence of the people, under the eyes of all, and should be approved as worthy and suitable by the public judgment and testimony of all.) *Epistula* 68, 4: "Non enim oportet episcopum fieri praeter conscientiam plebis, ut populo praesente vel detur episcopus, vel ab omnibus eligatur et dignus atque idoneus plebi universae deligatur." (For it is not right that a bishop be appointed without the knowledge of the people, so that the bishop should either be given in the presence of the people, or be chosen by the people as one worthy and suitable for the entire community.) *Epistula* 59, 5: "Unde manifestum est episcopum esse in ecclesia et ecclesiam esse in episcopo, et si quis cum episcopo non sit, in ecclesia non esse." (From this it is evident that the bishop is in the Church and the Church is in the bishop; and if anyone is not with the bishop, he is not in the Church.)

[23] Cf. R. NAZ, "Paroisse," in *Dictionnaire de droit canonique*, col. 1236. See also, T. O'BRIEN, *et al*., (eds.), "Parish," *New Catholic Encyclopedia*, vol. 17, The Catholic University of America Press, Washington DC 1979, p. 477.

of Évian). Thus were born the rural parishes, though due to various causes; their establishment became widespread in the 5th century.[24] The oldest ones were created by bishops in small towns or *vici*. Gregory of Tours notes many examples in Tours and elsewhere.[25]

From the 5th century onwards, large landowners began the custom of establishing private oratories on their estates or *villæ*, for the use of their families and their people. Sometimes, there was an oratory in every *villa*; and when a *villa* was very large, there could be an oratory in each of its constituent regions. It is known that the area of a *villa* was sometimes equivalent to that of a modern district.[26]

By the 6th century, when monasticism had become well established, abbots—following the example of large landowners—began founding places of worship on the lands belonging to their abbeys. The construction of a church thus marks the origin of the parish, and the origin of the church determines the type of governance to which it will be subject.[27]

When the church is founded by the bishop, the *presbyteri plebani* depend entirely on him: in religious, disciplinary, and also temporal matters. All ecclesiastical goods are gathered under the authority of the bishop. It is his responsibility to distribute them. It is from him that the *plebani* receive their *subsidium* (support or means of sustenance).[28]

1.5 Early Councils and the Organization of Local Communities

The councils, through their teachings on Church structure and organization, laid the foundational groundwork for the norms regarding the establishment of parishes and the role of the

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[24] Cf. R. NAZ, "Paroisse," in *Dictionnaire de droit canonique*, col. 1236.

[25] GREGOIRE DE TOURS, *Histoire des Francs*, (Traduction par ROBERT LATOUCHE), X, 31; V, 5; V, 36; VII, Edition les Belles Lettres, Paris 1963-1965, p. 10.

[26] Cf. R. NAZ, "Paroisse," in *Dictionnaire de droit canonique*, col. 1236.

[27] Cf. R. NAZ, "Paroisse," in *Dictionnaire de droit canonique*, col. 1236.

[28] Cf. R. NAZ, "Paroisse," in *Dictionnaire de droit canonique*, col. 1236.

bishop. The ecumenical councils also solidified the roles of bishops and priests, who play a central role in parish life.

As the Church expanded, the need for more formal structures of pastoral care became apparent. The Council of Nicaea (325), while focused primarily on Christological issues, included canons dealing with ecclesiastical jurisdiction. Canon 6 of Nicaea, for example, established the rights of metropolitans and set norms for episcopal authority in ecclesiastical provinces.[29] This indirectly laid the groundwork for further territorial organization at the diocesan and parochial levels.

The Council of Laodicea (c. 363), in Canon 57, explicitly refers to "rural parishes" and indicates that priests are to be appointed for them by the bishop.[30] This canon marks a critical step toward the recognition of the parish as a distinct pastoral unit within a diocese.

Until the 6th century, the ministers of the churches on the *villæ* were in the same situation. But in 517, the Council of Epaone urged the owners of the *villæ* to provide, even before ordination, for the sustenance and clothing of the clerics designated to serve their churches: *"non ante propriæ ordinentur, quam eis compitens victus et vestitus substantia deputetur"*(Canon 25) — (let them

[29] N. P. TANNER, ed., *Decrees of the Ecumenical Councils*, vol. 1, Sheed & Ward, London 1990, p. 5. COUNCIL OF NICAEA, Canon. 6: "Antiqua consuetudo obtineat, ut episcopus Alexandrinus habeat potestatem super Aegyptum, Libyam et Pentapolim, quia et episcopo Romano hoc par est. Similiter autem et apud Antiochiam ceterasque provincias sua privilegia serventur ecclesiis. Manifestum autem est, si quis episcopus sine iudicio metropolitani fuerit constitutus, hunc non debere episcopum esse." (Let the ancient customs prevail, which are in Egypt, Libya, and Pentapolis, so that the Bishop of Alexandria shall have authority over all these places, since this is also customary for the Bishop of Rome. Likewise, in Antioch and in the other provinces, let the privileges of the churches be preserved. It is clearly understood that if anyone is made bishop without the consent of the metropolitan, this person is not to be considered a bishop.)

[30]Cf. COUNCIL OF LAODICEA, Canon 57, in *Collectio Canonum Ecclesiae Africanae*, CHARLES MUNIER (ed.), Brepols, Turnhout 2003, p. 142: "In agris et vicis non debent episcopi constitui, sed itinerantes existere; et qui iam sunt constituti, nihil agant sine consensu episcopi civitatis. Similiter nec presbyteri quidquam agant sine episcopo." (In the countryside and villages, bishops are not to be appointed, but only itinerant visitors; and those who have already been appointed must do nothing without the consent of the bishop of the city. Likewise, presbyters are to do nothing without the bishop.)

not be ordained for their own church before a suitable provision for food and clothing has been assigned to them.)[31]

The Council of Orléans (541) went even further: it called upon the landowner to endow his oratory:

"Si quis in agro suo aut habet aut postulat habere diocesim, primum et terras ei deputet sufficienter" — (If anyone has or desires to have a diocesan church on his land, let him first allocate sufficient land for it). In return for these benefits, the landowner acquired the right—recognized by the same Council of Orléans—to present to the bishop the cleric designated to serve the church. This marks the origin of the right of patronage.[32]

The abbots who founded churches acquired the same right of presentation as lay landowners, with the particular condition that they retained for themselves the title of parish priest, recognizing the actual ministers only as perpetual vicars. Thus was born the institution of the "primitive parish priest," which survived—at least in France—until the Revolution, bringing with it various complications regarding the method of appointment of the parish priest, the system of tithes, and the conditions for the maintenance of the church.[33]

Similarly, the churches or oratories of the *villæ* gave rise to the system of private churches, under which the owner claimed not only the right to present the minister of the church but also to choose him as one would in the investiture of a fief. Moreover, the owner claimed the right to receive tithes and offerings as if they were appurtenances attached to the property he owned.[34] The Church had to react against these claims as early as the Middle Ages, notably by reforming the

[31] Cf. R. NAZ, "Paroisse," in *Dictionnaire de droit canonique*, col. 1236.
[32] Cf. R. NAZ, "Paroisse," in *Dictionnaire de droit canonique*, col. 1236.
[33] Cf. R. NAZ, "Paroisse," in *Dictionnaire de droit canonique*, coll. 1236-1237.
[34] Cf. R. NAZ, "Paroisse," in *Dictionnaire de droit canonique*, col. 1237.

right of patronage. This limited the founder's privileges to the mere presentation of a cleric to the bishop, who would then appoint him to serve the church, while all other claims were excluded.[35]

If one inquires into the precise locations where these churches or oratories—nuclei of emerging parishes—were originally established, one finds that some succeeded pagan temples that had fallen into disuse following the disappearance of paganism under Emperor Theodosius (379–395); others were built at sites where certain saints had died, whether by martyrdom or otherwise; and still others were constructed in places where the body of a saint, or at least some of their most venerated relics, were preserved.[36]

St. Gregory the Great (+604) acknowledged that, in the absence of capable priests, a bishop could appeal to an abbot to provide a suitable candidate to receive holy orders. In such cases, the ordained person would become a secular cleric.[37]

The same Pope selected monastic communities for missionary work in England, Gaul, Germany, Scandinavia, etc., which made it necessary to increase the number of priests. The success of these missions and the influx of the faithful seeking spiritual assistance from the monasteries compelled the monks to establish fixed places of ministry near their abbeys, which eventually evolved into parish churches. Sometimes, the monks extended their pastoral care over surrounding territories, which led to the formation of religious parishes.[38]

Toward the end of the 9th century, during the feudal period, the lord (whether abbot, bishop, or layman) considered not only the faithful but also the officiating priest as his subjects. This gave rise to the *right of patronage*. At times, lay patrons would donate parishes to nearby abbeys in

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[35] Cf. R. NAZ, "Paroisse," in *Dictionnaire de droit canonique*, col. 1237 ; P. THOMAS, *Le droit de propriété des laïques sur les églises*, E. Leroux, Paris, 1906; P. FOURNIER, *La propriété des églises dans les premiers siècles du Moyen Age*, in *Nouvelle Revue Historique de Droit Français et Étranger*, vol. 21, 1897, pp. 493–528.

[36] Cf. R. NAZ, "Paroisse," in *Dictionnaire de droit canonique*, col. 1237.

[37] Cf. *Ep. VII*, nos. 15–17.

[38] Cf. "Parroco religioso," in F. D'OSTILIO *et al.*, (eds.), *Dizionario degli istituti di perfezione*, VI, Edizioni Paoline, Milano 1980, col. 1185.

order to secure prayers for their souls. Gregory VII undertook a reform to suppress all lay interference, but since there were few worthy priests, many parishes were entrusted to monks. From the 10th century onwards, monasteries came to possess a great number of parishes.

Initially, it was easy for monasteries to entrust parishes to good priests, but with the growing number of parishes and the decline of the secular clergy, this became increasingly difficult. Consequently, monasteries were often forced to send some monks to serve in distant parishes.[39] Bishops and councils opposed monastic ministry, and from the 9th century onwards, the solution of *incorporation* was introduced: the title of the parish would be united with the abbey, which would then delegate vicars to provide pastoral care.[40]

1.6. The Medieval Period and the *Corpus Iuris Canonici*

The medieval period saw the consolidation of the parish structure as a stable and juridic entity. Gratian's *Decretum* (Can. 1140), the first systematic compilation of canon law, drew together decrees from councils and papal letters that touched upon the administration and oversight of churches and clergy.

The *Corpus Iuris Canonici* expanded upon Gratian's work. In particular, the *Liber Extra* of Pope Gregory IX (1234) contained several provisions regarding the rights and obligations of pastors and the procedures for establishing new ecclesiastical entities. Canon law during this time made it clear that the diocesan bishop had the authority to erect and alter parishes but must consider the good of souls and the rights of existing churches.[41]

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[39] Cf. "Parroco religioso," in F. D'OSTILIO *et al.*, (eds.), *Dizionario degli istituti di perfezione*, VI, Edizioni Paoline, Milano 1980, col. 1185.

[40]Cf. "Parroco religioso," in F. D'OSTILIO *et al.*, (eds.), *Dizionario degli istituti di perfezione*, VI, Edizioni, col. 1185.

[41] Cf. X 1. 6. c. 43, in *Corpus Iuris Canonici*, vol. 2, AEMILIUS FRIEDBERG (ed.) Tauchnitz, Leipzig 1881, 145: "Quod si contingat, quod in aliqua parochia fidelium multitudo tanta existat, quod unus presbyteris onus

The territorial delimitation of parishes and the obligation of the faithful to attend Mass and receive sacraments within their parish jurisdiction were further emphasized. These elements would become definitive features of parish law in the Latin Church.

The *Ad audientiam* constitution of Alexander III preserved in the *Corpus Iuris Canonici*, specifically in the Decretals of Gregory IX, Book III, Title 30, Chapter 1 (*De officio archidiaconi et archipresbyteri*) is a fundamental document on the establishment of parishes by the bishop. Pope Alexander III addresses the responsibilities of archdeacons and archpriests, emphasizing the importance of pastoral care and the proper administration of sacraments. A pertinent excerpt related to the establishment of new parishes is:

> "It has come to our attention that in certain places, due to the multitude of people and the distances involved, parishioners cannot receive the ecclesiastical sacraments without great inconvenience. Therefore, we decree that, where necessity demands, bishops may erect new parishes, even against the wishes of the rectors of existing churches, to promote the salvation of souls."[42]

This constitution emphasizes the Church's commitment to ensuring that the faithful have reasonable access to the sacraments and pastoral care. By granting bishops the authority to establish new parishes in response to pastoral needs, even without the consent of existing church rectors, Pope Alexander III highlighted the primacy of spiritual welfare over administrative boundaries. This principle underscores its enduring significance in ecclesiastical governance.

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non sufficiat sustinere, episcopus, de consilio clericorum suorum, provideat, ut ibi duo vel plures instituantur, vel parochia dividatur, prout utilius existat animarum saluti." (If it happens that in some parish the multitude of the faithful is so great that one priest cannot bear the burden, the bishop, with the counsel of his clergy, should provide that two or more be appointed there, or that the parish be divided, as may be more useful for the salvation of souls.)

[42] ALEXANDER III, Constitution *Ad audentiam*, in X 3.30.1: "Ad audientiam nostram pervenit quod in quibusdam locis, propter multitudinem populi et distantiam locorum, parochiani sacramenta ecclesiastica percipere non possunt sine magno incommodo. Quapropter statuimus ut, ubi necessitas id exposcit, episcopi novas parochias erigere possint, etiam invitis rectoribus ecclesiarum, ad salutem animarum promovendam."

On the point of abuses, Popes and councils (such as the Third Lateran Council[43] and the Council of Constance[44]) intervened against abuses, but despite all efforts, incorporations continued to multiply until the end of the Middle Ages**.**

The decrees issued, for example that of the Council of Constance, reflect the Church's efforts to address and rectify abuses in ecclesiastical appointments and parish administration. By reinforcing episcopal authority and promoting regular oversight through councils, the Church aimed to ensure that pastoral care and church governance adhered to canonical norms and served the spiritual needs of the faithful.

1.7 The Erection of the Parish from the Council of Trent (1545-1563) to the 1917 Code

The Council of Trent (1545–1563)[45] reorganized and reformed the parish system of the Catholic Church to make it more responsive to the needs of the faithful. The Council sought to improve and strengthen the structure of the parish by clarifying certain doctrinal aspects related to its nature and function.

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[43] Canon 18 of the Third Lateran Council (1179) emphasizes the authority of bishops in appointing priests to parochial churches and restricts lay interference in ecclesiastical matters: "Priests shall be appointed to parochial churches by the bishops, to whom they shall be responsible for the care of souls and other matters pertaining to them. They are not permitted to receive tithes and churches from laics without the will and consent of the bishops. If they act otherwise, let them be subject to the canonical penalties." This canon aimed to curb the practice of lay patrons appointing clergy without episcopal approval, thereby reinforcing the hierarchical structure of church governance and ensuring that pastoral care remained under the purview of ecclesiastical authority.

[44] The Council of Constance (1414–1418) issued the decree *Frequens* in 1417, which mandated the regular convening of general councils to address church reforms and curb abuses: "The frequent holding of general councils is a pre-eminent means of cultivating the field of the Lord. For the more frequently the general councils are held, the more fully and more carefully is the field of the Lord cultivated, and the more abundantly do the fruits of good works multiply." While *Frequens* does not directly address parish incorporations, its emphasis on regular councils was intended to provide ongoing oversight and reform of ecclesiastical practices, including those related to parish administration and clerical appointments.

[45] D. M. NGONA, *Small Christian Communities. A Source of Renewal for Parish Life*, Doctoral Dissertation, CUEA Press, Nairobi 1995, pp. 64-74. See also C. RIEPE, "Parish," in *New Catholic Encyclopedia*, vol. 10, The Catholic University of America, Washington 1967, p. 107. See also, T. O'BRIEN, *et al*., (eds.), "Parish," in *New Catholic Encyclopedia*, vol. 17, The Catholic University of America Press, Washington DC 1979, p. 478.

The Council of Trent encouraged the establishment of parishes as a more effective way to meet the needs of the faithful. However, with regard to the formal notion of establishing a new parish, the Council's legislation does not provide a unified, documented process, set of norms, or specific requirements concerning the role of the bishop in this matter. The Council primarily focused on the internal Church discipline in response to the Protestant Reformation.

Nevertheless, in the course of clarifying doctrinal issues and reinforcing ecclesiastical discipline, the Council of Trent addressed certain relevant elements concerning the establishment of new parishes as stable ecclesial communities. Although it did not offer a precise definition of a parish, the Council did touch upon the procedures for erecting new parishes. In addition, it introduced several important components essential to the foundation and life of a parish as a stable and enduring community of faith.

