

A CANONICAL ANALYSIS OF CANON 273 OF THE 1983 CODE OF CANON LAW

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Abstract. All clergy have the special canonical obligation to show reverence and obedience to their ordinary and the pope. They bind themselves to this promise freely and publicly during their diaconal or priestly ordination. The ecclesiastical legislator gave the liturgical ceremony a normative form in can. 273 of the 1983 Code of Canon Law. In this paper, the author presents the sources of the canon in question, presents a canonical analysis, places it into canonical context, and defines individual terms according to how the ecclesiastical legislator understood them.

Keywords: clergy, obedience, reverence, obligation, pope, bishop, own ordinary, promise, priesthood ordination

INTRODUCTION

We believe that there is no cleric in existence who cannot remember the two most holy moments of his ordination, these being the laying on of hands by the bishop ordaining him and the prayer of consecration. During the part of the ordination ceremony for diocesan candidates to the diaconate and priesthood that is termed the promises of the elect (*Promissio electorum*), the bishop ordinary lays his hands on the candidate's hand before the last question. Subsequently, the consecrating bishop asks: *Do you promise reverence and obedience to me and my successors? (Promittis mihi et successoribus meis reverentiam et oboedientiam?)*. The candidate answers: *I promise (Promitto)*. At the same time, religious candidates for the diaconate and priesthood make the promise of obedience and reverence to the diocesan bishop and their major superior: *Do you promise reverence and obedience to your bishop and your competent superior? (Promittis Episcopo dioecesano necnon legitimo Superiori tuo reverentiam et oboedientiam?)* The answer: *I promise (Promitto)*.¹ This promise accompanies the clergy for their entire life. There

¹ See: Pontificale Romanum ex decreto Sacrosancti Concilii Vaticani II renovatum auctoritate Pauli PP. VI editum Ioannis Pauli PP. II cura recognitum *De Ordinatione episcopo, presby-*

is no cleric at any level of hierarchy who would be released from this promise. The ecclesiastical legislator took this promise from the liturgical books and gave it a normative form in can. 273 CIC/83: “Clerics are bound by a special obligation to show reverence and obedience to the Supreme Pontiff and their own ordinary.”

1. THE ORIGINS OF CANON 273 OF THE 1983 CODE OF CANON LAW

The origins of can. 273 from the CIC/83 are found in the 1917 Code of Canon Law,² can. 127; a speech by Paul VI.; and the canonical context of CIC/83, can. 274 § 2, 495–502, 1371, 2^o [Otađuy de 2002, 318].

1.1. Origins in the 1917 Code of Canon Law

In CIC/17, the ecclesiastical legislator designated the term cleric (*clericus*) to mean one who accepted tonsuring, including bishops (can. 108 § 1), and was not a lay person or a member of a holy order. The clergy, because they belonged to the clerical order, did not acquire only privileges and rights, but also obligations [Bączkiewicz, Baron, and Stawinoga 1957, 302].

During their ordination, clerics were obliged to make the promise of obedience to their ordinary, but without oath (can. 127).³ Namely, this was not the religious vow of obedience, which would have been a vow of the virtue of obedience (*ex virtute religionis*). Secular clerics commit themselves to fidelity (*ex fidelitate*); therefore, they should be obedient to their own ordinary when performing such duties as do not contradict their own competences contained in the canons of CIC/17. Thus, the ecclesiastical legislator established canonical obedience for the secular clergy [ibid., 317–18].

In CIC/17, the ecclesiastical legislator did not allocate a foremost position to the canon on the clerics’ obedience and reverence to their own ordinary (can. 127). The canons on obligation to lead a more holy life came before it (can. 124–126). Clergy who violate canonical obedience should be punished with canonical punishments (can. 2331 § 1).

terorum et diaconorum, edition typical altera, Typis Polyglottis Vaticanis 1990; *Codex Iuris Canonici auctoritate Ioannis Pauli PP. promulgatus* (25.01.1983), AAS 75 (1983), pars II, p. 1–317 [hereinafter: CIC/83], can. 1009 § 2.

² *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 [hereinafter: CIC/17].

³ “Omnes clerici, praesertim vero presbyteri, speciali obligatione tenentur suo quisque Ordinario reverentiam et obedientiam exhibendi.”

