

Legal status of religious raised to the episcopate in the latin church

Abstract of the doctoral dissertation

The subject of the dissertation is to present the issue of the legal status of religious raised to the episcopate in the latin church. The work presents the legal definition of a friar, his formation, rights and obligations resulting from the fact of their religious vows, as well as the affirmation of his position in the Church after his elevation to the episcopate. On the basis of the analysis of the applicable legal norms concerning the election of the bishop, the duties and rights of a bishop as well as the status of the bishop of a religious, it was shown that the procedure for electing a clergy member of the institute for the bishop's office is the same as in the case of diocesan clergy. However, choosing a monk as a shepherd of a diocese or an employee of the Roman Curia's dicastery implies the creation of a new, specific relationship of this person to his current community, which as a result of the decision of the Holy Father he will have to leave. The bishop will still be obliged to comply with the obligations related to the profession. However, the bishop will be released from duties which, according to his prudent opinion, he will not be able to reconcile with the new state.

The dissertation is divided into three chapters. Every one of them ends with a summary. The purpose of introducing the presented issue in the first chapter is to present such issues as the presentation and discussion of the concepts of a religious and the bishop on the basis of applicable common law.

The second chapter is devoted to the presentation of the legal consequences connected with the elevation of a friar to the bishopric. This chapter presents the concepts of incorporation and inardination. Rights are also discussed and the religious duties towards the institute, as well as the rights and obligations of the institute towards the religious. Particular attention has been paid to the religious observance of the three evangelical counsels (obedience, chastity and poverty).

The third chapter deals with the legal situation of a religious of a retired bishop.

The religious bishop, whose mission ceases in cases strictly prescribed by canon law, may return to the home of his institute. When he retires, he is entitled, but not obliged to return

there, and the institute can not refuse such an acceptance due to the fact that the bishop still remains its member. His superiors should provide the retired bishop a place in the community. They can also take into account, due to their experience, authority and discernment, their consultative voice during the given chapters. However, it should be noted that the retired bishop returning to his institute will have only a consultative vote in it. Legislator in no way obliges keeping a retired bishop in the institute.

The dissertation showed that the religious, as a result of receiving the sacrament of Holy Orders, can be elevated to episcopal dignity. In this way, they can participate fully in the hierarchical structure of the Church. The religious bishop does not fulfill the apostolate on behalf of his previous institute, nor does he need the permission of his religious superior to perform his episcopal ministry. Religious raised to episcopacy results in a special legal situation between the previous institute, which he still has, at the same time having a commitment to compliance the evangelical counsels, as well as other duties that he can reconcile with his ministry.