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## CANONICAL STATUS OF THE PRIOR GENERAL IN THE PAULINE ORDER

### Introduction

The Conventual Prior is the first in the community, the Prior Provincial is the first in the Province, and the Prior General is the first in the Order. In the continual reform of religious life from the 11<sup>th</sup> Century, particularly in those Orders of eremitical origins, the Superiors have chosen to avoid the title *Abbas* or Abbot and its connotation with governance and interaction of with the world, and have preferred to use the title Prior, which in the rule of St. Benedict is given to the one second in rank in the abbey<sup>1</sup>

This short paper will present and comment upon the Office of Prior General in the Order of St. Paul the First Hermit. The term *Priore Generalis* appears mostly in the official documentation of the Order, whilst more frequently the Prior General, is known as the Father General or simply the General. His Office will be examined in three parts, firstly, a general overview of the history of the office will be offered. Next, the Universal Law regarding the Supreme Moderator or the highest office in an institute of religious life will be presented. Then, the Particular law of the Order of St. Paul the First Hermit regarding its Supreme Moderator or Prior General will be offered. Then there will follow a presentation regarding the historical privileges, particularly that of the use of *pontificalia* granted to the General by the Apostolic See.

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<sup>1</sup> Cf: BENEDICT, *The Rule of St. Benedict*: translated with an introduction by Cardinal Gasquet. (London, 1925). But if local conditions call for it, or the community makes a reasonable and humble request, and the abbot judges it best, 15 then let him, with the advice of God-fearing brothers, choose the man he wants and himself make him his prior. 16 The prior for his part is to carry out respectfully what his abbot assigns to him and do nothing contrary to the abbot's wishes or arrangements. Chapter 65.

## Historical Overview

Alibi scriptum est, quod anno Domini 1262 Eusebius supradictus prior provincialis assumptis secum quibusdam fratribus adiit Urbanum quartum, petiitque eis dari regulam beati Augustini. Sanctus quoque Thomas de Aquino fertur eorum fuisse coadiutor in curia Romana<sup>2</sup>.

Blessed Eusebius, the Founder of the Order, used the title *Priore Provincialis* as Superior of the Monastery of the Holy Cross and that of St. James. Naturally, as Superior of the Monastery of the Holy Cross, he was known as *Priore*. Eusebius was succeeded by Benedict<sup>3</sup> and then Stephen<sup>4</sup> as superiors of the Order, both of whom used the title *Priore Provincialis*. The first Superior of the Order to use the title *Priore Generalis* is Laurence of Esztergom in 1300<sup>5</sup>. From that point on, until the dissolution of the Order in Hungary in 1778 and the removal of the Polish Province from the jurisdiction of the Prior General, the Supreme Superior of the Order was known as the Prior General. The Polish Province, which survived in the two Polish Houses of Jasna Gora and Skalka, continued with a superior known as the Pro-General<sup>6</sup>, who was usually one and the same as the Prior of Jasna Gora. At times, the office of Prior General was held by a Provincial, most often the Prior Provincial of the Hungarian Province. The Prior General has also historically enjoyed the

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<sup>2</sup> GREGORIUS GYÖNGYÖSI, *Vitae Fratrum Eremitarum Ordinis Sancti Pauli Primi Eremitae*, Edidit: FRANCISCUS K. HERVAY, Budapest 1988, 45. From here on: *Vitae Fratrum*.

<sup>3</sup> Frater Benedictus prior de Sancta Cruce eligitur in priorem provincialem anno Domini 1270 Obeunte viro Dei Eusebio venerabilis pater Benedictus, quem supra memoravimus, re et nomine totus virtuosus, meritis insignis, sapientiae ac doctrinae opinione celebris ac totius perfectionis exemplar, monasterii Sanctae Crucis regimen post patrem filius, post magistrum discipulus, per octennale spatium tenuit, et tanquam almificus pastor serenissimo regi Belae quarto ob vitae meritum admodum charus et familiaris errat, *Vitae Fratrum*, 48.

<sup>4</sup> De electione et vita fratris Stephani prioris provincialis et confirmatione modi vivendi alias traditi. Frater Stephanus primus, nobilis genere, sed nobilior morum elegantia fuit. Qui liberalibus studiis non mediocriter initiatus, sacris tamen literis ardentiori semper desiderio inhaesit. Et quicquid proficiebat discendo et legendo non solum scripturarum fidelibus apotecis commendabat, sed perpetuae memoriae committebat, simulque prae oculis et manibus incessanter habebat. Qui nec in refectorio, nec extra sine divina lectione discumbere volebat. Hic cum esset subditus in Sancta Cruce, et tamen in provincialem, decedente piae memoriae fratre Benedicto, fuisset., *Vitae Fratrum* 51-52,

<sup>5</sup> Frater Laurentius Strigoniensis eligitur in priorem generalem anno Domini 1300, *Vitae Fratrum*, 56,

<sup>6</sup> Cf: MARCIN STESKA OSPPE, *Roczniki Zakonu Św. Pawła Pierwszego Pustelnika*, vol II, z uzupełnieniami obejmujący lata od 1727 do 1786, księga III, Częstochowa 2008, 710.

title *Reverendissimus* or Most Reverend<sup>7</sup>. Universal Law refers to the highest superior of an Institute of Religious life as the *Supreme Moderator* to allow for various Orders, Congregations and Religious families to give the office their own proper title. Some of these are Abbot General<sup>8</sup>, *Prepostio Generale*, *Abate Presidente*, *Maestro Generale*, *Ministro Generale*, *Rettore Generale*<sup>9</sup>.

## A Supreme Moderator

**Can. 620:** Those who govern an entire institute, a province of an institute or part equivalent to a province, or an autonomous house, as well as their vicars, are major superiors. Comparable to these are an abbot primate and a superior of a monastic congregation, who nonetheless do not have all the power which universal law grants to major superiors<sup>10</sup>.

**Can. 622** The supreme moderator holds power over all the provinces, houses, and members of an institute; this power is to be exercised according to proper law. Other superiors possess power within the limits of their function.

