

Obedience of clerics to the ordinary according to the Code of Canon Law of 1983. Historical and legal study

Summary

In order to attain the best as well as the most effective obedience of clerics, they need to keep the most perfect obedience, the obedience of Jesus Christ, right before their eyes. He is the Great Shepherd of the Church and its Highest Priest. And despite being the highest one, his food consisted of fulfilling the will of the Heavenly Father (John 4, 34). Clerics participate in His order through the Sacrament of Orders. Of the divine institution the Church is a living body of Jesus Christ within an organic hierarchy. All the clerics have thus a special obligation of obedience and reverence towards his Ordinary and the Pope.

The first part of this thesis describes the basic terms in a way the ecclesiastical legislator understands it. These terms include clerics, Ordinary, reverence and obedience. The last chapter of the first part consists of Genesis CIC 83, can. 273.

Only those men who received at least the ordination of deacon become the clerics of the Church. Some Christians become sacred ministers by receiving the Sacrament of Orders of the divine institution (*ministri sacri, clerics*). Their ordination predestines them to serve the people of God, each according to his own grade by a new and specific title. Each cleric, after the receiving of the diaconate, is incardinated into a particular church within the hierarchy, a monastic society or eventually other associations with the possibility for incardination.

The Ordinary in the Church (*ordinarius*) is a cleric holding some ecclesiastical office that is linked with ordinary power (*potestas ordinaria*). It needs to be either the executive, proper or vicarious power (*potestas ecexutiva, propria vel vicaria*) over the commended part of the people of God. The Pope is the Ordinary of the whole Church. Other ordinaries are a diocesan bishop, a temporary administrator of a particular church, or a superior, who are equivalent in law to a diocesan bishop unless it is otherwise apparent from the nature of the matter or from a prescript of law (CIC 83, can. 368, 381), a vicar general and an episcopal vicar. Ordinaries are also major superiors of clerical religious institutes of pontifical right and of clerical societies of apostolic life of pontifical right, who at least possess ordinary executive power for their own members (CIC 83, can. 134). Other stated ordinaries for the Church are the representatives of the Roman Curia dicasteries such as prefects, presidents, secretaries or under-secretaries.

The ecclesiastical legislator in CIC 83 in can. 273 appointed a special sacramental canonical obligation of respect (*reverentia*) and obedience (*oboedientia*) to all clerics towards his ordinary and the Pope. The respect is naturally not paid only to the person. It belongs to the office or the status served by that person. There is also honour and dignity connected to manifestations of courteous

behaviour. The acts of respect reveal “something”, hidden within common sight in other people. Mutual respectful behaviour is what enriches the human society.

All the clerics have the obligation of obedience (*oboedientia*) to the Pope and their ordinaries. The obedience is connected to hearing and making what was heard. Order and discipline are the necessary instruments for common social life, and not only in hierarchical organic togetherness of the Church. The target of obedience is a common good of the people of God. Jesus Christ, who lived upon the will of his Heavenly Father and sacrificed himself for the sake of all (Jan 4, 34; 10, 17-18), sets the example of obedience in the Christian tradition. Life in the Church is a life in a society based on a hierarchical system; therefore it can't be managed without legal authorities who issue regulations, and their subordinates who fulfil them. All clerics must obey God's will. Then they must conform to their rightful competent authorities, as long as their regulations don't contradict the law of God, human dignity, human rights, general ecclesiastical law, local churches laws or chosen secular laws. The obedience of clerics is of a supernatural source. The obedience of Jesus Christ forms the source. A model example is given by Mary, the mother of Jesus, and his foster father Joseph. Disobedience, committed by the parents of the human race, is considered to be the opposite of obedience.

In CIC 17, the obligation of obedience of clerics was almost at the end of the list of obligations (CIC 17, can. 127). The obligation of obedience of clerics stands first in CIC 83 (can 273). The life of clerics, both human and spiritual, has its ground in obedience.

The second part of this thesis is divided into two chapters. In the first one, we introduce the subjects with a special canonical obligation (*speciali obligatione*) to show sacramental obedience to their ordinaries and the Pope (CIC 83, can. 273). We present a brief description of those, who hold the position of a deacon, a presbyter and a bishop within the Church.

The deacons also belong to the clerical state (CIC 83, can. 265, 266, 736). The deacons (*diaconus*) were assisting the Bishop in the earlier Church. Their role was to take care of the sick and the poor, eventually to fulfil other assignments appointed by the Bishop. Throughout the history of the Church's life, deacons have become candidates for priestly ordination. Nowadays, the Church allows the state of permanent deacons, without practicing celibacy. Those who are constituted in the order of deacons are empowered to serve the people of God in the ministries of the liturgy, the word and charity (CIC 83, can. 1009 § 3). The deacons take part in an organically hierarchical structure of the Church.

