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List of Abbreviations

AAS	Acta Apostolicae Sedis
AC	Benedict XVI, Apostolic Constitution, <i>Anglicanorum Coetibus</i>
c.	Canon
CCEO	Codex Canonum Ecclesiarum Orientalium 1990
Christus Dominus	Vatican II, Decree concerning the Pastoral Office of Bishops in the Church.
CIC/17	Codex Iuris Canonici 1917
CIC/83	Codex Iuris Canonici 1982
DBK	Deutschen Bischofskonferenz, Pastoral und rechtliche Richtlinien für die Ausländerseelsorge
DPMC	Sacred Congregation of Bishops, De Pastoralis Migratorum Cura
DPME	<i>Directorium de pastoralis ministerio Episcoporum</i> (1973)
Ecclesiae Sanctae	Paul VI, <i>Apostolic Letter issued Moto Proprio Ecclesiae Sanctae</i>
Egra Migrantes	Pontifical Council for the Pastoral Care of Migrants and Itinerant People, Instruction, <i>Erga Migrantes caritas Christi</i> (The Love of Christ towards Migrants)
EXSUL	Pius XI, Apostolic Constitution, Exsul Familia Nazarethana
HdbKathKr	Haering/Rees/Schmitz, Handbuch des katholischen Kirchenrechts
Lexikon	Schöniggingh(Ed.), Lexikon für Kirchen- und Staatskirchenrecht.
LG	Lumen Gentium
LTK	Kasper, Lexikon für Theologie und Kirche.
ÖBK	Österreichischen Bischofskonferenz, Pastoral und rechtliche Richtlinien für die fremdsprachige Seelsorger in Österreich
PETERS	Peters Edward, <i>Incrementa in progressu 1982 Codicis iuris canonici</i>
SBK	Schweizer Bischofskonferenz, <i>Rechte und Pflichten des Seelsorgers für Anderssprachige</i>
SC	Sacrosanctum Concilium

Schematismus	Erzdiözese Wien, <i>Schematismus</i>
Sollemne	Consistorial Congregation, Sollemne Semper
SMC	John Paul II, Apostolic Constitution, Spirituali militum curae
WDB	Wiener Diözesanblatt

1. Introduction

Migration is a central political theme in Austria, and particularly so in Vienna. According to *Statistik Austria*, 30.8% of the population of the capital have non-Austrian citizenship, and 36.7% were born in another country.¹ This compares to 16.7% and 18.8% respectively for the entire country.

The office of the Austrian National Director for Foreign language chaplaincy estimates that 500,000 Catholics in Austria have a ‘migration’ background, that two-thirds of them live in or near Vienna, and that the majority of those who attend Mass choose to do so within German Speaking parishes.²

It is vital that the Church responds to this issue in many ways, but this work is concerned with the Pastoral care of those who do not speak German as a first language.

The basic building block of Catholic life is the Parish. Each Catholic lives in, and belongs to, a territorial parish. This Parish has been erected by the competent Ordinary and is under the care of a Parish Priest.

For the majority of believers, this system works well, but for an ever-growing minority, it can cause problems. What if they wish to pray, and belong to, a community that worships in a language that is not the language of the country that they live in? (Be it English, Croatian, Arabic, or Latin.) What if they belong to an Eastern rite but live within in the territory of a Latin Rite circumscription, or vice versa.

Within the Latin and Eastern Codes there are various solutions offered as a possible solution to these challenges.

This work will consider the various models that are found in the Foreign language communities within the Archdiocese of Vienna and propose some models that might be useful.

While this work will predominately be concerned with Latin rite communities, it must inevitably also consider the position of the growing number of Eastern-rite communities found in the Archdiocese. (Although these are within

¹ Statistisches Jahrbuch : Migration & Integration. Zahlen, Daten, Indikatoren 2020. Page 118
https://www.bundeskanzleramt.gv.at/dam/jcr:6c239354-7917-49b7-9916-93d6c1c82c77/Statistisches_Jahrbuch_Migration_und_Integration_druckversion.pdf (Accessed 09/09/20)

² <https://www.erzdioezese-wien.at/site/home/nachrichten/article/86504.html> (Accessed 30/09/20)

the territory of the Archdiocese of Vienna, they belong to the recently erected *Ordinariate for the Faithful of the Catholic Eastern Churches in Austria*.³⁾

This paper will consider the questions of History, Jurisdiction, Administrative and Financial Practices.

2. Foreign language communities in the Archdiocese of Vienna.

The *Schematismus* of the Archdiocese of Vienna lists Foreign language communities under four distinct categories: Europäischer Raum, Sprachgemeinden, Ritengemeinden and ARGE AAG (Arbeitsgemeinschaft der Gemeinden aus Afrika und Asien).

The distinctions are not always obvious, and to some extent reflect the historic development of the community it serves rather than providing a framework for the differing natures of the different communities.

2.1 Europäischer Raum

These communities generally serve the pastoral needs of the faithful from one European country. All of the communities (except for the Albanian Community) are historic and are the result of the movement of peoples during the Monarchy. For example, a Mass for Czech speakers has been celebrated in Maria am Gestade, 1010 Wien for over 200 years. The Albanian community is newer and is the result of more recent migration. (The community celebrated its 25th Anniversary in 2018).

The eight communities in this category are Albanian, Italian, Croatian, Polish, Slovakian, Slovenian, Czech, Hungarian.

Within this group, there are vast differences in the number of faithful, in their status, and property ownership.

2.2 Sprachgemeinden

These three groups, English, French and Spanish, encompass communities that gather together based on a common language rather than a shared nationality. These were generally founded, at least in their current form, during the occupation period following the Second World War.

³ Ordinariat für die Gläubigen der katholischen Ostkirchen in Österreich

2.3 Ritengemeinde

Not all of the Eastern rite churches are included in this section, rather just the communities that have historic roots in Vienna. Two Byzantine communities are listed, Ukrainian and Rumanian, along with the Armenian Community.

2.4 ARGE AAG (Arbeitsgemeinschaft der Gemeinden aus Afrika und Asien).

With the exception of the Filipino and English speaking African communities, this consists of a large group of small communities that have developed to meet the needs of migrant communities who have moved to Vienna in the past 20-25 years. This structure was created in 1983 to support and guide these small communities.⁴ There are 11 overarching regional or continental communities, with some having branches in differing languages. It also includes several Oriental rites

- i) International community
- ii) African Community
 - a. English speaking
 - b. French speaking
 - c. Swahili speaking
 - d. Akan speaking (Ghana)
- iii) Chinese community
- iv) Indian community
 - a. Syrobalabar rite
 - b. Syromalankar Rite
 - c. Tamil speaking
 - d. Sinhala speaking
 - e. Bengali Speaking
 - f. Malayalam Speaking (Latin rite)
- v) Indonesian Community
- vi) Japanese Community
- vii) Korean Community
- viii) Latin American Community

⁴ Cf. <https://www.erzdioezese-wien.at/argeaag>

- a. Spanish Speaking
 - b. Portuguese Speaking
- ix) Filipino Community
- x) Vietnamese Speaking
- xi) Communities from the Near and Middle East
 - a. Chaldean
 - b. Maronite
 - c. Melkite
 - d. Persian-Afghan

2.5 Summary

Within the City of Vienna, Masses are celebrated, and pastoral care is regularly available in around 30 languages, not just in the Latin rite, but also in most of the Eastern Rites as well.

3. Codes of Canon Law

3.1 CIC/17

In the 1917 code, the legislator decrees that each Diocese is to be “divided up into distinct territorial parts”⁵ that are to be called parishes. (Within an apostolic vicariate or apostolic prelate, these divisions should be called *quasi-parishes*.⁶)

While no definition of the requirements for a parish is given in the code itself, Bouscaren in his commentary argues that the defining characteristics of a Parish are “a Church, pastor and people.”⁷

In addition to this territorial vision, the fourth section of canon 216 provides that:

Parishes based on diversity of language or nationality of the faithful found in the same city or territory cannot be constituted without special apostolic indult, nor can familial or personal parishes; as to those already constituted, nothing is to be modified without consulting the Apostolic See.⁸

As is clear from this concession from the norm of territoriality, it was possible to create parishes especially for the needs of different languages or nationality.

⁵ CIC/17 216§1

⁶ CIC/17 216§3

⁷ BOUSCAREN. p.152.

⁸ CIC/17 216§4

Many personal parishes were created in the United States, as National Churches, in the late 1700s and early 1800s as a response to the influx of mainly European immigrants. The first such national parish was erected in 1789 in Philadelphia for the German community.⁹ The fact that the privilege was reserved to the Holy See suggests that it was not envisaged to be a standard or ordinary occurrence. In 1964 Walter Clancy in a short article in *The Jurist* considered the case of a “Non-territorial Negro parish.” While the language is somewhat abhorrent from today’s point of view, he underlines that the non-territorial parish is indeed a privilege:

“Only for reasons of necessity or expediency have national or personal parishes been established, and then always for the personal benefit of the group so privileged. The fact that an indult is needed to establish such parishes indicates that the law looks upon them as temporary adjustments. To belong to the territorial parish is the right and duty of the faithful in general; to be a member of a parish mentioned in canon 216, § 4, is a privilege granted to certain of the faithful in special circumstances.”¹⁰

However, this model was widely used in the USA during the time that it was still Mission territory, and was seen as a solution to the challenging question of pastoral care in a foreign language.¹¹ (It is worth noting that most parishes in the United States were not canonical Parishes until after the 1917 code took effect.)

This canon was also commonly used in the United States and the United Kingdom to create University parishes, which provide pastoral care for the Students and staff of a University.^{12 13}

Paul VI in his 1966 Apostolic letter *Ecclesiae Sanctae*, written to bring into effect the changes mandated by the Second Vatican Council, abolished the need for an Indult from the Holy See to erect a personal parish. “The bishop of the diocese on his own authority can establish or suppress parishes or change them in any way after

⁹ <https://philadelphiaencyclopedia.org/archive/roman-catholic-parishes/> (Accessed 12.08.2020)

¹⁰ CLANCY. While as noted above the language of this article is no longer acceptable, it is also interesting to see that the Diocese of Pittsburgh intends to create a new personal parish for Black Catholics. <https://angelusnews.com/news/nation/pittsburgh-diocese-to-open-personal-parish-to-serve-black-catholics/> (Accessed 20.08.2020)

¹¹ Cf Liptak, Dolores. "The National Parish: Concept and Consequences for the Diocese of Hartford, 1890-1930." *Catholic Historical Review* 71, no. 1 (1985): 52-64.

¹² Cf William Nessel, “The University Parish” (1968) 23.3 *Jurist* 298-308.

¹³ CIC/82 c. 813 suggests, or provides, for the creation of a University Parish. “The diocesan Bishop is to be zealous in his pastoral care of students, even by the creation of a special parish...”

consultation with the council of priests.”¹⁴ *Christus Dominus*, the council decree concerning the work and ministry of Bishops, that made this change necessary, notes that when it is useful “provision should be made for the faithful of different language groups, either through priests or parishes of the same language.”¹⁵

3.2 CIC/1983

As has been seen the 1917 code views the Parish very much in terms of the Pastor, his Church, jurisdiction and territory.¹⁶

The 2nd Vatican Council in the Constitution on the Sacred Liturgy, describes the parish community as “grouping of the faithful.... set up locally under a Pastor”¹⁷ and in *Lumen Gentium* that “local congregations of the faithful, united with their pastors, are themselves called Churches.”¹⁸

Following this new vision of ecclesiology presented by the Second Vatican Council, the 1983 code gives a very different sense of the parish and its purpose:

A parish is a certain community of the Christian faithful stably constituted in a particular church, whose pastoral care is entrusted to a pastor (*parochus*) as its proper pastor (*pastor*) under the authority of the diocesan bishop.¹⁹

The focus here is on a stable community being cared for by their pastor. The new code continues with the presumption that parishes “as a general rule” should be territorial.²⁰ However, the use of personal parishes is far more permissive:

When it is expedient, however, personal parishes are to be established determined by reason of the rite, language, or nationality of the Christian faithful of some territory, or even for some other reason.²¹

¹⁴ Paul VI, *Apostolic Letter issued Moto Proprio Ecclesiae Sanctae*, AAS 58 (1966) p757-787. English Translation found at http://www.vatican.va/content/paul-vi/en/motu_proprio/documents/hf_p-vi_motu-proprio_19660806_ecclesiae-sanctae.html (Accessed 12.08.2020)

¹⁵ Vatican II, *Decree concerning the Pastoral Office of Bishops in the Church Christus Dominus*, 23.3 AAS 58 (1966) p673-696. English Translation found at https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651028_christus-dominus_en.html (Accessed 12.08.2020)

¹⁶ CIC/17 216§1 “The territory of every diocese is to be divided up into distinct territorial parts, to each part a specific church and determined population are assigned, with its own rector as its pastor, who is over it for the necessary care of souls”

¹⁷ SC 42

¹⁸ LG 26

¹⁹ c.515 §1.

²⁰ c.518

²¹ Ibid.