The Council of Trent, Session XXI, Chapter IV (*De Reformatione*), issued a disciplinary decree—part of the Council's reform legislation—entitled *De erectione novarum parochiarum et de assignatione sacerdotum* ("On the Erection of New Parishes and the Assignment of Priests"), which reads as follows:

> In all parochial or baptismal churches in which the population has so increased that a single rector is not sufficient for the administration of the sacraments and the performance of divine worship, the bishops, as delegates of the Apostolic See, shall compel the rectors, or those to whom it pertains, to associate with themselves as many priests as are necessary for this ministry. Furthermore, in those churches to which, because of distance or difficulty, the parishioners cannot come without great inconvenience to receive the sacraments and hear divine offices, the bishops may—even against the will of the rectors—erect new parishes, following the form of the constitution of Pope Alexander III, which begins *"Ad audientiam."* To the priests who are to be first instituted in these newly erected churches, a suitable portion of the revenues—determined at the discretion of the bishop and drawn in whatever way from the mother church—shall be assigned. And if necessary, the people shall be compelled to contribute what is sufficient for the sustenance of these priests. This shall be done notwithstanding any general or special reservations or attachments. Such ordinances and erections may not be rendered null or impeded by any provisions, even through resignation, nor by any other restrictions or obstacles whatsoever.[46]

[46]COUNCIL OF TRENT, *Session XXI, Chapter IV* (*De Reformatione*): "In omnibus parochialibus seu baptismalibus ecclesiis, in quibus populus ita est multiplicatus, ut unus rector ad sacramentorum administrationem et

This chapter from Session XXI of the Council of Trent (1562) underscores the authority of bishops to address pastoral needs arising from population growth or geographic challenges. It affirms the bishop's competence to assign additional clergy where the spiritual care of the faithful is insufficient and to erect new parishes in accordance with canonical tradition—particularly following the constitution *Ad audientiam* of Pope Alexander III. The decree also empowers bishops to allocate financial resources, including compelling the laity to contribute when necessary, to ensure the proper sustenance of newly assigned parish priests. Moreover, it authorizes bishops to override any canonical or legal obstacles that might otherwise hinder these reforms. This marked a significant advancement toward a more structured and pastorally responsive parish system, highlighting the bishop's role as the principal guarantor of sacramental care and ecclesial organization.

This demonstrates that the bishop had a role to play in the establishment of a new parish. However, at that particular time, the bishop exercised this authority as a delegate of the Pope, not by his own autonomous power. The Council's decrees thus provided clear guidance on the appointment of parish priests, their duties and responsibilities, and the administration of the sacraments within parishes.

The essential components related to the establishment of a new parish—particularly concerning the bishop's role as outlined by the Council—include the following: adequate

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divinum cultum peragendum non sufficiat, episcopi, tamquam Apostolicae Sedis delegati, rectores, vel ad quos spectat, compellant, ut sibi tot sacerdotes ad hoc munus necessarios associent. In illis vero, ad quas, propter distantiam et difficultatem, parochiani sine magno incommodo accedere non possunt ad sacramenta percipienda et officia divina audienda, possint etiam, invitis rectoribus, novas parochias erigere, iuxta formam constitutionis Alexandri III, quae incipit "Ad audientiam." Sacerdotibus vero, qui primum ad noviter erectas ecclesias instituendi sunt, portio congrua, arbitrio episcopi, ex fructibus, quocumque modo ad ecclesiam matricem spectantibus, assignetur; et, si opus fuerit, populus ad contribuendum cogatur, quod sufficiat ad sustentationem eorum sacerdotum; non obstantibus quibuscumque generalibus vel specialibus reservationibus aut adnexis. Huiusmodi autem ordinationes et erectiones nullis provisionibus, etiam per resignationem, nec aliis restrictionibus vel impedimentis irritae fieri vel impediri possunt."

resources, clearly defined boundaries, the appointment of a parish priest, the proper celebration of the sacraments, the size and needs of the population, catechetical instruction, priestly formation, the celebration of Holy Mass, the ecclesiastical hierarchy, the canonical appointment of the parish priest, and the requirement for the residence of pastors. These were considered necessary conditions for the proper erection and functioning of a parish.

Canon 13 from the Twenty-Fourth Session of the Council of Trent, held on November 11, 1563, addresses the organization of parishes and the assignment of parish priests. This canon is part of the Council's broader efforts to reform ecclesiastical structures and ensure proper pastoral care for the faithful. The canon reads:

> In cities and places where parish churches have no fixed boundaries, and their rectors do not have a specific congregation to govern, but administer the sacraments indiscriminately to all, the holy Synod commands bishops, for the greater security of the salvation of souls, to divide the people into certain and proper parishes, and to assign to each their own perpetual rectors, who may know their parishioners, from whom alone they may licitly receive the sacraments; or to make another provision more useful, as the nature of the places shall require.[47]

This canon underscores the Council’s commitment to ensuring that the faithful receive consistent and personalized pastoral care. By mandating the delineation of clear parish boundaries and the assignment of dedicated parish priests, the Council aimed to foster a more organized and effective ecclesiastical structure. This reorganization was particularly important in areas where the administration of sacraments had been conducted without clear jurisdiction, leading to potential confusion and neglect of pastoral responsibilities.

By empowering bishops to restructure parishes and assign specific rectors, the Council reinforced the hierarchical nature of Church governance and emphasized the importance of

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[47]COUNCIL OF TRENT, Sess. XXIV, *de ref*., c.1 3: “n civitatibus et locis, ubi parochiales ecclesiae nullas habent certas parochias, nec rectores earum proprium populum gubernandum, sed omnibus promiscue sacramenta administrant, sacrosancta Synodus mandat episcopis, ut, ad maiorem salutis animarum securitatem, populum in certas et proprias parochias dividant, et singulis earum proprios et perpetuos rectores assignent, qui suos noverint parochianos, a quibus etiam soli sacramenta licite percipiant; aut aliam provisionem, prout locorum qualitas postulaverit, utiliorem faciant.” N. P. TANNER (Ed.), *Decrees of the Ecumenical Councils,* (Trent to Vatican II), Vol. 2, p. 768.

accountability in the administration of sacraments. This reform was a significant step toward the development of the modern parish system, ensuring that each member of the faithful had access to proper spiritual guidance and sacramental life within a well-defined community.

The Council of Trent intervened effectively: it prohibited the union of new parishes with juridical persons[48]; it ordered the revision of prior unions[49]; it subjected such parishes to the visitation of the local Ordinary, and placed vicars (both regular and secular) in total dependence on the bishop regarding the care of souls.[50]

[48]COUNCIL OF TRENT, *Session XXV, De Reformatione, Chapter XIII:* "In monasteriis, quae curam animarum habent, sive in civitatibus, sive in oppidis, sive in locis etiam ruralibus, si ab episcopo, tanquam ab Apostolica Sede delegato, visitentur, et in visitatione ea, quae ad curam animarum pertinent, corrigantur, et in posterum provideatur, ut recte et utiliter ad animarum salutem procurandam omnia disponantur; in aliis vero omnibus, quae ad regimen et disciplinam monasticam pertinent, episcopus nihil innovet." (In monasteries which have the cure of souls, whether in cities, towns, or even rural places, if they are visited by the bishop, as delegated by the Apostolic See, and in the visitation those things which pertain to the care of souls are corrected, and provision is made that in the future all things are arranged rightly and usefully for the salvation of souls; but in all other matters which pertain to monastic governance and discipline, the bishop shall innovate nothing.)

[49]COUNCIL OF TRENT, *Session VII, De Reformatione, Chapter VI:* "Uniones in perpetuum, intra quadraginta annos factae, ab Ordinariis, tanquam ab Apostolica Sede delegatis, examinari possunt; et quae per surreptionem vel obreptionem obtentae fuerint, declarentur nullae. Illae vero, quae intra praedictum tempus concessae sunt, et nondum plene vel ex parte effectum habuerunt, nec non quae deinceps fiant, praesumantur per surreptionem obtentae, nisi constet eas ex legitimis vel aliis rationabilibus causis factas esse, quae coram Ordinario loci, vocatis quorum interest, probandae sunt: et ideo tales uniones nullius omnino sint momenti, nisi Apostolica Sedes aliter declaraverit." (Unions in perpetuity, made within forty years, may be examined into by the Ordinaries, as delegated by the Apostolic See, and such as shall have been obtained by surreption or obreption shall be declared null. Now those which, having been granted within the aforesaid period, have not as yet been carried into effect wholly, or in part, as also those which shall henceforth be made at the instance of any person soever, must be presumed to have been obtained by surreption, unless it shall be certain that they have been made for lawful, or otherwise reasonable causes, to be verified before the Ordinary of the place, those persons being summoned whose interests are concerned: and therefore such unions, unless the Apostolic See shall have declared otherwise, shall be altogether of no force.)

[50]COUNCIL OF TRENT, *Session XXV, De Regularibus et Monialibus, Chapter XI*: "In monasteriis, quae curam animarum habent, sive in civitatibus, sive in oppidis, sive in locis etiam ruralibus, si ab episcopo, tanquam ab Apostolica Sede delegato, visitentur, et in visitatione ea, quae ad curam animarum pertinent, corrigantur, et in posterum provideatur, ut recte et utiliter ad animarum salutem procurandam omnia disponantur; in aliis vero omnibus, quae ad regimen et disciplinam monasticam pertinent, episcopus nihil innovet." (In monasteries which have the cure of souls, whether in cities, towns, or even rural places, if they are visited by the bishop, as delegated by the Apostolic See, and in the visitation those things which pertain to the care of souls are corrected, and provision is made that in the future all things are arranged rightly and usefully for the salvation of souls; but in all other matters which pertain to monastic governance and discipline, the bishop shall innovate nothing.)

1.8 The Norms of the 1917 Code

The 1917 Code of Canon Law presented a more institutional view of the parish, focusing less on defining the parish itself and more on the role of the pastor and the means of his support. Can. 216 §1 of the 1917 Code required the division of the territory of a diocese into parishes to ensure the necessary care of souls.[51] However, Can. 216 §4 of the 1917 Code of Canon Law did acknowledge the existence of parishes established under special circumstances, unified by factors other than specific geographic boundaries. Such parishes were clearly exceptions, and no new parishes of this kind could be erected without a special apostolic indult.[52] Although Can. 216 outlined certain fundamental elements of the territorial subdivision of a diocese—namely, a church building, a defined group of people, and a pastor—the 1917 Code viewed the pastor–parishioner relationship primarily in terms of the pastor actively providing pastoral care to the parishioners, who were seen as relatively passive recipients of that care.[53]

In the Pio-Benedictine Code (1917 Code of Canon Law), there are no specific norms on the formal establishment of a parish; however, the concept of the parish is mentioned within the broader context of the Church's structure. For example, Book II, "On Persons"(Cann 87–195), provides several provisions related to the nature and functioning of a parish.

Can. 87 states that membership in ecclesial communion is based on baptism. Can. 111 requires clerics to have residence or to be ascribed to a particular diocese. The provision of ecclesiastical office, such as the office of pastor, is the responsibility of competent authority—for instance, the diocesan bishop—as outlined in Cann. 145–182. These canons focus primarily on the

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[51] Cf. E. A. SWEENY, *The Obligations and Rights of the Pastor of a Parish According to the Code of Canon Law*, St. Paul's Publications, New York 2002, p. 4.

[52] E. A. SWEENY, *The Obligations and Rights of the Pastor of a Parish According to the Code of Canon Law*, p. 4.

[53] GREEN expresses it in The *Jurist* as outlined in *Lumen Gentium* of Vatican Council II. T.J. GREEN., "The Parish. Theological and Canonical Parameters," in *The Jurist*, 69(2009), p.214.

people of God who form the parish community or any other ecclesial community. This section, therefore, implicitly addresses the concept of parishes as communities of the Catholic faithful.

Additionally, Book III, "On Sacred Things and Places" (Cann. 726–1205), outlines various provisions concerning the sacraments, particularly those administered within parish communities (Cann. 731–736). Other canons in this book provide norms regarding sacred places such as churches, oratories, altars, and cemeteries—elements essential to parish life (Cann. 1154–1205).

Since Can. 1414 §2 recognizes that Ordinaries have the right to erect non-consistorial benefices within their territory, it is concluded that the erection of parishes falls under the authority of the bishop, not the vicar general, unless the latter holds a special mandate. Although Can. 216 §1 does not explicitly designate the bishop as the one responsible for dividing the diocese into territorial regions, §3 of the same canon assigns this responsibility to vicars or apostolic prefects in their jurisdictions. By analogy, one may thus conclude that the same responsibility belongs to the bishop.

Furthermore, since Can. 1427 grants the Ordinary the power to divide or detach existing parishes, it is logical that he also has the competence to establish new ones. The parish falls under the category of non-consistorial, residential benefices with the care of souls, and depending on the case, among either removable or irremovable benefices (cf. Can. 1411). Therefore, the norms provided for the erection of benefices in Can. 1415 and following are applicable to parishes.

The erection must be prepared by: a) the establishment of an endowment that will provide the future parish with the means for its sustenance (see below); b) consultation of the interested parties, which includes the future members of the parish who will use the parish church. Their opinion must be sought, especially concerning the location of the future church. If the new parish is to be constituted by taking territory from one or more existing parishes, the representatives of

those parishes must also be among those consulted. Even more so, if the church of a religious community is to serve as the parish church, representatives of that community must also be involved.

The erection of a parish must be documented by a written act, drawn up in two copies: one for the parish archives, the other for the diocesan curia. This document must precisely determine the boundaries of the parish, with a map attached; the elements of the endowment allocated to the parish; and any particular rights or obligations associated with it.

Usually, at the time of its erection, a parish is placed under the protection of a saint, who becomes its patron and after whom it is named. This patron is not necessarily the patron of the parish church, although this is generally the case. The patron must be chosen from among the saints; one may only be chosen from among the Blessed with permission from the Holy See (Cf. Can. 1278). The feast of the parish patron is not to be celebrated as a holy day of obligation (Cf. Can. 1248); the Ordinary may transfer its celebration to the following Sunday.

1.9 Teaching of the Second Vatican Council (1962-1965)

There are several key documents from the Second Vatican Council that are relevant to the establishment and functioning of parishes. These include *Christus Dominus*, *Apostolicam Actuositatem*, *Gaudium et Spes*, and *Sacrosanctum Concilium*.

1.9.1 *Christus Dominus* (Decree on the Pastoral Office of Bishops in the Church)

The document addresses the bishop's role as the shepherd of his diocese. As shepherd, the bishop is responsible for overseeing the spiritual life of the faithful. It also discusses parishes, highlighting their importance in the life of the Church. The parish is emphasized as a place of

evangelization and proclamation of the Gospel, celebration of the sacraments, catechesis and education in the faith, and the fostering of a sense of community and belonging (*CD*, n. 11).[54]

The decree *CD* n. 30 describes parish priests as *collaborators* with the bishop and affirms the bishop's role in appointing them.

> Pastors, however, are cooperators of the bishop in a very special way, for as pastors in their own name they are entrusted with the care of souls in a certain part of the diocese under the bishop's authority. In exercising this care of souls, pastors and their assistants should so fulfill their duty of teaching, sanctifying and governing that the faithful and the parish communities will truly realize that they are members both of the diocese and of the universal Church. For this reason, they should collaborate with other pastors and priests who exercise a pastoral office in the area (such as vicars forane and deans), as well as with those engaged in works of a supra-parochial nature. In this way the pastoral work in the diocese will be unified and made more effective.[55]

This passage affirms that a parish is entrusted to a pastor who exercises pastoral care under the authority of the diocesan bishop.

Another teaching and norm concerning parishes is found in *CD*, n. 32. It emphasizes the importance of establishing parish boundaries within the territorial limits of the diocese to ensure proper pastoral care by the bishop. The document states:

> For a diocese to fulfill its purpose, it is necessary that the nature of the Church be clearly manifested in the People of God belonging to the diocese. Bishops must be able to carry out their pastoral function effectively among their people, and the spiritual welfare of the People of God must be provided for as perfectly as possible. This requires not only a proper determination of the territorial limits of the diocese but also a reasonable distribution of clergy and resources in accordance with the needs of the apostolate. [56]

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[54] Decree *Christus Dominus,* 28 October 1965, in AAS 58 (1966), p.677. n.11. Dioccesis est Populi Dei portio, quae Episcopo cum cooperation presbyterii pascenda concreditur, ita ut, pastori suo adhaerens ab eoque per Evangelium et Eucharistiam in Spiritu Sancto congregate, Ecclesiam particularem constituat, in qua vere inest et operator Una Sancta Catholica et Apostolica Christi Ecclesia.

[55]*Christus Dominus*, n. 30: "Praecipua autem ratione Episcopi cooperatores sunt parochi, quibus, tamquam pastoribus propriis, animarum cura committitur in determinata dioecesis parte sub illius auctoritate.1) In hac autem cura gerenda parochi, cum suis adiutoribus ita munus docendi, sanctificandi et regendi adimpleant, ut fideles atque communitates paroeciales, tum dioecesis tum totius Ecclesiae universalis membra revera se sentiant. Quapropter cum aliis parochis collaborent necnon cum sacerdotibus, qui munus pastorale in territorio exercent (uti sunt e. g. Vicarii Foranei, Decani), vel operibus indolis supraparoecialis sunt addicti, ut cura pastoralis in dioecesi unitate non careat atque efficacior reddatur."