1.2. The *Allocutio* of Pope Paul VI

On March 1, 1965, Pope Paul VI. gave a speech in the Sistine Chapel to clerics and parish priests from the Roman diocese. As the first thing, he emphasized the importance of personal faith in their vocation and priestly ministry. He reminded them of the words of the Apostle Paul, that they should ministry in order to be regarded as Christ's ministries and the administrators of the mysteries of God (1 Cor 4:1). When the clerics decided to become priests, they thereby gave Christ and his Church the sacrifice of their lives, which they have internally and irrevocably adhered. It is the sacrifice of unrivaled love, the sacrifice of Christ's crucifixion. It is the path of constantly striving for a single and constantly present ideal in the unceasing perfection of one's own self. Namely, God's will is their personal consecration, because God himself called them to their ordination (1 Sol 4:3–7).

The Pope further reminded the clerics that they should not be like those who always want to judge, criticize, or willfully instigate change. He emphasized that they should be open to the renewing Spirit, which is active in the world and also pervades the Church edicts. At the same time, he challenged them to beware of willful innovation, which gives in to fashionable social trends but is not approved of by the Church. The Pope emphasized that obedience lives in the Church and is the source of salvation. It gives testimony to the ministry of these clerics, testimony that is free and masculine and that belongs to many of those who decided to follow Christ, who himself was obedient until his death (Phil 2:8).

The Pope encouraged the clerics to have faith in their superiors and to listen to them. These lead them and watch over their souls, because one day they will account for them. If the clerics listen to their superiors, they will lead them with joy and not with complaint. The opposite situation would be to the disadvantage of all (Heb 13:17). Thus, obedience will flourish in the Church as a whole, and it will not be superficial, illogical, or demeaning – it will not be founded on despotic orders and irresponsibility. Clerical obedience should be deliberate, powerful, good, and mighty, because it originates with God. Through it, God's teachings are given to the people, the ecclesiastical community is built, and, their pastoral love is fulfilled by means of specific tasks. This is so in order for human souls to be freed from doubt and spiritual disease and in order for people, as the children of God, to discover their dignity. And, in this way, there is mutual sanctification for all.⁴

⁴ Paulus PP. VI, *Allocutio ad Urbis curiones et quadragenarii temporis oratores in Aede Sixtina habita* (01.03.1965), AAS 57 (1965), p. 326–27.

1.3. Canonical context

In CIC/83, the ecclesiastical legislator put the canonical context of can. 273 into the context of cooperation between the clergy and their ordinary. The clergy are required to accept and faithfully carry out the offices that have been entrusted to them by their ordinary (can. 274 § 2).

The diocesan bishop is required to establish a presbyteral council to represent and act on behalf of the diocesan presbytery and, according to the legal norms and their own statutes, help the bishop manage the diocese. This is done so that the episcopal pastoral activities are effective for and to the advantage of those of God's people who have been entrusted to him (can. 495 § 1, 496).

The presbyteral council represents the diocesan presbytery. Therefore, roughly half of the representatives are elected by the presbytery themselves. Some are required to be members due to the office they hold in the diocese. Other members are freely named by the diocesan bishop (can. 497). According to the statutes, those who have the right to be elected comprise all the presbytery who have been incardinated into the diocese, the secular presbytery not incardinated into the diocese, and members of a religious institute or society of apostolic life who are staying in the diocese or occupy an office there. This has been done in order to include presbytery from various ministries and parts of the diocese in the presbyteral council. If the council's own rules do not specify otherwise, other presbytery who have permanent or temporary residency in the diocese also have the right to be elected (can. 498, 499).

The diocesan bishop convenes the council of priests, presides over it, suggests inquiries, and specifies points for discussion. The council is an episcopal advisory body; however, its consent is only necessary for cases that establish law (can. 500).⁵

The election period for individual priests is governed by the council's statutes. Those who represent a certain office remain their members for the entire period they hold office. By the power of the same law, the council dissolves in the legal situation of *sede vacante*. If it does not fulfill its function, and is not beneficial to the diocese, the diocesan bishop can dismiss it after consultation with the metropolitan. Naturally, a new council must be established during the upcoming year (can. 501).

The diocesan bishop freely names at least six but no more than twelve members to make up the college of consultors. These are named for five years and carry out duties established by law. The bishop ministries as the head of the college.⁶ In the legal situation of *sede vacante* or *sede impedita*, the individual who is the temporary authority of the diocese becomes the head of the

⁵ See CIC/83: can. 461, 515, 531, 536, 1215, 1222, 1263, 1742, 1750.

