



The Holy See

***ADDRESS OF HIS HOLINESS BENEDICT XVI
TO THE PARTICIPANTS IN THE STUDY CONGRESS
ORGANIZED BY THE PONTIFICAL COUNCIL
FOR LEGISLATIVE TEXTS
ON THE OCCASION OF THE 25th ANNIVERSARY
OF THE PROMULGATION OF THE CODE OF CANON LAW***

Hall of Blessings

Friday, 25 January 2008

Your Eminences,

Venerable Brothers in the Episcopate and in the Priesthood,

Distinguished Professors, Legal Professionals and All who Promote Canon Law,

I am delighted to be present at these last moments of the Study Congress organized by the Pontifical Council for Legislative Texts on the occasion of the 25th anniversary of the promulgation of the *Code of Canon Law*. You have reflected on: "*Canon law in the life of the Church. Investigations and perspectives in keeping with the recent Papal Magisterium*". I cordially greet each one of you and in particular the President of the Pontifical Council, Archbishop Francesco Coccopalmerio, whom I thank for his courteous words to me on behalf of you all and for his reflections on the Code and on Church law. I likewise extend my thanks to the entire Pontifical Council, with its Members and Consultors, for the valuable collaboration it has offered to the Pope in the juridical and canonical context: in fact, the Dicastery is watchful in order to ensure that the Church's legislation is complete, current and consistent. I take pleasure in recalling with deep gratitude to the Lord that I too contributed to the drafting of the Code, having been appointed by the Servant of God John Paul II, while I was Archbishop of Munich and Freising, a member of the Commission for the Revision of the Code of Canon Law, at whose promulgation on 25 January 1983 I was present.

The Congress that is being celebrated on this important anniversary treats a theme of great interest because it highlights the close link that exists between canon law and Church life in

accordance with the desire of Jesus Christ. On this occasion I am therefore anxious to reaffirm a fundamental concept that imbues canon law. The *ius ecclesiae* is not only a body of norms formulated by the Ecclesial Legislator for this special people who form the Church of Christ. It is, in the first place, the authoritative declaration on the part of the Ecclesial Legislator of the duties and rights that are based in the sacraments and are therefore born from the institution by Christ himself. This series of juridical realities treated by the Code forms a wonderful mosaic in which are portrayed the faces of all the faithful, lay people and Pastors and all the communities, from the universal Church to the particular Churches. I am pleased here to quote Bl. Antonio Rosmini's truly incisive words: "The human person is the essence of law" (*Filosofia del diritto*, Part I, bk I, ch. 3). What this great philosopher said with profound insight of human law, we must with all the more reason reassert for canon law: the essence of canon law is the Christian person in the Church.

Moreover, the *Code of Canon Law* contains the norms formulated by the Ecclesial Legislator for the good of the person and of the communities of the whole Mystical Body which is the Holy Church. As my beloved Predecessor John Paul II said in promulgating the *Code of Canon Law* on 25 January 1983, the Church is constituted as a social and visible structure; as such: The Church "must also have norms: in order that her hierarchical and organic structure be visible; in order that the exercise of the functions divinely entrusted to her, especially that of sacred power and of the administration of the sacraments, may be adequately organized; in order that the mutual relations of the faithful may be regulated according to justice based upon charity, with the rights of individuals guaranteed and well defined; in order, finally, that common initiatives undertaken for an ever more perfect Christian life may be sustained, strengthened and fostered by canonical norms" (Apostolic Constitution *Sacrae disciplinae leges*, 1983). The Church thus recognizes in her laws the nature as well as the means and pastoral function for pursuing her own end, which - as is well known - is the achievement of the "*salus animarum*". "Canon law is thus shown to be related to the Church's very nature; it is essential for the proper exercise of the *munus pastorale*..." (John Paul II, *At the 10th Anniversary of the Promulgation of the Code of Canon Law*, 23 April 1993, n. 6; *ORE*, 28 April, p. 2).

If canon law is to fulfil this invaluable service it must first of all be a well-structured law. In other words, on the one hand it must be bound to the theological foundation that gives it reasonableness and is an essential title of ecclesial legitimacy; on the other, it must keep up with the changing circumstances of the historical reality of the People of God. Furthermore, it must be formulated clearly, without ambiguity, and must always be in harmony with the rest of the Church's laws. It is therefore necessary to abrogate norms that prove antiquated; to modify those in need of correction; to interpret - in light of the Church's living Magisterium - those that are doubtful, and lastly, to fill possible *lacunae legis*. As Pope John Paul II said to the Roman Rota: "The very many expressions of that flexibility which has always marked canon law, precisely for pastoral reasons, must be kept in mind and applied" (*Address to the Roman Rota*, 18 January 1990, n. 4). It is your task in the Pontifical Council for Legislative Texts to ensure that the work of the various bodies in the Church that are required to dictate norms for the faithful always reflects, all together, the unity

and communion that are proper to the Church.

Since canon law outlines the rules necessary for the People of God to orient themselves effectively to their own end, one understands how important it is that this law be loved and observed by all the faithful. Church law is first and foremost *lex libertatis*: a law that sets us free to adhere to Jesus. It is therefore necessary to be able to present to the People of God, to the new generations and to all who are called to make canon law respected, its concrete bond with the life of the Church, in order to safeguard the delicate interests of the things of God and to protect the rights of the weakest, of those who have no other means by which to make their presence felt, and also in defence of those delicate "goods" which every member of the faithful has freely received - the gift of faith, of God's grace, first of all -, which the Church cannot allow to be deprived of adequate protection on the part of the Law.

In the overall scheme outlined here, the Pontifical Council for Legislative Texts is required to be of assistance to the Roman Pontiff, the Supreme Legislator, in his task as the principal upholder, guarantor and interpreter of the Church's law. In the fulfilment of this important office of yours, you can count on the Pope's confidence as well as his prayers as he accompanies your work with his affectionate Blessing.