The Supreme Moderator is the Supreme Superior of an Institute and governs it and all its parts, be they houses or even individual members. A Supreme Moderator is by definition a Major Superior, and if he is the moderator of a Clerical Institute of Pontifical Rite<sup>11</sup> Then he, too, is an Ordinary. The vicar of the Supreme Moderator is also a Major Superior and is an Ordinary if the Supreme Moderator is one. If their Institute is not divided into parts, like Provinces, then the Supreme Moderator is the only level above the local Superior. Likewise, if the Institute is composed of only one house, then the Local Superior is the Supreme Moderator. The Proper Law of the Institute and Universal Law limits the authority and power of a Supreme Moderator.

**Can. 623** In order for members to be appointed or elected validly to the function of superior, a suitable time is required after perpetual or definitive profession, to be determined by proper law, or if it concerns major superiors, by the constitutions.

**Can. 624 §1.** Superiors are to be constituted for a certain and appropriate period of time according to the nature and need of the institute, unless the constitutions determine otherwise for the supreme moderator and for superiors of an autonomous house.

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<sup>7</sup> Cf: EMIL KISBAN, *Historia Zakonu Paulinów – Macierzystej Prowincji Węgierskiej*, vol 2, Jasna Góra 2009, 304.

<sup>8</sup> Cf: *Codex Iuris Canonici* [CIC], Can. 620.

<sup>9</sup> Cf: SEGRETERIA DI STATO VATICANO, *Annuario Pontificio per L'anno 2021*, Città del Vaticano 2021.

<sup>10</sup> The English translation of the Code in this work is taken from: CANON LAW SOCIETY OF AMERICA, *Code of Canon Law: Latin New English Translation*, Washington 2020.

<sup>11</sup> Cf: CIC, Can. 134, §1.

§2. Proper law is to provide suitable norms so that superiors, constituted for a definite time, do not remain too long in offices of governance without interruption.

§3. Nevertheless, they can be removed from office during their function or be transferred to another for reasons established in proper law.

**Can. 625 §1.** The supreme moderator of an institute is to be designated by canonical election according to the norm of the constitutions.

As with any Superior within an institute, it is required that the Supreme Moderator is definitively incorporated into the Institute and has been so for a suitable time. The Proper Law of the Institute determines this time. Like all superiors, the Supreme Moderator is usually in office for a set period of time and cannot exceed this time without a period out of office. A Supreme Moderator can be removed from office before their terms end, which is to be provided for in the Proper Law of the Institute. A Supreme Moderator, unlike other superiors, can only be elected and not appointed by the Institute, as they are the Personal Supreme Authority within the Order<sup>12</sup> as opposed to the Supreme Collegiate Authority, which is the General Chapter. The primary function of the General Chapter within an institute is to elect the Supreme Moderator<sup>13</sup>.

## The Prior General

The Constitutions of the Order of St. Paul the First Hermit provide for the Office of Prior General primarily in 9 articles and 1 point of the General Directory. In these points, they apply and fulfil that which Universal Law leaves to Particular Law.

**Article 115:** The highest Superior of the Order, namely the Father-General, is chosen at Electoral Chapter. His term of office extends to the following General Electoral Chapter to which he is able to be elected a second time. He is not eligible for election for a third consecutive term. Beside the conditions laid down in Canon Law he must be forty years of age and ten years solemnly professed<sup>14</sup>.

The term of Office of the Prior General runs for six years, from General Chapter to General Chapter. If the chapter is delayed, he continues

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<sup>12</sup> Cf. CIC, Can. 622.

<sup>13</sup> Cf. CIC, Can. 631, §1.

<sup>14</sup> All texts of the Order's Constitutions in this work are from: AUSTRALIAN PROVINCIAL CURIA OF THE ORDER OF ST. PAUL THE FIRST HERMIT, *The Rule, Constitutions and General Directory of the Order of St. Paul the First Hermit*, Penrose Park 2019.

in the office until the next chapter takes place<sup>15</sup>. A General may have two consecutive terms but no more without a break. To be elected Prior General, a monk must be at least 40 years old and be 10 years solemnly professed.

The Prior General has jurisdiction over the whole Order. Canon Law, the Constitutions, and the General Directory limit his authority<sup>16</sup>. In the Order, he is the only one who may receive the profession of monks, although he may delegate this to other monks and usually does so to Provincials<sup>17</sup>. He is responsible for communicating to the monks of the Order the will and direction of the Church regarding letters, decrees and documents. The reverse is true as well; he submits reports to the Holy See regarding the state of the Order<sup>18</sup>. With great power comes great responsibility; therefore, he must set a good example for the monks of the Order in terms of love for the Church, the Order and Almighty God. He must be a man of prayer and charity<sup>19</sup>. A man who loves the Order and its brethren. To assist him, the Prior General has a council.

**Article 119:** In more serious matters, especially those defined by law, the Father General makes decisions together with the Definitorium. He takes care of material matters through the administrator-General in accordance with the Constitutions and the articles of Universal Law.

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<sup>15</sup> Cf: CIC, Can. 186.

<sup>16</sup> **Article 116:** The authority of the Father-General extends to the entire Order as well as to each of its parts: provinces, monasteries, and individuals. His authority includes that of commanding and leading the entire Order in matters both spiritual and material in accordance with the Rules of Canon law, the Constitutions, and the Directory.

<sup>17</sup> Cf: Article 6, §1 e, §3 c, in *The Rule, Constitutions and General Directory of the Order of St. Paul the First Hermit*. Cf: Dekret z dnia 18.06.2014 (L.dz. 318/14): *N.O. General Arnold Chrapkowski udzielił delegacji na czas pełnienia urzędu Prowincjałowi o. Piotrowi Dusowi do przyjmowania profesji zakonnej, zarówno czasowi jak i wieczystej, swoich podwładnych*, in *ZAKON ŚWIĘTEGO PAWŁA PIERWSZEGO PUSTELNIKA, Biuletyn Zakonu Świętego Pawła Pierwszego Pustelnika, Rok XLV, Częstochowa 2014*.