⁶ See CIC/83: can. 272, 382, 404, 421, 422, 430, 485, 494, 501, 1018, 1277.

college. When a caretaker has yet to be established, the college is led by the longest-serving priest (can. 502) [Sitarz 2019, 2440–444].

The ecclesiastical legislator stipulated that proper canonical punishment be bestowed on clergy who, even after being admonished, do not heed the legal statutes of the Apostolic See, their ordinary, or another superior (can. 1371, 2°).

2. DEFINING BASIC TERMINOLOGY

In can. 273, the ecclesiastical legislator established that “clergy have a special obligation to show reverence and obedience to the pope and their ordinaries.” For correct interpretation, it is necessary to define basic terms as they are understood by the ecclesiastical legislator.

2.1. The clergy in the 1983 Code of Canon Law

In the apostolic letter *Ministeria quaedam*,⁷ Pope Paul VI. abolished the minor orders and instituted the ministries of acolyte and lector. He also specified who would be considered a cleric in the Church (*clericus*). One who accepts at least diaconal ordination can be considered a cleric. The ecclesiastical legislator also adopted this papal decision in CIC/83 in can. 207 § 1 and 266 § 1.⁸ The canonical term cleric (*clericus*) is exclusively identical with the term sacred minister (*minister sacer*),⁹ which indicates bishops, priests, and deacons. Secular clergy (*cleri saecularis*) are incardinated to a local church, or a particular church equivalent to a diocese (can. 265, 368). Religious clergy are incorporated into a community of religious life or society of apostolic

⁷ Paulus PP. VI, Litterae apostolicae motu proprio datae *Ministeria quaedam* (18.08.1972), AAS 64 (1972), p. 529–34.

⁸ See CIC/83, can. 207 § 1: “By divine institution, there are among the Christian faithful in the Church sacred ministers who in law are also called clerics; the other members of the Christian faithful are called lay persons;” can. 266 § 1: “Through the reception of the diaconate, a person becomes a cleric and is incardinated in the particular church or personal prelature for whose service he has been advanced.”

⁹ Secretary of the Pontifical Commission for the Revision of the Code of Canon Law, Mons. Rosalio Castillo Lara, specified the term *minister sacer* in the following way: “The expression and term *minister sacer* relates only to sacred ministers who have accepted sacred ordination. However, there are other ministers of the church. These are lay persons who are part of the hierarchy by means of their ministry in the church, e.g., lector. For this reason, it is suitable that the term *minister sacer* apply only to the clergy, though the term *minister* may be applied to others. This terminology has already been obligatorily adopted in the definitive schema of the LEF. In the *Code of Canonical Latin Law*, we cannot forget the term *clericus*, which has a long tradition and fully identifies with the term *minister sacer*.” See “Communicationes” 14 (1982), 29, c. 81, § 1.

life that has the faculty to incardinate (can. 266 § 2–3)¹⁰ [Chiappetta 1994, 226–27].

In CIC/83, the clergy (*clerici*) are called those who have accepted sacred ordination (can. 207 § 1, 266 § 1). Certain Christian faithful men become sacred ministers by accepting sacred ordination in order for each of them to ministered people of God for a new and specific reason according to the level of sacred ordination they have accepted (can. 1008). Clerics in the Church are not placed in opposition to the lay persons nor are they placed above them. Together, the clergy and the lay persons comprise the whole of God's people, despite not traveling the same path towards holiness (can. 208).¹¹ The Church of Jesus Christ is not composed clerics alone, so therefore they are not given priority over the lay persons. However, they have a greater commitment to the Church, where their vocational ministry takes place. According to the degree of ordination, ministry, or office that they have been granted, they have authority in leading the Church of Jesus Christ, not the world [Jaworski 2019, 599–601].

2.1.1. Deacons

A deacon (*diaconus*) is consecrated not to the priesthood but to ministry by the bishop ordinary's laying on of hands and by the prayer of consecration. Those who have been ordained as deacons accept from God all the grace necessary to ministered to people of God in the ministries of the liturgy, the word, and charity (can. 1009 § 3). Therefore, they ministry people of God in communion with their bishop and their presbytery according to the offices which the respective authority has assigned them in the name of the Church (LG 29).¹²

Diaconate, as a permanent status in life, is ministry to believers by the catechism of God's word and the administration of remote parishes in the name of a priest or bishop [Wroceński 2019, 337–38].

