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THE FUND FOR THE SUPPORT OF THE CLERGY ACCORDING TO THE 1983 CODE OF CANON LAW*

To achieve greater equality in the distribution of ecclesiastical goods between clergy, the Fathers of the Second Vatican Council decided to radically change the economic system of the Church, based primarily on the proceeds of the benefices, for the diocesan funds for the support and social security of the clergy: “So it is supremely fitting, at least in regions where the support of the clergy completely or largely depends on the offerings of the faithful, that their offerings for this purpose be collected by a particular diocesan institution, which the bishop administers with the help of priests and, when useful, of laymen who are expert in financial matters [...]. Moreover, in nations where social security for the clergy is not yet aptly established, let the episcopal conferences see to it that – in accord with ecclesiastical and civil laws – there may be either diocesan institutes, whether federated with one another or established for various dioceses together, or territorial associations, which under the vigilance of the hierarchy would make sufficient and suitable provision for a program of preventive medicine, and the necessary support of priests who suffer from sickness, invalid conditions or old age”¹.

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* The article was created as a result of the implementation of the Programme “International scholarship exchange of PhD candidates and academic staff”, project no. POWR.03.03.00-00-PN13/18, implemented under Measure: 3.3 Internationalisation of Polish higher education, OP KED, effectuated in the Catholic Diocese of Fairbanks, 1316 Peger Rd, Fairbanks, AK 99709, between March 29 and April 9, 2019, agreement no. 1/PROM/2019, financed from the funds of the Polish National Agency for the Academic Exchange.

¹ Sacrosanctum Concilium Oecumenicum Vaticanum II, *Decretum de presbyterorum ministerio et vita Presbyterorum ordinis* (7.12.1965), AAS 58 (1966), p. 991-1024, no. 21 [henceforth cited as: PO]. See: Rozkrut 2002, 104-109; Kantor 2008a, 251-65; Idem

The resignation from the benefice system led to its replacement by a new canonical patrimonial system, in which a special fund for the support of the clergy now has a fundamental role. The purpose of this article is to analyze church legislation in relation to the fund mentioned above.

1. The Genesis of the Fund

The Codex legislator², proclaiming in can. 281 § 1, the fundamental right of the clergy to decent support, has at the same time established a fund enabling the effective and proper implementation of this right. According to can. 1274 § 1, “in every diocese there is to be a special fund which collects offerings and temporal goods for the purpose of providing, in accordance with can. 281, for the support of the clergy who serve the diocese, unless they are otherwise catered for”. The indicated canon has no equivalent in the 1917 Code of Canon Law³, in which the benefice system was the usual way of supporting the clergy [Kaleta 2015, 206]. The legal basis of the fund under analysis is: the Circular *La Cassa di sovvenzioni*⁴ and the Declaration *Circa alienationem bonorum ecclesiasticorum*⁵ of the Sacred Congregation of the Council; Dogmatic Constitution on the Church *Lumen gentium*⁶, Decree Concerning the Pastoral Office of Bishops in the Church *Christus Dominus*⁷, Decree on the Adaptation and Renewal of the

2011, 191-222; Lewandowski 2016, 53-76; Idem 2017a, 151-69; Idem 2017b, 131-47; Domasz 2018, 69-81.

² *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, p. 1-317 [henceforth cited as: CIC/83].

³ *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (27.05.1917), AAS 9 (1917), pars II, p. 1-593.

⁴ Sacra Congregatio Concilii, Litterae circa modum efformandi et augendi arcam seu mensam nummariam ad clericorum sublevandas necessitates oeconomicas in Italia *La Cassa di sovvenzioni* (25.02.1950), in: *Leges Ecclesiae post Codicem iuris canonici editae*, vol. II: *Leges annis 1942-1958 editae*, Collegit, digessit notisque ornavit X. Ochoa, Roma 1969, no. 2111, col. 2733.

⁵ Idem, *Declaratio Circa alienationem bonorum ecclesiasticorum* (17.12.1951), AAS 44 (1952), p. 44.

⁶ Sacrosanctum Concilium Oecumenicum Vaticanum II, *Constitutio dogmatica de Ecclesia Lumen gentium* (21.11.1964), AAS 57 (1965), p. 5-75, nos. 13, 23.

⁷ Idem, *Decretum de pastoralis episcoporum munere in Ecclesia Christus Dominus* (28.10.1965), AAS 58 (1966), p. 673-96, nos. 6, 21, 31.

Religious Life *Perfectae caritatis*⁸, Decree on the Mission Activity of the Church *Ad gentes divinitus*⁹, Decree on the Ministry and Life of Priests *Presbyterorum ordinis* (nos. 8, 20, 21) of the Second Vatican Council; Motu Proprio *Ecclesiae Sanctae*¹⁰ and Motu Proprio *Sacrum diaconatus ordinem*¹¹ of Pope Paul VI and Directory on the Pastoral Ministry of Bishops *Ecclesiae imago*¹² of the Congregation for Bishops¹³.