<sup>18</sup> **Article 117:** The Father General should be distinguished by a great love for obedience to and loyalty to the Church and the Holy See. It should be his concern that the Monastic Community be truly dedicated to the Church. Consequently, it will be his concern to inform the entire Order as to decrees, recommendations and documents coming forth from the Holy See especially those which concern religious life. At the required time he will also submit a report to the Apostolic See regarding the status and life of the Order (Can. 592, §2). It is his obligation also to see that all observe the decrees of the Episcopal Conference according to precepts of law.

<sup>19</sup> **Article 118:** The Father General should further distinguish himself by a great love for the Order which is seen not only in his fervent prayer for its development but also in his concern for unity and charity among the members of the Order, the cultivation of new vocations, concern for solid formation of young Monks, as well as by faithfulness to our vocation, the living out of the Evangelical Counsels and concern for our mission and especially the preservation of its Marian character.

The members of the General's Council are elected by the General Chapter. In the tradition of the Order, these councillors are known as *Definitors* and collectively as the *Definitorium*. Both Universal Law and the Law of the Order require the General to either seek their consent or opinion in order to do certain things. They express this opinion or consent by voting. Due to its long tradition, the Order has the privilege of the General being able to cast a vote in these votes. This is not the case in Universal Law<sup>20</sup>. The First Definitor is also the Vicar of the Order, meaning he is the General's chief assistant and, like the General, a Major Superior and an Ordinary.

The Administrator General assists the General in managing the temporal goods of the Order. The Secretary General acts as the General's chief notary and manages the General's Curia, which strictly speaking is the chancery or the office of the Prior General. The Secretary General may also have other monks assigned to assist him.

**Article 123:** The permanent residence of the Father General during his term of office is the principal Monastery of our Order as Jasna Gora, in Częstochowa, unless the General Chapter decides otherwise giving due notification to the Apostolic See.

By Law, the General and his Curia reside at Jasna Gora. Although within the same property, his residence and curia are a separate entity from the Monastery, the Shrine, and the Monks of Jasna Gora. The General Curia has its own budget, accounts, and temporal goods, which are owned by the Order and administered by the Administrator General. Historically, the Prior Generals of the Order have resided in the following places:

1. The Monastery of St. Laurence in Buda, Hungary, 1300-1525.
2. Elefant in Elefantowce, Slovakia, 1525-1577.
3. Lepoglava, Croatia, 1577-1663.
4. Maria Thal, Marianka, Slovakia, 1663-1786.
5. Jasna Góra in Częstochowa, Poland, 1786-today<sup>21</sup>.

The General Curia and the Definitorium are the chief bodies of monks that assist the General, but there he may also create others.

**Article 120:** In his concern for the good of the Order and its development, the Father General calls together and supports those commissions already existing and to whose competence fall matters regarding religious life and the activities of the Order.

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<sup>20</sup> **Article 113, §2:** Superiors in our Order are to have their own councils, in accordance with the constitutions. In accordance with the traditions of the Order, to them belongs the right to vote with them (*The Rule, Constitutions and General Directory of the Order of St. Paul the First Hermit*).

<sup>21</sup> Cf. MARCIN STESKA OSPPE, *Roczniki Zakonu Św. Pawła Pierwszego Pustelnika*, vol II, z uzupełnieniami obejmujący lata od 1727 do 1786, księga III, Częstochowa 2008, 715.

The General may also create commissions regarding various areas of importance in the life of the Order, such as Liturgy and formation. These commissions are composed of monks freely appointed by the General, who advise the General regarding the competence of the Commission and undertake projects entrusted to them by the General.

**Article 121:** In his concern for executing the mission of the Order in the Church, the Father General should conduct a visitation of all our Houses either personally or through a delegate at least twice during his tenure of office. Each year he will call for a report from Provincials and Priors as to the state of the Province and individual Houses according to a previously compiled questionnaire.

The Prior General is obliged to visit all the Houses of the Order at least twice during his term of office, therefore every three years. He may do this personally or by another, usually members of the Definitorium. The General also presides over the Provincial Chapters of the Order, chairing them from their beginning until their end. He may do this personally or through another<sup>22</sup>. There is nothing stopping the General from delegating the outgoing Provincial to chair the chapter. Each year, Provincials and Priors are to send him a report regarding the state of their house or province. Through these reports and visitations, he gains a deep knowledge of the Order, its monks and their states, which allows him to rule the Order more efficiently and properly. The General does all this in the framework of Canon Law, the Constitutions and the General Directory.

**Article 122:** The Father General is able to grant a temporary dispensation from any statutes of the Constitutions which concern solely religious discipline. This applies to communities as well as to individuals. In agreement with the Definitorium, it is within his competence to set forth practical explanations of specific rules as well as to issue decrees concerning persons, monasteries or material goods. By the very manner of his personal life he should encourage all members to a faithful observance of the Constitutions.

Dispensations in Canon Law are a temporary relaxation of the

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<sup>22</sup> Cf: Norma 3: 1. *Przewodniczącym Kapituły prowincjalnej będzie aż do jej zakończenia Ojciec General lub jego delegat.* "Statuty Prowincji Amerykańskiej Zakonu Świętego Pawła Pierwszego Pustelnika", in *Biuletyn Zakonu Świętego Pawła Pierwszego Pustelnika*, Rok XXXIX, Częstochowa 2008, 23-29.

Cf: Norm 3; The Provincial Chapter.....The Chairman of the Provincial Chapter, up until its conclusion, will be the Superior General or his delegate. "The Statutes of The Australian Province of the Order of St. Paul the First Hermit", in AUSTRALIAN PROVINCIAL CURIA OF THE ORDER OF ST. PAUL THE FIRST HERMIT, *The Rule, Constitutions and General Directory of the Order of St. Paul the First Hermit*, Penrose Park 2019, 174-186.

Cf: Art. 138; Norm 138 and 142, in *The Rule, Constitutions and General Directory of the Order of St. Paul the First Hermit*.