2.1.2. Presbytery

Priests are also called the presbytery (*sacerdos*) [Tichý 2001, 142]. They participate in the work of Christ, the sole mediator, according to the degree of the ordination they have accepted (1 Tim 2:5). They proclaim the word of God to all people of God. However, their sacred function is executed primarily through Eucharistic worship, acting in the role of Christ (LG 28). They share

¹⁰ See CIC/83: can. 265, 294, 377 § 3, 680, 957, 1016.

¹¹ Sacrosanctum Concilium Oecumenicum Vaticanum II, Constitutio dogmatica de Ecclesia *Lumen Gentium* (21.11.1964), AAS 57 (1965), p. 5–67 [hereinafter: LG], no. 32.

¹² Idem, Decretum de activitate missionali Ecclesiae *Ad gentes divinitus* (07.12.1965), AAS 58 (1966), p. 947–90 [hereinafter: AG], no. 16.

in apostolic mission and by God's grace they are ministers of Jesus Christ. The target of their ministry and life is to celebrate God the Father in Jesus Christ. They are selected from the people and for the people, therefore they live with others as their brother and they are assigned to the ministry of God in their matters. The presbytery have spiritual authority, and they do so in order to administer and watch over things belonging to divine cult and to preside over the church ministries.¹³

In CIC/83, the Latin term *presbyter* indicates those who have accepted the second degree of priestly consecration. A presbyter is a priest (*sacerdos*) and a cleric (*cleric*). The expression "cleric" is a legal term (can. 207 § 1). Its theological equivalent is "holy minister."¹⁴ The term *sacerdos* is only used in CIC/83 to indicate bishops and the presbytery (can. 835 § 1–2, 1009 § 3) [Salvatori 2012, 412], not the deacons.

2.1.3. Bishops

Bishops (*episcopus*) hold a Church office that was proposed and established by Jesus Christ and is permanently linked to his spiritual power. Bishops lead their local Church on the basis of their sacred affiliation to the College of Bishops and as a result of their communion with the Pope.

Bishops are representatives of Jesus Christ in the particular church entrusted to them and heirs to that which Jesus entrusted to the Apostles. They are their successors, guardians of the true faith and the Christian tradition. Through episcopal consecration, they do not accept only power over their entrusted local church but also, principally, spiritual duties. Consecration confers the grace of the Holy Spirit so they are able to guide immortal souls, preside over the community of believers, and to be a living witness to Jesus Christ, a living example of faith, and the highest priest in their particular church. When a bishop teaches, rules, and sanctifies, the Holy Spirit – which himself teaches, rules and sanctifies God's people – is working through him. The office of bishop is a spiritual office, and the person who accepts this office rules, teaches, and sanctifies their local church (can. 1009 § 3). In this way, a bishop becomes the spiritual leader of his people, entrusted to him by Jesus Christ so that he can minister to them with all his love (LG 21, 27; can. 375–377)¹⁵ [Krukowski 2019, 293–99].

¹³ Idem, Decretum de presbyterorum ministerio et vita *Presbyterorum ordinis* (07.12.1965), AAS 58 (1966), p. 991–1024 [hereinafter: PO], no. 2–3.

¹⁴ "Communicationes" 14 (1982), Al § 1, 29.

¹⁵ Sacrosanctum Concilium Oecumenicum Vaticanum II, Decretum de pastorali episcoporum munere in Ecclesia *Christus Dominus* (28.10.1965), AAS 58 (1966), p. 673–96 [hereinafter: CD], no. 2, 8.

2.2. Reverence

For a full comprehension of the meaning of the word “reverence,” it is necessary to take into account the etymological context of the Latin term *reverentia*. The Latin substantive *reverentia*, *-ae, f.* – deference, respect, or esteem for someone [Pražák, Novotný, and Sedláček 1937, 1081] – can be described as a social custom or as a virtue. “Respect” is the equivalent of reverence. To behave towards someone with respect means to take someone into account, to approach them with esteem, or to be deferential to them.¹⁶ The expression “respect” is derived from the Latin *respectus*, *-us, m.* – to glance backwards, to look back. The Latin *respectus* has its root in the verb *re-spicio*, *-ere, -spexi, -spectum*, which translates as to look backwards, to see behind oneself, to look at something, to pay attention to something, to relate to someone, and to depend on someone [ibid., 1076–77]. To respect someone means to take them into consideration, to look at them with esteem.

From the context of these equivalents, it can be concluded that showing reverence consists of a view one’s surroundings with regards to another individual, at whom one is currently looking. Reverence is expressed externally. Primarily, this means that we accept the other person and their characteristics, successes, ambitions, and opinions without regards to whether or not we agree with them.