In accordance with the indication of the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law, in the analysis conducted as an interesting source of can. 1274 § 1, the Circular *La Cassa di sovvenzioni*, in which the Sacred Congregation of the Council should be regarded, referring to the Donation Fund for Secular Clerics in Italy, established on July 1, 1941, to secure the needs of the Italian clergy “in anyway in need of help”, due to the “current devaluation of money” raised the tax from five cents to one lira *per capita*. According to P.G. Marcuzzi, the cited circular was interpreted as the source of can. 1274 § 1 for two reasons: 1) The Sacred Congregation of the Council normalized not only the support and social security of the clergy, which were the overarching goal of the Donation Fund for Secular Clerics in Italy, but also introduced legal solutions to help clergy in special need; 2) the Donation Fund collected funds on the basis of the number of inhabitants of individual Italian dioceses, which corresponds to the disposition of the legislator referring to a special fund gathering “offerings and temporal goods for the

⁸ Idem, Decretum de accomodata renovatione vitae religiosae *Perfectae caritatis* (28.10.1965), AAS 58 (1966), p. 702-12, no. 13.

⁹ Idem, Decretum de activitate missionali Ecclesiae *Ad gentes divinitus* (7.12.1965), AAS 58 (1966), p. 947-90, nos. 17, 38.

¹⁰ Paulus PP. VI, Litterae apostolicae motu proprio datae *Ecclesiae Sanctae*. Normae de quaedam exsequenda SS. Concilii Vaticani II decreta statuuntur (6.08.1966), AAS 58 (1966), p. 757-87; nos. I, 8, 11, 20; III, 8, 19 [henceforth cited as: ES].

¹¹ Idem, Litterae apostolicae motu proprio datae *Sacrum diaconatus ordinem*. Generales normae de diaconatu permanenti in Ecclesia Latina restituendo feruntur (18.01.1967), AAS 59 (1967), p. 697-704, nos. IV, 19-21.

¹² Sacra Congregatio pro Episcopis, Directorium de pastorali ministerio Episcoporum *Ecclesiae imago* (22.03.1973), Romae 1973, nos. 117, 134-38 [henceforth cited as: EI].

¹³ Pontificia Commissio Codici Iuris Canonici Authentice Interpretando, *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus*. *Fontium*, footnote to the can. 1274 § 1, p. 345. See: Corbellini 1996, 465-507; Soares de Vasconcelos 2001, 23-64.

support of the clergy” (can. 1274 § 1); and though he acted through the subsidies sent by diocesan bishops in Italy, he was established and administered by the Sacred Congregation of the Council [Marcuzzi 1993, 39]¹⁴.

Fathers of the Second Vatican Council ordering, that “the so-called system of benefices should be relinquished or at least so reformed that the place of the benefits, or the right to revenue from the endowment attached to an office, would be held as secondary, and the first place in law would be given to the ecclesiastical office itself” (PO 20), proposed to establish a special fund in the particular dioceses for the support of the clergy: “[...] it is supremely fitting, at least in regions where the support of the clergy completely or largely depends on the offerings of the faithful, that their offerings for this purpose be collected by a particular diocesan institution, which the bishop administers with the help of priests and, when useful, of laymen who are expert in financial matters” (PO 21). Although the fund should primarily subsidize offerings of the faithful, other sources of financing are not excluded, which should be legally defined (PO 21). By proclaiming the right of the clergy for decent support, the Council Fathers saw the possibility of its effective implementation through the analyzed fund (PO 21).

In the *motu proprio* laying down the executive provisions for the decrees of *Christus Dominus* and *Presbyterorum ordinis*, Pope Paul VI ordered bishops’ conferences to ensure that “at least in regions in which the sustenance of the clergy depends entirely or in great measure on the offerings of the faithful a special institution be established in each diocese to collect offerings for this purpose” (ES I, 8). The administrator of the fund should be the diocesan bishop himself, who, however, may be supported by delegated presbyters, and even – if it turned out to be useful – lay faithful experts in economic matters [Fiiriter 2009, 160]. For the proper

¹⁴ In the declaration of December 17, 1951, the Sacred Congregation of the Council postulates instead: “an pecuniae summa, ex huiusmodi bonorum ecclesiasticorum alienationibus percepta, sit collocanda tantummodo in acquirendis bonis immobilibus in commodum ecclesiae seu entis, cuius interest”. *Sacra Congregatio Concilii, Declaratio Circa alienationem bonorum ecclesiasticorum*, p. 44.

implementation of the task, however, it is necessary to reform the benefice system, which is the subject of the work of the Pontifical Commission for the Revision of the Code of Canon Law (ES I, 8).