The priests are those clerics (*presbyteros, sacerdos*) who have received the priesthood ordination, yet haven't been consecrated to the degree of Bishop. They are the intermediaries between God and the people. In that manner they allow the people of God to access the *sacrum*.

Through the institution of incardination, they become a living part of the organically hierarchical structure of the Church and they live in a fraternal community with each other, as well as with the diocesan bishop. As his closest collaborators, they help him with his service (*munus*) of teaching, sanctification and guiding the people of God. All the priests form one diocesan presbyterium. Those who are constituted in the order of the presbyterate receive the mission and capacity to act in the person of Christ the Head (CIC 83, can. 1009 § 3), the Highest and the Eternal Supreme Priest (Jew 4, 14-16).

The Bishops (*gr. episcopos, lat. episcopus*) were originally guardians, supervisors of various things connected to the life of human society. The Bishop's consecration is the highest one in the hierarchical structure of the Church. The Bishops are successors of the apostles from the authority of the divine institution and along with other bishops they constitute a college of bishops led by the Pope (CIC 83, can. 336, 375). By accepting the canonical mission from the Pope, the bishop becomes a principal figure in the particular Church and dispenses his own proper power of governance (*potestas regiminis propria*) in his particular Church and its people of God under the control of the Pope. Those who are constituted in the order of the receive the mission and capacity to act in the person of Christ the Head (CIC 83, can. 1009 § 3), the Highest and the Eternal Supreme Priest (Hbr Jew 4, 14-16).

All the clerics make a promise of obedience (*promissio oboedientiae*) to the Pope and their ordinary (CIC 83, can. 273). They take a public promise to become collaborators of their ordinaries and the Pope, to fulfill their regulations and assessments among the people of God in particular churches for the good of the whole Church and in a spirit of mutual love and respect. All the clerics are thus interconnected by a bond of confidence with their ordinaries and the Pope; they all participate not only at fulfilling their own will, but the will of Jesus Christ, who called upon them and sent them to serve in the world (John 6, 38). This species of promise (*promissio*) is defined as a gesture of personal will which binds a certain person to fulfill or exclude something. The promise itself doesn't have a legal effect if it is not accepted by those in whose behalf it was taken. In this manner a signatory bond was created. If all the conditions stated by the law were carried out, a legal bond arose for the promisor. A promise of the clerics and the vow of religious (*promissio, votum*), in terms of law, is not identical to an oath (*iusiurandum*, CIC 83, can. 1199-1204). The promise of obedience is made by deacons, presbyters and bishops at their ordination. The members of religious and other societies are subject not only to the superior when fulfilling the pastoral tasks, but also to the diocesan bishop. Therefore they have an obligation to show reverence and obedience towards him as well (CIC 83, can. 678 § 1).

It is required from every cardinal voter, right after electing a new pontiff, to show visible reverence and obedience individually

Other essentials for creating a special sacramental canonical obedience to an ordinary are given to the clerics under the authority of the legal bond of incardination (*incardinatio*). The legal institute of incardination is mandatory for all the clerics. In this manner, the clerics are integrated into a specific particular church within the organically hierarchical system or other clerical society, which dispense the possibility to perform incardination (CIC 83, can. 265, 266, 736). The reasons for which the incardination is obligatory for the clerics, are pastoral, disciplinary and personal. The clerics can't go without an incardination.

An acceptance of some ecclesiastical office (*officium ecclesiasticum*) is another basis for making sacramental canonical obedience of the clerics towards their ordinaries. An ecclesiastical office is closely connected to an organ of power in the Church. It is an actualisation of power and a tool for fulfilling all the tasks given to the Church by Jesus Christ in order to act on behalf of the faithful. Various ecclesiastical offices are visible signs of the unity of the Church. The activity of individual offices constitutes the activity of the whole and lone Church. Many services operating on behalf of the faithful exist in the Church from the early beginning and they complete each other within the hierarchy. An ecclesiastical office is any function (*quodlibet munus*), which was established permanently, according to a divine or an ecclesiastical institution, and it is a tool to achieve the spiritual target of the Church. The rights and the obligations belonging to the individual offices are defined by the law which established the office or by the acquisition decree of the competent authority who constitutes the office and authorizes it at the same time (CIC 83, can. 145).

In the second chapter of the second part we present subjects which have a special sacramental canonical obligation reverence and obedience for the clerics. Therefore, clerics have a special obligation to show reverence and obedience to the Pope, to their diocese Bishops, general and episcopal vicars and to all ordinary at the same hierarchical status.