[56] Cf. E. A. SWEENY, *The Obligations and Rights of the Pastor of a Parish According to the Code of Canon Law*, p. 8. See also, *Christus Dominus,* 28 October 1965, in *AAS* 58(1966), p. 683. n. 32. Ad proprium dioecesis finem consequendum, oportet ut Ecclesiae natura in populo Dei ad ipsam dioecesim pertinente perspicue manifestetur; ut

Another point concerning the establishment of a parish and the role of the bishop is found in *CD*, n. 32. It presents one of the determining factors for the erection of a parish, namely concern for the salvation of souls. The document states: "Finally, the same concern for the salvation of souls should be the motive for determining or reconsidering the erection or suppression of parishes and other changes of this kind. The bishop may act in these matters on his own authority." [57]

Christus Dominus is the most explicit Vatican II document regarding the bishop's direct role in the erection of parishes. It places the bishop at the center of diocesan pastoral planning, affirming his duty to organize parish boundaries and appoint pastors based on the spiritual needs of the faithful. This decree provides a theological and canonical foundation for the bishop's governance in structuring the local Church.

1.9.2 *Sacrosanctum Concilium* (Constitution on the Sacred Liturgy)

Sacrosanctum Concilium n. 42 affirms that the bishop should ensure that the liturgical life of the diocese flourishes, especially in parishes. It states:

> But as it impossible for the bishop always and everywhere to preside over the whole flock in his church, he must of necessity establish groupings of the faithful; and, among these, parishes, set up locally under a pastor who takes the place of the bishop, are the most important, for in some way they represent the visible Church constituted throughout the world.[58]

The establishment of new parishes is not merely an administrative act but pastoral response to the needs of the faithful, enabling local communities to access the Word of God, the sacraments, and the liturgy. By erecting parishes, the bishop ensures that the liturgical life of the Church is

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Episcopi munera sua pastoralia in iisdem efficaciter explere valeant; ut denique populi Dei saluti quam perfectissime fieri potest ministretur.

[57] Cf. E. A. SWEENY, *The Obligations and Rights of the Pastor of a Parish According to the Code of Canon Law*, p. 7. See also, *Christus Dominus*, 28 October 1965, in *AAS* 58(1966), p.690. n. 32. "Eadem denique salus animarum causa sit, qua determinentur aut recognoscantur paroeciarum erectiones aut suppressiones, aliaeve huiusmodi innovations, quas quidem Episcopus propria auctoritate peragere poterit."

[58] *Sacrosanctum Concilium*, n. 42.

incarnated in specific communities, where faith can be nourished and expressed in charity and apostolic action.

1.10 The Role of the Bishop in Erection of the Parish in the 1983 Code of Canon Law

The 1983 Code of Canon Law combines the aspect of pastoral service and the juridic nature of a parish. That is why Can. 515 §1, stipulates: "A parish is a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor (*parochus*) as its proper pastor under the authority of the diocesan bishop."

About the issue of the establishment of a parish and the role of the bishop, Can. 515 §2 states: "It is only for 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." Again on the role of the bishop in the establishment of a parish, Cann. 516-521, gives a sketch onto which the parish can be established by presenting different provisions like establishment of circumscriptions equivalent to a parish and the entrusting of some parishes to several priests in *solidum*. In addition to these, Can. 535 §§1-5 expresses the need for registers in every parish. More than that, Cann. 536 §1-2 and 537 require every parish to have pastoral council and finance council. While Cann. 545 §§1-2 to 550 §§1-3 give provisions for parishes to have parochial vicars as directed by the diocesan bishop.

1.11 Recent Magisterium Teaching on the Establishment of the Parish

There are some recent *Magisterium* issued by the Holy See in relation to the topic of erection of new parishes. Some of the documents which have been selected in this part are; *Apostolorum Successores*- Directory for the Pastoral Ministry of Bishops, and the Instruction on "The Pastoral Conversion of the Parish Community in the Service of the Evangelising Mission of the Church."

1.11.1 *Apostolorum Successores*

Apostolorum Successores is an important document of the recent *magisterium* of the Church with some contents dealing with the issue of erection of a new parish. *Apostolorum Successores* was isued by the Congregation for Bishops in 2004, as an update from *Ecclesia imago*. In Chapter VIII, the Directory specifically addresses the issue of parish establishment. It presents the subdivision of a diocese into parishes with its pastor, creation of personal parishes and creation of quasi-parish if necessary. In addition to that, when constituting a parish, the following organs must be formed in a parish for good parochial administration. These include: parish pastoral council, parish finance council, assistant pastors and availability of parish registers.[59]

Apostolorum Successores outlines the criteria, procedures, requirements for establishment of a new parish. The document gives the following on the criteria, procedures, requirements for establishment of a new parish in relation to the role of the bishop:

> The diocesan Bishop should be concerned to organize the arrangement of parishes in ways adapted to the care of souls, according to an inclusive and organic vision with wide pastoral outreach. If the good of the faithful so requires, the Bishop should proceed, after consulting the diocesan presbyteral council, to alter territorial boundaries, to divide parishes that are too large, to merge small parishes, to establish new parishes or non-territorial centres for pastoral service in the community, or even to reorganize completely the arrangement of parishes within a particular city. In order to study all the issues pertaining to the establishment of parishes and the construction of churches, the bishop may wish to set up a diocesan office or commission that can operate in collaboration with other relevant diocesan commissions.[60]

The quotation shows that the reason for erection of parishes which is for the care of souls. In order to fulfill the need for pastoral care, the bishop can organize the arrangement of parishes by altering boundaries, dividing, merging and establishing totally new parishes. This is to be done in consultation with the presbyteral council and setting up of diocesan commission for

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[59] CONGREGATION FOR BISHOPS, Directory for the Pastoral Ministry of Bishops *Apostolorum Successores*, 22 February 2004, Libreria Editrice Vaticana, Vatican City 2004. n. 637-644.

[60] CONGREGATION FOR BISHOPS, Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores*, nn. 659-660.

establishment of parishes. The *Apostolorum Successores* has something in common with Can. 515 §2, on the authority of the diocesan bishop to alter, suppress or erect parishes and the need to have consultation with the presbyteral council.

In addition, *Apostolorum Successores* continues to expound on another aspect of a diocesan commission for erection of parishes, which is very important to carry out some practical functions like construction works and fulfilment of some civil requirements.

> This office or commission should be staffed by clergy or members of the lay faithful chosen for their professional competence. In view of demographic and industrial developments in the diocese and building projects undertaken by civil authorities, the Bishop should plan in advance suitable locations where it might be appropriate to build new churches, taking care to obtain in good time the necessary tracts of land and to meet the canonical requirements for establishing parishes. In this way, it should be possible to avoid situations where land proves to be unavailable or where local inhabitants give up religious practice through lack of pastoral provision. In such cases, it is better to appoint priests to serve the people at the earliest opportunity, instead of waiting for buildings to be completed.[61]

The quotation outlines membership of the commission and some other responsibilities of the commission which have not been explicitly outlined in Can. 515 §2, under the authority of the diocesan bishop.

In addition *Apostolorum Successores* includes the aspect of other religious institutes building churches within a diocese with the permission of the diocesan bishop. This echoes the possibility whereby other parishes can be entrusted to the religious institutes for its establishment and pastoral care.

> When religious institutes and societies of apostolic life or other institutions or persons wish to build churches within the territory of the diocese, they must first obtain written permission from the Bishop. Before deciding, the bishop will consult the presbyteral council and the pastors of neighboring churches. He must evaluate whether the new church will serve the good of souls, and whether those who have proposed it have at their disposal adequate means for the construction of the church and sufficient sacred ministers for divine worship.[62]

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[61] CONGREGATION FOR BISHOPS, Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores*, n. 660.

[62] CONGREGATION FOR BISHOPS, Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores*, n. 661.

1.11.2 Instruction, "The Pastoral Conversion of the Parish Community in the Service of the Evangelising Mission of the Church," July 20, 2020 [63]

The Congregation, encouraged by bishops, recognized the need to develop a canonical-pastoral instrument addressing various projects for the reform of parish communities. The instruction emphasizes the role of the parish priest as the proper pastor of the community.

In addition, it addresses the issue of territorial boundaries. It notes that most parishes are defined by territory: with few exceptions, a parish is, properly speaking, the communion of the baptized within the limits of a certain territory, which is defined by the bishop.

In many parts of the Western world, however, this concept has largely been forgotten. Catholics often attend Mass at parishes where they feel most welcomed or spiritually nourished. Despite efforts by some bishops to revive awareness of parish boundaries, many Sunday Mass-goers remain unaware of them. Thus, the instruction's guidelines acknowledge the challenges posed by territorial considerations. At the same time, it emphasizes that territorial limits should not be seen as a barrier to communion with members of other parish jurisdictions.

Conclusion

From the research conducted on the role of the bishop in the establishment of a new parish throughout the canonical tradition, it is evident that, at various stages and to a significant extent, the bishop played a major role in the creation of church communities and, eventually, the formal establishment of parishes.

Bishops exercised this role by defining episcopal jurisdiction within the hierarchical structure of the Church, articulating Church doctrine—particularly on the sacraments—outlining

[63] CONGREGATION FOR BISHOPS, Instruction on *The Pastoral Conversion of the Parish Community in the Service of the Evangelising Mission of the Church*. https://www.vaticannews.va 24 July 2020, 11 October 2024.

the duties of parish priests, overseeing the education and formation of priests through the strengthening of seminary systems, and supporting monastic foundations and missionary efforts within the diocesan territory. Furthermore, bishops also ensured the provision of adequate resources for the establishment of new parishes.

However, throughout the history of canonical tradition, certain challenges hindered the bishops' exercise of authority in the establishment of parishes. These included reform movements, the investiture controversy, and weakened episcopal collegiality caused by doctrinal divisions among bishops.

Additionally, the development and establishment of parishes in later periods varied greatly depending on the specific regional context. For instance, the circumstances surrounding the establishment and growth of parishes differed in countries such as the United States, Germany, Italy, and Spain. Each region experienced unique factors that influenced the canonical and pastoral processes involved in parish development.

CHAPTER TWO

THE JURIDIC STUDY ON THE ROLE OF THE BISHOP IN THE ESTABLISHMENT OF A PARISH IN ACCORDANCE WITH CANON 515 § 2

Introduction

This chapter examines the sources of Can. 515 §2 of the 1983 Code of Canon Law. It focuses particularly on the revision process of the provision concerning the erection of parishes as found in the 1917 Code. The study offers a juridical analysis of Can. 515 §2 of the 1983 Code to understand and determine the legislator's intent. By closely studying the text of this canon, the researcher—and readers—can gain a clearer understanding of the scope, proper interpretation, and application of the bishop's authority to erect a new parish, as stipulated in Can. 515 §2. In addition, the chapter explores other related canons in the 1983 Code, as well as pertinent canons in the Eastern Code.

2.1 Sources of Can. 515 § 2, of 1983 Code of Canon Law

There are various documents and canonical sources that address and establish the norms regarding the role of the diocesan bishop in the erection of a new parish within a particular Church. The documents and writings that articulated such norms are considered sources of Can. 512 § 2.

2.1.1. Can. 216 § 1, CIC/1917

Can. 216 §1, CIC/1917 states: "The territory of every diocese is to be divided up into distinct territorial parts; to each part a specific church and determined population are assigned, with its own rector as its pastor, who is over it for the necessary care of souls." The canon conveys the idea that parishes are established as distinct territorial units within the broader territory of the

particular Church. This implies that a diocese is intended to be composed of multiple parishes, each contributing to the pastoral care of souls.

2.1.2 Response of the Pontifical Commission for the Authentic Interpretation of the Canons of the Code of Canon Law Response (26 Sep 1921)

The response of the Pontifical Commission for the Authentic Interpretation of the Canons of the Code of Canon Law is rooted in the provision of the 1917 Code, which stated: "Without special permission from the Holy See, the constitution of parishes may not be based on differences of language among the people in the same town or territory. It is likewise forbidden to establish purely personal parishes for certain families or individuals. Where such parishes have already been established, no changes shall be made without consulting the Apostolic See" (Can. 216 §4). [64] In this context, the response of 26 September 1921 by the Pontifical Commission for the Authentic Interpretation of the Code addressed existing doubts in the United States regarding the canonical status of numerous personal parishes. To resolve the issue, the Commission declared the following: (1) no special or formal decree of erection by the bishop is required for the establishment of a parish; (2) it is sufficient for the diocesan bishop to define the territorial boundaries and assign a rector to the community and the church; (3) with regard to parishes established by the bishop prior to the promulgation of the Code, these parishes became *ipso facto* canonical parishes, and no further decree of erection is necessary beyond the definition of territorial limits and the appointment of a pastor to care for the faithful in those areas.[65]

[64] S. WOYWOD, *A Practical Commentary on the Code of Canon Law,* Vol. I, J. F Wagner Inc, New York 1948, p. 97.

[65] S. WOYWOD, *A Practical Commentary on the Code of Canon Law,* Vol. I, J F Wagner Inc, New York 1948, p. 97.

2.1.3. Sacred Congregation of the Council Resolution, 14 January 1922

The following doubts were submitted to the Sacred Congregation of the Council: I. Whether it falls within the competence of the local Ordinary to dismember (i.e., divide) parishes in the given case without the approval of the Apostolic See. II. If the answer to the first is negative, whether and how, beyond a sanation for what has already occurred, the faculty to carry out the dismemberment of other parishes in the same case may be granted. In its plenary session held on January 14, 1922, in the Apostolic Palace of the Vatican, the Sacred Congregation of the Council, composed of the Most Eminent and Most Reverend Fathers, decided as follows: to I: Affirmative; to II: Addressed by the response to the first.[66] This response is significant for understanding the canonical authority of the diocesan bishop, or local Ordinary, in the restructuring of parishes. The affirmative answer to the first doubt clarifies that a bishop may validly dismember parishes (i.e., divide or reconfigure them territorially) without needing prior approval from the Apostolic See. This grants a substantial degree of administrative autonomy to the local Ordinary, especially in matters concerning the pastoral configuration of the diocese. The second doubt is effectively rendered moot by the affirmative response to the first. Since the bishop already possesses the competence, there is no need for further faculties or dispensations, even in cases where dismemberment occurred without prior explicit authorization.

This decision reflects the principle of subsidiarity and supports the view that bishops have ordinary executive power in their dioceses to respond to pastoral needs, particularly concerning

[66] Sacred Congregation of the Council Resolution, 14 January 1922, AAS 14 (1922) 229-233. "RESOLUTIO. Propositis itaque dubiis: I. An loci Ordinario absque beneplacito Apostolico competat dismembratio paroeciarum in casu. Et quatenus negative: II. An et quomodo, praeter sanationem quoad praeteritum, concede possit facultas peragendi dismembrationem aliarum paroeciarum in casu. Sacra Congregatio Concilii, in plenariis Emorum ac Revmorum Patrum comitiis, die 14 ianuarii 1922 in Palatio Apostolico Vaticano habitis, respondendum censuit: Ad I. Affirmative. Ad II. Provisum in primo."

the establishment and alteration of parochial structures. It also anticipates, in some ways, the broader affirmation of episcopal authority found in Can. 515 §2 of the 1983 Code of Canon Law.

2.1.4. Declaration of the Secretariat of State (10 Nov. 1922)

The Declaration of the Secretariat of State dated November 10, 1922 originates from the decision of the Pontifical Commission for the Authentic Interpretation of the Code, issued on September 26, 1921. This declaration was communicated to the bishops of the United States by the Apostolic Delegate in a letter dated November 10, 1922. The decree does not explicitly address the canonical status of language-based parishes in the United States. However, the Code acknowledges the existence of such parishes established prior to its promulgation and prohibits the Ordinary from altering them without prior consultation with the Holy See (*Cf.* Can. 216 §4).[67]

2.1.5. Vatican II, Decree on the Pastoral Office of bishops in the Church, *Christus Dominus*, nn. 22-23

The decree *Christus Dominus,* nn. 22–23, outlines several norms to be considered when addressing diocesan boundaries. It has also been regarded as one of the sources relevant to the context of parish establishment, as many of the principles it presents are likewise applicable in the erection of parishes. For instance, the decree emphasizes key criteria such as the spiritual welfare of the faithful, the number of the People of God**,** civil boundaries, and the availability of priests to serve as pastors—all of which are fundamental considerations in the process of establishing new parishes. The Decree *Christus Dominus* nn. 22-23 states:

> Therefore, as regards diocesan boundaries the Sacred Synod decrees that, insofar as the good of souls requires it, a prudent revision of diocesan boundaries be undertaken as soon as possible. This can be done by dividing, distributing or uniting dioceses, changing their boundaries, or appointing

[67] S. WOYWOD, *A Practical Commentary on the Code of Canon Law,* Vol. I, J F Wagner Inc, New York 1948, p. 98.