It is for the Bishop, after hearing his presbyterial council to “erect, suppress or alter parishes.”²²

In 2010 Cardinal Justin Rigali erected a ‘national’ parish for Spanish speakers in his Archdiocese of Philadelphia, it was the 32nd such parish in the diocese.²³ “The other 31 national parishes throughout the archdiocese, according to the chancery, include 13 Italian parishes, nine Polish parishes, three Slovak parishes, three Lithuanian parishes, two German parishes and one Korean parish.”²⁴

4. Norms for Pastoral Work with Migrants.

The term ‘Migrant,’ at least in English, gives a sense of people urgently on the move, in order to avoid war, economic oppression, or natural disaster. It is often (incorrectly) used as a synonym for refugee. This, however, doesn’t reflect the situation found in most of the Foreign language communities in Vienna, where people have been resident for many years. (Although of course, it is very accurate in the case of some of the very new communities.) Nevertheless, as ‘migrant’ is the term that the Holy See uses in its documents, it will be used in this section.

4.1 Universal Norms

4.1.1 *Exsul Familia Nazarethana*²⁵

Pius XII, in his 1952 Apostolic Constitution *Exsul Familia Nazarethana*, discusses the rising levels of migration across the world in the years both before, during and after the two world wars. He notes the Church’s growing response to this migration. In addition to his concerns for Italian migrants, he comments on the various ecclesial circumscriptions that had been erected to support Eastern rite Catholics in their native Rites and Languages in various parts of the world. This became necessary as they left their ‘patriarchal homeland.’ In order to bring about some uniformity in pastoral structures across the world, he promulgated new “Norms for the Spiritual Care of Migrants,”

²² c.515 §2.

²³ <https://web.archive.org/web/20101115123936/http://www.americancatholic.org/news/report.aspx?id=3305> (Accessed 12.08.2020)

²⁴ Ibid.

²⁵ EXSUL (The numbering of the Norms for the Spiritual Care of Migrants is falsely numbered in the English translation. The numbering of the Latin text has been used.)

Pius XII gives the Consistorial Congregation²⁶ exclusive authority over “everything pertaining to the spiritual welfare of migrants of the Latin rite, wheresoever they may have migrated.”²⁷ When migration is to the counties governed by *Propaganda Fide* or the Congregation for the Oriental Churches they must be consulted. Equally the Congregation has the responsibility to provide for Oriental rite Catholics moving outside of the jurisdiction of the Congregation for the Oriental Church.²⁸

In an effort to control the flow of Priests abroad, Pius XII rules that the Consistorial congregation “alone can authorise priests to migrate from Europe or Mediterranean regions to other lands overseas.”²⁹ The norms for a priest to incardinate into a new diocese are set out. This was in part to restrict migration of priests as *vagi* to other countries, but also to control the flow; ensuring that only authorised ordained Clergy could travel to a diocese in another country and take up an appointment, and then only with the explicit agreement of both the sending and receiving Bishops. The need for a full report about the Priest’s history was vital, to ensure that Priests were not sent to mission territories in order to solve problems for the sending Bishop, and thus creating more for the receiving Bishop.³⁰

Also contained in the document is the requirement for an Apostolic Indult to “establish special nationality parishes for the benefit of immigrants.” (This requirement, as previously noted, was abolished in 1966.)

In chapter 4 of the norms, entitled ‘The spiritual care local Ordinaries are to provide to Aliens,’³¹ the relationships between the Priests sent to look after Migrants, and the local Ordinary are explained. So that migrants were treated on the same basis as the local people, the Lawgiver decrees that it is necessary that their Pastors have the same rights as the territorial Parish Priests have.

“A missionary to migrants, supplied with such authority in exercising the care of souls, is to be considered equal to a pastor. He therefore possesses, making due allowances, the same faculties for the spiritual care as a pastor and is

²⁶ Now called the Congregation of Bishops.

²⁷ EXSUL, Norms 1 §1

²⁸ Ibid. Norms 1 §2

²⁹ Ibid. Norms 3. § 1. 1°

³⁰ Cf. FUS Edward, *Priest emigrants under the Constitution “Exsul Familia”* in *The Jurist* vol 16 no 14 1956. p 359-386.

³¹ In ‘English’ English the term „Alien” brings to mind Extraterrestrial beings, in US English it is a common term to describe a person from a Foreign country, particularly one living without legal documents. The Latin *alienigenas* would be better translated in this place as Migrants.

bound by the same obligations and held to the requirements of the common law.”³²

4.1.2 *De Pastoralis Migratorum Cura*³³

The language of this document is in stark contrast to *Exsul Familia Nazarethana*. It is no longer a beneficent Church responding to peoples moving to new countries; instead the General Principles found in Chapter 1 are an insightful reflection on the rights of those who need to seek a new homeland. Following the example of the documents of the Second Vatican Council, we see in this document the language of Human rights: Respect for the Fundamental Rights of the Human Person, the Right of having a Homeland, The Right of Emigrating.

In Chapter II structural norms are given for the coordinating work of the Sacred Congregation of Bishops. Chapter III encourages Bishops’ Conferences to establish local structures or secretariats to coordinate pastoral work with migrants. It establishes the role of a “National Director,” who is responsible for coordinating the needs of the local church with Bishops who might be willing to send Priests.

Chapter IV is concerned with the role of the local Ordinary. Several models are presented for organising the work of a community for migrants (which today would be called a foreign language community.)

i. The erection, by the Ordinary, of a Personal Parish,³⁴ where the number of people suggests that this is necessary.

ii. *Missio cum cura Animarum*³⁵ (Mission with the care of souls). The document does not define what this term means or encompasses, however, it would seem to be of a transitory nature as it can be created “especially in those places where the migrating people have not yet taken up a stable residence.”³⁶ Footnote 53³⁷ refers to a declaration for the Sacred Consistorial Congregation which notes that the mission must have a defined area, and be given to a missionary who speaks the language of the people.

³² Ibid. Norms 35. § 1

³³ DPMC

³⁴ DPMC 33 § 1.

³⁵ Ibid. 33 § 2.

³⁶ Ibid.

³⁷ Ibid. Footnote 53. “Archdiocesan bishop in his diocese can, on his own authority, set up not only a personal parish but also a mission with the care of souls for faithful of a different language or nationality, provided that the territory of the said mission be clearly and suitably defined and that the care of the immigrant faithful be committed to a missionary for immigrants of their own language.”

iii. A mission attached to a territorial parish.³⁸

iv. A chaplain / Missionary can also be appointed for a defined area, but without any formal structure, or presumably, the faculties that come with one of the other models. (in effect *Missio sine cura Animarum*.)

Chapter V is concerned with the rights and responsibilities of the missionaries working with Migrants.

4.1.3 *Erga migrantes caritas Christi*³⁹

This instruction from 2004 attempts to bring up to date the Church's response to the everchanging situation of Migration in the world. It is also the first document to comprehensively consider Migration since the publication of the 1983 Code of Canon Law and the 1990 Code for the Eastern Churches. Hence, it updates the norms found in *De Pastoralis Migratorum Cura* to ensure compliance with the Church's new legal framework. Most of the document is a reflection on the changing nature of migration and the challenges of mission. Paragraphs 91-92, entitled 'Pastoral structures' reflects that the various canonical structures suggested in *De Pastoralis Migratorum Cura* may not always provide the appropriate structure and that there might also be the need for:

Informal, perhaps spontaneous, pastoral arrangements deserve to be recognised and encouraged within ecclesial circumscriptions, independently of how many people benefit from them, if only to avoid the danger of improvisation and isolated and unsuited pastoral workers or even of sects.⁴⁰

There is also an acknowledgement that these could take place "even without specific canonical institutions."⁴¹

The norms (Juridical Pastoral regulations) set out in more detail than *De Pastoralis Migratorum Cura* the nature of the Personal Parish and a *missio cum cura animarum*.

The Personal parish must be carefully defined by the Diocesan bishop, and the faithful are free to choose which parish they belong to, the personal or the

³⁸ Ibid. 33 § 3.

³⁹ *Erga Migrantes*

⁴⁰ Ibid. 92.

⁴¹ Ibid.

territorial where there live. The Priest entrusted with this parish has all the rights and responsibilities of a territorial Parish Priest.⁴²

The *missio cum cura animarum* is presented in a manner that allows it to be very flexibly put into service. Like a personal parish, its boundaries must be carefully defined. While it would appear to be limited to “one or more parishes”⁴³ there would seem to be nothing to stop its territory encompassing a deanery, or even a whole Diocese. Importantly because the Priest is ‘juridically equivalent to a parish priest’⁴⁴ he has faculties to assist at the marriage of people belonging to his mission. The final norm in this section, Article 7§5, presents an interesting possibility. A *missio cum cura animarum* can be annexed to a territorial parish “especially when the latter is entrusted to members of the same institute of consecrated life or society of apostolic life as those who are caring for the spiritual assistance of the migrants.”⁴⁵ Thus allowing the partial integration of the Community with a territorial parish, and facilitating the combined work of the Religious Institute.

One change from the time of *De Pastoralis Migratorum Cura* is that the responsibility for providing Spiritual Care and priests for communities now rests with the Diocesan Bishop, assisted by the National Director, and no longer the Consistorial Congregation / Congregation for Bishops. This can be seen as a worthwhile application of the principle of Subsidiarity.

The norms contained in Art 22 describe the functions of the newly created Pontifical Council for the Pastoral Care of Migrants and Itinerant People using words such as ‘guide,’ ‘promote,’ ‘study.’ The role of the Holy See is no longer to control this work, instead to provide some measure of central coordination.

4.2 Particular Norms

While this work is concerned with the situation of Foreign language communities in the Archdiocese of Vienna, that is to say in Austria, this section will consider the Particular Norms not just of Austria, but also for purposes of comparison Germany and Switzerland. None of the large English-speaking Bishops’ Conferences has published any particular norms.

⁴² Ibid. Juridical Pastoral Regulations Art. 6.

⁴³ Ibid. Juridical Pastoral Regulations Art. 7.

⁴⁴ Ibid.

⁴⁵ Ibid.

4.2.1 *Pastoral und rechtliche Richtlinien für die fremdsprachige Seelsorger in Österreich.*⁴⁶

In 1988 the Austrian Bishops Conference published their ‘Pastoral and Legal guidelines for Foreign language communities,’ detailing how *Pastoralis Migratorum Cura* and *De Pastoralis Migratorum Cura* should be implemented within the Austrian Dioceses.

When describing the different forms of community, the document does not use the terms found in the documents of the Universal Church (for example *Missio cum cura Animarum* or Missionary). Instead, it differentiates two types of Community, those with their own Registers (*mit Matrikenführung*) and those without (*ohne Matrikenführung*.) It also allows space for foreign priests who are studying at Austrian universities to work pastorally with people thier land or language.⁴⁷

4.2.1.1 *mit Matrikenführung*

These communities are defined as:

“Die fremdsprachige Gemeinde mit Matrikenführung ist hier zu verstehen als eine personal und territorial umschriebene Seelsorgseinheit, die katholische Gläubige einer nichtdeutschen Sprachgruppe in einem Gebiet einer österreichischen (Erz-)Diözese umfasst, deren Leiter die pfarrlichen Vollmachten gegenüber den fremdsprachigen Gläubigen kumulativ mit dem Pfarrer der jeweiligen österreichischen Ortschaft (Wohnsitz) dieser Gläubigen ausübt.”⁴⁸

Although the language appears to be conspicuously avoided, this would seem to the vision of a *missio cum cura animarum* seen in *De Pastoralis Migratorum Cura*.

4.2.1.2 *ohne Matrikenführung*

These communities are defined as:

Die fremdsprachige Gemeinde ohne Matrikenführung ist die gleiche Seelsorgseinheit, deren Leiter jedoch keine pfarrlichen Vollmachten gegenüber den Gläubigen seiner Seelsorgestelle hat.⁴⁹

⁴⁶ ÖBK

⁴⁷ Ibid. Art. 1.4

⁴⁸ Ibid. Art 1.2 “The Foreign Language communities with responsibility for their own Sacramental Registers is to be understood here as a defined personal and territorial Pastoral unit, which includes a non-German speaking group of Catholic Faithful of an area in an Austrian (Arch-)Diocese, whose Pastor holds the same faculties as, and cumulatively with, the Parish Priest of the Territorial parish were the faithful live.”

⁴⁹ Ibid. 1.3 “The Foreign Language Communities without Sacramental Registers is the same Pastoral unit, but its Pastor has no faculties concerning the faithful of the Pastoral Unit.

Again, the usual language is avoided but would seem to point to a Chaplaincy referred to in canons 564ff.

The usage of terms is somewhat fluid in Austria, with Vienna preferring to call the first category a *Rektoratskirche* or a Mission and granting them a *pfarrenummer*.

It is also important to note that in Austria there are several official minority languages, such as Croatian in Burgenland, and Slovenian in Kärnten, that are protected by the constitution. These are not considered foreign language communities in these areas, even though outside of the areas where they have been historically spoken, such as Vienna, they are.

4.2.2 Rechte und Pflichten des Seelsorgers für Anderssprachige in der Schweiz.⁵⁰

The Swiss Bishops have explicit norms that define three possible forms of Foreign language missions that are to be found in Switzerland, and the rights and responsibilities of each relating to Sacramental faculties, how sacraments are to be recorded, and the administrative controls that are in place.

Foreign language communities must be erected by a formal decree of the Diocesan Bishop,⁵¹ as one of the following three possibilities: Personal Parish, *missio cum cura animarum*, or as a Chaplaincy. Importantly it notes that the Personal Parish and *missio cum cura animarum* have Juridical personality (c. 114), while a Chaplaincy does not. It describes the three in the same language as *Erga migrantes* noting that the Faithful are free to choose which community they belong to, either the special community for their language, or to the Territorial parish where they live. The norms explicitly reference financial accountability of the community for the use of offerings. It notes that the Foreign language pastor also has an obligation to live, as with a Parish Priest, ‘near the church’ or some other suitable place. (c.533 §1.)⁵²

4.2.3 Pastorale und rechtliche Rahmenleitlinien für die Ausländerseelsorge⁵³

⁵⁰ SWISS

⁵¹ Ibid. Art. 5

⁵² Ibid. Art 69. The Norm falsely quotes c. 533§ 2 when speaking of the Priest’s *Residenzpflicht*.