The external manifestations of reverence are not just an emotional addition to the perception of other people or things. Reverential behavior is an external manifestation in which something extra is expressed, something that an irreverent person does not notice. Thanks to reverence, we are able to perceive the mystery of other people or things, to feel their existential depth and value. With the crossover from irreverent behavior to reverent behavior, people begin to see and perceive another dimension that they had not previously seen or noticed. They perceive how “something” that was previously lacking in people can become visible within them. Specifically, this “something” is their mystery, the value written deep in their core. These are fine bonds through which all people and all things extend beyond into the realm of the invisible. To sever them means to deaden the value of others and to falsify reality. Reverential behavior is an attitude by which these invisible bonds become visible. Where these bonds are missing, the world of values is flat, closed, and meager in nature. Irreverent behavior destroys each incentive to infiltrating the mystery of the life of people and the existence of things. People do not then cultivate deeper incursion into the world [Scheler 1993, 20–21].

The above indicates the type of mutual relationships formed by those who are party to reverence as well as the actual subject matter of reverence. Showing

¹⁶ *Ottův slovník naučný, XXI R (Ř) – Rozkoš*, Vydavatel a nakladatel J. Otto v Praze, Praha 1904, p. 590.

reverence is a general obligation and differs in its external manifestations. It also depends on the conditions under which the subject matter of reverence is found. Certain of these conditions cannot be influenced directly, for example, age. Naturally, other conditions can be influenced, for example, the results and efforts of work as well as professional position and its execution.

The starting point for the motive to express reverence for another person should be that each person benefits their surroundings. Such benefit can be the subjects' social standing, their expertise, or their specific skill. Everyone who holds public, social, political, or religious office has a right to the expression of reverence. Expressions of reverence have substantiation even within social coexistence. In one of his articles, Professor Hrdina observed that, in contrast to obedience, ordinaries cannot force reverence from their clergy; rather they must achieve it through their charisma. And, if they do not have this charisma, they will not obtain reverence from them [Hrdina 2009, 77].

2.3. Obedience

The Latin substantive *oboedientia* is derived from the verb *audio, -ire, -ivi* meaning to hear [Walde and Hofmann 1954, 195]. In *Black's Law Dictionary*, we can read that obedience is behavioral compliance to a command, prohibition, acknowledged authority, or obligations established by law. Furthermore, obedient behavior is considered to be fulfilling that which has been required or commanded by a superior body or refraining from that which has been forbidden. Moreover, all of this should be in accordance with relevant orders or prohibitions, because obedience is the essence of law [Black 1993, 984].

American social and experimental psychologist Stanley Milgram described obedience as a basic element and constructive principle of life in all societies. No society or even small group of people can circumvent having a clear system connected to authority. Each member of society must submit to the dictates of authority. Disobeying the dictates of authority is only possible for a person who lives in total isolation from others. Milgram understood obedience as a psychological mechanism linking individuals to the goals of society. Obedience is society's glue, binding each person to the respective authorities [Milgram 2017, 20].

2.4. Special obligation

The clergy do not have just any obligation to show reverence and obedience to their ordinary; rather, they have a special obligation (*speciali obligatione*) to demonstrate reverence and obedience to their ordinary. The Latin term *obligatio, -onis, f.* means obligation. The term is derived from *obligo, -are, -avi, -atum* and has many meanings: to tie, to bind, to wrap around, to tie

up, to stake something, and to render guilty [Pražák, Novotný, and Sedláček 1937, 844–45].

From the legal perspective, this term expresses the legal relationship between a creditor (*creditor*) and a debtor (*debitor*). The terms of the relationship are specifically set as the thing that the debtor must carry out to the benefit of the creditor. This is a unique legal relationship that in all cases excludes a third person. It is also unthinkable that the contractual terms of the relationship could be modified. The debtor cannot be excused from the relationship and must unconditionally carry out the contractual terms of the relationship to the benefit of the creditor [Dębiński 2019, 1892–894].

The Latin adjective *specialis*, *-is*, *-e* is composed of the Latin *species*+*-alis*. Literally, we can translate it as something that is completely different than it seems, than what it looks like at first glance. “Special” means very different, individual, and in opposition to what is common. That which is special has a totally different nature than that which is common.¹⁷

The Latin gerund *exhibendi* occurs in the text of the canon in question. This is the gerundivum of *exhibeo*, *-ere*, *-ui*, *-itum*. It also has many meanings: to present, to furnish, to show, to be seen, to offer up for recognition, to demonstrate, and to exhibit [Pražák, Novotný, and Sedláček 1937, 481–82]. *Exhibendi* thus expresses necessary action, which must be occurring continuously. From the above, it follows that all clergy are continuously responsible to demonstrate reverence and obedience to their ordinaries and to the pope.