Law<sup>23</sup>. In General, the ability to dispense is in the power of him who made the Law. The Pope may dispense from Canon Law, he usually does this through the various dicasteries and congregations of the Holy See<sup>24</sup>. A Bishop may dispense from the Law he creates and also from Universal Law<sup>25</sup>. Divine and Natural Law were legislated by Almighty God, and only He may dispense from it, which means neither the Pope nor a Bishop may dispense from them. By approving the Constitutions of the Order, the Church allows the Prior General to temporarily dispense from laws found in the Constitutions regarding religious discipline, such as fasts and prayers, etc. He may not dispense from Procedural Laws<sup>26</sup>, Penal Laws<sup>27</sup>, or those which constitute the essence of a thing<sup>28</sup>. The General may also explain the meaning of the words of the Constitution and issue instructions on how the Constitutions are to be applied and live. He may not add to these nor are his explanations an authentic interpretation of the Constitutions<sup>29</sup>.

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<sup>23</sup> CIC, Can. 85: A dispensation, or the relaxation of a merely ecclesiastical law in a particular case, can be granted by those who possess executive power within the limits of their competence, as well as by those who have the power to dispense explicitly or implicitly either by the law itself or by legitimate delegation.

<sup>24</sup> The Congregation for Institutes of Consecrated life and Societies of Apostolic Life usually has competence in regards to the Constitutions of Religious Orders.

<sup>25</sup> Cf: CIC, Can. 87 §1: A diocesan bishop, whenever he judges that it contributes to their spiritual good, is able to dispense the faithful from universal and particular disciplinary laws issued for his territory or his subjects by the supreme authority of the Church. He is not able to dispense, however, from procedural or penal laws nor from those whose dispensation is specially reserved to the Apostolic See or some other authority.

<sup>26</sup> Procedural laws have to do with the series of acts required in a procedure.

<sup>27</sup> Penal laws regard crimes, penalties and the procedures regarding trials, punishments and defense.

<sup>28</sup> Cf: CIC, Can. 86: Laws are not subject to dispensation to the extent that they define those things which are essentially constitutive of juridic institutes or acts.

<sup>29</sup> **Article 199:** The Apostolic See is the competent authority in interpreting the Constitutions. In individual cases of doubt, the General Chapter or the Father General together with his council can give practical clarifications.

Cf: CIC, Can. 16 §1: The legislator authentically interprets laws as does the one to whom the same legislator has entrusted the power of authentically interpreting.

§2. An authentic interpretation put forth in the form of law has the same force as the law itself and must be promulgated. If it only declares the words of the law which are certain in themselves, it is retroactive; if it restricts or extends the law, or if it explains a doubtful law, it is not retroactive.

§3. An interpretation in the form of a judicial sentence or of an administrative act in a particular matter, however, does not have the force of law and only binds the persons for whom and affects the matters for which it was given.

**Norm 147:** The Father General is expected to have an accurate knowledge as to the state and problems of our Religious Community. Therefore, he should demand from the Provincials and Priors a report as to the state of their monasteries drawn up according to a previously prepared questionnaire. Likewise, it is his obligation to inform the Community of current affairs in the Church and the Order. He does this through general letters sent out at least once a year as well as through his special informational organ called 'the Bulletin of the Order of St. Paul the First Hermit' edited under the leadership of the Secretary- General.

The General communicates with the Order usually through Priors and Prior Provincials. He is to inform monks about what is going on in the Church in general and in the Order in particular. To do this, he sends letters, at least once a year, to the whole Order. At the present moment, the General writes these letters for Christmas, the Feast of St. Paul the First Hermit and Easter. Each year the General Curia publishes an address and personal book of the whole Order<sup>30</sup>. Once in a while, the General Curia publishes a book containing details, names and most importantly, the faces of all the monks in the Order<sup>31</sup>. Employing the General Secretary and through the General Curia, he publishes the bulletin of the Order. This bulletin contains the public acts of the Curia, that is, letters, decrees, and personal transfers of the whole Order. It also contains speeches and homilies of the General, as well as the more important public correspondence. The physical copy is published yearly<sup>32</sup>. An electronic summary of a given month is emailed out monthly. The General being both a Major Superior and an Ordinary, as well as the Supreme Superior of Monastic Order has great power in Order to serve his monks and the Order, in ages past, the General also enjoyed the privileges of *Pontificalia*, that is ornaments and vestments of a Bishop, in a similar way to Benedictine abbots.

### Pontificals

In 1770 Pope Clement XIV granted the Prior General Paul Eszterhazy and all his successors the privilege of Pontificals, that is the liturgical vestments of a Bishop, the choral habit of a bishop in white, the ability to

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<sup>30</sup> KURIA GENERALNA ZAKONU ŚWIĘTEGO PAWŁA PIERWSZEGO PUSTELNIKA, *Adresy i Skład Personalny Klasztorów i Placówek Paulińskich*, vol 21, Częstochowa 2020.

<sup>31</sup> Cf: ZAKON ŚWIĘTEGO PAWŁA PIERWSZEGO PUSTELNIKA, *Stan Personalny na dzień 01.06.2019*, Częstochowa 2019.

<sup>32</sup> ZAKON ŚWIĘTEGO PAWŁA PIERWSZEGO PUSTELNIKA, *Biuletyn*, Rok LI, Częstochowa 2020.

Tonsure his monks, to ordain them to the four minor orders and to bless various liturgical objects that are usually reserved to Bishops.

Eidem Paulo et Successoribus suis Ordinis Monachorum Sancti Pauli Primi Eremitae prioribus Generalibus quaecumque, existentibus, ut in Monasteriis ejusdem Ordinis Mitra, et Baculo, ac Annulo Pastoralibus, et etiam Cruce, ac Sandaliis, et aliis ornamentis, quibus Pontificali Dignitate praediti utuntur et cum quibus sacra facientes incedunt, ad instar (...) <sup>33</sup>.