⁵³ DBK

In 1986 the German Bishops Conference (DBK) recommended guidelines that could be put into force by each Diocesan Bishop. For Munich and Freising they took effect in September 1988. While not mentioning the possibility of using Personal parishes, it defines two types of Foreign language communities, using similar language to the Austrian Bishops Conference.

4.2.3.1 Missio cum cura animarum

“ist hier zu verstehen als eine personal und territorial umschriebene Seelsorgseinheit, die katholische Gläubige einer ausländischen Nation in einem bestimmten Gebiet einer deutsch (Erz-)Diözese umfaßt, deren Leiter die pfarrlichen Vollmachten gegenüber den ausländischen Gläubigen kumulative mit dem Pfarrer der jeweiligen deutsch Ortspfarrei (Wohnsitz) dieser Gläubigen ausübt.“⁵⁴

The Rector (leiter) of the mission, has full, cumulative, jurisdiction over those included in the decree of erection for his community, and his appointment. This includes all that is necessary for marriage and the other sacraments.⁵⁵ He has an obligation to live in his territory but does not have an obligation to offer mass *pro populo*.

4.2.3.2 Missio sine cura animarum

“ist die gleiche Seelsorgseinheit, deren Leiter jedoch keine pfarrlichen Vollmachten gegenüber den ausländischen Gläubigen seiner Seelsorgerstelle hat.“⁵⁶

This is the Chaplaincy referred to in canons 564ff.

The DBK published another document in 2003,⁵⁷ which is a reflection on the nature of migration, and above all, the need for integration. While it suggests various models for local implementation, it does not mandate any particular solutions or create any particular law.

Many Dioceses have created their own regulations, for example, the diocese of Limburg, which in a very practical provision mentions that the territory of the community could extend beyond the boundaries of the Diocese, with the agreement

⁵⁴ Ibid. Einleitung 1.1 „Missio cum cura animarum is to be understood as a personal and territorial circumscribed pastoral unit, that contains the Catholic Faithful from foreign lands in a particular area of a German (Arch-)Diocese, whose Rector (Leiter) exercises shared (cumulative) Jurisdiction with the respective Parish Priest of the German Parish where they live.”

⁵⁵ Ibid. 13

⁵⁶ Ibid. 1.2

⁵⁷ Deutschen Bischofskonferenz, *Eine Kirche in vielen Sprache und Völkern. Leitlinien für die Seelsorge an Katholiken anderer Muttersprache*.

https://www.bistumregensburg.de/fileadmin/redakteur/PDF/Leitlinien_fuer_die_Seelsorge_an_Katholiken_anderer_Muttersprache.pdf Accessed 03/09/20

of the other Diocesan Bishop(s). This could be very useful where a Priest looks after several smaller communities, which stretch over the diocesan boundaries.⁵⁸ (This is the case with the Albanian Chaplain based in Vienna, who has pastoral care for smaller communities in several other Austrian dioceses, as well as in Prague and Bratislava.)⁵⁹

In Berlin, where Mass is celebrated in 19 languages, and where 35.4% of the Catholics are non-German,⁶⁰ there is a process of restructuring into larger pastoral areas. The norms state that the foreign language communities will be a part of this process and will find a ‘home’ in one of these areas while retaining their existing status as either *missions cum* or *sine cure animarum*. The Priest will then become a Vicar of the Parish with responsibility for the foreign language community. The norms also give details of the financial support that the diocese will give to each community.

5 Excursus - Forms of Personal Jurisdiction

5.1 Introduction

As has been previously discussed concerning parishes, the view of a diocese or particular Church was, in the 1917 code based on territory. This was a long-standing tradition reaching back to the early church, and its practice of one Bishop for one city. The Fourth Lateran council colourfully forbade more than one Bishop in a city or diocese saying, “We altogether forbid one and the same city or diocese to have more than one Bishop as if it were a body with several heads like a monster.”⁶¹ *Christus Dominus*, the Second Vatican council’s Decree on Bishops, when speaking about dioceses or particular Churches does not mention territory, instead describes it as, “a portion of the people of God which is entrusted to a bishop to be shepherded by him with the cooperation of the presbytery.”⁶² This, of course, blends well with the description of a parish found in c.515 §1.

⁵⁸ Ibid. §1 (2)

⁵⁹ Cf. <http://www.misioni.at/>

⁶⁰ Cf. <https://www.erzbistumberlin.de/wir-sind/muttersprachliche-gemeinden/>

⁶¹ Fourth Lateran Council, Canon 9. English text found at <https://www.papalencyclicals.net/councils/ecum12-2.htm> (accessed 27/08/20)

⁶² *Christus Dominus*, 11.

In the 1983 code, the Lawgiver provides for dioceses to be erected on a non-territorial basis, or rather sharing the same territory as another diocese.⁶³

5.2 Ordinariates.

5.2.1 Military ordinariates.

In 1951 the Consistorial Congregation, in *Sollemne Semper*⁶⁴ formalised the structures and faculties of Military Vicariates and their Vicars. The Vicar was given personal, but not ordinary jurisdiction over those described in the Consistorial Congregation's decree. So, this in no way exempted people from the authority of the local Ordinary. The Vicariate was the forerunner of the Military Ordinariates created by Pope John Paul II through his 1986 Apostolic Constitution *Spirituali Militum Curae*.⁶⁵ These Ordinariates "juridically comparable to (a) diocese, are special ecclesiastical territories, governed by proper statutes issued by the Apostolic See."⁶⁶ These ordinariates are created at the level of the nation-state, and so might encompass more than one Bishops' conference. For example, the Bishopric of the Forces in the United Kingdom covers the territory of two Bishops' Conferences (England and Wales, Scotland⁶⁷), but also anywhere else in the world where "the British Military are serving"⁶⁸

The norms, when considering the jurisdiction of the Military ordinary, note that he holds three types of Jurisdiction:

1. Personal, in such manner that it can be exercised in regard to the persons who form part of the Ordinate, even if at times they are beyond the national boundaries;
2. Ordinary, both in the internal and external forums;

⁶³ c. 372

⁶⁴ "*Iurisdictio qua fruitur Vicarius Castrensis est personalis, in subditos nempe extenditur dumtaxat, qui in Consistoriali Decreto erectionis sui cuiusque Vicariatus Castrensis recensentur, etiam si iidem in militum stationibus et in locis militibus peculiariter adsignatis, commorentur. Vicarii Castrensis iurisdictio non est exclusiva, ideoque personas, stationes ac loca militibus reservata (idest : militaria contubernia, navalia armamentaria, aëroportus, nosocomia militaria, etc.) ab Ordinarii loci potestate minime subtrahit : quae iurisdictio nullo modo exemptionem, nec munus cappellani militum a dioecesi excardinationem parit.*" *Sollemne Semper*. II

⁶⁵ John Paul II, *Apostolic Constitution Spirituali militum curae*. AAS 78 (1986), pp. 481-486. English Translation found in *Archdiocese for Military Services, Priest's Manual (Appendix)* <http://files.milarch.org/clergy/ams-priest-manual-appendix.pdf> (Accessed 20/08/20)

⁶⁶ Ibid. Norm I. Para I.

⁶⁷ In reality the Bishopric also covers part of the territory of the Bishops Conference of Ireland, which is one body for the Republic of Ireland and Northern Ireland (part of the United Kingdom). For political reasons this would be not normally be acknowledged.

⁶⁸ Bishop's Welcome. <https://www.rcbishopricforces.org.uk/> (Accessed 20/08/20)

3. Proper, but additional to the jurisdiction of the diocesan bishop, because the persons belonging to the Ordinariate do not cease to be the faithful of that local Church of which they are members by reason of domicile or rite.⁶⁹

The Norms for the Archdiocese for Military Services (the Military Ordinariate for the United States of America), describe the jurisdiction as two-fold, Personal and Territorial.⁷⁰ Personal, in that the personal authority of the ordinary encompasses all under his jurisdiction, wherever in the world they live.⁷¹ Territorial, in that it covers “military installations, U.S. diplomatic and government missions abroad, and Veterans Administration facilities.”⁷²

The norms describe this jurisdiction as Cumulative,

with the jurisdiction of territorial dioceses and parishes within which the military installation lies, since people in the military retain their Rite (Latin, Byzantine, etc.) and reside within a particular geographic diocese.⁷³

5.2.2 Ordinariates preserving the Anglican Patrimony

Since Pope Benedict’s 2009 Apostolic Constitution *Anglicanorum Coetibus*,⁷⁴ three Ordinariates have been created to look after the pastoral care of those who have converted from the Anglican / Episcopal Churches (in England & Wales/Scotland, Australia/New Zealand/Japan and United States of America/Canada.) This structure allowed for groups of people (that is to say, parish groups) to enter into full communion with the Catholic Church along with their (former Anglican) Pastor and remain as a worshipping community. As with the Military ordinariates it is ‘juridically comparable with a diocese.’⁷⁵ However, unlike the Military ordinary, or a Diocesan Bishop, the Ordinary in this case possesses not Proper *potestas*, rather Vicarious. (This is comparable with the status of an Apostolic Vicar, Apostolic

⁶⁹ *Spitituali milium curae* Norm IV.

⁷⁰ *Archdiocese for Military Services, Priest’s Manual* Norms 2.2ff

⁷¹ Those subject to the Archdiocese for Military Services in the United States of America are wide ranging. Including: Members of the US Military on Active duty at home or abroad, patients in Veteran’s facilities, Diplomats serving overseas, Cadets at military academies. See Ibid. Norms 2.3.2 ff It is also interesting to note that Eastern rite Catholics are also immediately subject to the Archdiocese. (2.3.3)

⁷² Ibid. Norms 2.2.2

⁷³ Ibid. 2.2.3

⁷⁴ Benedict XVI, Apostolic Constitution *Anglicanorum Coetibus*. AAS (101) 2009 p.985-990. English Translation found at http://www.vatican.va/content/benedict-xvi/en/apost_constitutions/documents/hf_ben-xvi_apc_20091104_anglicanorum-coetibus.html (Accessed 20/08/20)

⁷⁵ Ibid. I. §3

Prefect, or Apostolic Administrator (of an Apostolic administration) where they have vicarious *potestas* as they “govern it in the name of the Supreme Pontiff”⁷⁶)

In the three cases mentioned in c.371, and in an Ordinariate created under the Norms of *Anglicanorum Coetibus*, the Ordinary⁷⁷ does not need to be a Bishop and is often a Priest. For the same reason, these circumscriptions have ‘principal Churches’, rather than Cathedrals. The Ordinary of the Ordinariate of Our Lady of Walsingham in the United Kingdom, Msgr Keith Newton, is married, and a former Anglican Bishop, so could not be ordained to the Catholic Episcopacy. On the other hand, Bishop Steven Lopes, the second Ordinary of the Ordinariate of the Chair of St Peter in the US and Canada, is not married and could therefore be ordained a Bishop.⁷⁸

The *potestas* of the Ordinary is a mixture of that of a Diocesan bishop and the Provincial of a Religious order. For example, the Ordinary (like a Provincial,⁷⁹ but unlike a Diocesan bishop) requires the consent of his Governing council to admit a candidate for Holy Orders.⁸⁰ As we have seen before, his power “is to be exercised jointly with that of the local Diocesan Bishop.”⁸¹ This is also seen as a reflection of the Anglican patrimony that uses a Synodal system.

While the membership of the Military ordinariate is defined by the Apostolic constitution erecting it, membership of an Ordinariate erected through the norms of *Anglicanorum Coetibus* is gained by a written declaration seeking membership,⁸² thus not every Anglican that joins the Catholic Church is automatically enrolled, or indeed must, join the Ordinariate. They are free to worship in any Catholic Church and remain solely under the jurisdiction of the Territorial Bishop if they choose.

5.2.3 Ordinariate for the Faithful of the Eastern Churches.

⁷⁶ c.371

⁷⁷ Whether he has the title of Apostolic Vicar, Apostolic Prefect, Apostolic Administrator, or Ordinary.

⁷⁸ The Ordinariate Website says that with the installation of it First Bishop the Principal Church has become a Cathedral. <https://ordinariate.net/cathedral> (Accessed 20/08/20)

⁷⁹ For example “The Provincial Superior, with the consent of his ordinary provincial council, has the power: M05 of admitting candidates to the novitiate” Congregation of the Most Holy Redeemer, *Directorium Superiorum*, Fifth Edition, Rome 2018. Art M05.

⁸⁰ Congregation for the Doctrine of the Faith, *Complementary Norms for the Apostolic Constitution Anglicanorum Coetibus* Art 12 § 2. (AAS 111 not yet published) http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20190319_norme-anglicanorum-coetibus_en.html (Accessed 20/08/20)

⁸¹ *Anglicanorum Coetibus* Art V.

⁸² Ibid. Art IX

Six national ordinariates have been erected for the faithful from Eastern Churches. These are to be found in Argentina, Austria, Brazil, France, Poland and Spain. Each is dependent on the Congregation for the Oriental Churches, and their Ordinaries are usually the Archbishop of the Capital city.