Significant dispositions in the analyzed matter were promulgated by the Congregation for Bishops. The Congregation once again obliged the bishops to care for the decent support of the clergy and to implement the requirements of distributive justice with regard to temporal goods of clerics (EI 117). A serious task of bishops is to ensure that presbyters receive remuneration in principle equal for all those working in the same conditions, which should: 1) suffice for decent support; 2) defend the necessary apostolic freedom; 3) enable clerics to assist the poor personally (EI 117). The Congregation for Bishops also postulated: “By taking out collections made for a special purpose, the bishop can order – where it is possible and where otherwise the Episcopal Conference for the entire territory has not ordered – the erection from the offerings made by the faithful to the Christian community, one common fund, parish or diocesan, from which the funds would be drawn and would be distributed fairly to the needs of worship, charity and apostolate, while retaining the right part for common or unforeseen needs. After considering the matter with all benefices, the cathedral chapter or diocesan consultants and with the diocesan councils, the bishop can decide whether to include income from parish benefits as well as other ecclesiastical goods in the coffers. Managing all of this should be given, if possible, to the diocesan administrative office and its branches established in the vicariate forane. The management of these things is always done under the supervision and direction of the bishop and the diocesan council” (EI 136). The appropriate part of the proceeds of the reformed benefices and of all the faithful’s offerings should be allocated to the decent support of the clergy, always keeping the requirements of evangelical poverty (EI 137) [De Paolis 1988, 584-85].

The indicated documents of the Sacred Congregation of the Council, documents of the Second Vatican Council and post-conciliar executive acts gave the basis for the work of the Pontifical Commission for the Revision of the Code of Canon Law. Immediately after discussing the problem

related to the management of church property¹⁵, on May 28, 1969, a group of consultors addressed the issue of creating assets of temporal goods in particular dioceses. This matter was associated with the transformation of benefices. At the same time, the teaching of the Council Fathers was quoted¹⁶. An important task in this matter was to set up in the dioceses an assets of temporal goods for the support of the clergy. It was therefore necessary to draft general norms without formulating absolute warrants¹⁷. It was also pointed out that the term “institutes collecting temporal goods” from the very concept of “estate” should be considered more appropriate¹⁸. The proposals indicated during the discussions of the Pontifical Commission were finally drawn up in five paragraphs, the first of which concerned fund for the support of the clergy. The approved standards have been included in can. 16 of the project of Book V of the CIC/83 *De iure patrimoniali Ecclesiae*, in which the consultors have joined the appropriate instruction establishing three funds: 1) *pro cleri sustentatione*; 2) *pro praevidentia sociali clericorum*; 3) *pro aliis Ecclesiae necessitatibus*, but no change has been made to the analyzed paragraph one, regulating the fund’s activities. The Pontifical Commission for the Revision of the Code of Canon Law therefore recommended in it: “The bishops’ conferences are to be observed in accordance with the norms established by them, that a special fund may be organized in particular dioceses, which would accumulate goods or offerings for proper protection of decent and

¹⁵ And before the promulgation of *Ecclesiae Imago* – February 22, 1973.

¹⁶ “Iamvero ad normam Decreti *Presbyterorum Ordinis* (nn. 20-21) et M.P. *Ecclesiae Sanctae* (I/4, 5, 8) sequentes massae bonorum in iure patrimoniali Ecclesiae moderno definiendae sunt: a) massa bonorum communis pro cleri sustentatione; b) massa bonorum communis pro praevidentia sociali ecclesiasticorum; c) massa bonorum communis generalis ad alias necessitates satisfaciendas nempe ad: 1) remunerationem personarum laicarum Ecclesiae deservientium; 2) acquisitionem restaurationem etc. rerum mobilium et immobilium et sustentationem operum caritatis et apostolatus; 3) subsidia aliis dioecesibus pauperibus elargienda”. Pontificia Commissio Codici Iuris Canonici Recognescendo, Coetus studiorum *De bonis Ecclesiae temporalibus (sessio VII)* (26-31.05.1969), “Communicationes” 37 (2005), no. 2, p. 212-13.

¹⁷ See: Burgazzi 2002, 158-67.

¹⁸ Pontificia Commissio Codici Iuris Canonici Recognescendo, Coetus studiorum *De bonis Ecclesiae temporalibus (sessio VII)*, p. 213.

fundamental equal support of all clergy who perform tasks in the service of the people of God” [Wójcik 1987, 68].