The Prior General was able to wear a Mitre and carry a Crosier. He could wear a ring and a Pectoral Cross, presumably on a white and gold cord with vestments or over his choir dress or on a chain over his habit. The decree explicitly allows the Prior General to wear Pontifical sandals, that is the liturgical shoes of a bishop, presumably with the appropriate buskins or liturgical socks. The decree allows the General to use other ornaments and vestments of Pontifical dignity, among which would be Pontifical gauntlets or gloves for celebrating Mass and perhaps the Cappa Magna as well. The decree allows the General to use all these only within Monasteries or Houses of the Order and the Churches attached to them. Moreover, the decree gives particular times that the General may use them.

(...) seu eodem prorsus modo aliorum Generalium Ordinum Monachorum hujus modi in diebus Festis solemnioribus, nempe Nativitatis, et paschalis Resurrectionis Domini Nostri Jesu Christi, Pentecostes, Assumptionis Beatae Mariae Virginis ac in die Sancti Pauli Primi Eremitae uti, ac etiam post nocturnas, seu matutinas horas, nec non Missam decantatam, et Vesperas benedictionem solemnem post Missarum, Vesperarum, Matutiorum, et aliorum divinarum solemnem supra Populum tunc interessentem, dummodo inibi Diocesansum seu alius Antistes, aut aliquis Apostolicae Sedis Legatus praesens non sit, vel si praesens fuerit. Ejus ad id expressus accedat assensus, elargiri (...).

The Prior General was allowed to Pontificate only on certain more solemn feasts, they are Christmas, Easter, Pentecost, and the Assumption of the Blessed Virgin Mary<sup>34</sup>, and the day of the feast of St. Paul the First Hermit. He could celebrate Matins, Lauds, Mass and Vespers Pontifically in the presence of the faithful.

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<sup>33</sup> The text of this decree is taken from: CLEMENS PP. XIV, Lettera Apostolica, *Decet Romanum Pontificem*, Apostolicae quibus Paulo Eszterhazii Priori Generali Ordinis Monachorum S. Pauli Primi Eremitae, suisque in Generalis Prioratus Officio Successoribus, Indultum Pontificalium, et facultas utendi Habitu ad instar Praelatorum, etiam in Urbe, necnon Monachis professis Tonsuram, et quatuor minores Ordines conferendi, alicque Privilegia perpetuo conceduntur, 23 Julii, 1770, in PAPA BENEDICTUS XIV, *Opera omnia: in tomos XVII distributa. Bullarii Romani Continuatio summorum pontificum*; 5: *Clementis XIII. continens pontificatum*, Volume 19, LXXXII, Roma 1847, 221-222.

<sup>34</sup> The assumption of the Blessed Virgin Mary was the Principal Feast of Jasna Gora, before the Feast of Our Lady of Czestochowa was established in 1931.

(...) et singulos Ordinis praedicti Monachos professos ad hoc idoneos Clericali caractere insignire, et ad quatuor Ordinis simul, vel successive, prout expediens fuerit, quibusvis Festivitatibus promovere, ac Ordines eis conferre (...).

The Prior General was also allowed to tonsure his monks, that is, admit them to the clerical state. By being able to ordain his monks to the four minor orders, which before the Second Vatican Council were considered part of the Sacrament of Holy Orders, he was also an extraordinary minister of the Sacrament<sup>35</sup>. He could only do so to his own monks and was not able to tonsure or ordain others.

(...) nec non vestes, undamenta, ornamenta, et paramenta Ecclesiastica, libros imagines, Cruces, Campanas Calices, vasa et tabernacula quaecumque Ecclesiarum, et Monasteriorum dicti Ordinis, ac Altaria eorum, et Monasteriorum dicti Ordinis, ac Altaria eorum benedicere, easdemque Ecclesias, vel earum Coemeteria, et alia Loca Ecclesiastica quovis modo pollutas, vel polluta, aqua tamen per aliquem Catholicum Antistitem (...).

The General was allowed to bless Sacred Vestments, Books, Icons, Crosses, Bells, Tabernacles, Altars, the Churches of the Order, and connected cemeteries. Interestingly, he was also given the privilege of consecrating chalices, which was not permitted to non-bishops.

(...) ut moris est, benedicta, reconcillare, habitumque Praelatorum more coloris albi cum Mozzetta, et Mantelletta, eitam in Romana Curia gestare ipse Paullus Prior Generalis libere, et licite possit, et valeat, ejusdemque Pauli Priores Generales Successores praedicti Ordinis perpetuis futuris temporibus respective possiut, et valeat auctoritate apostolica tenore praesentium concedimus, et indulgemus.

The Prior General was also permitted to dress in the prelatial habit, that is, the same dress as bishops, including the cassock, fascia, etc. He could wear this not only in the monasteries and churches of the Order, or before he was to Pontificate, but everywhere, even within the city of Rome. This prelatial habit was also of the same colour as the habit, that is, white. The Prior Generals did not enjoy the use of these privileges for very long.

### Loss and restoral

Since the Office of Prior General disappeared as such in 1788, the privileges of *Pontifcalia* had no one to make use of them. Eusebiusz Rejman, (1903-1910) the Prior of Jasna Gora and then the 75th Prior General

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<sup>35</sup> Cf: CIC [promulgated in 1917], Can. 951: Sacrae ordinationis minister ordinarius est Episcopus consecratus; extraordinarius, qui, licet caractere episcopali careat, a iure vel a Sede Apostolica per peculiare indultum potestatem acceperit aliquos ordines conferendi.

of the Order resumed the use of them. This caused some doubts amongst the hierarchy, faithful and even monks regarding if he could in fact make use of them. The Congregation of Rites was asked this *dubia* and gave a response in the affirmative. This response referred to the earlier apostolic letter of Clement XIV and clarified that the General could make use of a white zucchetto and a white biretta. In addition, the Congregation permitted the Prior General to Pontificate on the celebration of the feast of Our Lady of Czestochowa and the Sunday within the Octave of Corpus Christi<sup>36</sup>. After the, at the time controversial, Generalate of Eusebiusz Rejman and his exile to Rome<sup>37</sup>, no other Prior General has made use of Pontificals. When the Prior General Jerzy Jan Tomziński as a Council Father, was asked to celebrate during the Second Vatican Council, he declined to use any form of *Pontificalia*, preferring to sing a Solemn Mass as a simple priest. There was an attempt to restore the privilege during the Generalate of Stanisław Turek (1996-2002) but it was unsuccessful.