2.5. The pope

The clergy have a special obligation to show reverence and obedience to the pope, because the bishop of Rome is the direct successor of Peter the Apostle, to whom Christ entrusted the care of all people.¹⁸ The *episcopatus* and *primatus* of the pope are mutually and indivisibly connected and coexist by the appointment of God. In the process of the Church’s development and growth, however, a human organizational structure has also arisen, in which the *primatus* has come into being and is honored (LG 22–23).¹⁹

¹⁷ *Oxford Latin Dictionary*, Oxford University Press, Oxford 1968, p. 1799.

¹⁸ See: Mt 16:19; Lc 11:52; John 21:15–19, 20–23; Act 1:15–26; 2:14–37; 4:5–22; 5:3–11; 10:1n.; 15:6–7; 1 Cor 1:12; 3:22; 9:5; 15:3–8; Gal 2:7–8; CIC/83, can. 331: “The bishop of the Roman Church, in whom continues the office given by the Lord uniquely to Peter, the first of the Apostles, and to be transmitted to his successors, is the head of the college of bishops, the Vicar of Christ, and the pastor of the universal Church on earth. By virtue of his office he possesses supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely.”

¹⁹ Congregatio pro Doctrina Fidei, *Considerazioni su Il Primato del successore di Pietro nel mistero della Chiesa*, “Communicationes” 2 (1998), p. 207–16, no. 4.

The office of Supreme Pontiff is endowed with the charisma of universal grace, which urges him to ministered all in united faith and in the single community of the Church. Christ entrusted this ministry to Peter and his successors in order for the Church's tasks to be fulfilled, unity preserved, and the one faith professed.²⁰

The pope's power in the Church as a whole is supreme, full, immediate, and universal. This power is ordinary episcopal above all churches and church communities and above all people who believe in Christ and belong to the Church community. The pope can exercise this power freely. It is an ordinary power, because it belongs to the pope (CD 2, can. 131 § 1, 332 § 1, 333, 1273, 1417 § 1) [Brinda 2019, 22–27].

From the power of his office, the pope is the ordinary and pastor of the universal Church. Therefore, if he deems it suitable, he can remove selected communities from under the jurisdiction of their local ordinary and make them subordinate directly to himself for the good of the faithful (LG 13, 22, 45; AG 5–6; can. 591, 782 § 1).

2.6. A cleric's own ordinary

According to can. 134 § 1,²¹ the pope is the ordinary of all the clergy (*ordinarius proprius*) as well as the ordinary of the Church as a whole (can. 331) and the head of the Roman dicasteries (can. 334, 360), such as the cardinal prefect, cardinal president, and archbishop president.²²

The diocesan clergy have the canonical obligation of incardination (can. 265, 266 § 1) and the obligation of reverence and obedience to their ordinaries. Diocesan bishops are the personal ordinaries of the clergy belonging to their particular church (can. 368). The ecclesiastical legislator has further stipulated that the clergy's own ordinaries are as follows: vicar general, episcopal vicar, coadjutor bishop, and the auxiliary bishop – if the diocesan Bishop has entrusted them with the office of general or at least episcopal vicar (can. 134 § 1, 406 § 1). In the legal situation of *sede impedita* or *sede vacante*, the ordinary

²⁰ Sacrosanctum Concilium Oecumenicum Vaticanum II, Decretum de oecumenismo *Unitatis redintegratio* (21.11.1964), AAS 57 (1965), p. 90–107, no. 2.

²¹ “In addition to the Roman Pontiff, by the title of ordinary are understood in the law diocesan bishops and others who, even if only temporarily, are placed over some particular church or a community equivalent to it according to the norm of can. 368 as well as those who possess general ordinary executive power in them, namely, vicars general and episcopal vicars; likewise, for their own members, 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.”

²² Ioannes Paulus PP. II, Constitutio apostolica de Romana Curia *Pastor Bonus* (28.06.1988), AAS 80 (1988), p. 841–912, no. 3 § 1, 4, 14; Idem, *Regolamento generale della Curia Romana* (01.07.1999), AAS 91(1999), p. 629–87, no. 2, 125, 131, 135.

is the one selected by the administrator of the diocese or the individual who is temporarily governing the diocese (can. 413, 419, 421).