A group of consultors gathered on June 22, 1979 at the commission session *De iure patrimoniali Ecclesiae*, during which can. 16 became the subject of lively discussion, first considered his systematic assignment [Walencik 2005, 372-73]. It was finally decided that the canon should be included in the title referring to the management of the temporal goods *De administratione bonorum*, rejecting the proposal to transfer it to the title concerning the purchase of the temporal goods *De acquisitione bonorum*¹⁹. Next, the question of the rights delegated to the bishops’ conferences was raised, indicating that this contradicts the bishops’ relations in the ecclesiastical doctrine towards the bishops’ conferences. It was postulated, therefore, that the task of caring for a fund for the support of the clergy should be transferred to individual bishops²⁰. The consequence of this was the deletion of the sentence “Advigilent Episcoporum Conferentiae, iuxta normas ab ipsis condendas” beginning with can. 16 § 1. Furthermore, the term *fundamentaliter of the aequali* was found to be inconsistent with the teaching of the Council Fathers, stressing the remuneration of the clergy in connection with *tum ipsius muneris naturae cum temporum locorumque conditionum* (cf. PO 20), replacing it by return *ad normam can. 141*, which resulted in the retaining of the right to keep also clergy from outside

¹⁹ “Ante omnia fit quaestio inter Consultores de loco ubi hic canon collocari debeat. Unus Consultor proponit ut ponatur sub Tit. De administratione honorum; alii Consultores, post breve examen textus canonis, conveniunt plura esse elementa canonis quae meliorem collocationem obtinent sub rubrica «De administratione honorum», etsi non desini elementa ob quae canon collocari etiam posset sub rubrica «De acquisitione honorum». De unanimi consensu Consultorum hic canon collocabitur post can. 18 schematis”. Pontificia Commissio Codici Iuris Canonici Recognescendo, Coetus studiorum *De bonis Ecclesiae temporalibus (sessio I, series altera)*, can. 16, p. 408.

²⁰ “Plures conquesti sunt eo quod in § 1 tribuatur Episcoporum Conferentiis facultas «advigilandi» ut in singulis dioecesibus etc... Talis facultas non potest admitti, quia contradicit sanae doctrinae ecclesiologicae de relationibus Episcopos inter et Episcoporum Conferentias. Consultores concordant circa talem animadversionem”. *Ibid.*, p. 409.

a particular diocese who are currently fulfilling an ecclesiastical ministry in its area²¹.

After the publication of the 1980 Scheme, the consultants' group continued to work²². With regard to the analyzed matter, Card. G. Siri suggested that the diocesan fund for the support of the clergy should include offerings *iura stolae* and the temporal goods collected by this fund should only be devoted to the support of diocesan clerics. The implementation of the first proposal was left to the detailed determination of the particular legislators. The second one was firmly rejected, for PO 20 and ES I, 8, arguing that for the sake of justice, all clerics devoted to ecclesiastical service in a individual diocese are entitled to benefit from the subsidies of this fund²³.

2. Codex Legislation

As can be seen from the sources of can. 1274 § 1 and the documents of the Pontifical Commission for the Revision of the Code of Canon Law, the purpose of the analyzed fund is to secure the proper support of the clergy, in accordance with the legislator's disposition contained in can. 281. Therefore, all the clergy, diocesan and non-diocesan, incardinated to the diocese and temporarily serving in it, should be considered the benefices of

²¹ Ibid. The equivalent of the indicated can. 141 in CIC/83 is can. 281. In the final version, the analyzed canon was given the following wording: "Habeatur in singulis dioecesis speciale institutum quod bona vel oblationes colligat eum in finem ut substitutioni clericorum, qui in favorem dioecesis servitium praestant, ad normam can. 141 (De Populo Dei) provideatur, nisi aliter eisdem provisum sit". Ibid., p. 410.

²² Idem, *Schema Codicis Iuris Canonici iuxta animadversiones S.R.E. Cardinalium, Episcoporum Conferentiarum, Dicasteriorum Curiae Romanae, Universitatum Facultatumque ecclesiasticarum necnon Superiorum Institutum vitae consecratae recognitum (Patribus Commissionis reservatum)* (29.06.1980), Città del Vaticano 1980.

²³ "Lege universali imponi non potest. Attentis autem adiunctis determinari potest lege particulari. Clerici quibus per Institutum providebitur sunt omnes qui in favorem dioecesis servitium praestant (cfr. PO 20; ES I, 8) nulla distinctione facta. Res est iustitiae". Idem, *Relatio complectens synthesim animadversionum ab Em. mis atque Exc. mis Patribus Commissionis ad novissimum schema Codicis Iuris Canonici exhibitarum, cum responsionibus a secretaria et consultoribus datis (Patribus Commissionis stricte reservata)* (16.07.1981), [Civitas Vaticana] 1981, ad. can. 1225 § 1, no. 1, p. 284.

the fund (cf. can. 271 § 1) [Aznar Gil 1991, 628-29; Chiappetta 2011, 561]. The support of the clergy has a broader meaning than an institutional one. The spiritual bond of the clerics with the diocese and the way of their support in the priestly ministry performed in a particular Church are equally important. This postulate is indirectly confirmed by the disposition contained in can. 1274 § 4, according to which the legislator does not provide for the possibility of transforming a diocesan fund for the support of clergy into a fund with inter-diocesan or national scope [Kaleta 2017, 55; Idem 2019, 54].