## Conclusion

The Prior General is the First in the Order. He is the successor of Blessed Eusebius the founder of the Order and the first Prior Provincial. With Laurence of Esztergom the 3<sup>rd</sup> Successor of Eusebius, did the Supreme Superior of the Order adopt the title *Piore Generalis*. The title continued to be used to this day, except during the period between the dissolution of the Order in Hungary and the restoration of the title at the beginning of the 20<sup>th</sup> Century. Historically, the Office of Prior General has even been held by a Provincial simultaneously. The Prior General is the Supreme Moderator of the Order of St. Paul the First Hermit.

Universal Law defines the Supreme Moderator as the figure who governs an entire institute, all its parts, houses, and members. They are a Major Superior and, if it is a Clerical Institute of Pontifical Rite, an Ordinary as well. The Supreme Moderator's term in office is usually limited by the proper law of the institute, and they may only be elected to the Office by the members of the Institute in the General Chapter.

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<sup>36</sup> CONGREGATIONE RITUUM, *Circa Pontificalia peragenda a Priore S. Pauli Primi Eremitae in Polonia*, 3 Februarii 1907, in *Acta Sanctae Sedis* 41, 1908, 344-345.

<sup>37</sup> JÓZEF STANISŁAW PŁATEK OSPPE, *Przełożeni generalni Zakonu św. Pawła Pierwszego Pustelnika*, Częstochowa 1988, 59-82.

The Prior General is elected by the ordinary General Chapter which is held every six years. He may have two consecutive terms, without a break. To be elected he needs to be at least 40 years old and 10 years in Solemn Vows. He receives the profession of monks either personally or through a delegate. A council of monks known as the *Definitorium* assist him, the first of which is also the Vicar of the Order. He administers the temporal goods of the Order through the General Administrator, and the General Secretary manages his Curia.

The Prior General and his curia reside at Jasna Gora but are not a part of its convent or shrine. By the annual reports of Priors and Prior Provincials as well as the two visitations to each house of the Order that must do in his term in office, the Prior General has the information necessary to govern the Order. The General also presides over the Provincial chapters, from start to finish. The General may temporarily dispense from articles of the Constitution relating to Religious Observance. The public acts of the General and his Curia are published in the Bulletin of the Order.

In 1770, as the Superior of a Monastic Order, the Prior General was granted the privileges of Pontificals, tonsuring, ordaining his monks to the minor orders, giving reserved blessings, and wearing a prelatial habit in white. These privileges were not used for very long on account of the dissolution of the Order in Hungary and the period of Pro-Generals in the Polish Province. At the start of the 20<sup>th</sup> century, Eusebius Rejman resumed them and had them reconfirmed by the Holy See. No Prior General has used them since, despite an effort on the part of Prior General Stanisław Turek to have them reconfirmed by the Holy See.

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## APPENDIX

## PISMO APOSTOLSKIE PAPIEŻA KLEMENSA XIV

z 23 lipca 1770 roku

(tłum. Bazyli Degórski *OSPPE*)

IX. Najświętobliwszego Pana naszego Papieża Klemensa XIV Pismo Apostolskie, poprzez które na zawsze udziela się Pawłowi Eszterhaziemu, Przeorowi Generalnemu Zakonu Mnichów św. Pawła Pierwszego Pustelnika oraz jego następcom na urzędzie przeorstwa generalnego, pozwolenie na pontyfikalia i możliwość używania szat na podobieństwo prałatów, także w Rzymie, jak i udzielania tonsury i czterech niższych święceń mnichom profesom i inne przywileje.

PAPIEŻ KLEMENS XIV  
na wieczną rzeczy pamiątkę:

§.1. Przystoi Biskupowi Rzymskiemu, któremu z woli Bożej została powierzona władza udzielania [dóbr duchowych], chętnie spieszyć, by odpowiadać na te prośby, dzięki którym pomnażają się owoce Osób pozostających pod słodkim jarzmem zakonu Najwyższego, i mnożą się owoce obfitych dobrych uczynków [w oliczu] Tego, od którego jako dawcy pochodzą wszystkie dobra usilnie pracujących dla piękna i użyteczności, i włączyć łaskawie w obowiązki pasterskie, jak to wypada dostrzec zbawiennie w Panu.

§.2. Niedawno bowiem umiłowany syn Paweł Eszterhazii, Przeor Generalny Zakonu Mnichów św. Pawła Pierwszego Pustelnika, przedstawił nam prośbę, iż ponieważ tenże Instytut na mocy naszego autorytetu apostolskiego został uznany za należący do Zakonów Mniszych, a generałowie innych tego rodzaju Zakonów cieszą się pewnymi łaskami i przywilejami udzielonymi im na mocy takiego samego autorytetu, to tenże Paweł te same prerogatywy i uprawnienia ku czci i ozdobie swojego Zakonu, ku pożytkowi duchowemu swoich mnichów, bardzo pragnie posiadać dla siebie i dla jego następców na urzędzie przeora generalnego. Prosi więc nas pokornie, byśmy odnośnie do tego właściwie postąpili, i abyśmy zechcieli z łaskawości Apostolskiej na to się zgodzić.