The clerics who have been incardinated into a particular church equivalent to a diocese (can. 368) have the obligation of reverence and obedience to their proper ordinary, who is equivalent to a diocesan bishop (can. 381 § 2). The proper ordinaries of these churches are the prelate (can. 295 § 1), territorial abbot, apostolic vicar, apostolic prefect, apostolic administrator, the head of a mission *sui iuris* [Franceschi 2002, 868], a military ordinary (can. 569),²³ and an ordinary of the personal ordinariate.²⁴

For the clergy of clerical religious communities, the members of institutes of consecrated life, and clergy from a society of apostolic life under papal law, the highest ranking member of these is their personal ordinary. In the Church, abbot primates and the heads of monastic congregations are also considered to be ordinaries (can. 266 § 1–2, 620).

In can. 134 § 1 and other normative acts, the ecclesiastical legislator acknowledged that particular churches equivalent to a diocese, major religious superior, and even their religious societies and pastoral activities in accordance with the conclusions the conciliar fathers adopted at the Second Vatican Council have a marked degree of autonomy. However, despite this, they are not independent of the pope (can. 590), and they are subject to the powers of the diocesan bishop in their pastoral activities. The particular church was entrusted to their care under the authority of the pope, and he is their own, proper, and immediate pastor (can. 381 § 1).²⁵

The clergy have promised reverence and obedience to the pope and their ordinaries. If, however, they work elsewhere than at their own particular church, they have a canonical obligation of reverence and obedience to the ordinaries of that place.

3. THE CANONICAL PROMISE – *PROMISSIO CANONICA*

The clergy's promise of obedience and reverence to the pope and their ordinary is a canonical promise, because it is required directly by canonical law. Clerics fulfill it according to the scope established by the ecclesiastical legislator. The Latin term *promissio*, *-onis*, *f.* is generally translated as a promising, a pledging, or a promise. *Promissio* is derived from the Latin *pro-mitto*, *-ere*, *-misi*, *-missum*, with the original meaning being to put a hand on something

²³ Ioannes Paulus PP. II, *Constitutio apostolica Spirituali militum curae* (21.04.1986), AAS 78 (1986), p. 481–86.

²⁴ Benedictus PP. XVI, *Constitutiones apostolicae Anglicanorum coetibus qua Personales Ordinariatus pro Anglicanis conduntur qui plenam communionem cum Catholica Ecclesia ineunt* (04.11.2009), AAS 101 (2009), p. 985–90.

²⁵ See LG 45; CD 11, 35; CIC/83, can. 375, 376, 678 § 1.

or someone and pledge or vow something [Pražák, Novotný, and Sedláček 1937, 1006].

We can define this type of promise as a manifestation of free will whereby a given individual commits themselves to carrying out or renouncing something. On its own, the promise does not have legal effect if it has not been properly accepted by the other party, in whose interest it was made. A contractual relationship results at the moment the promise is accepted. A legal obligation arises for the one doing the promising when all the legally established conditions have been met.²⁶ The party in whose interest the promise was made cannot enforce it arbitrarily, but only by such means and in such a scope as set by law [Ernst 2006, 731].

To understand the clergy's promise of obedience (*promissio oboedientiae*) means to thoroughly understand the context of the ministerial priesthood and the cooperation between the clergy's various hierarchical stations. Each of these participates in ministering Jesus Christ. With their promise of obedience, the clergy publicly swear their desire to be the co-workers of their ordinaries and the pope and that they want carry out their directives and assignments among God's people in their particular church for the good of the Church as a whole in the spirit of mutual love and respect. Thus, all the clergy are mutually bound to their ordinary and the pope by the bond of faith. They do not want to carry out just their own will but also the will of Jesus Christ, who summoned them and sent them into the world to ministered (Jn 6:38).

By accepting the gesture of obedience and reverence during diaconal or priestly ordination, the bishop ordinary publicly undertakes to guard the hand of the ordained, which he took into his own hand.²⁷

4. THE CANONICAL PROMISE ACCORDING TO CANON 273

The canonical promise of reverence and obedience that bonds the clergy begins with their acceptance of diaconal consecration (can. 266 § 1) and continues throughout the rest of their lives. No clergy, regardless of their hierarchical station, have been released from this promise [Lynch 2000, 345–46]. This obedience is considered canonical because it has been required directly by the ecclesiastical legislator in can. 273 CIC/83, and it is founded on the sacrament of the priesthood.