> a more suitable place for the episcopal see, or finally, and especially in those dioceses which comprise larger cities, by establishing a new internal organization. (See D. 46, 12).
>
> In revising diocesan boundaries the first care should be the preservation of the organic unity of each diocese, as in a healthy living body. This applies to persons, offices and institutions. Due weight being given in individual cases to the particular circumstances, the following general criteria should be borne in mind. (1). In determining diocesan boundaries the variety of the composition of the People of God should be taken into consideration as far as possible. The limits of civil boundaries should also be taken into account when they occur, as well as the special characteristics – psychological, economic, geographical or historical - of the people and regions. (2) The size of the diocesan territory and the number of its inhabitants should as a general rule be such that on the one hand the bishop himself assisted perhaps by others, is able to duly exercise his pontifical functions and carry out his pastoral visitations in it. He should also be in a position to control and coordinate effectively all the apostolic activities in his diocese. (3) Finally, for the more effective exercise of the ministry of salvation, each diocese should normally have enough priests capable of looking after the People of God.[68]

2.1.6. Paul VI, Motu Proprio *Ecclesiae Sanctae* (August 6, 1966)

The *Motu Proprio Ecclesiae Sanctae* provides several prerequisites to be considered in the establishment of parishes, particularly concerning the role of the diocesan bishop. The *Motu Proprio* allows for the division of parishes with large populations and the unification of those that are too small, thus introducing the concepts of alteration, modification, and suppression of parishes. Another significant aspect emphasized in the document is the requirement of consultation

[68] Itaque, ad dioecesium circumscriptiones quod attinet, decernit Sacrosancta Synodus ut, quatenus animarum bonum id exigat, quamprimum ad congruam recognitionem prudenter deveniatur, eas dividend vel dismembrando vel uniendo, aut ipsarum fines mutando vel episcopalium sedium aptiorem locum determinando, aut denique, praesertiso si de dioecesibus agatur quae ex maioribus urbibus constant, eas nova interna ordinatione disponendo. In dioecesium circumscriptionibus recognoscendis in tuto ponatur praeprimis uniuscuiusque dioecesis unitas organica, quoad personas, official, institute, ad instar corporis apte viventis. Singulis vero in casibus, omnibus adiunctis accurate perpensis, prae oculis habenatur criteria generaliora quae sequuntur. (1) In circumscriptione dioecesan definienda ratio, quantum fieri poterit, habeatur varietatis compositionis populi Dei, quae multum conferre potest ad pastoralem curam aptius exercendam. Attendatur etiam, si casus ferat, ad fines circumscriptionum civilium, atque ad peculiaria personarum locorumve adiuncta, v.g. psychological, oeconomica, geographica, historica. (2) Amplitudo territorii dioecesani eiusve incolarum numerous talis sit generatim ut, ex una parte, ipse Episcopus, licet ab aliis adiutus, pontificalia exercere visitationesque pastorals congrue peragere valeat, Omnia apostolates opera in dioecesi rite moderari atque coordinare. (3) Quo denique aptius salutis ministerium in dioecesi exerceri possit, pro regula habeatur ut unicuique dioecesi clerici, numero et idoneitate saltem sufficientes (n. 22-23). Vatican II, Decree on the Pastoral Office of Bishops in the Church, *Christus Dominus*, October 28 1965, in *AAS* 58(1966), pp. 683-684. See also A. FLANNERY (gen. ed.), *Vatican Council II, The Conciliar and Post Conciliar Documents* n.22-23, St. Paul Press, Bombay 1995, pp. 515-516.

with the presbyteral council during the process of establishing or restructuring parishes. *Ecclesiae Sanctae* n. 21. (*Christus Dominus*, n. 32)

> 1)Every possible effort should be made that parishes where, because of too great a population or too large a territory or for any cause whatsoever, apostolic activity can be exercised only with difficulty and less effectively, should be suitably divided or dismembered, as the circumstances require. And likewise parishes which are too small should be united as conditions and circumstances demand. (2) Parishes may no longer be united to canonical chapters *plenojure.* If there are any such in existence, after the views both of the chapter and the council of priests have been heard, they are to be separated and a parish priest appointed, whether selected from among the members of the chapter or not, who will enjoy all the faculties a parish priest has by prescription of law. (3) The bishop of the diocese has power by his own authority to erect, suppress or change parishes in any way whatever after he has heard the views of the council of priests; but should there be agreements in force between the Apostolic See and the civil government or should there be question of rights acquired in this matter by persons, either physical or moral persons, the matter is to be arranged with those parties by the competent authority.[69]

2.1.7. Pontifical Commission for the Interpretation of the Decrees of the Second Vatican Council Response (3 July. 1969) 70

The 1969 response of the Pontifical Commission for the Interpretation of the Decrees highlights the involvement of civil authorities in the implementation of Church projects. Such agreements or collaborations are to be established either between the civil authorities and the Supreme Pontiff, or between the diocesan bishops of particular Churches and the respective civil authorities.

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[69] §1 Omnino enitendum est ut paroeciae, in quibus ob nimium fidelium numerum aut teritorium nimis extensum vel, qualibet de causa, nonnisi difficulter aut minus apte apostolica actuositas exerceri possit, congrue pro diversis adiunctis didvidantur aut dismembrentur. Item nimis parvas paraoecias quantum res postulat et sinunt rerum adiuncta, in unam redigere oportet. §2 Paroeciae ne amplius uniantur pleno iure Capitulis canonicorum. Si quae unitae exstent, auditis tum Capitulo tum Consilio Presbyterali, separentur et parochus instituatur – sive inter capitulares selectus sive non – qui omnibus facultatibus gaudeat, quae ex iuris praescripto parochis competent. §3 Paroecias erigere aut supprimere vel eas quoquo modo innovare Episcopus dioecesanus propria auctoritate, audito Consilio Presbyterali, potest ita tame nut, si sint conventions inter Apostolicam Sedem et Gubernium civile vel iura aliis personis physicis vel moralibus quaesita, cum iisdem a competenti Auctoritate res apte componantur. Pope Paul VI M*otu proprio Ecclesiae Sanctae*, 6 August 1966, in AAS 58 (1966), p. 769.

[70] Auctoriattem competentem esse, in casu Sanctam Sedem, per Consilium pro Publicis Ecclesiae Negotiis, si agatur de conventionibus initis inter Apostolicam Sedem et Gubernium civile; esse vero Episcopum ad normam Constitutionis Apostolicae Regimini Ecclesiae Universae, diei 15 Augusti 1967, si agatur de conventionibus initi, vel iuribus aliis personis physics vel moralibus quaesitis. Pontifical Commission for the Interpretation of the Decrees of the Second Vatican Council, 03 July 1969, in AAS 61(1969), p. 551.

2.2. Formation of Can. 515 § 2

In the meeting of 11th March 1980, the Commission of the Revision of the Code discussed the first draft of *Populo Dei* Can. 222 § 3[71] which is the first draft of the Canon under study. It was decided that, taking into account the observations made by several consultative bodies, the Consultors unanimously accept, §§3-4 should be added to canon 349 of *Populo Dei*[72], which is the most appropriate place. All agree, but it is considered that the addition is not necessary, because it is self-evident. It is also recalled what was proposed in another session, namely to insert into Can. 349 the content of Can. 222 §§ 3-4. All agree, except the Relator, who would prefer the canon as it is; therefore, Can. 349 is composed of its own §1 with the sole amendment of 'community of the Christian faithful' in place of 'portion of the People of God,' and also composed of §§3-4 of Can. 222, which become §§2-3 of Can. 349.[73] In further discussion, it was decided: To the previously amended text of the canon, the following amendments are proposed: To §1:

Add the word ‘stably’ (*stabiliter*) after ‘particular’ (*particulari*). To §2:
a) Replace ‘The diocesan bishop’ (*Episcopus dioecesanus*) with the pronoun ‘he’ (*qui*);

[71]*Communicationes* XII, N. 2 (1980), p. 283: Can. 222 § 3: “Paroecias erigere, supprimere au teas innovare unius est Episcopi dioecesani, non autem Vicarii generalis aut Vicarii episcopalis sine speciali mandato; Episcopus dioecesanus paroecias ne erigat, aut supprimat, nec eas notabiliter innovet, nisi audito Consilio presbyterali.” § 4 “Paroeciae legitime erectae personalitate canonica ipso iure gaudent.” (§3: “It is the sole responsibility of the diocesan bishop to erect, suppress, or notably alter parishes; this does not pertain to the vicar general or the episcopal vicar without a special mandate. The diocesan bishop is not to erect, suppress, or notably alter parishes unless he has heard the presbyteral council.” §4: “Parishes legitimately erected enjoy juridic personality by the law itself.”)

[72] *Communicationes* 13, N. 1 (1981), p. 147. *Populo Dei* 349: “§ 1. Paroecia est certa quae in Ecclesia particulari constituitur populo Dei portio cuius cara pastoralis, sub auctoritate Episcopi dioecesani, committitur sacerdoti, paroeciae parocho, eiusdem pastori proprio.”

[73] *Communicationes* 13, N. 1 (1981), p. 148: “Concordano tutti, ma si considera che non sia necessaria l’aggiunta, perché cio va da sé. Si ricorda inoltre quanto proposto in altra sessione e cioè di inserire nel Can. 349 il Can. 222 §§ 3-4. Concordano tutti, eccetto il Relatore, che preferirebbe il canone com’è; pertanto il Can. 349 è formato dal proprio § 1 con la sola emendazione “christi fidelium communitas” al posto di “populi Dei portio” ed inoltre formato dai §§ 3-4 del Can. 222 che diventano §§ 2-3 del Can. 349.”

b) Suppress the words 'but not the vicar general or the episcopal vicar without a special mandate.' §3 remains as it is. All are in agreement.[74]

The 1982 Schema of Can. 515 §2 did not introduce significant changes to the 1980 Schema. It only replaced the negative coordinating conjunction ***nec*** with ***neve*** to improve Latin expression and grammatical construction. ***Nec*** is typically used in declarative sentences and prohibitions, especially following ***non***, ***ne***, or other negatives. In contrast, ***neve*** is generally used with verbs in the subjunctive mood, particularly in prohibitions, commands, or exhortations. It is frequently found in laws, prayers, and formal language.[75]

The promulgated text of Can. 515 §2 CIC/1983 reads: "It is only for 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."[76]

2.3. Juridical Analysis of Can. 515 § 2

Can. 515 §2 establishes the exclusive competence of the diocesan bishop for the erection, suppression, or modification of the parishes. [77] However, this should not be understood to mean that the bishop does all of this alone. In the process of establishing a new parish, the diocesan bishop collaborates with other members of the Christian faithful in various capacities. The initiative to establish a parish may be proposed by the faithful, but it is the bishop alone who has

[74] *Communicationes* 13, N. 2 (1981), p. 304: Al testo del canone precedentemente emendato propone i seguenti emendamenti: Al §1 aggiungere do po " particulari" la parola "stabiliter". Al § 2: a) porre al posto di "Episcopus dioecesanus" il pronome "qui"; b) sopprimere le parole "non autem Vicarii generalis aut Vicarii episcopalis sine speciali mandato". Il § 3 cosi com'è. Concordano tutti.

[75] Can. 515 § 2: "Paroecias erigere, supprimere au teas innovare unius est Episcopi dioecesani, qui paroecias ne eigat, aut supprimat, **neve** eas notabiliter innovet, nisi audito Consilio presbyterali."

[76] Can. 515 § 2: "Paroecias erigere, supprimere au teas innovare unius est Episcopi dioecesani, qui paroecias ne eigat, aut supprimat, neve eas notabiliter innovet, nisi audito Consilio presbyterali."

[77] A. MARZOA, *et al.,* (eds.), *Exegetical Commentary on the Code of Canon Law,* Vol. II/2, Wilson & Lafleur Limitee, Montréal 2004, pp.1257-1258.

the authority to authorize the erection of a new parish. This is because certain acts are carried out with his own authority.[78]

Therefore, several terms outlined in Can. 515 §2 require analysis in order to understand the canon in relation to the authority of the bishop. These terms and notions include: the Diocesan Bishop, the Parish, to Erect, Suppress, or Alter Parishes, and the Council of Priests.

2.3.1 Diocesan Bishop

Using words taken from *Lumen Gentium*[79] and *Christus Dominus*,[80] Can. 375 proclaims the divine institution of the episcopate with a constitutional task: the bishops, as successors of the apostles, by the Holy Spirit who has been given to them, are constituted as shepherds in the Church. This *munus pastorale*, consisting of the threefold function of teaching, sanctifying, and governing, is received by the bishops through episcopal consecration itself (Can. 375 §2).[81]

If all bishops, by their *episcopal consecration*, extend their *munus pastorale* to the universal Church as members of the Episcopal College *cum Petro et sub Petro*, most of them are entrusted with exercising this *munus* in a particular Church. The headship of the particular Church is held by each diocesan bishop by divine law. Although the mode of election and appointment is of human law, the office, functions, and powers it involves are of divine law, and the bishop receives them from Christ, such that diocesan bishops can properly be called vicars of Christ.[82]

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[78] *Christus Dominus*, n. 32. See also *Ecclesiae Sanctae* I n.21. p. 539.

[79] Cf. VATICAN II, *Lumen Gentium*, n. 20/c.

[80] Cf. VATICAN II, *Christus Dominus*, n. 2/b.

[81] Cf. V.C. GOMEZ-IGLESIAS, "Obispo diocesano," in *Diccionario General de Derecho canónico*, Vol. V, J. OTADUY, A. VIANA, J. SEDANO (Eds.), Aranzadi, Pamplona 2012, p. 649.

[82] Cf. V.C. GOMEZ-IGLESIAS, "Obispo diocesano," in *Diccionario General de Derecho canónico*, Vol. V, p. 649.

The way in which a bishop is entrusted with a specific diocese is called "canonical mission?"[83] which "can be carried out by legitimate customs, not revoked by the supreme and universal authority of the Church, or by laws issued or recognized by the same authority, or directly by the Successor of Peter himself; against his will or when he denies apostolic communion, bishops cannot be assumed for such office."[84]

To episcopal consecration and canonical mission, the Code of Canon Law (Can 382) adds the requirement of canonical taking of possession, which—within the terms and timeframes established—consists in the presentation of the apostolic letter of appointment, preferably within a liturgical act held in the cathedral. From that moment on, the bishop may, for all intents and purposes, begin to exercise his episcopal ministry in the diocese (Can 382 §1).[85]

This diocesan pastoral office is referenced by the *Magisterium* of the most recent Council, which proclaims that "to the bishops, as successors of the apostles, belongs by their very nature in the dioceses entrusted to them all the ordinary, proper, and immediate power required for the exercise of their *munus pastorale*, always saving in all things the power which, by virtue of his office, the Roman Pontiff has of reserving certain cases to himself or to another authority."[86] The importance of this constitutional principle has been authoritatively emphasized.

Characteristics of the Power of the Diocesan Bishop include: First, it is an *ordinary* power, that is, "that which is attached by law to an office" (Can. 131 §1), in this case, the diocesan episcopal office. Second, this is *ordinary proper* power (Can. 131 §2), meaning it is exercised in

[83]Cf. DE LA HERA, Comment to Can 381, in *Exegetical Commentary on the Code of Canon Law*, A. MARZOA, J. MIRAS, R. RODRIGUEZ-OCANA (Eds.), Vol. II/1, Wilson and Lafleur, Montreal 2004, p. 770.

[84] VATICAN II, *Lumen Gentium*, n. 24/b.

[85] Cf. V.C. GOMEZ-IGLESIAS, "Obispo diocesano," in *Diccionario General de Derecho canónico*, Vol. V, p. 649.

[86] Cf. VATICAN II, *Christus Dominus*, n. 8/a; *Lumen Gentium*, n. 27/a.

his own name, as vicar and delegate of Christ. Third, it is *immediate* power, meaning that its exercise does not necessarily require any mediation.[87] Fourth, it is power which "by its very nature can only be exercised in hierarchical communion with the head and members of the College" (Can. 375 §2). Specifically, this diocesan power is not supreme, but is subordinated to the authority of the Pope and the College of Bishops.[88]

Fifth, we may speak of this power as *full*—"all the power [...] required for the exercise of his pastoral ministry" (Can. 381 §1)—but not *exclusive*, because the Pope's power is also immediate over all the Churches, over all the faithful—including the pastors—of the Church, and may always be freely exercised.[89] Over the diocese, the immediate powers of both the Pope and the bishop coexist in such a way that the former does not annul the latter, but rather "affirms, strengthens, and protects it".[90] Sixth, and it is worth recalling here the traditional view of the Pope as the "supreme moderator of jurisdiction," it can be said that the power of the diocesan bishop is ultimately *regulated* in its exercise and may be "circumscribed within certain limits with a view to the good of the entire Church or of her faithful,"[91] particularly in those cases which the Pope reserves to himself or to another authority.[92] In strictly technical-legal terms, the Code of Canon Law expresses this by excepting from the diocesan bishop's power "those matters which the law

[87] Cf. V.C. GOMEZ-IGLESIAS, "Obispo diocesano," in *Diccionario General de Derecho canónico*, Vol. V, pp. 649-650.

[88] Cf. VATICAN II, *Christus Dominus* nn. 2, 3, and 11/b; canons 331, 333, 336, and 375; V.C. GOMEZ-IGLESIAS, "Obispo diocesano," in *Diccionario General de Derecho canónico*, Vol. V, pp. 649-650.

[89] Cf. VATICAN II, *Lumen Gentium, n.* 22; *Christus Dominus, n* 2/a; canons 331 and 333; V.C. GOMEZ-IGLESIAS, "Obispo diocesano," in *Diccionario General de Derecho canónico*, Vol. V, p. 650.

[90] Cf. VATICAN II, *Lumen Gentium* n. 27/b; can. 333 §1; V.C. GOMEZ-IGLESIAS, "Obispo diocesano," in *Diccionario General de Derecho canónico*, Vol. V, p. 650.