§. 3. My więc, chcąc obdarzyć tegoż Pawła specjalnymi względami i łaskami, i od jakichkolwiek kar ekskomuniki, suspensy i interdyktu, i innych kościelnych wyroków, cenzur z prawa lub od człowieka z jakiegokolwiek powodu lub przyczyny, nałożonych, jeśliby w jakikolwiek sposób w nich się znalazł, by jedynie uzyskać skutek niniejszego pisma, z tychże wymienionych rozgrzeszając i uznając za uwolnionego [od nich], przychylając się do próśb, temuż Pawłowi i jego jakimkolwiek istniejącym następcom przeorom generalnym Zakonu Mnichów św. Pawła Pierwszego Pustelnika, aby w klasztorach tegoż Zakonu używali [oznak] pasterskich: mitry i pastorału i pierścienia, a także krzyża i sandałów i innych ozdób, których używa się w Godności Biskupiej i z którymi przystępują do sprawowania czynności świętych na wzór, czyli całkowicie w taki sam sposób, jak to czynią generałowie innych zakonów mniszych w dni bardziej uroczystych świąt, mianowicie Bożego Narodzenia i paschalnego Zmartwychwstania naszego Pana Jezusa Chrystusa, Pięćdziesiątnicy, Wniebowzięcia Najświętszej Maryi Panny i w dniu św. Pawła Pierwszego Pustelnika, a także pozwala się na udzielanie obecnemu ludowi uroczystego błogosławieństwa po nokturnach, czyli godzinach porannych, jak i odśpiewaniu mszy, i po nieszporach, po mszach, nieszporach, matutinach, i innych nabożeństwach, gdyby tam nie było Biskupa diecezjalnego albo jakiegoś legata Stolicy Apostolskiej lub gdyby był. Do tego dochodzi wyraźna zgoda, by udzielić także wiernym, którzy są obecni podczas tego błogosławieństwa, odpustu dziesięciu dni i odpuszczenia grzechów, czyli dziesięciu dni z tych, które im zostały zadane [jako pokuta] lub zwolnienie z innych jakichkolwiek nałożonych pokut, i wydać we właściwej Kościołowi formie; a poszczególnych mnichów profesów tegoż Zakonu do tego usposobić klerykalnym charakterem, i promować do czterech święceń jednocześnie lub po kolei [stopniowo, z przerwami], jak będzie najwygodniej, w jakimkolwiek święto, i święceń im udzielić, oraz szaty, ubiory, ozdoby i paramenty kościelne, księgi, obrazy, krzyże, dzwony, kielichy, naczynia i tabernakula w jakimkolwiek kościele i klasztorze tegoż Zakonu i ich ołtarze poświęcać i także kościoły lub ich cmentarze i inne miejsca kościelne w jakimkolwiek sposób skażone, wodą tylko poświęconą przez jakiegoś biskupa katolickiego, jak jest to w zwyczaju, pogodzić, i strój, na podobieństwo prałatów, koloru białego z mucetem i pelerynką, także w Kurii Rzymskiej tenże Paweł Przeor Generalny może i ma prawo swobodnie i prawnie nosić, i tegoż Pawła poszczególni następcy przeorzy generalni rzeczzonego Zakonu na zawsze po wieczne czasy mogą używać

i mają do tego prawo na mocy autorytetu apostołskiego, na mocy brzmienia niniejszego pisma udzielamy i łaskawie pozwalamy na to.

§.4. Uważając niniejsze pismo za zawsze trwałe, ważne i skuteczne, i za mające uzyskać i otrzymać swoje skutki w pełni i całkowicie dla tych, których ono dotyczy, i na jakikolwiek czas ono się rozciąga, i we wszystkim wspomagające, przez nich [niech będzie] zachowywane nienagannie. Ze względu na to, co zostało powiedziane, [niech będzie] uważane za zwyczajne dla jakiegokolwiek sędziego i dla oddelegowanych audytorów dla spraw pałacu apostołskiego i świętego Kościoła Rzymskiego kardynałów, także legatów *de latere*, i nuncjuszy Stolicy Apostolskiej, pozbawiwszy ich mocy i jakiegokolwiek sądenia kogokolwiek w inny sposób i interpretowania i władzy osądzania i określania, i nieważne i niewłaściwie, jeśli byłoby to inaczej, przez jakąkolwiek władzę w tych sprawach, czy będzie to świadomie lub nieświadomie usiłowane.

§5. To jest ważne i ponowione na mocy potwierdzenia apostołskiego pomimo tego, co nasz poprzednik śp. Papież Benedykt XIV powiedział na temat podziału spraw i innych apostołskich i ogólnokościelnych i prowincjalnych edyktów ogólnych i synodalnych lub szczegółowych konstytucji oraz, jeśli by to dotyczyło, także ślubów rzonego zakonu, lub pomimo mocy wypracowanej przez jakiegokolwiek statuty i zwyczaję także przywileje i jakiegokolwiek pisma apostołskie przeciwne [temu rozporządzeniu]. Odnośnie do wszystkich i poszczególnych słów wyrażonych w tym piśmie, całkowicie i wystarczająco i dokładnie wypisanych, postanawiamy dokładnie i wyraźnie, że ma utracić swą moc to wszystko, co jest przeciwne temu, [co się tu postanawia]; także to wszystko, co się temu przeciwi [to wykluczamy, odrzucamy].

Dan w Rzymie u św. Maryi Większej, pod pierścieniem rybaka, w dniu 23 lipca 1770 roku, w drugim roku naszego pontyfikatu.

Cyt. za: Papa Benedictus XIV, *Opera omnia: in tomos XVII distributa. Bullarii Romani Continuatio summorum pontificum; 5: Clementis XIII. continens pontificatum*, Volumen 19, 221-222.

RESKRYPT  
ŚWIĘTEJ KONGREGACJI OBRZĘDÓW  
z 3 lutego 1907 roku  
odnośnie do pontyfikaliów  
używanych przez Przeora [Zakonu] św. Pawła Pierwszego Pustelnika  
w Polsce  
(tłum. Bazyle Degórski *OSPPE*)

Papież Klemens XIV swoim Listem Apostolskim z dnia 23 lipca 1770 roku udzielił czasowo Przeorowi generalnemu Zakonu **św. Pawła Pierwszego Pustelnika** pozwolenia [używania] pontyfikaliów i możliwości używania stroju prałatów białego koloru, także w Rzymie [dosłownie: w Mieście], jak i udzielania swoim mnichom tonsury i niższych święceń, i [udzielił] innych przywilejów. Ponieważ jednak powstały pewne wątpliwości co do pozwolenia na pontyfalia, obecny Przeor Euzebiusz przedstawił je do rozstrzygnięcia **św. Kongregacji Obrzędów**, która dała następujące odpowiedzi:

I. Przewielebny Przeor [Zakonu] św. Pawła Pierwszego Pustelnika może używać szat prałackich białego koloru, nie wyłączając tu piuski i biretu tego samego koloru.