The ecclesiastical legislator established that all clergy have the special obligation of reverence and obedience to their ordinaries (can. 134 § 1) and to

²⁶ *Ottův slovník naučný, XXIII Schlossar – Starowolski*, Vydavatel a nakladatel J. Otto v Praze, Praha 1995, p. 389.

²⁷ Ioannes Paulus PP. II, *Adhortatio apostolica post-synodalis de Episcopo ministro evangelii Iesu Christi pro mundi spe Pastores gregis* (16.10.2003), AAS 96 (2004), p. 825–924, no. 47.

the pope (can. 331).²⁸ This particular canon, can. 273, emphasizes the perspective of universal validity. Special obedience is required, which is not the same as the obedience of all Christians (can. 212 § 1, 218). This means that keeping this promise requires a much greater strength from the clergy, one that touches their entire being, both human as well as Christian, priestly, clerical, and intellectual. The clergy's canonical obedience is also tightly connected with their canonical deployment, which is derived from their relationship to incardination (can. 265, 274).

The obligation is a legal as well as moral relationship that binds both parties to honor their agreement, one to which they have freely bound themselves [Gałkowski 2019, 1895–901]. One party of this legal, moral relationship is the creditor, who is the pope and the cleric's personal ordinary in our case. They have the right to request that the other party in the relationship, i.e., their cleric, carry out its specific execution. It is not only the debtor's obligation to show special reverence and obedience. It is also the creditor's right to the demonstration of reverence and obedience on the part of the debtor. If the obligation is not discharged, the debtor becomes guilty, delinquent. Subsequently, he can atone for this sin through the punishment established by legal norms [Black 1993, 985–87].

The clerical promise of reverence and obedience (*promissio*) is not the same as the promise of the evangelical counsel of obedience by the religious (*votum*).²⁹ For the diocesan clergy, this is not a promise given directly to God, but a legal obligation in which they freely and voluntarily decide to accept the obligation of obedience to the pope and their ordinary. It is a promise that binds them both morally as well as juridically. The promise is given in public and it is publicly accepted by the bishop ordinary in front of the Church as a whole. Expressing and accepting the promise is a celebratory and sacred occasion for all participants. With this promise, clerics renew their calling to sacramental ministering, which God himself embedded into their lives. The promise of obedience is a very intense task of faith, therefore it binds them within their conscience. And, it manifests itself in their life and ministerial ministry both internally and externally [Ghirlanda 1983, 527–28].

The clergy's required obedience and reverence to the pope and their ordinary has its foundation in the same saintly priesthood held by all clergy, even if they participate in apostolic ministering in different ways (LG 28). Within the hierarchy of the Church, this is performed by means of incardination (PO 7, 15). Matters concerning the clergy's personal internal life and their earthly interests are not included in the promise of obedience; they have freedom in these things [Chiappetta 2011, 358–59].

²⁸ The pope is not named in can. 127 CIC/17. Obedience was required exclusively from priests.

²⁹ See CIC/83: can. 573 § 2, 590 § 2, 601, 607 § 2.

CONCLUSION

During the liturgical ceremony, the candidates for diaconal or priestly ordination place their hand into the hand of their bishop ordinary and then publicly promise him reverence and obedience. The bishop ordinary publicly accepts the promise and promises to watch over their hands. This promise accompanies the clergy through their entire life in clerical ministering, even if they become a bishop or pope.

In CIC/83, the promise of the clergy is put into canonical context, from which it is clear that the clergy are the co-workers of their diocesan bishops and the other ordinaries of the particular church. They help them to carry out their ministerial tasks for the good of God's people and the Church as a whole.

The promise is a legal relationship from which arises obligation on behalf of both the creditor as well as the debtor. It is the obligation of both parties to keep this promise, to which they are voluntarily and publicly bound. The clergy have special canonical obligation to show reverence to their ordinaries and the pope and to be obedient to them. However, the reverse is also true. The pope and the ordinaries have the right to request reverence and obedience from their clergy. It is an obligation that binds both parties legally as well as morally.

Ordinaries can force obedience from their clergy by legitimate canonical means. However, both the clergy as well as the ordinaries must constantly practice reverential behavior to each other. In truth, it is not easy to perceive the mystery of the other, to feel their depth and the value that is written deep inside each person.

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