[91] Cf. VATICAN II, *Lumen Gentium*, n. 27/a

[92] Cf. VATICAN II, *Christus Dominus,* n. 8/a

or a decree of the Supreme Pontiff reserves to the supreme authority or to another ecclesiastical authority" (Can. 381 §1).[93]

Can. 515 §2 deals with the organizational and hierarchical aspects.[94] The diocesan bishop is the head of his Church in the particular circumscription. He exercises personally the legislative power as the legislator in the diocese. He also exercises the executive power by himself or by means of the vicar general and his episcopal vicars. Again the bishop is the juridic representative of the diocese and administrator of its goods.[95] The bishop is the chief shepherd of the diocese, entrusted by the Church with the responsibility for the spiritual well-being of all the Christian faithful within its territory. In contrast with the power exercised in every other human society, episcopal power is distinguished by its divine origin and by the context of ecclesial communion and mission, vis-à-vis pastoral goal and character which promotes unity in faith, in sacraments and in ecclesial discipline.[96]

On top of that, the bishop in the diocese entrusted to him for the pastoral care, under the authority of the Supreme Pontiff, is the visible source and foundation of unity. In it he has all the ordinary, proper and immediate power required for the exercise of his pastoral office. (Can. 381 §1).[97] As the guardian of the ecclesiastical communion, the bishop is to be watchful that in his diocese the common discipline of the whole Church is respected, that the laws are observed, and that legitimate diversity of charisms and forms of apostolate within his diocese, coordinating them

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[93] Cf. V.C. GOMEZ-IGLESIAS, "Obispo diocesano," in *Diccionario General de Derecho canónico*, Vol. V, p. 650.

[94]Cf. E. CAPARRÓS, *et al*., (eds.), *Code of Canon Law Annotated*, 2nd ed., revised and updated from the 6th Spanish-language edition—*Colección Gratianus*, Instituto Martín de Azpilcueta—Wilson & Lafleur Limitée, Montréal 2004, p. 429.

[95] Cf. J. T. MARTIN, *A Handbook on Canon Law*, W&L, Washington 1999, p. 87.

[96] Cf. CONGREGATION FOR BISHOPS, Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores*, 22 February 2004, Libreria Editrice Vaticana, Vatican City 2004, n. 149.

[97] Cf. J. T. MARTIN, *A Handbook on Canon Law*, p. 86.

for the common good.[98] For example in the diocese under the authority of the bishop, there should be strict coordination between parish clergy and those clergy and religious whose pastoral duties extend to a number of different parishes or the whole diocese.[99] Above all the diocesan bishop has the responsibility to make sure that, there is unity between the particular church and the universal church, for the good of the Church's mission.

Another reason is that the diocesan bishop is responsible for the mobilization and allocation of resources within his diocese, including clergy, finances, and physical facilities. In collaboration with various groups, he determines where these resources are most needed to ensure that the Church's mission is effectively carried out throughout the entire diocese.

2.3.2 The Parish

Apart from territorial parishes, a parish can either be called a personal parish, or be a quasi-parish[100] and again some parishes can either be entrusted to the religious institutes or not. Can. 204 § 1 of the 1983 Code shows that a parish is a community made up of the Christian faithful. According to this canon:

> The Christian faithful are those who, inasmuch as they have been incorporated in Christ through baptism have been constituted as the people of God. For this reason, made sharers in their own way in Christ's priestly, prophetic, and royal function, they are called to exercise the mission which God has entrusted to the Church to fulfill in the world in accord with the condition proper to each. [101]

This indicates that the members who make up a community called a parish are those who have been baptized, as well as catechumens who are being incorporated into the Church to continue Christ's mission. It also highlights the importance of providing for the sacrament of baptism in the

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[98] Cf. J. T. MARTIN, *A Handbook on Canon Law*, p. 87.

[99] Cf. CONGREGATION FOR BISHOPS, Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores*, 22 February 2004, Libreria Editrice Vaticana, Vatican City 2004, n. 658.

[100] Cf. CONGREGATION FOR BISHOPS, Directory for the Pastoral Ministry of Bishops, *Apostolorum Successores*, nn. 637-639. See also J.A. HARDON., *Modern Catholic Dictionary*, Doubleday and Company Inc., New York 1980, p. 404.

[101] Can. 204 §1, CIC/1983.

establishment of a Christian community—namely, the parish—which is constituted by the Christian faithful.

In the 1983 Code of Canon Law, a *parish* is defined as "a certain community of the Christian faithful stably constituted in a particular Church, whose pastoral care is entrusted to a pastor (*parochus*) as its proper pastor under the authority of the diocesan bishop" (Can. 515 §1). As a community of the faithful, the parish is a group of the baptized, configured under the authority of the diocesan bishop as a juridic entity, identified either on the basis of domicile (Can. 117 §1) or other personal criteria (Can. 518)—that is, either as a territorial parish or as a personal parish.[102]

Normally, a parish is under the administration of a parish priest. However, pastoral care and administration may be entrusted to parish ministerial personnel in various forms. For example, several parishes may be entrusted to one parish priest, or a team of priests may jointly provide pastoral care to one or more parishes. In some cases, a deacon or even a lay person may be entrusted with the pastoral care of a parish (Can. 517).

A parish is juridically established in a stable manner by a formal act of erection carried out in conformity with the law by the diocesan bishop. This act includes the essential elements that make the parochial institution an ecclesiastical subject called a "parish," thereby giving structural organization to the community formed by the group of faithful. [103]

A parish, as a stable ecclesial community, refers to the permanence of an established community within the Church. Canonically, a parish understood in this way is a collegial public juridic person composed of a definite group of Christ's faithful, established on a stable basis within a diocese, and whose pastoral care is entrusted—under the authority of the diocesan bishop—to a parish priest (Can. 515 §1).

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[102] J.I. ARRIETA., *Governance Structure within the Church*, Wilson & Lafleur Ltèe, Montreal 2000, p. 248.
[103] J.I. ARRIETA., *Governance Structure within the Church*, pp. 248-249.

The notion of a parish as a stable ecclesial community implies that, once erected and established by a competent ecclesiastical authority, it becomes an entity in its own right, distinct from the individuals who belong to it, including the pastor. As such, the parish possesses rights and obligations, including the ability to acquire, retain, administer, and alienate temporal goods according to the norm of law (Can. 1255).

Furthermore, a parish as a stable ecclesial community has a public purpose, which is to be achieved through the mission of the Church. The elements outlined above represent the core canonical characteristics of a parish as a stable ecclesial community, notwithstanding other pastoral considerations that may also describe and enrich its identity. *Apostolorum Accessores*, the directory issued by the Congregation for Bishops, in Chapter VIII—on the meaning and importance of the parish as a stable juridic community—stipulates:

> A juridic stable ecclesial community promotes true community of faith, of grace, of worship, communion of persons presided over by the pastor. It promotes priestly collaboration; the pastor together with the assistant pastors and other collaborators. Programs and initiatives for care of souls are done effectively. In addition to that there is good participation of the faithful (clerics, religious and the laity together). Each one according to their state of life. More to that a stable ecclesial community promotes growth of centres of formation like schools for catechesis, nursery, elementary or other schools, centres for youth formation, centres for charitable and social assistance, centres for the family apostolate and libraries.[104]
>
> With due regard for the demographic composition of the territory, the division of the diocese into parishes must enable the faithful to be a true ecclesial community which gathers for the celebration of the Holy Eucharist, receives the Word of God and exercises charity through the corporal and spiritual works of mercy. It should be possible for the pastors to know the members of their flock personally and to offer them constant pastoral care. In particular, parish clergy must be helped to fulfill the canonical duties entrusted to them: the proclamation of the Word of God, the celebration of the liturgy, the administration of the sacraments- especially their "parochial" responsibilities- and an attentive pastoral presence among the faithful, particularly the most needy. [105]

The quotation gives a description of what it means to be a stable ecclesial community. That is promotion of true community of faith, of grace, of worship, collaboration, good participation, and growth of centres of formation. This passage from *Apostolorum Successores* affirms a deeply

[104] Cf. CONGREGATION FOR BISHOPS, Directory for the Pastoral Ministry of Bishops *Apostolorum Successores*, 22 February 2004, Libreria Editrice Vaticana, Vatican City 2004, nn. 646-650.

[105] CONGREGATION FOR BISHOPS, Directory for the Pastoral Ministry of Bishops *Apostolorum Successores*, n. 640.

ecclesiological and pastoral understanding of the parish as a juridic stable ecclesial community. It highlights several foundational principles that underscore both the canonical structure and the pastoral mission of the parish within the life of the Church.

The parish is described not merely as an administrative unit, but as a true community of faith, grace, and worship. It is a community in which the faithful—under the leadership of the pastor—experience and manifest the mystery of the Church as *communio*. This reflects the vision of *Lumen Gentium* and *Christus Dominus*, which stress the communion of persons in the Church gathered around the Eucharist. The emphasis on priestly collaboration—between the pastor, assistant pastors, and other pastoral workers—demonstrates the synodal spirit envisioned for parish life. It reflects Can. 517 §1, which allows for pastoral care to be exercised by a team of priests, and recognizes the legitimate role of deacons, religious, and qualified laypersons in pastoral ministry. The Directory rightly emphasizes the active and appropriate participation of clerics, religious, and laity, each according to their state of life. This is a clear application of Cann. 204 and 208, which affirm that all the Christian faithful participate in the mission of the Church, in accord with their proper roles.

The Directory sees the stable parish community as a seedbed for apostolic initiatives: catechetical centers, schools, youth programs, family apostolates, and works of mercy. These are tangible expressions of the Church's evangelizing mission and service to society, in harmony with *Evangelii Nuntiandi* and *Amoris Laetitia*.

The passage from the Directory, underscores the need for pastors to personally know their flock—a goal that is only feasible when parishes are organized according to pastoral and demographic realities. This evokes the image of the Good Shepherd (Jn 10:14) and resonates with Can. 529 §1, which calls on pastors to foster personal contact with the faithful.

Finally, the Directory reaffirms the essential duties of the parish clergy: proclaiming the Word, celebrating the sacraments, and providing ongoing pastoral care—especially to the poor and marginalized. These tasks are not merely functional but constitute the essence of pastoral ministry (Cf. Cann. 528–530).

This section of *Apostolorum Successores* presents a comprehensive vision of the parish as a living, juridic, and pastoral community. It combines canonical structure with theological vitality and pastoral effectiveness. Parishes, when truly organized as stable ecclesial communities, become not only administrative divisions but real centers of evangelization, formation, and service—rooted in sacramental life and missionary charity.

2.3.3 The Erection, Suppression, and Alteration of the Parish and the Role of the Bishop

The issues of the erection, suppression, and alteration of a parish are closely linked to the role of the bishop, to the extent that they are essentially inseparable. For a parish to be considered a stable ecclesial community, it must be established by the authority of the diocesan bishop, in collaboration with his co-workers in pastoral governance.

At times, there is confusion about who holds the responsibility for erecting a parish within a diocese—particularly when certain groups of the Christian faithful, or individuals, assume they can push for the establishment of a new parish, disregarding the authority and pastoral judgment of the bishop. Moreover, when serious pastoral difficulties arise within existing parishes, some begin to question how a parish can be properly established to ensure that it becomes a truly stable ecclesial community—one not burdened by foundational problems stemming from poor establishment.

For sure, an entity must be formally established for the sake of good order and the common good. The same principle applies in the Church: a parish should be erected whenever necessary

and appropriate, always oriented toward the salvation of souls. The specific canonical treatment of parish erection has developed mainly in the recent centuries up to the present day. In earlier periods, the concept of parish erection was not as clearly defined. A comparison between the structures of past centuries and contemporary parish frameworks reveals that earlier models were more foundational, gradually paving the way for the current canonical understanding of the parish.

Throughout this historical and legal development, it becomes evident that the bishop plays a central role in the erection of a parish. The Church has now explicitly defined this responsibility, as clearly stated in Can. 515 §2 of the 1983 Code of Canon Law.

At times, for the good of souls, it becomes necessary to modify the boundaries of parishes—whether by uniting several into one, dividing larger parishes, erecting new parishes, or establishing centers for non-territorial communities (cf. *Pastoral Office of Bishops*, n. 177).[106] The authority competent to erect, suppress, or notably alter parishes is the diocesan bishop or those equivalent to him in law (cf. Cann. 381 §2, 368, and 515 §2). The bishop is responsible for judging whether a just cause exists, though his decision must conform to ecclesiastical jurisprudence.

To erect a parish, means to bring it into legal and ecclesial existence. Suppressing a parish signifies the termination of its existence. Altering a parish includes several possibilities.[107] One such possibility is the union of two or more parishes. This may take the form of an extinctive union or merger, for instance, when parish A and parish B unite to form a new parish C. Another form is amalgamation, where parish A is subsumed into parish B, and only parish B remains, as indicated in Can. 121. Another possibility is the division of a parish into more than one; in a total

[106]Cf. CONGREGATION FOR BISHOPS, Directory for the Pastoral Ministry of Bishops *Apostolorum Successores,* no. 177; *Christus Dominus*, no. 32; *Ecclesiae Sanctae* I, n. 21.

[107] Cf. CONGREGATION FOR THE CLERGY, Official Documents of the Holy See. "Letter from the Congregation for the Clergy and Procedural Guidelines for the Modification of Parishes and the Closure, Relegation and Alienation of Churches," in *The Jurist* 73(2013) p. 214. See also CONGREGATION FOR THE CLERGY, "Letter to Bishop Skylstad," in *Roman Replies and CLS Advisory Opinions* (2006), p. 14.

division, for example, parish A is divided into parishes B and C, with A ceasing to exist and only B and C remaining, in line with Can. 122. A further possibility is the modification of parish boundaries,[108] which frequently occurs when a new parish is created. In some cases, this alteration may involve a change in the status of a parish from territorial to personal or vice versa.

In these contexts, when a parish, as a juridic person—whether public or private—is lawfully suppressed by the competent ecclesiastical authority or has remained inactive for a hundred years, it ceases to exist, as stated in Can 120 §1. Once a public juridic person becomes extinct, its goods, rights, and obligations are managed in accordance with the norms of canon law and its own statutes. Where these statutes are silent, the arrangements are transferred to the next higher juridic person, according to Can. 123.

The formal erection of a new parish is completed through a written decree issued and published in the diocesan bulletin by the diocesan bishop, as specified in Can. 48 and 51. Before such a decree is issued, a series of formal procedural norms must be observed, following both the universal and particular laws of the Church. These procedural norms are similar to those used for establishing other ecclesiastical circumscriptions and typically unfold in five phases: information and proposal, study, deliberation, determination, and execution.[109] Specifically, in the case of erecting a new parish, the procedural steps that contribute to its stable establishment in accordance with canon law include the initial proposal, consultation with the council of priests and other appropriate bodies, the involvement of the diocesan commission for new parishes, and finally, the drafting and publication of the decree.

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[108]Cf. J.P. BEAL, *et al.* (eds.), *New Commentary on the Code of Canon Law*, Theological Publications, Bangalore 2003, p. 678.

[109] Cf. J.I. ARRIETA., *Governance Structure within the Church*, Wilson & Lafleur Ltée, Montréal 2000, p. 191.

2.3.4 Consultation with the Council of priests

Can. 515, § 2 clearly establishes the exclusive competence of the diocesan bishop in the pastoral structuring of his particular Church, associating him with the presbyteral council, whose task is to assist him in the governance of the diocese (cf. Can. 495 §1).

This full and complete competence of the bishop in all matters concerning the parish—including the appointment of the parish priest (cf. Can. 523)—is one of the essential achievements of the Second Vatican Council in the pastoral domain. These decisions appear in the decree *Christus Dominus*, n. 32 concerning the parish, and n. 31 regarding the provision of the office of parish priest. The bishop's competence for the provision (Can. 523) is correlated with that of Can. 515 §2 regarding the erection of a parish, in accordance with the norm of Can. 148.[110]

The obligation for the diocesan bishop to consult the presbyteral council before erecting, suppressing, or altering a parish is required for the validity of the decision, even though the bishop is not bound by the opinion he receives (Cf. Can. 127 §2, 2°).[111] Consultation with the Presbyteral Council must be genuine and should take into account all relevant arguments, both for and against the proposed erection of a parish. The diocesan bishop also remains entirely free to listen to the advice and wisdom of other groups, such as diocesan and parish pastoral councils, religious institutes, the episcopal council, and individuals including vicars general, episcopal vicars, vicars forane, pastors, parishioners, and others.[112]

The proper manner of consulting the council of priests involves first providing the council with detailed and necessary information regarding the parish in question. The diocesan bishop

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[110] Can. 148: "The provision of offices is also the competence of the authority to whom it belongs to erect, change, and suppress them unless the law establishes otherwise."

[111]Cf. J.C. PERISSET, *La paroisse*, Editions Tardy, Paris 1989, p. 36.

[112]Cf. J.P. BEAL, *et al.* (eds.), *New Commentary on the Code of Canon Law*, Theological Publications, Bangalore 2003, p. 679.

must seek out all pertinent information and evidence and must also hear those whose rights could be injured (Cf. Can. 50).[113] Examples of such individuals include those who donated the land, neighbors whose property borders that of the parish, and major benefactors who contributed significantly to the construction of the parish church—particularly with regard to honoring the donor's intent (cf. Cann. 121–123).