II. Nic nie przeszkadza, aby Przeorowi, gdy wchodzi do kościoła w celu uroczystej celebracji, towarzyszyli jego zakonnicy, jak jest to w zwyczaju mnichów św. Benedykta, pod warunkiem, że zakonnicy nie będą ubrani w święte szaty [= w szaty liturgiczne].

III. Jeśli tron [= chodzi o to, na czym się siedzi] opacki lub przeorski jest przenośny, to po zakończeniu celebracji pontyfikalnych, musi być zabrany. Jeśli natomiast nie można go zabrać, gdyż jest przymocowany [na stałe], wówczas wystarcza, aby po tych wszystkich celebracjach pontyfikalnych pozostał ogołcony ze wszystkich ozdób.

IV. Zabrania się opatom [używania] ozdobionej mitry, chyba że zostało im udzielone specjalne pozwolenie Apostolskie [na jej noszenie; = specjalny indult].

V. Przeor Zakonu św. Pawła może używać pontyfikaliów w dniach ustalonych przez Klemensa XIV, jak również w święto N.M.P. Częstochowskiej oraz w Niedzielę w Oktawie Bożego Ciała, jeśli ma miejsce procesja, zgodnie z dekretem **św. Kongregacji Obrzędów** z dnia 22 sierpnia 1906

roku, która także i to na nowo napisała [= potwierdziła; wydała reskrypt] dnia 3 lutego 1907 roku.

S. Kard. Cretoni, prefekt  
D. Panici, Arcybiskup Laodycei, sekretarz

Cyt. za: *Acta Sanctae Sedis* 41, 1908, 344-345.

## STATUS KANONICZNY PRZEORA GENERALNEGO W ZAKONIE PAULINÓW

### Streszczenie

Przeor generalny (general) jest pierwszym wśród zakonników. W Zakonie Paulinów jest następcą bł. Euzebiusza, założyciela Zakonu i pierwszego przeora prowincjalnego. Trzeci następca bł. Euzebiusza, Wawrzyniec z Ostrzyhomia, ówczesny najwyższy przełożony Zakonu przyjął w 1300 roku tytuł *Prior Generalis*. Tytuł ten jest używany do dziś, z wyjątkiem okresu między kasatą Zakonu na Węgrzech a przywróceniem tytułu na początku XX wieku. W przeszłości urząd przeora generalnego był nawet sprawowany łącznie z urzędem prowincjała. Przeor generalny jest najwyższym reprezentantem Zakonu Świętego Pawła Pierwszego Pustelnika.

Prawo powszechne definiuje urząd sprawującego najwyższą władzę jako tego, który zarządza całym instytutem, wszystkimi jego częściami, domami i członkami. Ma on kanoniczny status wyższego przełożonego, a w przypadku instytutu kleryckiego na prawie papieskim, także status ordynariusza. Kadencja najwyższego przełożonego jest zwykle ograniczona przez prawo własne instytutu i może on zostać wybrany na ten urząd wyłącznie przez członków instytutu na kapitule generalnej.

W Zakonie Paulinów przeor generalny jest wybierany przez zwyczajną kapitułę generalną, która odbywa się co sześć lat. Może on sprawować urząd bez przerwy przez dwie kolejne kadencje. Aby zostać wybranym, musi mieć co najmniej 40 lat i 10 lat profesji wieczystej. W sprawowaniu urzędu wspomagany jest przez radę mnichów zwaną defnitorium. Pierwszy z defnitorów występuje w roli wikariusza generalnego zakonu. Przeor generalny zarządza dobrami doczesnymi Zakonu za pośrednictwem administratora generalnego, zaś kurią generalną kieruje sekretarz generalny.

Przeor generalny wraz z kurią rezyduje na Jasnej Górze. Dysponuje on wiedzą niezbędną do zarządzania Zakonem dzięki rocznym sprawozdaniom przeorów i prowincjałów, a także w oparciu o wizytacje każdego domu zakonnego, które musi przeprowadzić przynajmniej dwa razy w trakcie swojej kadencji. Generał przewodniczy również kapitułom prowincjalnym, od początku do końca. Może on tymczasowo dyspensować od przepisów Konstytucji dotyczących przestrzegania zasad życia zakonnego. Do ważniejszych jego prerogatyw należy przyjmowanie profesji mnichów osobiście lub za pośrednictwem delegata. Publiczne akty generała i jego kurii są publikowane w specjalnym biuletynie zakonnym.

W 1770 roku przeor generalny Paulinów otrzymał przywileje używania pontyfikaliów, udzielania tonsury i niższych święceń swoim mnichom, a także udzielania zarezerwowanych błogosławieństw i noszenia białego habitu prałackiego. Z przywilejów tych nie korzystano zbyt długo ze względu na kasatę Zakonu na Węgrzech i okres Pro-Generałów w Prowincji Polskiej. Na początku XX wieku, gdy przeorem był ojciec Euzebiusz Rejman, przywileje te zostały wznowione i ponownie potwierdzone przez Stolicę Apostolską. Jednakże następcy ojca Rejmana, odstąpili od korzystania z tych przywilejów i taki stan rzeczy utrzymuje się do dnia dzisiejszego.

**Słowa kluczowe:** przeor generalny, Zakon Paulinów, generał Zakonu, konstytucje paulińskie, urząd generała w świetle prawa kanonicznego, pontyfikalia

**Keywords:** prior general, Pauline Order, general of the Order, Pauline constitutions, office of general in the light of canon law, pontificals