The right to establish the analyzed fund is passed on to the diocesan bishop (can. 1274 § 1). A specific difficulty is the interpretation of the clause contained in the canon: “unless they are otherwise catered for” (*nisi aliter eisdem provisum sit*). According to some commentators, the legislator leaves the diocesan bishop at liberty (*nisi aliter provisum sit; quatenus opus sit*) in the establishment of a financial system that he deems appropriate in order to ensure decent support of the clergy [Odchimar 1983, 49; Aznar Gil 1993, 316; Chiappetta 1997, 735; Mukibi 2002, 33; Artner 2009, 12; Donà 2012, 661; Renken 2012, 78]. However, he can not rely on the continuation of the existing benefice system. In the absence of a special diocesan system, which could constitute an autonomous and simultaneously dependent on the diocese organization of management, with its own accounting, it is required to establish a diocesan institution that accumulates funds for the support of the clergy of the particular Church [López Alarcón 2004, 981]. Interpreting, therefore, the clause “unless they are otherwise catered for” on the basis of inference that it is more entitled than an obligation, can be considered only if the benefice system still exists. However, where the support of the clergy is financed exclusively from the offerings of Christ’s faithful, the establishment of the analyzed fund is obligatory [Kaleta 2017, 54; Idem 2019, 54]. This is also indicated by the verb *habeatur* used by the legislator in the imperative that means ‘duty’ and not just a ‘recommendation’ [Hesch 1994, 196-97; De Paolis 2011, 173]. In addition, the disposition of the legislator contained in can. 1274 § 1 should be referred to can. 1272, according to which, in countries where there is still a benefice in the strict sense, the bishops’ conferences should regulated by the relevant norms agreed with and approved by the Apostolic See, how to manage these benefices, income and, if possible, the

same benefices' remuneration were successively transferred to the fund for the support of the clergy [Salerno 2001, 730; De Paolis 1989, 49; Idem 1993, 30-31]. It should be remembered that the good of a pious non-autonomous foundation, when entrusted to a juridical person subordinate to the diocesan bishop, after a certain time should be transferred to the fund under analysis, unless another donor's will is explicitly disclosed (can. 1303 § 2) [cf. Soares de Vasconcelos 1998, 14].

The Code legislator, in relation to the material base of the fund for the support of the clergy, speaks in a general way, stating that it should gather goods and offerings (*bona vel oblationes colligat*). The verb *colligere* is not to be understood actively in the meaning of the collection being carried out, but rather passively as a place, an institution accumulating all material means for the support of clerics [Plezia 2007, 570-71]. The legislator, using the concepts *bona* and *oblationes*, did not use them in a synonymous sense, even assuming that the *bona* can be understood as a superior concept, the scope of which includes movable and immovable temporal goods, as well as all property rights recognized and legally protected. Taking into account the context of the norm of can. 1274 § 1, the term *bona* should be understood as already existing property of the Church, which becomes clearer with reference to the instruction of can. 1272, in which the legislator provides for the resignation from support provided by the ecclesiastical benefice for the subsidized property by the analyzed fund.

In addition to the above (see: can. 1272; 1303 § 2), the sources of financing the fund for the support of the clergy include: 1) offerings of the faithful, both spontaneous and as a response to requests addressed to them (can. 1261; 1262); 2) ordinary and extraordinary tax (can. 1263); 3) special collections (can. 1266); 4) pious dispositions made *mortis causa* or *inter vivos* (can. 1301); 5) Mass offerings, transferred for purposes prescribed by the ordinary, with the admission of a specific compensation on the ground on an extrinsic title (can. 951 § 1)²⁴; 6) offerings made on the occasion of administering sacraments and sacramentals (can. 1264, 2°) [Pérez Troya 2018, 15].

²⁴ See: Kantor 2008b, 107-18; Lewandowski 2015, 95-108; Kantor 2016, 158-64.

Referring to the issue of the legal status of the funds collecting temporal goods and offerings for the support of the clergy, based on the order of the legislator contained in can. 1274 § 1, it should be stated that it is an independent fund which, by virtue of a decree of competent authority, receives public juridical personality, thus fulfilling the requirements contained in can. 116. The property that owns it is therefore a church property [Consorti 2000, 57; Walencik 2005, 375].