They are created by the Congregation for the Oriental Churches using the power granted in the CCEO:

In places where no exarchy has been constituted for the Christian faithful of a certain Church *sui iuris*, the hierarch of another Church *sui iuris*, even the Latin Church, of the place is to be considered the proper hierarch of these faithful, with due regard for the prescription of can. 101; if, however, there are several hierarchs, that one is to be considered their proper hierarch who has been appointed as such by the Apostolic See or, if it is a question of Christian faithful who belong to a patriarchal Church, by the patriarch with the assent of the Apostolic See.⁸³

The history and the status of the Austrian Ordinariate for the Eastern Faithful will be considered in section 8.3.1.

5.3 Apostolic Administrations

In 2002, the Congregation of Bishops canonically erected a Personal Apostolic Administration in Campos, Brazil; the decision of the Congregation to create “The Personal Apostolic Administration, St John Mary Vianney” was in response to a request by a priestly society who celebrated the Liturgy according to the Old Rite and were out of communion with Rome.⁸⁴ In the decree of erection, we see the use of the word Cumulative used to describe the *Potestas* of the Apostolic Administrator.

La potestà è:

- personale, così che può essere esercitata verso le persone che fanno parte dell'Amministrazione apostolica;
- ordinaria, tanto nel foro esterno quanto in quello interno;
- cumulativa con quella del Vescovo diocesano della diocesi di Campos in Brasile, poiché le persone appartenenti all'Amministrazione apostolica sono contemporaneamente fedeli della Chiesa particolare di Campos.⁸⁵

⁸³ CCEO 916§5.

⁸⁴ Congregation of Bishops, *Decree of Erection of the Personal Apostolic Administration, St John Mary Vianney*. AAS 94 (2002) 305-308. Italian translation <http://www.clerus.org/clerus/dati/2004-03/31-13/CostAmmA.pdf> Accessed 28/08/20.

⁸⁵ Ibid. Art V.

A footnote confirms that the *postesta* is Vicarious, not Proper.⁸⁶ Uniquely, this personal circumscription, shares the boundaries of just one territorial diocese, that of Campos Brazil.

5.4 Conclusion

These models of Personal Jurisdiction within the Church, although based around the Particular Church, show how jurisdiction is shared between two ordinaries. This provides a model that can helpfully be used for the relationship between the Priests responsible for foreign language and the territorial Parish Priest.

6 - Canonical models for Foreign language communities.

6.1 Introduction

As has been seen, there are several canonical structures presented in the canons and universal norms; this section will look at each in turn and consider their relative strengths and weaknesses.

6.2 Personal Parishes

The Parish, as a defined part of a Particular Church, is the basic building block of the Church's structure, would seem to be the most obvious status that a Foreign language community could strive towards. It is the normative form of Catholic life.

6.2.1 Characteristics

Canon 515 notes the characteristics of a parish: "a certain community ... whose pastoral care, under the authority of the diocesan Bishop, is entrusted to a parish priest as its proper pastor."⁸⁷ In a change from CIC/1917, there is no presumption of a Parish Church in the definition. The requirement for a Parish Church was not mentioned in any of *Schema* that lead up to CIC/83.⁸⁸ It is worth noting that later canons do presume a parish church as it is the proper place for Baptism⁸⁹, for Marriage⁹⁰, and for Funerals⁹¹. While not canonically necessary, it would seem

⁸⁶ Ibid. Footnote V

⁸⁷ c. 515 §1

⁸⁸ See Peters, *Incrementa in Progressu 1982 Codicis iuris canonici*, p. 472.

⁸⁹ c. 857§2

⁹⁰ c. 1118§2

⁹¹ c. 1177§1

prudent that a personal parish does have a Parish Church, even if it does not have exclusive use or control of the building. The need for a spiritual ‘home,’ a place where a community can belong, will be a strong force in the establishment of a parish.

To create a new Parish, the Bishop, after hearing his council of priests, can issue a decree of Erection. In the decree he must define its boundaries.⁹² Even a personal parish must have boundaries, regardless whether it encompasses the whole diocese or just a part of a diocese, for example, a city or a deanery. For a personal parish it must also define the membership of the Parish, the ‘certain community’, for example, all Polish-speaking Catholics and members of their family, or members of a particular eastern rite etc., or those wishing to use the Old rite of the Liturgy⁹³. Finally, there should be a parish priest.

The provision for a Personal parish, not based on territory is found in c.518:

As a general rule, a parish is to be territorial, that is, it is to embrace all Christ’s faithful of a given territory. Where it is useful, however, personal parishes are to be established, determined by reason of the rite, language or nationality of Christ’s faithful of a certain territory, or on some other basis.⁹⁴

The CCEO has a similar formulation:

“Generally, a parish is to be territorial, that is, it embraces all the Christian faithful of a certain territory; if however, in the judgement of the eparchial bishop, having consulted the presbyteral council, it is expedient, personal parishes are to be erected on nationality, language, enrollment of the Christian faithful in another Church *sui iuris* or even upon some other definite determining factor.’⁹⁵

6.2.2. Juridical Personality

When a Parish is created it has “juridical personality by virtue of the law itself.”⁹⁶ This brings about at the same time, in Austria at least, a civil law existence. This results in the ability to acquire, retain, administer and alienate temporal goods.⁹⁷ The parish then can have its own financial stability, and a greater say, in accordance with any diocesan rules, in planning for its own future. On the other hand, juridical

⁹² c. 515 §2

⁹³ c. 518

⁹⁴ c. 518

⁹⁵ CCEO 280§1

⁹⁶ c. 515 §2

⁹⁷ c. 1255.

persons are by their very nature perpetual.⁹⁸ Parishes are designed to be complicated to change. This could dissuade Bishops from creating personal parishes.

6.2.3 Longevity

In the USA, in the 1800s there was largescale immigration from Europe, mainly from Poland, Germany and Ireland, many personal, or national parishes were created. After 200 years, many of these large churches are now closing as they have only a few worshippers able, or willing, to worship in the mother tongue of their Great-grandparents, and many choosing instead to speak what by now is their mother tongue, English, the language of their host country. This is also partly due to a demographic shift of people moving out of the city centre to the suburbs.

In 2012 the National Survey of Personal Parishes was carried out in the 178 dioceses of the United States of America found that there were 1317 personal parishes in existence, which counted for 9% of all Catholic parishes. 61% of all dioceses have at least one. Most of those created since CIC/83 serve Asian American communities, notably Vietnamese and Korean.⁹⁹

While not a canonical question, a sense of ‘home’ can be very important to the people of a community, knowing that they have a permanent place in the work of the Diocese, and they are valued can have untold benefits to the self-understanding of the Community.

6.2.4 Finance

It would not be unreasonable to assume that a newly created Parish should be financially self-sufficient.

In the German speaking area, practical issues could surround the *Kirchenbeitrag/ Kirchensteuer* arise when a personal parish is created. Currently, the parish share of the contribution is calculated on a *per capita* basis on the number of registered Catholics living within the territory of the Parish. As the registration is operated by the State on behalf of the church, how could a member of a personal parish say that they belonged to a Personal parish? This would also raise similar questions from people who choose not to attend their proper parish church but choose

⁹⁸ c. 120 §1

⁹⁹ BRUCE. p.35.

to travel to another one, perhaps on the other side of the town or city. Could they not also choose that their contributions support the parish they attend and not the one they live in?

A peculiarity in Vienna is that, as a city with so many foreign diplomats, and people working for one of the many international organisations, in some of the foreign language communities, a substantial proportion of the community members do not have any tax liability in Austria and are therefore not obliged to pay the Kirchenbeitrag. (This applies mainly to the English and French speaking communities.)

6.2.5 Jurisdiction

As the Parish priest of a personal parish he can do everything that is proper to this office, including all that is proper to Marriage. At least one of the parties should be a member of the parish. Obviously, the requirements to keep the required registers (matrikenfuhren) c.535 will apply as well. As issues of jurisdiction can become complicated when a foreign language community is based in several different parishes, this could be a welcome solution.

6.2.6 Accountability

As a Parish, the community would be obligated to fulfil all the requirements that the Diocese imposes on it. This would include questions of accounting and finance, of having a Pastoral and a Finance council. As the parish has juridical personality, the ownership of property and questions of money become clearer. To be a parish also involves greater responsibility, as it will likely involve the need to take care of their building, and the costs concerned with operating it, and no longer just be making a donation or paying a fee to another parish, regardless of the fixed costs of the building. Being a parish also means that the community could reasonably be expected to be self-supporting and would, of course, be liable to be taxed a levy from the Diocese in accordance with c.1263.

6.3 *Quasi Parishes.*

6.3.1 Characteristics

In CIC/17 the term quasi-parish is used to describe the equivalent in an Apostolic vicariate or prefecture, to the parish within a diocese. It was seen as a temporary division of a mission territory, or of a territory not yet able to become a diocese.¹⁰⁰

In the 1983 code, the term *Quasi Parish* means something different. The form in the CIC/17 code that most closely relates to the CIC/83 vision of a Quasi Parish is the *Perpetual Vicariate*.¹⁰¹ Grounded in CIC/17 1427, provision was made for the Ordinary to separate a part of a parish from a Mother parish, and to appoint a Parish Vicar. This *vicaria perpetua* was a pastorally independent unit, but usually financially and administratively dependant on the Mother parish. In the Austria they were commonly called *Expositur*, and many examples still exist.

It would not be correct to suggest that the *Vicaria perpetua/Expositur* is an exact parallel with the CIC/83 vision of a Quasi-parish, as the Vicar / Expositus is still dependant on the Parish Priest (ie his Vicarious power is from the Parish Priest). However, Coccopalmierio is clear that the Quasi-parish replaces the former. “Terminus <<quasi-paroecia>> substituit terminum <<vicariam paroecialem>>”¹⁰²

The CIC/83 code defines the Quasi-Parish in the following terms:

“Unless the law provides otherwise, a quasi-parish is equivalent to a parish; a quasi-parish is a certain community of Christ’s faithful within a particular church, entrusted to a priest as its proper pastor but because of special circumstances not yet established as a parish.”¹⁰³

This canon appeared reasonably late on in the revision process of the code, in the 1980 *Schema Codicis* and appeared unchanged in the final code.¹⁰⁴

While the definition of the quasi parish in c.516 §1 is almost identical to that of a parish found in c.515 §1, there is one essential difference the quasi parish is entrusted to a ‘priest (sacerdoti) as its proper pastor’ and not a parish priest (parocho). Therefore, it is not correct to call the Priest a Parish priest, although certainly in the German speaking area, the title *Pfarrer* would often be granted.¹⁰⁵

¹⁰⁰ CIC/17 216 §3

¹⁰¹ Cf. GÄNSWEIN, *Expositur*, in LEXIKON 1, MAY, *Pfarrvikarie*, in LTK 8

¹⁰² COCCOPALMERIO, p. 52

¹⁰³ c. 516 §1

¹⁰⁴ See PETERS. p. 473.

¹⁰⁵ The Guidelines of the Diocese of Rottenburg-Stuttgart state “Als Leiter einer Gemeinde für Katholiken anderer Muttersprache ist der Priester Administrator mit dem Titel Pfarrer.” DIOCESE OF ROTTENBURG-STUTTGART, *Richtlinien für die Pastoral mit Katholiken anderer Muttersprache in den Seelsorgeeinheiten der Diözese Rottenburg-Stuttgart*.

González considers what the special circumstances might be that prevent a stable parish from being created and notes that:

some authors speak distinctly of intrinsic circumstances, like the lack of a fixed community (being formed by barely stable social groups: students, immigrants, nomads, or fugitives), absence of precise boundaries, the lack of a permanent priest to take charge of pastoral care, insufficiency of material means, etc.; and of extrinsic circumstances, like for instance opposition by the civil authorities to the creation of new parishes.¹⁰⁶

In his pastoral considerations he is pragmatic that a Quasi-Parish might never become a Parish and that this might be appropriate. i.e. it does not always need to be a *vorform* intended to become a parish.

The CCEO does not contain the concept of a quasi parish.

6.3.2 Juridical Personality

There is a difference of opinion regarding the Juridical personality of the Quasi Parish. German language sources such as Hallermann argue that the quasi parish does not have a Juridical personality,¹⁰⁷ and is of the opinion that as the quasi parish is temporary in nature; but Juridical persons, as we have already seen, are perpetual,¹⁰⁸ so it would seem to be contrary to the very nature, as a non-permanent entity, of the Quasi parish. (This is not to say that it would only last for a few months, or even years, but rather that it is not expected to have an eternal existence.) This could be because the community is growing but currently lacks the financial stability that might be deemed necessary to become a parish. As Hallermann notes in some countries civil authorities need to agree to a parish being established, and the Bishop might not choose to, or be able to, ask for this permission.¹⁰⁹

English and Italian sources consider that the Canons are clear in stating that the quasi parish does indeed have juridical personality.