The Pope is the Bishop of the Roman Church, a direct successor of Saint Apostle Peter (Mt, 16, 19-19; Jon 21, 15), is the head of the college of bishops, a vicar of Jesus Christ and the pastor of the universal Church on earth. His office in the Church is the highest one with a full, immediate, universal ordinary power which he is always able to exercise freely (CIC 83, can. 331, 336). The power of the Pope is full. This means that it is not only about faith and morals, but about all the manners of the whole Church. Because of his primacy, the Pope is the Ordinary of all baptized Catholic Christians worldwide (CIC 83, can. 134 § 1). His power is above all people, above all things and places. But the power of the Pope is not unlimited. It is limited by the Divine law, human dignity and human rights.

The diocesan bishop is the bishop of the particular church to whom the office of the diocesan bishop was entrusted by the Pope. He is his own ordinary (*ordinarius proprius*) of a particular church, in precisely determined territory, to his people of God and his own presbyterium. Other ordinaries in the Church are equated with him. They were also entrusted with the administration of part of the people of God in the designated territory in which their own clerics operate (CIC 83, can. 381). The power of governance of the diocesan bishops and their parish clerics is proper (*potestas regiminis ordinaria*), but it also has its limitations. Their regulations are legal only in such a case and in such manner, if they are authorized by their higher or the highest ecclesiastical legislator. Therefore they too must be obedient.

The general and the episcopal vicars are clerics to whom must be also show special sacramental canonical obedience by ordinary representatives from the particular churches (CIC 83, can. 134 § 1 a 3). They are the closest collaborators of diocesan bishops and their equals.

The general vicar's office is the most important office in the particular church. The general vicar is usually the auxiliary bishop of the particular church or another priest. He assists the bishop in the governance of the particular church. Usually there is one (CIC 83, can. 475). The office of the general vicar has proper executive power (*potestas ordinaria executiva*). It is a vicarious power (*vicaria*) because it is exercised in the name of diocesan bishop unless he decides to exclude certain competences for himself.

The office of an episcopal vicar is an auxiliary office in pastoral service of a diocesan bishop in diocese. The bishop is not obliged to establish this office. The power of the episcopal vicar is a proper vicarious power (*potestas ordinaria vicaria*), under the authority of his office to maintain spiritual good of the faithful. This power can be limited by the bishop to the certain part of the diocese, to the certain type of affairs, faithful of the specific rite and a language or to a certain community (CIC 83, can. 476).

The major religious superiors are ordinaries for their subordinate members in their religious societies. They are not the local ordinary (CIC 83, can. 134 § 1 a 2). They are the competent authorities who also have to behave obediently. The obedience is required towards the universal law of the Church, the superior laws and decisions of competent authorities and capitols. As their apostle missions are a part of particular churches, they need to have strong bonds with the diocesan bishops. Their apostle activities its subordinate to the local ordinary. The religious clerics have also a special obligation of sacramental canonical reverence and obedience towards the local ordinaries (CIC 83, can. 678 § 1).

The diocesan administrator or the temporary custodian of diocese are, in the case of clerics, their own ordinaries. It is valid in situations when a legal state *sede impedita* or *sede vacante* occurs in the episcopal see. The clerics have thus the obligation to show special sacramental canonical

reverence and obedience even to them. The college of consultors appoints a diocesan administrator within a time limit of eight days in such legal situations. A priest can be the elected administrator (*sacerdos*). If the college of consultors doesn't do so, the right of appointing passes on to the metropolitan (CIC 83, can. 421). The power of an administrator or a temporary custodian of a diocese isn't delegated. It wasn't entrusted either by the Pope or by another person. His power is under the proper authority of the law itself (*potestas ordinaria*, CIC 83, can. 134, 413, 414), as it is properly connected to the office of the diocesan administrator from the moment when the candidate accepted the choice (CIC 83, can. 131 § 1). The administrator holds the competences, the obligations and the rights of the diocesan bishop, except for the competences withheld from him by the law itself. It is not a condition of accepting the office of administrator, it is an obligation to administer the confession of faith (CIC 83, can. 178, 427, 833 4^o). The power of a temporary diocesan custodian before appointing the administrator of the diocese is the same as one appointed to the general vicar by the law (CIC 83, can. 426).

The third part of this thesis consists of six chapters that introduce and describe the spectrum of this sacral and canonical obedience of clerics to the Pope and own ordinary.

These chapters will examine what is the obedience required within the body of Church. The Church does not belong to any human being. It has its foundations in Jesus Christ himself (1 Cor 3, 11). He is the head of the Church and the Church is His body (Ef 1, 23; 5, 23). That is why obedience is required from all baptised Christians as well as all clerics. The ecclesiastical legislator gives orders and obligations to all Christians (*christifideles*) with regard to their own responsibilities to be the obedient shepherds of the Church (*oboedientia christiana*). This is very important especially when they act as teachers of the faith or as rulers of the Church (CIC 83, can. 212 § 1).