Referring to the legislator's disposition "unless they are otherwise catered for" (can. 1274 § 1), the Pontifical Council for Legislative Texts indicates that decent support of the clergy can come not only from a fund specifically established for this purpose, but also from other sources, independently sufficient or combined with others. For this reason, the analyzed fund may be activated only in a situation in which a specific level of remuneration of a particular cleric was not achieved from the offerings resulting from fulfilling an ecclesiastical ministry or salary resulting from other sources²⁵.

3. Conclusions

The analysis of the sources of law and literature carried out in the article leads to the following conclusions:

1) The resignation from the benefice system led to its replacement by a new canonical patrimonial system, which took into account the decent support of the clergy.

²⁵ "The Code of Canon Law, in accord with what has already been presented, leaves open a vast array of possibilities regarding the «sources» from which it is legitimate to receive the «*quantum*» necessary for the remuneration of clergy. Canon 1274, § 1, in fact, speaks of a diocesan institute for the support of the clergy, «*unless they are otherwise provided for*». Based on that phrase, one can deduce that the remuneration of a cleric may come from other sources, whether taken singularly or pooled together. Schematically, there are three types of sources for the necessary sustenance: a) ecclesiastical entities for which the priests exercise their ministry, whether full-time or part-time; b) subjects from which the priests receive what corresponds to a true and proper stipend, or a pension, according to the norms in force of the relevant juridical order; c) the diocesan institute or fund". Pontificium Consilium de Legum Textibus, *Decretum de recursu super congruentia inter legem particularem et normam codicalem* (29.04.2000), "Communicationes" 32 (2000), no. 2, p. 162-67, no. 4.3.

2) “In every diocese there is to be a special fund which collects offerings and temporal goods for the purpose of providing, in accordance with can. 281, for the support of the clergy who serve the diocese, unless they are otherwise catered for” (can. 1274 § 1).

3) Can. 1274 § 1 CIC/83 does not have its counterpart in CIC/17. The fund’s legal basis is: the Circular *La Cassa di sovvenzioni* and the Declaration *Circa alienationem bonorum ecclesiasticorum* of the Sacred Congregation of the Council; Dogmatic Constitution on the Church *Lumen gentium*, Decree Concerning the Pastoral Office of Bishops in the Church *Christus Dominus*, Decree on the Adaptation and Renewal of the Religious Life *Perfectae caritatis*, Decree on the Mission Activity of the Church *Ad gentes divinitus*, Decree on the Ministry and Life of Priests *Presbyterorum ordinis* (nos. 8, 20, 21) of the Second Vatican Council; Motu Proprio *Ecclesiae Sanctae* and Motu Proprio *Sacrum diaconatus ordinem* of Pope Paul VI and Directory on the Pastoral Ministry of Bishops *Ecclesiae imago* of the Congregation for Bishops.

4) The purpose of the analyzed fund is to ensure the support of all the clergy – diocesan and non-diocesan, incardinated to the diocese and temporarily serving in it.

5) Only the diocesan bishop can establish the fund for the support of the clergy.

6) Where the support of the clergy is financed exclusively from the offerings of the faithful, the establishment of the fund is obligatory.

7) The financing sources of the fund are: offerings of the faithful, both spontaneous and as a response to requests addressed to them, ordinary and extraordinary tax, special collections, pious dispositions made *mortis causa* or *inter vivos*, Mass offerings, transferred for purposes prescribed by the ordinary, with the admission of a specific compensation on the ground on an extrinsic title and offerings made on the occasion of administering sacraments and sacramentals.

REFERENCES

- Artner, Péter. 2009. “The Remuneration of Diocesan Clerics.” *Folia Canonica* 12:7-22.
- Aznar Gil, Federico R. 1991. “El fondo diocesano para la sustentacion del clero (c. 1.274, § 1).” *Revista Española de Derecho Canónico* 48:619-47.