In his Article on Quasi Parishes, Renkin, dismisses Hallermann's argument, noting that "Vicariates apostolic and prefectures apostolic are also provisional

https://recht.drs.de/fileadmin/user_files/117/Dokumente/Rechtsdokumentation/2/5/2/19_11_01a.pdf
(Accessed 20/09/20)

¹⁰⁶ GONZÁLEZ, *Elevation of a Quasi-Parish to a Parish*. in Boletín Eclesiástico de Filipinas, Vol 85 No 872, May-June 2009 p.312

¹⁰⁷ HdbKathKr. p.679

¹⁰⁸ c. 120 §1

¹⁰⁹ HALLERMANN, Quasipfarrei p. 322 in LEXIKON 3

structures, but are juridic persons nonetheless.”¹¹⁰ He further argues that while Juridic persons are, by nature, perpetual, this does not mean that they cannot be changed, merged or be dissolved.¹¹¹

Coccopalmerio agrees, but makes his argument from a different direction, quoting c.516 “unless the law provides otherwise, a quasi-parish is equivalent to a Parish.”¹¹² As c.516 is the only place in the code that the quasi-parish is mentioned, this must also mean that a quasi-parish obtains juridical personality by virtue of the law.

Estne quasi-paroecia persona iuridica ipso jure?

Responsio est affirmative, quia;

- *quasi-paroecia aequiparatur paroeciae;*
- *nihil in hoc casu ius aliud cavet.*¹¹³

This latter view that the quasi-parish does indeed have juridic personality would seem to be the safer and more logical opinion.

6.3.3 Longevity

As was seen, the CIC/17 the quasi-parish was seen as a mission area within a mission territory. By its nature it was a provisional structure, that would be hoped could in time develop into canonical parishes within a diocese. The Perpetual Vicariate seems to be a mechanism to split larger parishes, to allow a smaller unit to begin to grow, in time, into a

Hallermann still describes it as *eine Vorform* of a parish, which agrees with the code noting “because of special circumstance *not yet* established as a parish.”¹¹⁴ From a canonical point of view, it would seem necessary to assume that the creation of a quasi-parish was for a limited time.

From a more pragmatic point of view, it is conceivable that a bishop, and the council of priests, would be more open to the establishment of a quasi-parish for a

¹¹⁰ RENKEN, *The Quasi-Parish.: A Definitive community of the Christian Faithful in a Particular Church.* in *Studia Canonica*, Vol 43/1 2009,p.39

¹¹¹ “Moreover, every juridic person (perpetual by its nature) is subject to eventual modifications (mergers [c.121.] and divisions [c. 122]) and extinction (cc. 120;123) by the competent authority. Indeed, even stably erected structure such as diocese and parishes can be altered. Things and persons change: *sic transit mundum.*” *Ibid.*

¹¹² c.516 §1

¹¹³ COCCOPALMERIO, p. 58. “Is a quasi-parish a juridical person ipso jure? The answer is affirmative, because: a quasi-parish is equivalent to a parish. In this case nothing stipulates otherwise.

¹¹⁴ c. 516 §1

larger foreign language community than, what would appear to be a more permanent Parish.

6.3.4 Finance

That a community is not able to be self-sufficient would seem to be reason enough why they might ‘not yet’ be created into a parish community. They might still need to receive support from the diocese for their pastoral activities. With Juridical personality comes the liability of being taxed by the diocese.

6.3.5 Jurisdiction

As the quasi-parish is equivalent in law to a parish, all that is described in 5.2.5. also pertains to the quasi-parish.

6.3.6 Accountability

As the quasi-parish is equivalent in law to a parish, all that is described in 5.2.6. also pertains to the quasi-parish.

6.4 *Missio cum cura animarum.*

The only place that a definition for a *Missio cum cura animarum* is found, is in the Directory for the Pastoral Ministry of Bishops,¹¹⁵ published by the Sacred Congregation for Bishops in 1973. (There is no mention of it in the 2004 revised version of the document.)

Chapter 2 of the second section (The structures of a Particular church that help in the pastoral office of the Bishop) describes how parishes can be created, changed, and how they must address various needs. Item 183b reads:

Missio cum cura animarum hic intellegitur officium ecclesiasticum, quo facultas ad tempus definitum ab Episcopo alicui presbytero non parrocho tribuitur curam animarum, perinde ac si sit parochus, exercendi in loco determinato, ad territorium verae paroeciae pertinente, cuius tamen parochus his fidelibus ministerio suo congrue providere nequit. Ad concurrentiam officiorum praecavendam, omnia scripto ab Episcopo determinantur, parrocho audito, cuius interest.¹¹⁶

¹¹⁵ *Directorium de pastoralis ministerio Episcoporum.*

¹¹⁶ “A *Missio cum cura animarum* is to be understood as an ecclesial office, where a Priest is given faculties for a defined period of time for the care of souls in the same manner as a Parish Priest. He is to faithfully exercise this care in a defined territory. The Bishop is to determine everything in writing.” *Directorium de pastoralis ministerio Episcoporum*, pp 6461-6535 art 183b, in Ochoa Xaverius, and Institutum Iuridicum

From this very brief description, the only real difference in definition from a Personal Parish is that the Priest is to be appointed for a *tempus definitum* (a defined time.) The possibility of a Quasi parish did not yet exist outside of mission territories when the Directory for the Pastoral Ministry of Bishops was published in 1973.

Most commentators just mention the possibility of the *Missio* in passing, often noting that it is a ‘classic’ structure but do not consider its status. Sobczak is firmer stating that it is the equivalent in everything to a parish.¹¹⁷

In 1974 Cardinal König changed the status of the Croatian community, Am Hof, from a *selbständige Matrikenstelle* to a *Missio cum cura animarum*. In his Decree he writes:

Zum Leiter dieser Gastarbeitermissio bestelle ich P Efrem Kujundžić OFM. Als solcher hat er alle Rechte, die nach dem allgemeinen Recht einem Pfarrer zukommen, und zwar im Sinne einer Personalpfarre.....Dem Leiter dieser Missio obliegen alle Pflichten, wie sie das kirchliche Rechtsbuch dem Pfarrer vorschreibt, vor allem auch die Residenzpflicht innerhalb des angegebenen Territoriums und die Führung der nach dem allgemeinen und diözesanen Recht vorgeschriebenen Pfarrbücher. Zur Applikation pro populo ist er aber nicht verpflichtet.¹¹⁸

The decree is explicit that the mission is not created as a Personal parish, rather *zwar im Sinne*, in the sense of a one. It is also noticeable that the Priest was not appointed for a definite period of time, as is stipulated in the DPME.

The Swiss Bishops norms state that “Durch ihre formelle Errichtung erhalten die Personalpfarre und die missio cum cura animarum Rechtspersönlichkeit, nicht aber die Kaplanei.”¹¹⁹ This would not appear to automatically be the case, unless they are using the term *missio cum cura animarum* in the place of quasi-parish.

Claretianum. *Leges Ecclesiae Post Codicem Iuris Canonici Editae : 5 : Leges Annis 1973 - 1978 Editae*. Roma: Commentarium Pro Religiosis, 1980.

¹¹⁷ „las misiones con cura de almas, equiparadas en todo a la parroquia” SOBCZAK, *Las Parroquias para los Emigrantes en el Derecho Canónico Latino*, in *Ius Canonicum* No 67, 1994. p.246

¹¹⁸ „As leader of this Guest worker mission, I appoint Fr Efrem Kujundžić OFM. As such he has all the rights that a Parish Priest has according to the general law, namely in the ‘sense’ of a Personal parish. The leader of this Mission has all the duties that a Parish Priest has according to Church Law, including the obligation to live within the territory (of the mission) and to ensure all the parish books necessary by general or diocesan law are completed. However he is not obliged to offer mass *pro populo*.” König, Dekret “Errichtung einer Gastarbeitermissio für kroatische Katholiken“ WDB January 1974.

¹¹⁹ SBK. Art 5. “Through the formal establishment, a Personal Parish, and a missio cum cura animarum, receive juridical personality, but not a chaplaincy.”

Certainly, there is no mention of Juridical personality in the decree erecting the Croatian mission. There is nothing to stop the competent authority from granting it though.

The *mission cum cura animarum* would appear to be the *mit Matrikenführung* community that is mentioned in the Austrian Bishops' conference guidelines. The Archdiocese of Vienna does not use this term, preferring the term Mission or *Rektorate* instead.

In the Diocese of Rottenburg-Stuttgart all Foreign language communities are created as *mission cum cura animarum*.¹²⁰ While they will not be granted a civil juridical personality (*Körperschaft des öffentlichen Rechts*) they can be granted the status of Quasipfarrei.¹²¹

Between the sources, there is no consensus on the exact nature of the *missio* or if, in reality, it is the same as a Quasi parish.

Rhode sees little difference between the *missio* and a personal parish, saying:

*Einer Missio cum cura animarum ist keine Pfarrei im eigentlichen Sinn; aber der Leiter hat in wesentlichen dieselben Rechte und Pflichten wie ein Pfarrer. Er besitzt die Befugnis zu Eheschließungsassistenten und führt eigene Kirchenbücher. Seine Vollmachten bestehen kumulativ aus den Vollmachten des Ortspfarrers.*¹²²

While, in the German speaking area this form of structure, the *mission cum cura animarum* has been seen in many areas as a goal to be reached, as a sign of stability, as a sign of something to be strived for. *Egra migrantes* describes it differently, noting that was “basically linked, in the past, to immigration that was temporary or at any rate going through a settling-in period.”¹²³ The document strives to offer it as a structure that provides stability, and yet, at the same time, something that remains flexible.

¹²⁰ „1.2 Rechtsform. Die Gemeinde für Katholiken anderer Muttersprache hat die Rechtsform der *missio cum cura animarum* gemäß PMC 33 § 2 (vgl. auch § 3 Abs. 2 KGO). Sie ist nicht Körperschaft des öffentlichen Rechts.“ *ROTTENBURG*

¹²¹ „Gemeinden in der Rechtsform der *missio cum cura animarum* kann gemäß c. 516 § 1 CIC der Rechtsstatus der Quasipfarrei zugestanden werden.“ Ibid.

¹²² „A *Missio cum cura animarum*.... is not a parish in the strict sense of the word, but the leader has essentially the same rights and duties as a Parish Priest. He has the authority to assist in marriages and keeps his own Church Registers. His powers are cumulative to the powers of the local (territorial) Parish Priest. RHODE Ulrich, *Kirchenrecht*, Kohlhammer, Stuttgart, 2015. P.

¹²³ *Egra Migrantes*, 90

6.5 Chaplaincy

The final model presented in the universal norms is the Chaplaincy, also known as the *Missio sine cura animarum*. The legislator provides for this in canons 564-572.

6.5.1 Characteristics

Even a brief reading of the canons show that a Chaplaincy can be an extensive and flexible role that it needs defining in each circumstance by the local Ordinary.

A chaplain is a priest to whom is entrusted in a stable manner the pastoral care, at least in part, of some community of Christ's faithful, to be exercised in accordance with universal and particular law.¹²⁴

The one fundamental characteristic is stability. It should be noted, however, that it is the stability of the Priest that is referred to and not of the community. So, for example, the Priest is appointed over a longer term, even if the people he serves are variable. A Hospital chaplaincy can be seen in this light. A Priest is appointed to a certain hospital, even though the people he is ministering to changes regularly, perhaps every few days.

There is no attempt to try and say how the community should be defined, either in terms of people or territory. These are for the local Ordinary to decide, and formally decree.

6.5.2 Juridical Personality

This chaplaincy does not enjoy *ipso jure* Juridical personality, it could, however, if appropriate, be conferred by the competent authority.

6.5.3 Longevity

The canons give examples of when a Chaplaincy might be appropriate.

As far as possible Chaplains are to be appointed for those who, because of their condition of life, are not able to avail themselves do the ordinary care of parish priests, as for example, migrants, exiles, refugees, nomads, and seafarers.¹²⁵

¹²⁴ c. 564.

¹²⁵ c. 568.

Missions to these different groups can be very diverse. A Mission to Seafarers could be a permanent mission based in a port, whereas a mission to migrants could be created for a relatively short time project, while people pass through a place. The chaplaincy can be flexible to meet the needs of a situation.

6.5.4 Finance

There are no canons specifically regarding the financial situation of a Chaplaincy. As it does not enjoy Juridical personality, it does not need to have a finance committee, although of course it is not precluded, and would be an example of good practice for it to have one.¹²⁶ The Ordinary, however, has the duty to regulate the administration of finances within his jurisdiction, and should ‘regulate the whole matter of the administration of ecclesiastical good by issuing special instructions.’¹²⁷ It is likely, because of the nature of these missions that they will probably be relatively small, and that the diocese will probably have to provide a subvention if not full funding for their pastoral activities.

6.5.5 Jurisdiction

Within the area defined by the competent ordinary, the Chaplain “must be given all the faculties which due pastoral care demands.”¹²⁸ These can be granted by the ordinary as appropriate for the nature of the mission. This would seem to be a wide-ranging possibility. By virtue of his office he has:

the faculty to hear the confessions of the faithful entrusted to his care, to preach them the word of God, to administer Viaticum and the anointing of the sick, and to confer the sacrament of confirmation when they are in danger of death.¹²⁹

Other faculties could be granted if the Bishop deemed them necessary. These faculties would be cumulative with those of the territorial parish priest.

6.5.6 Accountability

This should be clearly described either in the decree of establishment or in the general regulations of the diocese.

¹²⁶ c. 1280

¹²⁷ c. 1276 §2

¹²⁸ c. 566. §1

¹²⁹ c. 566 §2

7 - Various models found in the Archdiocese of Vienna.

7.1 History

The history of the Habsburgs, and the rich history of the Empire and Monarchy (the so-called K und K time) meant that Vienna was, from its earliest days as an imperial capital, a place where people moved to. They came for trade, for work and at times for safety from other parts of the Empire, and indeed, further afield. They brought with them their religious beliefs and practices. While the Imperial family were, to a greater or lesser extent, Catholic, the empire was generally a tolerant place for people of all faiths.