Another important consideration is the sustainability of the parish's operations. This includes ensuring that adequate means will be available for the support of the pastor and for covering expenses related to worship, charitable works, and apostolic activities.[114] Consequently, the erection of a new parish may be delayed if these means are not yet secured.

Additionally, attention must be given to the name, title, or patron saint of the parish. The patron saint should reflect the historical devotion or cultural context of the people within the territory.[115] The title or name of the parish is typically derived from the principal church of the parish. It may reference the Holy Trinity, one of its Divine Persons, the Blessed Virgin Mary, the Holy Angels, or a canonized saint approved by the Church. It may also be named after a Blessed, provided an apostolic indult is obtained from the Holy See.[116] While the title/name of the parish and the patron saint are distinct, they may coincide. For example, a parish named after a saint would have that same saint as its patron. However, titles such as "Holy Trinity" are not saints, even though they may serve as the parish name.

Another element to consider is compliance with civil legislation. The diocesan bishop must not only observe all canonical norms when modifying or erecting a parish, but must also remain

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[113]Cf. J.P. BEAL, *et al.* (eds.), *New Commentary on the Code of Canon Law,* p. 680.

[114]Cf. A. MARZOA., *et al.* (eds.), *Exegetical Commentary on the Code of Canon Law*, Vol. II/2, English Language Edition, Wilson & Lafleur Limitée, Montréal 2004, p. 1258.

[115] Cf. Can. 1218. See Also CDWDS Notification *Omnis Ecclesia Titulum, Notitiae* 35(1999), pp. 158-159.

[116] Cf. Can. 1218. See Also CDWDS Notification *Omnis Ecclesia Titulum, Notitiae* 35(1999), pp. 158-159.

attentive to civil law provisions relevant to such ecclesiastical structures.[117] For instance, issues surrounding the leasing or ownership of land on which parish buildings are to be constructed must be carefully addressed. In this regard, *Ecclesiae Sanctae* I, 21 (3) emphasizes: "Special arrangements must be made when agreements between the Apostolic See and civil governments, or the acquired rights of physical or moral juridic persons, affect the modification of parishes."[118] In addition to these, many other considerations may arise, depending on the particular circumstances of each case.[119]

The need for the diocesan commission for new parishes was suggested by the Directory on the Pastoral Ministry of Bishops. The directory states that, the Commission is to work in collaboration with the presbyteral council and other concerned commissions, and would handle matters concerning the erection of new parishes and the construction of new church buildings. (Directory 178)[120] However, the diocesan commission for new parishes does not replace the projects committee of the diocese. The diocesan commission for new parishes has its own role to fulfill and the diocesan projects committee has also its own role. Though it doesn't mean that they have to work separately. They have to work together as outlined by the directory on pastoral ministry of bishops that, the Commission is to work in collaboration with other concerned commissions. For instance the projects committee.

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[117]Cf. J. P. BEAL, et al., (eds.), *New Commentary on the Code of Canon Law*, Paulist Press, New York 2000, p. 680. See also J. MYERS, "Suppression and Merger of Parishes. Brief Overview of Canonical Issues" in P. COGAN (ed.), *CLSA Advisory Opinions* 1984-1993, pp. 110-113.

[118]Cf. J.P. BEAL, *et al.* (eds.), *New Commentary on the Code of Canon Law*, Theological Publications, Bangalore 2003, p. 679.

[119] "Criteria in Creating a Parish", 13 September 2001, http://marbeldiocese.freeservers.com 20 January 2025.

[120] J.P. BEAL, *et al.* (eds.), *New Commentary on the Code of Canon Law*, Theological Publications, Bangalore 2003, p. 679.

The diocesan commission, for new parishes, should be representative, as far as possible, of the entire diocesan community that consciously and zealously approaches the question of erecting parishes and building churches as a common endeavor and as far as possible assumes the burden and expenses of the program.[121]

2.3.5 The Decree

The bishop issues the decree for the erection of a new parish only after all stages of consultation have been completed and he is personally convinced that establishing a parish will serve the good of souls.[122] The decree, in accordance with Can. 51, must be issued in writing, with the reasons at least summarily expressed. In the decree, several key elements should be included. First, it must present the reasons for and against the establishment of the parish and ultimately demonstrate that the reasons in favor are stronger. This involves stating clearly the just cause or causes for the bishop's decision. The decree should also define parish membership by identifying the criteria used to determine which members of the faithful belong to the new parish and to any other parishes affected. This is typically done by specifying the territorial boundaries of the new parish, as well as any changes to the boundaries of existing parishes.

Furthermore, the decree must indicate how the office of the parish priest will be provided for, including any steps toward his appointment or installation. It must also state the name, title, or patron saint of the new parish, chosen in accordance with ecclesial norms and local devotional traditions. The effective date of the decree should be indicated clearly, and the document must be signed, stamped, and published in accordance with canonical procedures.[123]

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[121] *Christus Dominus*, n. 178, p. 92.

[122]Cf. J.P. BEAL, *et al.* (eds.), *New Commentary on the Code of Canon Law*, Theological Publications, Bangalore 2003, p. 680.

[123] Cf. A. MARZOA., *et al.* (eds.), *Exegetical Commentary on the Code of Canon Law*, Vol. II/2, English Language Edition, Wilson & Lafleur Limitée, Montréal 2004, pp. 1257-1258.

Once the decree has been lawfully published, those with serious objections may present a hierarchical recourse. The time allowed for such recourse begins from the moment the decree is legitimately notified, and the petition must be submitted within ten useful days, as prescribed by Can. 1734 §2.

In any case involving the modification of a parish, the decree must be issued in writing at the time the decision is taken and must be promptly communicated. If the change includes the division, merger, or amalgamation of parishes, the decree must also provide for the proper disposition of temporal goods in accordance with the law.[124] In doing so, the intentions of donors must be respected, as outlined in Cann. 121-123. Canonical jurisprudence has established that when parishes are modified, the temporal goods associated with them are to follow the people.[125]

As a prudent measure, the *Directory on the Pastoral Ministry of Bishops* advises every local Church that, well in advance of any proposal to erect a new parish, the bishop should purchase land for the construction of church buildings and obtain all necessary legal documents. This is to avoid a situation in which, at the time of need, no appropriate site is available for the establishment of the parish's structures.[126]

2.4 Related Canons in the 1983 Code of Canon Law

Apart from Can. 515 § 2 in the CIC/1983, there are also other canons which deal with some other aspects contained in Can. 515 § 2. The examples of the canons are; Cann. 374 § 1 and 519,

[124]Cf. CONGREGATION FOR THE CLERGY, "Letter from the Congregation for the Clergy and Procedural Guidelines for the Modification of Parishes and the Closure, Relegation, and Alienation of Churches," in *The Jurist* 73(2013), p. 216.

[125] Cf. CONGREGATION FOR THE CLERGY, "Letter from the Congregation for the Clergy and Procedural Guidelines for the Modification of Parishes and the Closure, Relegation, and Alienation of Churches," p. 216.

[126] Cf. CONGREGATION FOR THE CLERGY, "Letter from the Congregation for the Clergy and Procedural Guidelines for the Modification of Parishes and the Closure, Relegation, and Alienation of Churches," p. 216.

which deals with some aspects of the juridical and pastoral framework of parish erection. Then there is Cann. 127 § 2, 2° and 495, which deals with some aspects of the consultative role of the presbyteral council in parish erection.

2.4.1 The Juridical and Pastoral Framework of Parish Erection (Cann. 374 § 1 and 519)

Can. 374 §1 provides the structural foundation of the parish within the diocesan territory. It states: "Every diocese or other particular Church is to be divided into distinct parts or parishes." This canon reflects the ecclesiological vision of the Church as a communion of communities. The division of the diocese into parishes is not merely an administrative necessity but a pastoral obligation aimed at ensuring the effective care of souls. The norm affirms that pastoral care must be concretely localized through stable communities that are rooted in a specific territory. It is within this context that the significance of Can. 515 §2 emerges.

Can. 515 §2 affirms the exclusive authority of the diocesan bishop to erect, suppress, or alter parishes. This canon establishes the bishop as the principal architect of the diocesan pastoral structure. His responsibility to organize the diocese into parishes (Can. 374 §1) is juridically empowered by his right to erect and configure these parishes (Can. 515 §2). The two canons thus complement each other: Can. 374 §1 establishes the requirement of territorial division, while Can. 515 §2 entrusts the concrete realization of this division to the bishop, acting in accordance with the law and after consultation with the presbyteral council.[127]

Can. 519 defines the essential role of the pastor (*parochus*) in the life of the parish. It states: "The pastor is the proper shepherd of the parish entrusted to him. He exercises the pastoral care of the community entrusted to him under the authority of the diocesan bishop..." This canon links the

[127] Cf. VATICAN II, *Christus Dominus* (Decree on the Pastoral Office of Bishops), n. 30, in *The Documents of Vatican II*, ed. WALTER M. ABBOTT, America Press, New York 1966, p. 394.

structural element of the parish (as created by Can. 515 §2) with its pastoral mission. Once a parish is erected, it is not complete without being entrusted to a pastor who, under the bishop's oversight, carries out the threefold office of teaching, sanctifying, and governing.[128] Thus, Can. 519 presupposes the action of Can. 515 §2: the bishop erects the parish and then appoints a pastor to shepherd it.

Theologically and juridically, these canons together express a vision of pastoral governance in which the diocesan bishop acts as the principal source of ecclesial organization (Can. 515 §2 and 374 §1), and the pastor functions as his direct collaborator in the care of souls (Can. 519).[129] The parish is not merely a territorial unit, but a community of the faithful, stably constituted, entrusted to a shepherd in communion with the bishop.

In practice, when the bishop erects a parish under Can. 515 §2, he does so to fulfill the requirement of diocesan structuring in Can. 374 §1, and he ensures that this structure is made pastorally operative by assigning a pastor in accord with Can. 519. These canons, therefore, form a coherent juridical and pastoral framework for understanding the parish as both an institutional reality and a living ecclesial community under episcopal oversight.[130]

2.4.2 The Consultative Role of the Presbyteral Council in Parish Erection (Cann. 127 § 2, 2° and 495)

The provision of Can. 515 § 2 affirms the exclusive competence of the diocesan bishop in structuring the pastoral configuration of the diocese. However, this authority is not exercised in

[128] Cf. *Code of Canon Law*, Can. 519; see also JOHN PAUL II, *Pastores Gregis* (Post-Synodal Apostolic Exhortation), n. 46, Vatican Website, 2003, https://www.vatican.va.

[129] Cf. VATICAN II, *Lumen Gentium* (Dogmatic Constitution on the Church), n. 28, in *The Documents of Vatican II*, 46–47.

[130] Cf. GIUSEPPE COMOTTI, *Il parroco nella comunità ecclesiale*, Urbaniana University Press, Roma 2003, pp. 88–91.

isolation but in a spirit of communion and collegiality, particularly through consultation with the presbyteral council**.**

This consultative requirement is further clarified by Can. 127 §2, 2°**,** which provides a general principle for ecclesiastical governance: "When the law states that someone is to be heard or that something requires consent, if it states that the superior is to hear others, he is not bound to accept their opinion, even if unanimous; but he is not to act against their vote, especially if it is unanimous, unless there is an overriding reason, which in his judgment must be commensurate." This canon applies directly to the bishop's obligation in Can. 515 §2: although the bishop is not bound by the opinion of the presbyteral council, his consultation must be genuine and informed, respecting the integrity of the process. The bishop must provide sufficient information for the council to make a reasoned judgment and must give due consideration to its advice, even if he ultimately decides differently.[131]

The institutional foundation for this consultative process is found in Can. 495, which establishes the presbyteral council as a senate of priests, representing the presbyterate of the diocese. This council assists the bishop in the governance of the diocese, offering counsel particularly in pastoral and structural decisions, such as the erection or suppression of parishes. The council's role is not simply administrative but reflects the shared responsibility of the presbyterate in the pastoral mission of the Church, as emphasized in *Presbyterorum Ordinis* n. 7.[132] The bishop, as the center of unity, benefits from the collective wisdom and pastoral experience of his priests, particularly when a structural decision, such as the erection of a new parish, has lasting juridical and pastoral consequences.

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[131]Cf. JOHN P. BEAL *et al*., *New Commentary on the Code of Canon Law*, Paulist Press, New York 2000, p. 679.

[132]Cf. VATICAN II, *Presbyterorum Ordinis*, n. 7.

Thus, Can. 515 §2 must be read in the light of Can. 127 §2, 2°, which governs the procedural integrity of consultation, and Can. 495, which grounds the presbyteral council's existence and function. Together, these canons express a vision of episcopal authority that is not arbitrary but ecclesial, exercised in dialogue and communion with the presbyterate, ensuring that major pastoral decisions such as erecting, altering, or suppressing a parish are made with prudence, transparency, and pastoral solicitude**.**

2.5 The Authority to Erect Parishes in CCEO/Can. 280 § 2 and CIC/Can. 515 § 2

Can. 515 §2 of the Latin Code of Canon Law assigns exclusive competence to the diocesan bishop regarding the erection of parishes, while also requiring prior consultation with the presbyteral council. The canonical act of erecting a parish includes both a juridical dimension—by which the parish becomes a public juridic person[133]—and a pastoral dimension, rooted in the bishop's care for the portion of the People of God entrusted to him.

In parallel, Can. 280 §2 of the Code of Canons of the Eastern Churches provides: "The eparchial bishop is competent to erect, suppress, or alter parishes unless otherwise provided in the particular law of his own Church *sui iuris*." Like its Latin counterpart, this canon affirms the competence of the eparchial bishop to make structural decisions concerning parishes. However, it introduces a critical qualification: the bishop's authority may be limited by the particular law of his Church *sui iuris*. This reflects the more decentralized and synodal nature of governance in many Eastern Catholic Churches, where the synod of bishops or patriarchal authority may set procedural norms or impose additional requirements.[134]

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[133]Cf. J. P. BEAL *et al*., *New Commentary on the Code of Canon Law,* Paulist Press, New York: 2000, p. 679.

[134] Cf. T. J. GREEN, "Eastern Churches and the Code," in *The Code of Canon Law: A Text and Commentary*, ed. J. A. CORIDEN *et al.* Paulist Press, New York 1985, pp. 14–15.

The two canons, therefore, share a common ecclesiological foundation: both affirm that the local hierarch, whether diocesan or eparchial bishop, is the one who governs the structuring of parishes within his territory. However, whereas CIC Can. 515 §2 explicitly requires consultation with the presbyteral council**,** CCEO Can. 280 §2 makes no direct mention of such consultation, leaving it to the particular law of each Church *sui iuris* to determine if consultation or other procedural safeguards are required.[135] This difference underscores the Latin Code's emphasis on collegial consultation, even in matters where the bishop holds exclusive authority, while the Eastern Code leaves more flexibility to the traditions and canonical customs of each Church.

In practice, the effect of both canons is the same: the bishop is the pastoral and juridical authority responsible for ensuring that parish structures serve the mission of the Church. However, in the Eastern tradition, the interplay between episcopal authority and synodal governance is more pronounced, and so the canon law of each Church *sui iuris* may further specify the conditions under which a bishop may exercise this authority.[136]

Thus, Can. 280 §2 of the CCEO and Can. 515 §2 of the CIC demonstrate converging principles—the bishop's central role in structuring the local Church—while allowing for diverse canonical expressions rooted in the ecclesial identity of the Eastern and Latin traditions.

Conclusion

In the process of erecting a new parish, several essential elements must be considered in order for the parish to be established as a stable ecclesial community under the authority of the bishop. A parish must be erected within the territory of a diocese, which itself is entrusted to the

[135] Cf. GEORGE NEDUNGATT, *A Guide to the Eastern Code*, Pontificio Istituto Orientale, Rome 2002, p. 251.

[136]Cf. IVAN ŽUŽEK, *Understanding the Eastern Code*, Pontificio Istituto Orientale, Rome 1999, pp. 203–205.

pastoral care of a bishop. It is solely by the bishop's authority that a parish can be validly erected within his diocese. This authority includes not only the bishop's personal discernment but also consultation with the presbyteral council and other relevant bodies, such as the diocesan commission for new parishes. Once the appropriate consultations have taken place and the necessary information has been gathered, the bishop issues a decree for the erection of the new parish.

The criteria outlined by the Church for erecting new parishes, as discussed in this chapter, help ensure that the new parish is juridically recognized by the Church as a parish in the proper sense. Furthermore, for a parish to achieve stability as an ecclesial community, these criteria emphasize the importance of involvement, participation, and support from the local faithful throughout the process. This element reflects and strengthens the Church's identity as a community of the Christian faithful.

In addition, the criteria for the establishment of parishes contribute to the development of sound governance structures within the local Church. This dimension also reflects the Church's nature as hierarchical, while remaining deeply rooted in the concept of communion. It is for this reason that, within the local Church, the authority to erect new parishes is entrusted to the bishop, who exercises this authority in consultation and collaboration with other members of the Christian faithful.

While the initiative to erect a parish may arise from the faithful or other groups, it is ultimately the bishop who has the canonical authority to approve or reject the proposal, always guided by the good of souls and the pastoral mission of the Church.