- Aznar Gil, Federico R. 1993. *La administración de los bienes temporales de la Iglesia*. Salamanca: Publicaciones Universidad Pontificia de Salamanca. Caja Salamanca y Soria.
- Burgazzi, Cesare. 2002. *Il sostentamento del clero. Indagine storico-giuridica, con particolare riferimento alla formazione dei canonici 1272-1274-1275 del Codex Iuris Canonici 1983 e alla loro applicazione in ambito europeo*. Roma: Pontificia Universitas Lateranensis.
- Chiappetta, Luigi. 1997. *Il manuale del parroco. Commento giuridico-pastorale*. Roma: Edizioni Dehoniane.
- Chiappetta, Luigi. 2011. *Il Codice di Diritto Canonico. Commento giuridico-pastorale*. Vol. II: *Libri III-IV-V-VI*. Bologna: Edizioni Dehoniane.
- Consorti, Pierluigi. 2000. *La remunerazione del clero. Dal sistema beneficiale agli Istituti per il sostentamento*. Torino: Giappichelli.
- Corbellini, Giorgio. 1996. "Note sulla formazione del can. 1274 (e dei cann. 1275 e 1272) del «Codex Iuris Canonici»." *Ius Ecclesiae* 8, no. 2:465-507.
- De Paolis, Velasio. 1988. "Il sostentamento del clero dal Concilio al Codice di Diritto Canonico." In *Vaticano II: bilancio e prospettive venticinque anni dopo (1962-1987)*, ed. René Latourelle, 571-95. Assisi: Cittadella.
- De Paolis, Velasio. 1989. "Il sostentamento del clero nel Concilio e nel Codice." *Quaderni di Diritto Ecclesiale* 2:35-56.
- De Paolis, Velasio. 1993. "Il sistema beneficiale e il suo superamento dal Concilio Vaticano II ai nostri giorni." In *Il sostentamento del clero. Nella legislazione canonica e concordataria italiana* [Studi Giuridici, vol. 28], 21-31. Città del Vaticano: Libreria Editrice Vaticana.
- De Paolis, Velasio. 2011. *I beni temporali della Chiesa*. Bologna: Edizioni Dehoniane.
- Domasz, Arkadiusz. 2018. "Social Insurance for Clergymen Under Canon Law." *Seminare* 39, no. 4:69-81.
- Donà, Graziano. 2012. "Istituto para la sustentación del clero." In *Diccionario general de derecho canónico*. Vol. IV: *(Filosofía del derecho – Legislador)*, ed. Javier Otaduy, Antonio Viana, and Joaquín Sedano, 660-61. Cizur Menor: Aranzadi.
- Fiirter, Benjamin. 2009. *The Temporal Goods of the Particular Church in the 1983 Code: Acquisition, Administration and Alienation*. Romae: Pontificia Universitas Urbaniana.
- Hesch, John B. 1994. *A Canonical Commentary on Selected Personnel Policies in the United States of America Regarding Decent Support of Diocesan Priests in Active Ministry*. Ann Arbor: University Microfilms International.
- Kalet, Paweł. 2015. *Ecclesiastical Patrimonial Law*. Manchester: Catholic Printing Company of Farnworth.

- Kaleta, Paweł. 2017. *Prawne aspekty zarządzania dobrami kościelnymi*. Lublin: Wydawnictwo KUL.
- Kaleta, Paweł. 2019. "Dobra doczesne Kościoła." In *Komentarz do Kodeksu Prawa Kanonicznego*. Vol. IV/1: *Księga V. Dobra doczesne Kościoła*, ed. Józef Krukowski, 1-152. Poznań: Pallottinum.
- Kantor, Robert. 2008a. "Clerici vitae simplicitatem colant. Analiza kan. 282 § 1 Kodeksu Jana Pawła II." In *Zobowiązani do wiary po dwudziestu latach na drodze wyznaczonej przez Jana Pawła II (Tarnów, 9–10 VI 1987)*, ed. Józef Stala, and Janusz Królikowski, 251-65. Tarnów: Wydawnictwo Diecezji Tarnowskiej Biblos.
- Kantor, Robert. 2008b. "Przeznaczenie stypendiów binowanych i trynowanych." *Tarnowskie Studia Teologiczne* 27, no. 1:107-18.
- Kantor, Robert. 2011. "Odpowiednie wynagrodzenie duchownych w Kodeksie Prawa Kanonicznego z 1983 r. Analiza kan. 281 § 1." *Prawo Kanoniczne* 54, no. 3-4:191-222.
- Kantor, Robert. 2016. "Binowanie i trynowanie – normy kanoniczne." *Currenda* 1:158-64.
- Lewandowski, Paweł. 2015. "Ofiary mszalne według Kodeksu Prawa Kanonicznego z 1983 roku i IV Synodu Diecezji Tarnowskiej." *Roczniki Nauk Prawnych* 25, no. 1:95-108.
- Lewandowski, Paweł. 2016. "Troska biskupa diecezjalnego o godziwe utrzymanie duchownych." *Kościół i Prawo* 5 (18), no. 1:53-76.
- Lewandowski, Paweł. 2017a. "Pojęcie godziwego utrzymania duchownych według Kodeksu Prawa Kanonicznego z 1983 roku." *Roczniki Nauk Prawnych* 27, no. 2:151-69.
- Lewandowski, Paweł. 2017b. "The Notion of Decent Support of the Clergy According to the 1983 Code of Canon Law." *Roczniki Nauk Prawnych* [English Online Version] 27, no. 2:131-47.
- López Alarcón, Mariano. 2004. "The Temporal Goods of the Church." In *Code of Canon Law Annotated prepared under the responsibility of the Instituto Martín de Azpilcueta. Second edition revised and updated of the 6th Spanish language edition*, ed. Ernest Caparros, and Hélène Aubé, 963-1016. Montréal: Wilson & Lafleur Limitée.
- Marcuzzi, Piero G. 1993. "Il sostentamento del clero. Nella normativa codiciale latina." In *Il sostentamento del clero. Nella legislazione canonica e concordataria italiana* [Studi Giuridici, vol. 28], 33-78. Città del Vaticano: Libreria Editrice Vaticana.
- Mukiibi, Barnabas. 2002. *The Right of the Cleric for Adequate Remuneration Based on the Bond of Incardination. With Reference to can. 281 § 1,2,3 of 1983 Code. A Comparison of the Church in Italy and Scotland with that of Uganda*. Roma: Pontificia Universitas Lateranensis.