As people moved, then as now, the Church tried to respond to their Spiritual needs. This results in a somewhat complicated history of Foreign language ministry in Vienna. While several Churches are called ‘National Churches’ this does not bestow any jurisdiction or privileges to the Church or the Clergy working there. As will be seen it is sometimes a title chosen by a lay congregation. In other instances, it was granted as part of a diplomatic arrangement, or by Imperial Decree.

7.2 Latin Rite

7.2.1 The Italian National Church (Minoritenkirche)

A lay congregation *Congregazione Italiana*¹³⁰ was founded in 1625/26 to provide for the spiritual and cultural needs of the Italian community. In 1690 a confraternity (*Confraternita del Sovvegno*) was established to look after the old and sick of the Italian community. These combined in 1783 as the *Congregazione della Chiesa nazionale italiana*. In 1784 they achieved their aim in finding a Church and were granted the former Minoritenkirche, by Joseph II. In his Decree,¹³¹ he (and notably not the Ordinary) declares the Church a *Nebenkirche* and not a Parish Church. The lay congregation, and now an association (*Verein*) is called “*Italienische Kongregation bei der Italienischen Nationalkirche Maria Schnee*.” It would appear that they themselves from 1783 decided it was to be the national church, rather than this title being granted by either an ecclesiastical or state power.

¹³⁰ <http://www.minoritenkirche-wien.info/daten/geschichte.htm> (accessed 16.09.20)

¹³¹ <http://www.minoritenkirche-wien.info/daten/entschliessung.htm> (accessed 16.09.20)

The church remained the home of the Italian community of the Archdiocese until November 2009, when it moved to the new Minoritenkirche in the Alserstraße. The National Church, which owns the Minoritenkirche, continues to celebrate Mass in Italian.

7.2.2 The French Community

The French community claims a National Parish dating back to 1880,¹³² although Mass in French was regularly celebrated in Vienna for many years before this.¹³³ The nature of the community has significantly changed over the years, including during the post-World War II occupation time, when Military Chaplains provided pastoral care. The French Community website notes that since 1999 they are a community of the Archdiocese of Vienna. (Although the *Wiener Diözesanblatt* does not record any change of status for the Community.)

7.2.3 The Polish Community, Gardakirche, Rennweg.

Parts of Poland, mainly Galicia were incorporated into Habsburg crownlands in the 1770s, and remained part of the empire, with a variety of statuses, until the fall of the Empire in 1918. Much of this area now forms the western part of modern-day Ukraine. A Polish Religious Order, the Ressurrectionists, sought approval from the Monarchy in 1882 to take over the Church in Rennweg as the Polish national church and were granted the property in 1897.¹³⁴

7.2.4 The Czech Community, Maria am Gestade.

In 1820 Josef II gave the derelict church of Maria am Gestade to the Redemptorists, so that they could minister to the Czech (mainly Bohemian) community in Vienna. Klemens Maria Hofbauer CSsR¹³⁵ had petitioned the Emperor to allow his order to establish a community and to take over the Church sometime before his untimely death on 15 March 1820. The decree granting both was granted

¹³² <http://www.ccfv.at/historique/> (accessed 16.09.20)

¹³³ Principally in St Anna, Annagasse.

¹³⁴ “Polski zakon Zmartwychwstańców złożył w 1892 r. wniosek o przekazanie kościoła. Do wniosku przychyłono się w 1897 r.” <http://www.kosciol.at/kosciol-polski-2/> (accessed 16.09.20)

¹³⁵ Canonised in 1909 and declared Patron Saint of the City of Vienna in 1914

a few weeks after his death. In it, the Kaiser states that it will be the Bohemian National Church.

“Es ist mein Wille, dass zu Wien eine Congregation von Aushilfspriestern, Redemptoristen genannt, errichtet und derselben das zu dem Paßsauer Hofe, gehörige Hause, Nr 397 mit all Zugehör eingeräumt werde, mit der Verpflichtung, den Gottesdienst in der Kirche zu Maria Stiegen in deutscher und slavischer Sprache zu besorgen, ganz so, wie es den Bedürfnissen dieses Gotteshauses, als böhmischen Nationalkirche entspricht.“¹³⁶

In 1909 the contemplative branch of the Redemptorist family, the Redemptoristines, sold their monastery in Rennweg to a Czech association and moved to a new monastery in Mauer. This Church and monastery became a second home for the Czech community in Vienna.

7.2.5 The Hungarian Community

The links between Austria and her neighbour Hungary had been close, even before the Hapsburg's rule. The earliest trace of Hungarian pastoral care in Vienna is in 1522.¹³⁷ In 1623 the Collegium Pazmaneum was founded as a Seminary for Hungarian priests and still exists today. The ministry changed radically after the 1956 Hungarian revolution when 180,000 refugees sought safety in Austria.

7.2.6 The Croatian Community, Am Hof.

While Croatia was a part of the Crown lands for around 300 years, a distinctly Croatian mission began in 1960¹³⁸. In 1969 they were given the Church Am Hof, and in 1973 made a *selbständige Matrikenstelle*.¹³⁹ A few months later the status was changed to a *Missio cum cura animarum*¹⁴⁰. Later, in 1982 Kardinal König clarified the jurisdiction to include all the faithful from Yugoslavia apart from those who received Austrian citizenship before 1 January 1978, or who had another National

¹³⁶ “It is my will that a Congregation of Supply priests called the Redemptorists be established in Vienna and that the house belonging to Passauer Hof no 397, with all that belongs with it, be granted, along with the obligation to for Divine Worship to be held in German and Slavish languages in *Maria Stiegen*, just as suits the need of this House of God, as the Bohemian national Church.”

Decree of Emperor Joseph I, 10 April 1820, Redemptorist Province Archives.

¹³⁷ <https://katolikus.at/tortenet.html> (accessed 16.09.20)

¹³⁸ <http://www.hkm-wien.at/index.php/misija/povijest-misije/13-povijest-misije/26-nastanak-hrvatske-katolicke-misije-bec> (accessed 16/09/20)

¹³⁹ WDB, 1 Juni 1973

¹⁴⁰ WBD, Jänner 1974

Chaplain.¹⁴¹ This is presumably a diplomatic reference to the newly appointed Slovenian Chaplain.¹⁴²

7.3 Eastern Rite Communities.

7.3.1 The Greek-Catholic parish of St Barbara (Ukrainian)

The history of this Greek rite, Ukrainian speaking community, is one of the more complicated histories, but this also results in the most clarity with regards to its canonical status.¹⁴³

The Church of St Barbara was gifted in 1775 by Empress Maria Theresa to the Greek Catholic community, and in 1784 Joseph II decreed the community a Parish. In 1820 Franz I transferred the parish to the jurisdiction of the Archbishop of Lviv. In 1925, after Galicia became part of Poland, and was no longer within the Austro-Hungarian empire, Metropolitan Sheptytsky petitioned the Congregation for the Oriental Churches to clarify the jurisdiction of St Barbara. In 1935 the Congregation decreed that St Barbara was a Parish of the Holy See. Possibly uniquely, the boundaries of the Parish were defined as the boundaries of the state of Austria. (*intra fines Rei publicae Austriacae commorantes*).

The Archbishop of Vienna was delegated personal authority to act as Delegate (tamquam Sanctae Sedis specialiter Delegatus), and therefore his jurisdiction extended over all Byzantine Catholics within Austrian territory. In 1956 the Archbishop of Vienna was appointed Ordinary for the Faithful of the Byzantine rite in Austria with *jurisdiction ordinaria et exclusiva*.

In July 2018 this jurisdiction was widened to include all of the Eastern rite faithful, and the Ordinariate changed its name to the ‘Ordinariate for the Faithful of the Eastern Churches in Austria.’¹⁴⁴ The Ordinarius is granted all of the Rights, Powers and Authority necessary to carry out his functions.¹⁴⁵ The decree of the Congregation for the Oriental Churches is rather vague, or better said, silent in defining what these rights are.

¹⁴¹ WDB, February 1982

¹⁴² <https://www.spc-dunaj.net/predstavitev> (accessed 16/09/20) Cf. WDB September 1982 “P Stefan Ferencak SDB... wurde mit 1 Sept. zum Seelsorger für die Slowenen in der ED Wien ernannt.“

¹⁴³ <https://st-barbara-austria.org/uk/istoriya-parafiyi> (accessed 16/09/20). See also Amtsblatt des Ordinariates für den Gläubigen des byzantinischen Ritus in Österreich, Nr 2 März 2015.

¹⁴⁴ Congregation for the Oriental Churches, *Decree*, 26.07.2018. Amtsblatt des Ordinariates für den Gläubigen des byzantinischen Ritus in Österreich, Nr 6 März 2019.

¹⁴⁵ Ibid.

The Greek Catholic faithful are exempt from the *kirchenbeitrag* and instead have a system of voluntary contributions, though it is not clear if this extends to the other Eastern Churches. It is possible to register with the State as a member of the Greek-Catholic Church.¹⁴⁶

7.3.2 Armenian Monastery and Church.

The Mechitaristen order moved to Vienna after the port city of Trieste was lost to the Habsburgs. They started a new foundation in 1810, where their monastery and Church still stand in the 7th district.¹⁴⁷

The Armenian community has a somewhat unclear status.¹⁴⁸ Cardinal Groër in October 1990 created an Armenian Catholic *kirchengemeinde* with *apostolic authorization*.¹⁴⁹

“Kraft Apostolischer Ermächtigung errichte ich mit Wirksamkeit vom 1. Jänner 1991 eine Armenisch-Katholische Kirchengemeinde mit Sitz in 1070 Wien, Mechitistengasse 4.“

It is clear that there was a mistake in the reading of a letter from the Congregation for the Eastern Churches, which in no way gave apostolic authorisation for anything like a parish community. The confusion was not helped by the Cardinal, in his letter to the Congregation of 31 July 1990, where he describes himself as the Ordinarius for the *orientalische* churches in Austria, whereas his mandate was only as Ordinarius for the Byzantine faithful. Since 1990 the Archbishop of Vienna has appointed a Parish Priest for the Armenian community, though with what authority or jurisdiction is somewhat questionable. (The question also remains as to *why* a Parish Priest has been appointed when it is clear that an Armenian Parish has not created.)

Since the creation in 2018 of the Ordinariate for the faithful of Eastern Churches in Austria, it is clear that the Armenian community falls under the Jurisdiction of the Ordinariate. The status of the community is still an open question.

¹⁴⁶ https://www.oesterreich.gv.at/themen/leben_in_oesterreich/kirchenein_austritt_und_religionen/4/1/Seite_820218.html (accessed 17.09.20)

¹⁴⁷ <https://mechitharisten.org/history-of-the-congregation/> (accessed 02.10.20)

¹⁴⁸ For a fuller description see: Carl Gerald Fürst, *Die Bedeutung des Codex Canonum Ecclesiarum Orientalium für die Ostkirchliche Diaspora*, in Österreichisches Archiv für Kirchenrecht, 1993, Heft 3/4 p345-375.

¹⁴⁹ Cardinal Groër, Decree 30 October 1990.

The Armenian faithful are exempt from the *kirchenbeitrag* and instead have a system of voluntary contributions. It is possible to register with the State as a member of the Armenian-Catholic Church.¹⁵⁰

7.4 Current status

While the history of the various communities' sheds light on the stories of immigration into Vienna over the past centuries, it does not always illuminate the present Canonical situation of most of the communities. This section will consider a selection of foreign language communities that currently have an atypical situation in order to reflect on the variety of situations found within the Archdiocese.

7.4.1 The Croatian Community, Am Hof.

As was noted in 7.2.6, the Croatian community has had exclusive use of the Church Am Hof since 1969 and was raised to the status of a *Missio cum cura animarum* in 1974. The website of the community notes describes itself, perhaps somewhat misleadingly, as a "Personal Parish Mission."¹⁵¹ The Franciscan community based at Am Hof, celebrate liturgy and provide pastoral care in the Croatian language, not just in that church but also in 11 other churches throughout the diocese.¹⁵² They are a large community, possibly the largest community in the whole of the Archdiocese.¹⁵³ It is important to note that they have exclusive use of their building.

7.4.2 The Filipino Community

The two distinct Filipino communities (Filipino Catholic Chaplaincy and the Philippinische Gottesdienst Gemeinde) worship in 6 churches throughout the City, according to the *Schematismus*.¹⁵⁴ It seems likely that several other 'English-speaking' masses offered in the City are in reality Filipino masses. The Filipino

¹⁵⁰ Ibid.