The bishops are representatives of Jesus Christ. Therefore all Christians are obligated to be obedient towards them, apprehensive of their own responsibility (Lk 10, 16). The obligation of obedience of Christians applies to episcopal regulations and assessments in the matters of faith, morals and ecclesiastical discipline (CIC 83, can. 212 § 1).

Obedience of all Christians in hierarchy must be fulfilled with a spirit of faith and mutual cooperation among all, across the entire hierarchy. The head of this hierarchy is the Pope, direct successor of Apostol Peter. Along with the college of bishops, they create one collegium of bishops; he is the head of that collegium, deputy of Jesus Christ and shepherd of the entire church worldwide (CIC 83, can. 330, 331), highest teacher and shepherd of all Christians, highest teacher of faith and morals within the Church, only if he teaches *ex cathedra* (CIC 83, can. 749 § 1). The same infallibility in matters of faith and morals is taught by bishops, who are connected to the Pope with a bond of unity. (CIC 83, can. 749 § 2).

The obligation of obedience of Christians towards the shepherds of the Church is not only a passive obedience or subordination. Christians have a right to express their needs and wishes to their shepherds (a right to petition, *petitio*), especially wishes of a spiritual origin, in freedom and trust belonging to all of God's sons and daughters in Jesus Christ (LG 37, CIC 83, can. 212 § 2, 227). The shepherds of the Church have therefore an obligation to listen to the faithful and offer them help with regard to spiritual riches of the Church (CIC 83, can. 213).

The ecclesiastical legislator determines that the future clerics should be taught in such a manner, that they are enthused by the love for Jesus Christ and His Church, feel a real son's devotion towards the Pope and attach themselves to their bishops as their devoted collaborators. The upbringing of future clerics should head towards raising their abilities to become a better friend and building a fraternal unity with the whole diocesan presbyterium, at whose service in the Church they will participate (CIC 83, can. 245 § 2). The three last Popes talked about the importance of being obedient for all Christians.

All Christians must be absolutely obedient towards the definitive and authentic teachings of the Church in all parts of faith and morals. They have a God-given obligation to fulfil and obey everything that is in written or verbal form of the word of God as well as everything that is considered to be a Divine revelation by teachers of the Church. This is manifested by the common acceptance of Christians under the leadership of a sacred teaching authority (CIC 83, can. 750). Theologians are also obliged to obey the sacred teaching authority to whom is also guaranteed freedom in their own theological and scientific research.

The obedience of intellect and will out of religious submission, however not the consent of faith, is requested in teachings proclaimed by the Pope or the college of bishops in the range of faith and morals when they serve the authentic teaching office, even though they don't intend to proclaim it with a final validity. The faithful are to take care to avoid those things which do not agree with it (CIC 83, can. 752).

All Christians have a canonical obedience in maintaining the ecclesiastical discipline, watched by a competent ecclesiastical authority, by a form of constitutions, decrees and declarations.

All the baptised were incorporated into Jesus Christ and included into His Church. Therefore all of those who consequently put their own hands in the hands of the legal superior with a promise or vow of obedience (*promissio vel votum*), entered a path of their own sanctification and a personal way of sainthood. Obedience in the Church isn't a labour on the way of sainthood for all the baptised, it is a guarantee of his sainthood. By the promise or vow of obedience (*promissio vel votum oboedientiae*), each person makes a free decision to cooperate with the grace of God in creating their sanctification in the world. If the baptised really wish to have Jesus Christ living in

them, they need to feed him. And His nourishment consists of fulfilling the will of those who sent him, Heavenly Father (John 4, 34; 6, 38; Jew 10, 7). It is an uneasy quest for the baptised, yet they are not alone in accomplishing it (John 8, 29). The baptised may take their obedience in different ways, namely a perfect, an imperfect, a conform, a necessary, a blind one or others. Various ways of life out of obedience are known in the rich spiritual tradition of the Church.

For each community, not only the Christian one, competent superiors dispensing competent authority and adequate power are necessary. In order to be able to serve the community rightfully by using their competencies, they must obey God, as His Son Jesus Christ did. As the superiors have a right to require obedience from their subordinates, the subordinates have the right to require good guidance and orders from their superiors. Therefore the service of the superior's authority must be performed according to the spirit of their own obedience, service and also a shepherd's service. All this helps the gospel of Jesus Christ to be transmitted without a mistake (Mk 16, 15) and the community of the people of God to maintain unity (*communio*, John 10, 16).

In order to maximise obedience of all subordinates, superiors must constantly encourage, give good directions, orders or give good punishment.