- Odchimar, Nereo P. 1983. "Decent Support and Social Security of the Clergy Under the 1983 Code of Canon Law." *Philippiniana Sacra* 18, no. 54:511-38.
- Pérez Troya, Juan C. 2018. *El c. 1274§1 y el Fondo para la sustentación del clero de la diócesis de Ciudad Real*. Madrid: Universidad Pontificia Comillas.
- Plezia, Marian, ed. 2007. *Słownik łacińsko-polski*. Vol. I: A-C. Warszawa: Wydawnictwo Naukowe PWN.
- Renken, John A. 2012. "The Acquisition of Diocesan Revenue by the Diocesan Bishop." *Canon Law Society of Great Britain & Ireland Newsletter* 172, no. 12:58-81.
- Rozkrut, Tomasz. 2002. "Uposażenie prezbitera według Kodeksu Prawa Kanonicznego i prawa cywilnego." *Dobry Pasterz* 27:104-109.
- Salerno, Francesco. 2001. "I beni temporali della Chiesa." In *Commento al Codice di Diritto Canonico*, ed. Pio Vito Pinto, 719-55. Città del Vaticano: Libreria Editrice Vaticana.
- Soares de Vasconcelos, Abílio. 1998. "Sustentação do clero no Terceiro Milênio (cc. 281 e 1274 §1)." *Direito & Pastoral* 12, no 36:7-22.
- Soares de Vasconcelos, Abílio. 2001. "O sustento do clero no Concílio Vaticano II (Bastidores dos canones 281 e 1274)." *Direito & Pastoral* 15, no. 42:23-64.
- Walencik, Dariusz. 2005. "Troska biskupa diecezjalnego o utrzymanie duchowieństwa w ujęciu Kodeksu Prawa Kanonicznego z 1983 roku." *Śląskie Studia Historyczno-Teologiczne* 38, no. 2:367-79.
- Wójcik, Walenty. 1987. "Dobra doczesne Kościoła." In Walenty Wójcik, Józef Krukowski, and Franciszek Lempa, *Komentarz do Kodeksu Prawa Kanonicznego z 1983 r.* Vol. IV: *Księga V. Dobra doczesne Kościoła. Księga VI. Sankcje w Kościele*, 11-109. Lublin: Redakcja Wydawnictw KUL.

The Fund for the Support of the Clergy According to the 1983 Code of Canon Law

Summary

The right to decent support is undoubtedly one of the most basic rights that each person has. With regard to the clergy, the implementation of this fundamental right secures, among others, a special fund for the support of the clergy. This fund collects temporal goods and offerings for the support of clerics who serve the diocese. The first part of the article contains the genesis of the fund for the support of the clergy, while the second part analyzes the Code legislation in relation to the subject taken.

Key words: sustenance, remuneration, clerics, diocesan bishop, offerings of the faithful

Instytucja na rzecz utrzymania duchownych według Kodeksu Prawa Kanonicznego z 1983 roku

Streszczenie

Prawo do godziwego wynagrodzenia bez wątplenia należy uznać za jedno z najbardziej podstawowych praw przysługujących każdemu człowiekowi. W odniesieniu do duchownych realizację tego fundamentalnego prawa zabezpiecza m.in. specjalny fundusz na rzecz utrzymania duchownych. Fundusz ten gromadzi dobra i ofiary przeznaczone na utrzymanie duchownych, którzy pełnią służbę na rzecz diecezji. Pierwsza część artykułu zawiera genezę funduszu na rzecz utrzymania duchownych, druga zaś stanowi analizę ustawodawstwa kodeksowego w odniesieniu do podjętego tematu.

Słowa kluczowe: utrzymanie, wynagrodzenie, duchowni, biskup diecezjalny, ofiary wiernych

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