¹⁵¹ „Misiju personalnom župom” <http://www.hkm-wien.at/index.php/misija/povijest-misije/13-povijest-misije/26-nastanak-hrvatske-katolicke-misije-bec> (accessed 16/09/20)

¹⁵² <https://www.erzdioezese-wien.at/hrvatskamisija> (accessed 16/09/20)

¹⁵³ Their website reports that in 2017 they had 277 young people for Confirmation. <http://www.hkm-wien.at/index.php/12-krizma-2017-god> (accessed 16/09/20) The Diocesan website notes that they have 7000 members <https://www.erzdioezese-wien.at/site/home/nachrichten/article/86311.html>

¹⁵⁴ *Schematismus*

Catholic chaplaincy is based at Salvator am Wienerfeld parish. On the website of the Pfarre Neu, *Christus am Wienerberg*, it states that:

In unserer neuen Pfarre „Christus am Wienerberg“ gibt es 4 Gemeinden: die Gemeinde Zu den heiligen Aposteln (mit der ehemaligen Pfarre Maria vom Berge Karmel), die Gemeinde Zum heiligen Franz von Sales, die Gemeinde Salvator am Wienerfeld und die Philippinische Gemeinde. Diese 4 Gemeinden teilen sich drei Kirchengebäude.¹⁵⁵

In another place on the same homepage, the tone is not quite so inclusive:

Am 1. 9. 2015 wurde aus den drei Gemeinden Zu den Heiligen Aposteln/Maria vom Berge Karmel, Zum hl. Franz von Sales und Salvator am Wienerfeld die Pfarre Neu Christus am Wienerberg. Die Philippinische Gemeinde ist bei uns zu Gast und wird trotz Eigenständigkeit hoffentlich im Laufe der Zeit immer mehr zur Familie gehören.¹⁵⁶

7.4.3 The Spanish Community

The (European) Spanish speaking community is based in the Parish of Maria Namen in the 16th district of Vienna. The (Spanish) Pastor of the community is, at the same time, parish priest of the Territorial Parish. The parish also has a Curate, who is also responsible for a polish speaking community in the parish. This has no connection to the ‘Polish Community’ on Rennweg.

7.4.4 Canisiuskirche

The Canisius Church, where ARGE AAG has its offices, is at the same time as being a Territorial parish church, providing space for several foreign language communities to meet: The Indonesian, Japanese, Korean, French speaking African, the Portuguese Latin American and the Persian-Afghan Communities.

7.4.5 St Severin 18th District

¹⁵⁵ “In our new parish “Christ on the Wienerberg” there are four communities: The community of the Holy Apostles (along with the former parish of Our Lady of Mount Carmel), the community of the St Francis de Sales, the community of The Saviour on the Wienerfeld, and the Filipino Community. These 4 communities share three Church buildings.” <https://www.erzdioezese-wien.at/pages/pfarrseelsorge/25970744/ueberuns> (accessed 16/09/20)

¹⁵⁶ “On September 1, 2015 out of the three congregations, Holy Apostles/ Our Lady of Mount Carmel, St Francis de Sales and The Saviour on the Wienerfeld became the new parish of Christ on the Wienerberg. The Filipino community is our guest, and despite being independent, will hopefully become part of the family over time. <https://www.erzdioezese-wien.at/pages/pfarrseelsorge/25970744/aktuell/seitedesparrers> (accessed 16/09/20)

There is a lively Polish speaking community¹⁵⁷ based at the church of St Severin. A team of Polish Vincentians (Lazarists) have pastoral care of all the Churches in the 18th District. This community has grown from the local pastoral need, but has no connection with the Polish community, neither is it listed as a foreign language community in the *Schematismus*.

7.4.6 The Indian Community.

The large Indian community has been a meeting place since the 1970s for the faithful, mainly from Kerala, who speak the Malayalam language.¹⁵⁸ It has encompassed three different rites: Syro-Malabar, Syro-Malankara and Latin rite. The Syro-Malabar community has always been the largest component of the community and is now a separate community. The Chaplain to the community is also the *Pfarremoderator* in the Church where the community is based.

The history of the community notes that:

From 1982-2001, the Rector of the ARGE AAG was Priest-in-charge of the immigrant Afro-Asian communities. He also signed and issued all the ecclesial documents needs from the member of these immigrant communities and was assisted by the Chaplains of the respective (liturgical) language communities, who celebrated the liturgy in their mother tongue and prepared the required documents.¹⁵⁹

This presents another model of coordinating the work of foreign language communities and reflects very much the model of the *Pfarre mit teilgemeinde* or *Pfarre neu* that is coming into being though the Diocesan restructuring process.

7.4.7 The English speaking Community.

The English speaking community worships in two Churches. Its principal Mass is celebrated at Mexikoplatz, where the community rents space from the Parish and retains the collection. The smaller mass, in Neustift am Walde, is, in effect a parish mass celebrated in English by the Pastor of the English-speaking community, and the collection belongs to the parish.

7.4.8 Conclusion

¹⁵⁷ <https://www.facebook.com/PolacyuSeweryna/> (Accessed 23/09/20)

¹⁵⁸ http://iccviena.org/bulletin/smc_special_bulletin_june2019.pdf (Accessed 23/09/20)

¹⁵⁹ Ibid.

As has been seen in this section, there is no one structure for the Foreign language communities within the Archdiocese. Almost every community has a different relationship to the physical building that they worship in, to the parish community is based there, and to the structures within the archdiocese that are responsible for the community.

8 - Structures within the Archdiocese of Vienna.

Since the creation of the Ordinariate for the faithful of the Eastern Churches, there are two overlapping structures that are concerned with the Foreign language communities, one from the Archdiocese of Vienna, and one from the Ordinariate.

8.1 Archdiocese of Vienna

In the *Referat für Anderssprachige Gemeinden*, there is an Episcopal vicar who is one of the Auxiliary Bishops of Vienna, Bishop Franz Scharl, and a Rector, Dr Johannes Gönner. Dr Gönner is specifically responsible for the communities that compose the ARGE AAG, namely the communities from Africa, Asia and Latin America, and acts as the line manager for the Pastors. Bishop Scharl has the same immediate role for the other communities.

The ARGE AAG also acts as a coordinator for the Priest Study program, which sponsors Priest to study in Vienna, while undertaking some limited pastoral work. Some of these priests will work in Foreign language communities, while others will work in German speaking parishes.

Coordinated by a General Secretary, Dr Alexander Kraljic, ARGE AAG also has its own *Matrikenstelle* for all of the communities that it is responsible for. Here all the sacramental records are recorded and the Rector, Dr Gönner, grants any required permissions or dispensations. A bookkeeper is responsible for the financial accounts of many of the communities.

As we saw in 2.4 all of the eastern rite communities (with the exception of the Byzantines and Armenians) come under the remit of ARGE AAG.

8.2 Ordinariate.

Under the coordination of the Protosyncellus (Vicar General) there are two structures to be found in the Ordinariate. Firstly, the Byzantine central parish, which

is responsible for all Byzantine communities in Austria. All of the sacraments are recorded in the *Matrikenstelle* at St Barbara.

The second newly created structure is called *Orientalische Katholische Kirchen eigenen Rechts in Österreich* (OKKÖ). This is the *matrikenstelle* for all of the Eastern churches that are not of the Byzantine rite. The Armenian parish is included in this section. ARGE AAG provides the matriculation services for all these communities at the moment.¹⁶⁰

ARGE AAG also provides funding for salaries for most of the Priests, on behalf of the Archdiocese of Vienna. The Vice-chancellor of the Archdiocese of Vienna has been appointed the Chancellor of the Ordinariate.

While the structure of the Ordinariate is still in development, they describe their long-term goal, while acknowledging the difficulties, to found personal parishes.

8.3 Conclusion.

While there is overlap in the remit, responsibility, and jurisdiction of the two structures, most especially for the non-byzantine Oriental Churches. This will, in time, be resolved as the Ordinariate develops appropriate long term structural and financial solutions for its ministry. However, it seems likely that the support of the Archdiocese of Vienna will continue to be necessary over the long term.

9 - Restructuring process of the Archdiocese of Vienna.

In order to be able to respond more to the needs of the Church and the people it serves in the coming years, the Archdiocese has for some years been in a process of restructuring. This section briefly sketches the significant steps taken in the process.

9.1 Pastoral Letter APG 2010¹⁶¹

In his Pastoral Letter, dated 1 October 2008, Cardinal Schönborn, began the process with a call to a closer relationship to God and neighbour. Calling the process

¹⁶⁰ See Amtsblatt des Ordinariats für die Gläubigen der katholischen Ostkirchen in Österreich. Nr 6 Juli 2019

¹⁶¹ https://www.erzdioezese-wien.at/dl/Kl0lJKJMNMKokJqx4LJK/Hirtenbrief_2008_A4_pdf (Accessed 01.10.20)

Apostlegeschichte “Acts of the Apostles” he tried to give the faithful a spiritual basis for the arduous, and maybe painful, process that was to come.

9.2 Pastoral letter 2011¹⁶²

In his next pastoral letter, the Cardinal introduces the principle that *mission first* should be the priority in all that that is to be done. In one of his 7 points, he mentions supporting communities that go beyond the territorial order that the church is used to. He especially notes that the other language communities are strong and rapidly growing, especially within the city of Vienna.¹⁶³

9.3 Guidelines for the Diocesan Development Plan June 2012¹⁶⁴

The Steering group decided that the model to be followed would be one of a number of smaller parish communities coming together form one larger *Pfarre neu*. The hope was that 80% of these would be in operation within ten years.

9.4 Pastoral letter 2015¹⁶⁵

In his last Pastoral letter, the Cardinal addressed particularly those responsible for Parish life, the members of the Parish council and the Clergy. He calls on closer collaboration within the Development areas and asks that steps be made towards *Pfarre neu*. This was the preferred model of restructuring, where several parishes would merge, and a team ministry of priests and lay workers would work between various churches. One Parish would be formed from a number of constituent (former parish) communities.

9.5 Guidelines for the Diocesan Development Plan June 2019¹⁶⁶

¹⁶² https://www.erzdioezese-wien.at/dl/ntLoJKJMNMKokJqx4kJK/Hirtenbrief_2011_A4_pdf (Accessed 01.10.20)

¹⁶³ „Zu diesen stark personenbezogenen Gemeindeformen zähle ich auch die anderssprachigen Gemeinden. Sie sind eine starke und stark wachsende Größe, vor allem in der Großstadt Wien.” Hirtenbrief 2011

¹⁶⁴ https://www.erzdioezese-wien.at/dl/mpqOJKJMNMKokJqx4KJK/Leitlinien_2012_A4_pdf (Accessed 01.10.20)

¹⁶⁵ https://www.erzdioezese-wien.at/dl/tNpKJKJlmmkLJqx4KJK/Hirtenbrief_2015_web_pdf (Accessed 01.10.20)

¹⁶⁶ https://www.erzdioezese-wien.at/dl/pLpNJKJMnmNnJqx4KJK/Leitlinien_fuer_den_Dioezesanen_Entwicklungsprozess_Apg_2_1_Erzdioezese_Wien_web_pdf (Accessed 01.10.20)

The Cardinal and the Bishop's council issued an updated version of the guidelines for the development process. From this point, the presumption was no longer that any more *Pfarre neu* would or should be created, rather that 80% of the Developments areas should at least develop their cooperation into a *Pfarrverband* before 2022.

9.6 Foreign language communities within the Diocesan process.

With the exception of the 2011 Pastoral letter, foreign language communities are not explicitly mentioned in any of the documents. This is as somewhat surprising considering that they are often large communities showing, as the Cardinal noted in his 2011 letter, signs of great growth.

10 - Potential models for Foreign language communities.

10.1 Introduction

It is clear from the brief description of the diocesan development plan that there needs to be a variety of models available that can be chosen to suit the particular, concrete situation. This should also hold true for the foreign language communities which, as we have seen, currently operate in a wide variety of situations. It is also clear that cooperation between communities is necessary, and that foreign language communities should not be exempt from the development plans of the diocese. On the other hand, it is crucial that the place of foreign language communities should be an integral part of this the plan and not treated as an afterthought.

10.2 Personal Parishes.

It would be easy to suggest that each community should be raised to the status of a Personal Parish, as is the hope of the Ordinariate for the Eastern Churches. While objectively this might bring the greatest clarity to each community, it is clear that this is not a direction that the Archdiocese of Vienna would find acceptable in the context of its restructuring plans.

Having said that, there would seem to be at least two exceptions to this. As we have already seen the difference between a *mission cum cura animarum* and a Personal parish is minimal, in effect, only that the Priest is appointed for a fixed term

(although this is clearly not the case in Vienna). As two communities already have this status, and have, for many years, been a *Matrikenstelle*. They work and worship exclusively in their mother tongue, are large communities, and so it is very unlikely that they would, in any real sense, join a *Pfareverband*, or a *Pfarre neu*. They both have their own Church buildings and provide a very full program of parish life, and are, *de facto* if not *de jure* Personal Parishes.

It would seem sensible that the Croatian Community, Am Hof, and the Polish Community, Rennweg, be raised to the status of Personal Parishes.

With the Filipino community operating in at least six different Parishes, it might also be an appropriate model for them as well.

10.3 *Pfarre neu*.

In the description of ARGE AAG found in the consideration of the Indian Community, we saw something that would seem to very close to the vision of a *Pfarre Neu*. A larger parish community consisting of several smaller communities, with central administrative services including a *Matrikenstelle*. This seems to have been operating already at least in between 1982-2001.

While the decree of erection of the *Matrikenstelle* can no longer be found in the Diocesan archives, and so it is not clear exactly what the remit granted, ARGE AAG seems to have been operating at least *de facto* as a type of *Pfarre neu*.

This could seem to be an ideal model for the smaller communities from Africa, Asia and South America that are under the care of ARGE AAG. The main difference from the current situation is that the Rector of ARGE AAG would become the Parish Priest of the same. This would continue to develop the bonds between the communities, and the care and on-going formation of the Priests serving the communities, and often participants in the Priests Study program.

A similar *Pfarre neu* structure could also be created for those communities from the European area, although in reality, there is little that connects these groups at the current time, and a better solution should be sought.

10.4 Chaplaincy within a Parish.

We can see this model existing with the Albanian community, which has only one presence in the Archdiocese, and so is an integral part of the life of the parish

where it meets.¹⁶⁷ The Chaplain could be appointed *Pfarre vikar* with responsibility for the community.