CHAPTER THREE

CONFORMITY OF THE PARTICULAR LAW OF THE CATHOLIC DIOCESE OF MANGOCHI WITH THE PROVISIONS OF UNIVERSAL LAW ON ROLE OF THE BISHOP IN THE ESTABLISHMENT OF A PARISH

Introduction

The chapter provides an overview of the application and conformity of canon law norms with the particular law of the Diocese of Mangochi. It proceeds to outline some of the challenges affecting the establishment of new parishes and concludes with canonical recommendations appropriate to the specific circumstances for erecting new parishes.

It particularly emphasizes the application of Can. 515 §2, examining how the particular law of the Diocese of Mangochi aligns with the provisions of universal law regarding the authority and role of the bishop in erecting a parish. The chapter evaluates the bishop's authority to implement measures conducive to the establishment of new parishes, as outlined in Can. 515 §2. This includes the norms governing the consultation process and the procedural steps leading to the issuance of a decree of erection.

An additional example of relevant norms is found in *Christus Dominus,* which addresses the creation of other ecclesial structures prior to or in the process of parish establishment. *Christus Dominus* 11 states:

> Even if true parishes are not erected, other centers of the apostolate and charity may be established with an organic and more or less stable structure, according to needs. In this way, through appropriate organization and arrangements, pastoral ministry can effectively respond to the needs of particular places and groups. Care must always be taken, however, to ensure that the faithful become increasingly aware that they are members of a particular Church, which, as the diocese, is a portion of the universal Church.[137]

[137] Vatican II, *Christus Dominus*, n. 11.

This citation highlights the Church's pastoral flexibility, allowing for the establishment of functional pastoral centers even before a full canonical parish is erected. It also reinforces the theological and ecclesial principle that every initiative must be oriented toward strengthening the faithful's sense of belonging to their local Church, which is itself a concrete manifestation of the universal Church.

3.1 Historical Background of the Catholic Diocese of Mangochi[138]

The Diocese of Mangochi is one of the eight Roman Catholic dioceses in Malawi. It is located in the southeastern part of the country, at the southern end of Lake Malawi. The Missionaries of Africa (White Fathers) arrived in the area around 1880. The Diocese of Mangochi was established in 1973 and was entrusted to the Montfort Fathers of the Italian Province from the Diocese of Zomba. Its first was Bishop Alessandro Assolari, who was consecrated as Bishop of Mangochi on 8th December 1973 by His Grace Archbishop James Chiona of the Archdiocese of Blantyre.

The Diocese covers Mangochi, Machinga and Balaka Districts, and has the current total population of approximately 2,718,000 people, with 955,000 Catholics. The diocese has 25 parishes, and a total number of 81 priests (64 diocesan, 21 religious). It has also 277 religious (195 brothers, 82 sisters). While seminarians are 30 in number.[139]

[138] Cf. H REIJNAERTS *et al.*, *Montfortians In Malawi their Spirituality and Pastoral Approach*, Montfort Press, Limbe 1997, p. 405.

[139] CATHOLIC DIOCESE OF MANGOCHI *Archives*, Bishop's Secretary, Mangochi 2025.

3.2 Legislation of the Malawi Conference of the Catholic Bishops (MCCB)[140]

Can. 515 §2 affirms that the authority to erect, suppress, or notably alter parishes is entrusted solely to diocesan bishops. However, the Malawi Conference of Catholic Bishops (MCCB)[141] provides guidance, pastoral strategies, and legislative support to assist diocesan bishops in fulfilling responsibilities such as the erection of new parishes. This support may include the adoption of strategic plans and the implementation of the Pastoral Directory issued by the Conference.

Specifically regarding the establishment of parishes, the MCCB has issued important jurisdictional directives and structural guidelines to be implemented in every parish to ensure that it functions as a truly stable ecclesial community. The MCCB affirms that a parish is a community of Christ's faithful that is stable and firmly established within the particular Church. It further mandates that a parish should be territorial in nature and placed under the pastoral care of a parish priest appointed by the local ordinary, who shepherds the faithful on the bishop's behalf (cf. Cann. 515 §1; 518).

3.3 Legislation of the Diocese of Mangochi on Establishment of a Parish

According to the Mini-Synod of the Diocese of Mangochi (2001–2003), several norms were presented regarding the establishment of a parish. In a presentation delivered during the Synod sessions, Fr. Lazarus Girevulo and Fr. Felix Msuli addressed issues related to the establishment of parishes, referencing the relevant canonical provisions.[142]

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[140] EPISCOPAL CONFERENCE OF MALAWI, *Pastoral Directory*. Pastoral Commission, Montfort Media, Balaka 2018, pp. 83-84, 85-86.

[141]Formerly known as EPISCOPAL CONFERENCE OF MALAWI (ECM). Now it is known as the MALAWI CONFERENCE OF CATHOLIC BISHOPS (MCCB).

[142]Cf. Cann. 518, 515 §§2, 517, 516, 537; MINI SYNOD OF THE DIOCESE OF MANGOCHI, "You also go into the vineyard" (Mt 20:4), Montfort Media, Balaka 2003, p. 150.

The Synod emphasized that a parish is to be territorial, encompassing all the Christian faithful within its defined area. As for personal parishes, they may be established based on particular needs, such as rite, language, nationality, or other specific circumstances (cf. Can. 518). Only the diocesan bishop has the authority to erect, suppress, or alter parishes, and this must be done after consulting the presbyteral council (cf. Can. 515 §2). Furthermore, the pastoral care of a parish is to be entrusted either to a single pastor or, where necessary, to a group of priests (cf. Can. 517). In particular circumstances, a definite community of the Christian faithful—known as a quasi-parish—may be erected and entrusted to a priest as its proper pastor, although it is not yet established as a full parish (cf. Can. 516). Additionally, each parish must have a finance council (cf. Can. 537).[143]

In the Diocese of Mangochi, the common practice for erecting a new parish involves creating a distinct portion of the People of God from an already existing parish. This is typically followed by the sharing of property, decided after several meetings of the mother parish's pastoral council, under the guidance of the diocesan pastoral secretary and in consultation with the bishop. Parish boundaries are defined in accordance with the geographical layout and in consultation with the presbyteral council. The process also includes the designation of the principal parish church and the transfer of parish registers.

Some territories within the particular Church undergo various transitional stages—such as being a sub-parish—before they are formally erected as full parishes. On 21 October 2019, the bishop announced that six sub-parishes had been established in the diocese. He explained that this development was prompted by the growing number of Christians in the region.

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[143]His Excellency Bishop MONTFORT STIMA, *Announcement of Establishment of new Sub-Parishes*, 21 October 2019, www.radiomaria.mw 11 January 2025.

The criteria for the eventual elevation of sub-parishes to full parish status are based on their overall performance and growth. This includes their financial contributions toward divine worship, apostolic activities, charitable works, and the proper support of ministers. The bishop observes these aspects over an undetermined period until he is convinced that the sub-parish is capable of functioning independently as a parish. Other key indicators include the number of Christian families and the total number of faithful receiving the sacraments of Baptism, the Eucharist, and Confirmation.

The pastoral care of sub-parishes is generally entrusted to the parish priests of the mother parishes, or at times, to a priest residing at the rectory of the mother parish. During his pastoral visits, the bishop receives firsthand information on the status, conditions, and progress of the sub-parishes. Notably, the legislation governing the process of establishing new parishes in other dioceses bears strong similarities to that of the Diocese of Mangochi.

3.4 Applications and Conformity to the Norms of the Canon Law by the Diocese of Mangochi

The Diocese of Mangochi continually strives to conform to the regulations of the Church in order to achieve the pastoral and missionary objectives of the Universal Church. Since its erection in 1973, the Particular Church of Mangochi has, against all odds and difficulties, established a significant number of parishes in a predominantly Islamic area. From its inception, the diocese pursued its missionary mandate in conformity with the missionary principles upheld by the Society of Montfort Missionaries.

It was only around the year 2007 that the diocese began adopting the norms applicable to a self-reliant local Church under the authority and guidance of a diocesan bishop. Prior to that, the establishment of new parishes depended largely on funds provided by the Montfort Missionary

Fathers.[144] The bishop's office complemented these efforts by sourcing additional support from donors, missionary clergy, and other religious congregations. As a result, some parishes are not yet self-reliant and remain unstable in several areas, particularly with regard to their economic sustainability. This instability is notably evident in meeting expenses for worship, apostolate, charity, and the decent support of ministers. Additionally, challenges such as land disputes and divisions based on kinship ties persist in some communities.

In its effort to align with ecclesiastical law, the Diocese of Mangochi developed a Strategic Plan (2011–2016),[145] which reflects its commitment to establishing and strengthening diocesan structures at all levels—an important and supportive step, especially in the context of erecting new parishes as stable ecclesial communities. Since the erection of large parishes in 1973, the prevailing method of creating new parishes has involved the division and modification of territorial boundaries from existing parishes.

According to Can. 515 §2, the erection of a new parish as a stable ecclesial community requires that the diocesan bishop consult the presbyteral council. Canon law promotes consultation as a necessary condition for the validity of certain actions (Cf. Can. 127 §§1–2). Unlike the college of consultors, which does not directly represent the presbyterate, the presbyteral council is sought in this context because it represents the priests, whose pastoral work and experience are directly affected by decisions concerning new parishes. Thus, their involvement is crucial.

[144]Missionary law governs the establishment of missions that develop through missionary activity in regions where the Church is not yet firmly rooted. The opening of new missions was guided by the General Council of the Montfort Missionaries. For example, in 1907, Fr. Bourget, a member of the Montfortian General Council in France, came to Nyasaland to conduct a canonical visitation of the Montfort Missionaries in the Shire Prefecture. Cf. HUBERT REIJNAERTS ANN NEILSEN MATHEW SCHOFFELEERS, *Montfortians in Malawi their Spirituality and Pastoral Approach*, Montfort Press, Limbe 1997, p. 73.

[145] CATHOLIC DIOCESE OF MANGOCHI, *Strategic Plan 2011-2016*, Montfort Media, Balaka 2011. pp. 6-9.

The diocese respects this canonical norm by maintaining the consultative body of the presbyteral council, whose membership includes parish priests and parochial vicars, depending on the pastoral needs of the diocese. However, due to various challenges, it is sometimes difficult to sustain regular consultation with the presbyteral council on important matters, even when canon law requires that the council of priests be heard.

3.5 Challenges Affecting Establishment of New Parishes

Sometimes, the norms and procedures for the erection of a parish are not fully observed due to various challenges. In certain practical circumstances, it may be difficult to apply the theoretical aspects of these norms and processes to concrete situations. Below are some of the challenges that affect the implementation of the canonical norms and procedures for the establishment of a new parish.

3.5.1 Lack of Being a Self-Reliant Church

The particular Church has not yet reached the level of being a self-reliant Church. Many parishes are still unable to adequately provide for the expenses of public worship, the remuneration of workers, apostolic and charitable activities, and the decent support of ministers. Additionally, many parishes struggle to raise sufficient funds for the renovation or construction of church buildings intended for public worship. There remains a heavy reliance on external funding sources, such as Aid to the Church in Need. This dependence poses a challenge when there is a need to erect a new parish. This challenge for lack of being self-reliant church has also been reflected in the diocesan strategic plan of 2017-2022, whereby one of the strategic objectives is to ensure that the diocese, parishes and institutions are self-reliant.[146] However, the lack of self-reliance is, to a

[146] DIOCESE OF MANGOCHI, *Strategic Plan 2017-2022*, Montfort Media, Balaka 2017, p. 8.

large extent, a matter of mindset. In reality, many parishes possess the potential to mobilize the necessary resources to support their pastoral activities.

Thus, as the local Church continues its journey from a missionary territory to a firmly rooted ecclesial presence, many Christian faithful are still in the process of learning how to actively participate in the life of the Church. A significant number remain passive in their engagement. Yet, the Church calls every lay Christian to be actively involved in its mission.

To foster this participation, Can. 212 §3 provides:

> According to the knowledge, competence, and prestige which they possess, they have the right and even at times the duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church and to make their opinion known to the rest of the Christian faithful, without prejudice to the integrity of faith and morals, with reverence toward their pastors, and attentive to common advantage and the dignity of persons.

Many lay faithful still perceive the Church as predominantly hierarchical, rather than as a community of believers in which each member has a specific role to play, according to their state and function. This is why the ongoing reflection and teaching on the Synodality of the Church (2021–2024) can greatly assist local churches in working together in unity toward the promotion of the Church's mission.

3.5.2 Low Income Levels of Some Local Communities

With reference to several parishes within the particular Church of the Diocese of Mangochi, it has been observed that some are located in regions where the local community has very low income levels.[147] Although the population in such areas may be sufficient to justify the

[147] NATIONAL YOUTH COUNCIL MALAWI, "Mangochi Socio-Economic Report 2017-2022."

erection of a parish, the financial contributions from the faithful are often minimal. This presents a significant challenge to the establishment of new parishes in these territories.

Due to limited resources, the process of erecting a new parish may take a long time, especially when the local Christian community's income is significantly lower compared to that of dioceses in urban settings. While the Church does not prescribe a specific time frame for the establishment of a new parish, it is generally advisable to complete the process within a reasonably defined period. It becomes a persistent difficulty when the local community is not able to contribute meaningfully to this important ecclesial task.

3.5.3 Challenges of Kinship-Based Segregation and Nativism in Parish Leadership and Establishment

Nativism becomes a negative factor when the indigenous people of a given territory are unwilling to include newcomers in leadership roles within the parish structure. The newcomers are often sidelined, and leadership positions are filled exclusively by individuals connected through kinship ties among the natives. This undermines leadership diversity, limits participation, and restricts the integration of new skills that could benefit the growth of the local Church. The strategic plan of the diocese of Mangochi echoes the same problem of lack of participation for all in decision making and development.[148]

In many cases, the indigenous population resists accommodating new ideas or initiatives proposed by recently arrived, skilled members of the Christian community. As a result, the local Church is deprived of capable leaders who could significantly contribute to the parish's mission

[148] CATHOLIC DIOCESE OF MANGOCHI, *Strategic Plan 2017-2022*, Montfort Media, Balaka 2017, p. 31.

and activities. This dynamic weakens parish vitality and reduces the involvement of some faithful who might otherwise contribute effectively to the noble task of establishing a new parish.

Furthermore, another dimension of the problem is that a minority group within the Christian faithful—belonging to a different native clan—may push for the establishment of a parish in their locality. Their motivation is often to detach themselves from the mother parish located in the territory of another clan, usually due to longstanding animosity. This can lead to impatience or resistance toward the diocesan bishop's authority, especially when he delays the erection of a new parish to assess the circumstances properly.

Similar tensions may arise regarding the location of the parish church. Even after a parish has been approved for erection, disputes can emerge among the lay faithful during the consultation process about where to situate the mother church. These disagreements are often fueled by kinship-based preferences, with each clan seeking to host the mother church within their own locality in order to gain control and leadership privileges.

3.5.4 Low Levels of Faith

In the Particular Church of the Diocese of Mangochi, the bishop's authority to erect a new parish is sometimes hindered by the low levels of faith among the Christian faithful. This challenge implies that some members of the community lack a strong belief that the erection of new parishes is a genuine form of evangelization and a means of spreading the Gospel to different areas. Without this belief, it becomes difficult for them to cooperate in the process of establishing a new parish.

Low levels of faith are also evident in the lack of reverence for the sacraments. In such contexts, the erection of a new parish is not viewed as a means of promoting access to the sacraments, which are vital for the salvation of the Christian faithful. This spiritual deficiency is often due to the absence of ongoing doctrinal instruction and the influence of Protestant ideologies,

some of which do not recognize the value of certain sacraments such as Holy Orders and the Eucharist.

The problem of low levels of faith is also a concern which has been highlighted in the diocesan strategic plan 2017-2022. It acknowledges that there sometimes there is a tendency of syncretism, limited understanding and practice of sacraments and sacramental, limited programs and materials for catechism.[149]

3.5.5 Land Ownership Disputes in the Erection of New Parishes

It is a well-established principle that a parish must be erected on properly acquired land, in accordance with either civil law or customary land legislation of the area. However, in the process of acquiring land in strategically suitable locations, challenges often arise due to land ownership disputes. These may include conflicting claims within the same family, where some members oppose the sale of land to the Church—sometimes out of religious affiliation to a different faith.

Land ownership disputes not only hinder the erection of new parishes but also affect already established ones. For instance, parish lands may suffer encroachment, especially when some portions remain idle, thereby limiting the available space for expansion or future parish establishment.

In the Diocese of Mangochi, land ownership is largely governed by local chiefs and indigenous customs. Disputes or misunderstandings among the local people concerning land rights often complicate the proper and timely erection of new parishes. These tensions can significantly delay pastoral development and the effective realization of diocesan plans.

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[149] CATHOLIC DIOCESE OF MANGOCHI, *Strategic Plan 2017-2022*, Montfort Media, Balaka 2017, p. 7.

3.5.6 Religious Intolerance

The area of ecumenism and interreligious dialogue is also a significant factor that can affect the development of a parish as a stable ecclesial community. Religious intolerance sometimes hinders the establishment of new parishes in various ways, such as the denial of land by local chiefs or landowners who are predominantly Muslim. The Diocese of Mangochi is situated in a region where Muslims form the majority. As a result, Christianity, being a minority, occasionally faces serious opposition from certain misguided members of the Islamic community.[150] This creates challenges in the erection of new parishes, as the Particular Church often has to navigate a competitive and at times hostile environment.