10.5 A *teilkgemeinde* in a *Pfarre neu* or *Pfarrverband*

As the new structures are predicated on mission and not on buildings, it is conceivable that Foreign language communities could enter into one of the new structures as an equal partner with other parish communities. In some, perhaps most, cases, they would be larger than the canonical German-speaking parishes they would be working with. It would be important that their canonical status, rights and competencies were clarified before they entered into such a partnership. The development of this can be seen in the consideration of the Filipino community.

10.6 Bi-lingual priest as Parish priest / moderator / Rector and Foreign language chaplain.

We see this in operation in Maria Lourdes with the Syro Malabar community, with the Spanish community in Maria Namen, and with the Polish masses in St Severin. This solution is at one level the simplest and can work when neither position requires a full-time Priest. However, the rights and responsibilities of the foreign language community need to be protected especially with regards to finance and the ability of the Priest to grant dispensations, which may not be the same for members of the foreign language community as for those who live in his territorial parish.

10.7 'Freestanding' chaplaincy

The French speaking community, worshipping at Maria am Gestade, or the English-speaking community, worshipping at Mexikoplatz and Neustift am Walde, could be seen as examples of this type. Their relationship to the Church building is primarily financial, as they rent the space they use. They register sacraments at the *matrikenstelle* where they are based. That is to say for the French community at Schottenpfarre, and the English community at Mexikoplatz or Neustift. Apart from that, they do not necessarily have a close other relationship with any other communities based in the Churches that they use.

¹⁶⁷ The Albanian Chaplain is also responsible for other smaller communities in other parts of Austria and Slovakia.

This would not seem to be the ideal situation but may be appropriate for some communities. The French and English-speaking communities are relatively unique in that many of their members are only temporarily in Vienna, working predominantly in their mother tongue (for the French often also in English), and they rarely learn much German in their time living in Vienna.

10.8 Conclusion

Five models have been presented, some of which are already in practice, others might be new ideas. What is clear is that other than the two communities that currently have a status of *mission cum cura animarum*, the status of the other communities is uncertain.

One must presume that they fall under the provisions of a Chaplaincy (564-572), but as previously discussed the provisions for Chaplaincy are very broad and need to be defined by the Local Ordinary. It is not at all apparent that any of the communities (with the exception of the Croatians and Polish) have any canonical status at all.

11 - Development in the status of Communities.

In 5.2.2 the Ordinariates preserving the Anglican Patrimony were considered. These circumscriptions are comprised, on the whole, of small communities. The Ordinariate of the Chair of St Peter, covering the United States and Canada, has published a helpful guide called “Architects of Communion: A guide for Parish Development.”¹⁶⁸ It makes clear that parish status is the aim of each of their communities but recognises that not all communities are able to take on the obligations that this requires.

They recognise three types of community within the ordinariate: A community in formation, a mission/quasi-parish and Parish.

The document sets out Eleven “Signs of Stability and Vitality” by which a community can be measured.

Under Stability they consider: the size of the community, if a priest is present, financial stability and availability of a church, Compliance with canon law and

¹⁶⁸ Personal Ordinariate of the Chair of St Peter, *Architects of Communion: A guide for Parish Development*, Houston, 2016

contributions to the ordinariate, sacramental discipline and a lack of civil litigation. As signs of vitality, they note: Relationship with the local diocese, relationship with the ordinary and within the community, presence of Pastoral and finance councils, catechesis and education, parish organisations and outreach.

For each of these ‘signs’ there are differing measures which would be expected in each type of community.

For example, considering Financial Stability, a Parish is expected to have the long-term use of a building to worship in, to have sufficient assets to operate, a mission is expected to have a place of worship, but not necessarily on a long term basis. For a community in formation there are no financial stability expectations.

When it comes to size, the document is aware that their communities are smaller than traditional parishes and offers the following as criteria.

For a Parish: 30 families / 100 Ordinariate members

For a mission: 15 families / 50 Ordinariate families

For a ‘Community in formations: 3 families / 10 Ordinariate families.

While these precise numbers are certainly not helpful when reflecting on the status of Foreign language communities in Vienna, they do offer a framework that could be developed to measure the various “signs of Stability and Growth’ found within them and provide a way to consider the appropriate status of the community.

12 - Financial Issues.

The Archdiocese provides a comprehensive manual for parishes that addresses all the requirements for their financial accountability.¹⁶⁹ While it notes that it applies not just to Parishes, but other ‘similar’ institutions¹⁷⁰, it is clear that it is written for Parishes that possess a canonical, and possibly a civil, juridic personality.

With a Foreign language community without a defined canonical position, the question can be asked, to whom do its assets belong? A simple answer can be given, the Church. While this is *a* correct answer, it is not a precise or canonical answer, and is one that can lead to maladministration.

¹⁶⁹ *Bestimmung zur Kirchlichen Vermögensverwaltung für die Pfarren der Erzdiözese Wien* “ 1 Jan 2018.

¹⁷⁰ “Diese Bestimmungen zur kirchlichen Vermögensverwaltung gelten für alle Pfarren der Erzdiözese Wien und ähnliche rechenschaftspflichtige Stellen (Rektorate, Seelsorgestationen, kategoriale Gemeinden).” Ibid. 1

The *Schematisus* of the Archdiocese gives some order to the various parts of the complex make-up of the diocese. The *Referat für Anderssprachige Gemeinden* led by the *Bischofsvikar* is shown as being subordinate to the Ordinariate, led by the Vicar General.

The answer to the proposed question could be, the assets of the foreign language communities belong to the Ordinariate (and should be treated as restricted funds for the use of the Community). This is indeed probably the correct answer. Yet, in reality, the Ordinariate do not have any control, the Vicar General or *Bischofsvikar* are not required to be signatories on bank mandates, there is no obligation to provide yearly audited accounts to the Ordinariate, nor is there an obligation to use the diocesan accounting system.

When Foreign language communities wish to make deposits to the Diocesan Depot, they are free to do so, but when they wish to withdraw funds from the Depot, they require the signature of the *Bischofsvikar*. The Finance office also refuse permission for foreign language communities to have a Credit Card, although Parishes, however, are permitted to have them.¹⁷¹

As the Communities do not have Juridic personality is it often difficult for them to open a bank account or change signatories on the account.

The Finance manual quoting c. 537, notes that the Parish priest represents the parish in all legal transactions, as previously noted, there is no explicit clarity about who hold this role for a foreign language community.¹⁷²

The diocesan regulations set out clearly the requirements of canon law for a parish, and yet a small foreign language community, without juridical status is not required to have to Finance Council, unlike a parish¹⁷³. While their nothing to prevent the formation of a Finance council, this function will, in many, be undertaken by the Pastoral council, if this exists.

As the Ordinary “must carefully supervise the administration of all the goods which belong to public juridical persons subject to them,”¹⁷⁴ some consideration

¹⁷¹ Email to the Author from the Bookkeeper of Arge AAG communities.

¹⁷² Ibid. 2.1 (2)

¹⁷³ “In each parish there is to be a Finance committee to help the parish priest in the administration of the goods of the Parish.” C. 527

¹⁷⁴ c. 1276 §1

could be given to providing a separate version of the regulations, or an appendix to the Parish regulations to clarify some of these questions.

13 - Purpose of Foreign language communities.

While the need for foreign language communities is rarely questioned, it could be asked why do we have them? The Local Church, as an expression of the Universal Church, attempts to bring all believers together to share their one faith.

There is always the risk that a diocese can become a collection of various linguistic groups, with a predominant mother tongue community, and then a variety of other linguistic groups that have no connection with each other, or with the mother tongue grouping.

The same of course could be said for various parishes within a Diocese that could easily have little connection to one another.

When a foreign language community assembles, it is usually not just for Worship; it is also an opportunity for the faithful to come together with other people from their Country, or who speak their language, and who, maybe, share a culture. This 'affective' part of church community life should not be forgotten, as it provides a sense of home and gives mutual support for people who live away from their homeland. This is important even when people live and work in the language of the foreign country where they live.

This sense of real community is just as important for those who have migrated because of work or who have a Government overseas posting, as it is to those who have fled their homeland due to war or famine.

The pattern of Church life in some parts of the world sees people living close to their Parish Church and parish School. These stand in the centre of the community. People meet each other in the streets, the supermarket, in the Church and at the school gate. Community can be found all around.

In a large city, the language community may be the only time in the week that people can gather together. It may be the only time in the week that they are able to speak their mother tongue outside of the home.

In Vienna, with the exception of the French and English-speaking communities, there are no foreign language schools, that can act a focus for families to meet. (It is important to note that the English-speaking international schools are

all very expensive, so usually the Children that attend are from families posted to Vienna for a short time by their government or one of the International organizations. The French Lycée is much cheaper as it supported by the French State.)

Another very valid question to be asked about Foreign language communities is: Do they help integration or create segregation? Integration in this sense is with regard to the life of the particular church, and not as it might be meant when spoken about by politicians, with its inherent, if unspoken, meaning of ‘they should become like us.’

There is of course the risk of segregation; that a language group becomes an export of their home church, where things are done the ‘way we do things in our country.’ This could be an expression of church that is at very much at odds with how the local Church expresses itself. There can also be the risk of segregation in the use of church buildings. A community may have been worshipping in a parish for many years, and still be made to feel, or feel themselves to be, just tolerated, or as unwelcome paying guests.

Bruce comments on a Chinese speaking community and their relationship to their ‘host’ parish thus;

[They].. had worshipped there for thirty years; hardly a new or itinerant group. And yet, it felt “not your place. No parish sign displayed Chinese characters: “If they were trying, you’d see Chinese. ‘They are welcome’?! If this is home for them, *Chinese characters* is home! We need to be more welcoming!”¹⁷⁵

Segregation can also exist when the host community are only vaguely aware that something else happens on a Sunday afternoon in ‘their church.’

Yet good examples of integration also exist, where communities come together regularly to worship or socialise. A great example can be found in St Josephs, 1020 Wien. A religious community live in the parish house; one is the Priest of the French community, the other works with a Spanish community and in the German speaking parish. At Easter, the three communities come together for a multi-lingual and multi-cultural celebration of the Triduum.

¹⁷⁵ BRUCE, p. 113

14 - Conclusion.

In this brief study, it has been shown that the universal Church has for many years shown concern for the pastoral care of Migrants. The Lawgiver has provided both within the corpus of the two codes Canon Law and with Universal norms structures that can be effectively used to provide this care.

While it can be seen that the Archdiocese of Vienna is very committed to supporting pastoral care and worship being available in in a wide variety of languages and to supporting these communities with Pastors, and invest heavily in them, it is also clear that the vast majority of these communities do not enjoy a clear canonical status.

From the Universal norms, it would appear that the optimal form of a foreign language community is the *missio cum cura animarum*. The Archdiocese of Vienna seems to view this form as an exception for only the largest communities, and so are unlikely to create communities with this status when one considers the direction of the Diocesan Development plan. As noted, *Egra migrantes* views it differently and considers it a very flexible model.

It would, however, seem prudent to put each of the established communities on some firm canonical footing. While the *missio cum cura animarum* might, objectively, be seen as optimal, the most acceptable one for the Archdiocese for most of the communities would seem that the Chaplaincy model presented in CIC/83 564-572.

Within the very extensive options for creating Chaplaincies, the decree of erection should be very clear. It should include the boundaries of the Chaplaincy (for most this will be the territory of the Archdiocese), the necessary facilities of the priest (including if he has the right to assist at the marriages of members of his community, what he has the right to dispense from), the necessary obligations (does he have a residency obligation, what are his financial responsibilities), is his jurisdiction personal or vicarious, and is it cumulative with the Territorial parish priest?

Within the administrative dimension, it would be useful for a brief finance manual to be created which would apply to these communities, as much that is included within the General finance manual for parishes does not apply to these communities without a juridical personality. It should also clarify to which juridical

person the money of the community belongs, and under which circumstances it can be used.

The diocese of Rottenburg-Stuttgart has very detailed and useful guidelines for Foreign language communities, covering all aspects of the life and ministry of the community, and the appointed priest.

A sound Canonical basis is not designed to create more administration, or extra layers of bureaucracy, rather, as all law is (or should be), it is designed to bring clarity and protection for all parties.

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Abstract – English

While Parishes are clearly defined and legislated for in the Codes of Canon Law, foreign language communities are not. They can take several forms, most of which are not very clearly defined.

Many of these Foreign language communities in Vienna are growing and are sometimes larger than their German-speaking host parishes. This can cause administrative, financial and canonical problems.

This work considers the models proposed by the Church, those found in practice in the Archdiocese of Vienna, and presents some possibilities for clearer structures for the future.

Abstract – Deutsch

Während Pfarreien in den Kodizes des kanonischen Rechts klar definiert und gesetzlich geregelt sind, sind dies bei fremdsprachigen Gemeinschaften nicht der Fall. Sie können verschiedene Formen annehmen, von denen die meisten nicht sehr klar definiert sind.

Viele dieser fremdsprachigen Gemeinschaften in Wien wachsen und sind manchmal größer als ihre deutschsprachigen Gastgemeinden. Dies kann Verwaltung, Finanzielle und Kanonische Probleme verursachen.

Diese Arbeit berücksichtigt die von der Kirche vorgeschlagenen Modelle, die in der Erzdiözese Wien in der Praxis zu finden sind, und bietet einige Möglichkeiten für klarere Strukturen für die Zukunft.