3.5.7 Inactivity of Some Participative Structures

Although participative structures may be established within a particular Church, they are not always active in accordance with the norms of the Church. In some cases, these structures are either weak, forgotten or abandoned due to various challenging circumstances.[151]

In the context of a parish, participative structures typically include: Small Christian Communities, the Church Executive, the Church Centre Council, the Parish Council, the Parish Pastoral Team, the Parish Finance Council, and the Deanery Council. A common phenomenon is that after members are elected into leadership positions, only a few individuals remain active after some time. Consequently, these individuals become incapacitated in their roles due to the lack of a collegial mandate required to make valid decisions, which demand the involvement of the entire

[150] ACIAFRICA., "Parish in Malawi asked to Vacate Muslim territory" 20 May 2021, https://www.aciafrica.org, 25 June 2025.

[151] CATHOLIC DIOCESE OF MANGOCHI, *Strategic Plan 2017-2022*, Montfort Media, Balaka 2017, p. 7.

committee. This situation may hinder the necessary consultative process in the erection of a new parish.

At the diocesan level, participative structures include: the Laity Council, the Diocesan Pastoral Council, the Finance Council, the Presbyteral Council, and the College of Consultors. In addition to the office of the diocesan bishop, every diocese typically includes other key offices such as those of the Vicar General, the Episcopal Vicar, the Judicial Vicar, and the Financial Administrator.

3.6 Canonical Recommendations

Below are some recommendations that may help promote the role of the bishop in the erection of new parishes.

3.6.1 Intensifying Strategies for a Self-Reliant Church

According to Can. 222 §1, "The Christian faithful are obliged to assist with the needs of the Church so that the Church has what is necessary for divine worship, for the works of the apostolate and of charity, and for the decent support of ministers." To fulfill this obligation, many strategies have already been outlined in particular Churches over the years. For example, apart from finance committees, parishes are always asked to have committees for investments and development. This was emphasized during the meeting conducted by the investment committee of the Mangochi Diocese which took place in the diocese, on 9th September 2020. In addition to that, as a way of promoting self-reliance, parishes do give a contribution of first fruits of farm produce (Masika) and a certain amount of money to the diocese.[152] What is required now is the promotion of these strategies in order to achieve the goal of making the particular Church self-reliant.

[152] Cf. CATHOLIC DIOCESE OF MANGOCHI, *Pastoral Directive on the Tithe and Masika*, 14 March 2020, Bishop's Secretary, Mangochi 2020, p. 2.

There should be continuous follow-up on the norms and efforts outlined by the diocese. Additionally, some research has already been conducted by scholars within the Diocese of Mangochi, offering valuable insights and practical suggestions for fostering a self-reliant Church.[153] Consulting these works can provide further knowledge and support for implementing effective strategies.

3.6.2 Promoting Unity among the Christian Faithful

In the Church, any baptized Catholic who is suitable may be elected to a leadership position. The Church calls for unity among the Christian faithful, where everyone participates according to his or her capacity and vocation. There is equality of dignity among all the faithful. Can. 208 affirms: "From their rebirth in Christ, there exists among all the Christian faithful a true equality regarding dignity and action by which they all cooperate in the building up of the Body of Christ according to each one's own condition and function." By virtue of baptism, the Christian faithful "participate in their own way in the priestly, prophetic, and kingly office of Christ. They are called, each according to his or her particular condition, to exercise the mission which God entrusted to the Church to fulfill in the world" (Can. 204 §1).

Therefore, there should be no form of segregation among the Christian faithful—whether between indigenous populations and newcomers or among different ethnic or social groups. Promoting unity and discouraging segregation can be done through awareness campaigns,

[153] S. H. MUNDISIYE., *The Role of the Local Catholic Christians in identifying strategies to move towards Self Reliance in Mangochi Diocese*, A research paper submitted in partial fulfillment of the requirement for the award of the Master of Science Degree in Leadership and Change Management, Leeds Metropolitan University 2012, pp. 40-45.

educational programs, and the use of inclusive slogans that denounce discriminatory attitudes within the Church community.

3.6.3 Strengthening the Faith of the Christian Faithful

Can. 210 states: “All the Christian faithful must direct their efforts to lead a holy life and to promote the growth of the Church and its continual sanctification, according to their own condition.” In addition, Can. 211 asserts: “All the Christian faithful have the duty and the right to work so that the divine message of salvation may increasingly reach all people in every age and in every land.” One practical way that the faithful can fulfill this obligation is by supporting the noble task of erecting new parishes. Often, faith is the driving force behind the commitment to such endeavors. A Christian who is convinced that establishing a parish contributes to the spread of the Gospel and the salvation of souls will always be ready to participate actively in the process. Those with strong faith willingly sacrifice their time and resources to advance the Church’s mission of evangelization.

This is grounded in the command of Jesus Christ: “Go into all the world and proclaim the good news to the whole creation” (Mark 16:15). Therefore, cultivating a deep faith among the Christian faithful—through catechesis, pastoral programs, and spiritual formation—strengthens their commitment to participate in the Church’s growth, including the establishment of new parishes.

The erection of a new parish is often a visible sign of the growth of the Church in a particular area. Frequently, the spread of the Gospel precedes the formal establishment of a parish. Thus, it is recommended that the process of founding new parishes be preceded by or carried out alongside efforts to implant the seeds of faith in the hearts of the people. Ongoing efforts to strengthen the faith of the Christian faithful remain essential even after the parish is erected.

3.6.4 Recommendations on Land Disputes

Where possible, land disputes concerning property already acquired by the Church can be prevented by ensuring that such land does not remain idle. This may involve renting it out or engaging in other forms of land utilization, provided these actions comply with civil regulations. This recommendation is based on Malawi's *Land Act of 2016*, which provides that private land, even under freehold title, may be repossessed by the state if it remains idle for more than two years after registration.

In addition to the legal dimension, idle land is often vulnerable to encroachment by neighboring communities. Therefore, it is important not only to make productive use of Church land but also to promote proper dialogue as a key strategy for resolving or avoiding land ownership disputes.

3.6.5 Proper Use of Participative Structures According to the Norms of the Church

Regarding the importance of participative structures, Pope Francis, in his 2018 Apostolic Constitution *Episcopalis Communio* on synodality, emphasizes "journeying together" as a way of being and acting, which involves participation at all levels.

For the good of the Church, participative structures should be established, strengthened, and kept active. These structures ensure that appropriate individuals and groups are consulted and that the diverse sectors of the Christian faithful are represented. Participative structures help to implement ecclesial norms effectively, particularly in decision-making processes. For example, the erection of a parish is a significant undertaking that demands collaboration and consultation across the entire spectrum of the local Church. This includes the use of participative structures and

adherence to civil regulations related to land leasing, insurance, taxation, and engagement with other civil bodies, such as acquiring mailing addresses and legal registrations.

3.6.6 Proper Use of the Principle of Subsidiarity and the Oneness of the Catholic Church

When properly applied, the principle of subsidiarity enhances the effectiveness of communal efforts toward development. This principle is equally beneficial to Christian communities such as parishes, encouraging self-determination in pursuing local projects.

In many communities, people show greater commitment to projects when they are entrusted with direct responsibility. The same applies to the establishment of a new parish—local Christian communities often give their maximum effort when they are fully engaged and convinced that the project serves their common good. The principle of subsidiarity requires that local Churches be respected and granted a wide scope for self-governance.[154] What can be effectively accomplished by the local community within its authorized regulatory capacity should be entrusted to them.

At the same time, the application of subsidiarity must be balanced with the understanding that the Catholic Church is one. Parishes must maintain a strong relationship with the diocese, under the authority of the bishop. Though the parish is a distinct community, it is not autonomous; its pastor is hierarchically dependent on the diocesan bishop.[155] There is a vital relationship between proper law, particular law, and universal law. Thus, while the local faithful are called to be self-reliant and self-propagating, they must also remain in communion with ecclesial authority.

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[154] Cf. CORIDEN, *The Parish in Catholic Tradition. History, Theology and Canon Law*, Paulist Press, New York 1996, p. 5.

[155] Cf. J.I. ARRIETA, *Governance Structures within the Catholic Church*, Wilson & Lafleur Ltée, Montréal 2000, p. 246.

Can. 209 §1 states: “The Christian faithful, even in their own manner of acting, are always obliged to maintain communion with the Church.” Can. 209 §2 adds: “With great diligence, they are to fulfill the duties which they owe to the universal Church and the particular Church to which they belong, according to the prescripts of the law.” Hence, no part of the Church exists in isolation from the whole.

3.6.7 Establishment and Use of Supportive Reconciliation Structures

Although the process of erecting a parish is not primarily a conflict resolution activity, unresolved disputes can significantly impede its progress. For this reason, the Church strongly encourages reconciliation initiatives for the good of both the Church and the faithful.

Can. 1446 §1 states: “All the Christian faithful, and especially bishops, are to strive diligently to avoid litigation among the people of God as much as possible, without prejudice to justice, and to resolve litigation peacefully as soon as possible.” Can. 1446 §2 highlights the importance of mediation as a preferred method of resolving conflicts.

To this end, establishing reconciliation structures is an effective way to manage disputes among the faithful. A lack of reconciliation may hinder necessary consultation and unity during major projects like erecting a new parish. Conflicts among members of the community can stall initiatives that require collective participation and shared purpose.

Although some conflicts are inevitable, the key is to have mechanisms in place for resolving them. These mechanisms are essential to reflect the mercy and compassion of Jesus Christ, who sends pastoral workers into His vineyard. Can. 220 provides a fundamental principle in this regard: “No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy.” While this canon

has many applications, in this context, it affirms the importance of respectful engagement in conflict management.

In the Catholic Church, conflicts may be resolved through either administrative or judicial procedures. However, before resorting to litigation, it is highly recommended that arbitration or fraternal correction be pursued, as outlined in Can. 1341**.** Projects such as the erection of a parish may be delayed or jeopardized by interpersonal conflicts among clergy, religious, or lay members. For the sake of ecclesial unity and the common good, establishing effective reconciliation structures to address these issues is indispensable.

3.6.8 Continuous Awareness and Implementation of the Diocesan Strategic Plan

The Diocese of Mangochi has produced two versions of its strategic plan. While the plan outlines many important elements, its effective implementation still requires significant effort. Implementing the diocesan strategic plan is crucial for realizing the evangelizing mission of the Church, particularly regarding the creation of new parishes.

The plan contains elements that are especially beneficial for the establishment of new parishes, such as the development of diocesan structures, the participation of the Christian faithful, the deepening of faith, and the promotion of a self-reliant Church. If these aspects are realized, the bishop's noble task of erecting new parishes will become more feasible and sustainable.

3.6.9 Setting Proper Follow-Up Procedures for Sub-Parishes

Often, there are transitional stages that a sub-circumscription undergoes before it can be erected as a parish. For a sub-circumscription to become a stable ecclesial community, appropriate follow-up procedures are essential. This includes evaluating both successes and shortcomings based on the criteria established for the promotion of a sub-circumscription into a parish.

Such evaluations can be conducted either by establishing a committee dedicated to the erection of new parishes or by entrusting responsible individuals under the authority of the bishop to carry out the necessary follow-ups. When it is judged that a sub-parish meets the requirements, it may be promoted to parish status. However, no sub-parish should be promoted unless it clearly qualifies, unless the diocesan bishop—being the competent authority—grants a dispensation for valid reasons.

3.6.10 Ongoing Formation

To make the above recommendations effective, ongoing formation is essential. It addresses gaps in knowledge and equips the faithful with tools necessary for the implementation of various pastoral and structural initiatives. Ongoing formation should continue to be promoted at various levels within the diocese. A notable precedent for this was the diocesan mini-synod held from 2001 to 2003, which marked the beginning of structured ongoing formation. Since then, the diocese has conducted multiple formation programs, particularly for the clergy, but also for the wider Christian faithful.

Regarding the Christian faithful, Can. 217 states: “Since they are called by baptism to lead a life in keeping with the teaching of the gospel, the Christian faithful have the right to a Christian education by which they are to be instructed properly to strive for the maturity of the human person and at the same time to know and live the mystery of salvation.” This canon highlights the importance of Christian education as a foundation for ongoing formation.

3.6.11 Dispensations and the Norms for the Erection of a Parish

Another important consideration in addressing the challenges of erecting new parishes is the possibility of granting dispensations. What happens when there is a genuine need to establish a parish, while certain canonical norms cannot be fulfilled due to serious difficulties? Can. 87 §1

provides an answer: “A diocesan bishop, whenever he judges that it contributes to their spiritual good, is able to dispense the faithful from universal and particular disciplinary laws issued for his territory or his subjects by the supreme authority of the Church. However, he is not to dispense from procedural or penal laws.” In the context of parish erection, this means that, the bishop may dispense from certain non-essential norms while still observing those that are fundamental, such as consultation with the presbyteral council and the appointment of a parish priest.

According to Can. 90, a dispensation may only be granted for a just and reasonable cause, taking into account the seriousness of the law and the specific circumstances of the case. There must be a valid reason that outweighs the importance of the norm in question. For example, a parish may be established even if it is not financially viable at the time, provided there is a sound financial plan to ensure future sustainability. Such dispensations are granted for the greater good of souls and in fidelity to ecclesiastical law.

Conclusion

Chapter III has outlined the historical and pastoral context of the Diocese of Mangochi, providing the reader with a better understanding of the challenges facing this particular Church. These challenges are rooted in the background of the diocese and have been presented in relation to the teaching and expectations of the universal Church for particular churches.

The recommendations offered here are grounded in divine law, natural law, canon law, and pastoral concerns. They align with the objectives and mission of the Church, which ultimately aim at the salvation of souls (*salus animarum*), the supreme law of the Church.

GENERAL CONCLUSION

This thesis has examined the role of the bishop in the erection of a parish as a stable ecclesial community within the diocese, in light of Can. 515 §2 of the 1983 *Code of Canon Law*, with particular reference to the Catholic Diocese of Mangochi, Malawi. The study was conducted in the context of several observed challenges. Despite the long-standing existence of many parishes in this particular Church, some have shown limited signs of growth or development. These parishes often struggle to function in a stable manner and, consequently, fail to fully realize the Church's pastoral and missionary objectives.

In some instances, members of the lay faithful continue to perceive the parish priest as solely responsible for all parish activities, without recognizing their own co-responsibility in parish life. Furthermore, a number of parishes face ongoing financial difficulties, including the inability to meet expenses related to divine worship, remuneration of parish workers, apostolic initiatives, and the decent support of clergy. Legal challenges—particularly land disputes with local leaders and private individuals—also pose significant obstacles. While local district councils and law enforcement agencies may offer assistance in resolving such issues, they are sometimes ineffective in addressing more complex land-related conflicts. These challenges contribute to operational instability within affected parishes.

It is evident that parishes established on a solid foundation tend to be more stable and effective in fulfilling their mission. A parish founded in accordance with the Church's canonical norms is more likely to exhibit long-term vitality. Can. 515 §2 affirms: "It is only for the diocesan bishop to erect, suppress, or alter parishes. He is not to do so significantly unless he has heard the presbyteral council." Accordingly, this study has investigated the canonical process for erecting

new parishes, highlighting the necessity of a genuine pastoral need, proper consultation, and the issuance of a formal decree by the diocesan bishop.

The study has also addressed exceptional situations in which a dispensation may be granted—when a greater pastoral good justifies deviation from certain procedural norms. Historically, the findings confirm that the bishop has consistently held the central role in the erection of parishes within the particular Church. Although there have been moments in Church history when emperors, civil authorities, or other ecclesial figures attempted to exercise this authority, the enduring tradition clearly affirms that only the diocesan bishop possesses the canonical competence to erect, suppress, or alter parishes. Can. 515 §2 confirms and strengthens this long-standing ecclesial principle.

The recommendations presented in Chapter III offer practical ways to enhance the bishop's role in erecting parishes as stable ecclesial communities. Key areas addressed include: promoting strategies for a self-reliant Church, discouraging social or ethnic segregation, raising awareness to prevent land disputes, encouraging the proper use of participative structures in accordance with ecclesial norms, applying the principle of subsidiarity in harmony with the oneness of the Catholic Church, establishing reconciliation structures, and promoting continuous awareness and implementation of the diocesan strategic plan.

Particular emphasis is placed on the establishment and strengthening of reconciliation structures to help resolve conflicts that hinder parish development. These structures are envisioned to foster effective collaboration among pastoral agents and lay faithful and to support constructive interactions between officeholders and ecclesial institutions under the bishop's guidance. Such collaboration should be ongoing and motivated by charity, oriented toward the common good and the salvation of souls.

Additionally, attention is drawn to the careful discernment required in granting dispensations when pastoral necessity demands flexibility in the application of certain norms. Any such dispensation must be justified by a proportionate cause, always aiming at the spiritual good of the faithful.

Finally, ongoing formation for both clergy and laity emerges as a critical factor for the successful implementation of the recommendations outlined. Continuous formation deepens understanding and enhances the capacity for faithful and effective application of canonical and pastoral principles in building and sustaining vibrant, stable parish communities.

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