



The Holy See

ADDRESS OF JOHN PAUL II TO THE PARTICIPANTS IN THE DAY OF STUDY ON THE THEME "TWENTY YEARS OF CANONICAL EXPERIENCE"

Friday, 24 January 2003

Your Eminences,

Brothers in the Episcopate and the Priesthood,

Brothers and Sisters, I am happy to welcome you as participants in the Day of Study organized by the Pontifical Council for Legislative Texts on the "*Twenty Years of Canonical Experience*" that have gone by since 25 January 1983, when I had the joy of promulgating the Code of Canon Law. I warmly thank the President of the Pontifical Council, Archbishop Julián Herranz, for the sentiments expressed on your behalf and for the clear presentation of the programme of the Symposium. The fact that the date of the promulgation of the new *Code of Canon Law* and that of the announcement of the Council coincide - both events took place on 25 January - prompts me to stress once more the close bond existing between the Council and the new Code. In fact, we should not forget that Blessed John XXIII, in announcing his decision to call the Second Vatican Council, also revealed that he intended to launch a reform of canonical discipline. With this in mind, I underlined in the Apostolic Constitution *Sacrae disciplinae leges*, that the Council and the new Code both come "from one and the same intention which is that of renewing Christian life. From such an intention, in fact, the entire work of the Council drew its norm and direction" (AAS, 75, 1983, II, p. VIII). In these twenty years, one has been able to discern how much the Church needed the new Code. Happily, the voices opposing Church law have more or less disappeared. However, it would be ingenuous not to admit how much remains to be done in the present historical circumstances to consolidate a true juridical-canonical culture and an ecclesial practice that respects the intrinsic pastoral dimension of the laws of the Church.² The intention that presided over the redaction of the new *Code of Canon Law* was obviously that of putting at the disposition of pastors and all the faithful a clear normative instrument that would contain all the essential aspects of the juridical order. Therefore, it would be completely simplistic and misleading to view the law of the Church as a mere collection of legislative texts, according to the position of juridical positivism. In fact, the canonical norms refer to a reality that transcends them; such a reality is not just composed of historical and contingent data, but also includes essential and permanent elements in which divine law is made concrete. The new *Code of Canon Law* - and this criterion applies also to the *Code of Canons of the Eastern Churches* - should be interpreted and applied in this theological perspective. In this way, one can avoid a *hermeneutical reductionism* that impoverishes canonical science and practice, removing them from their true ecclesial dimension. As is obvious, that happens, above all, when canonical norms are put at the service of interests that are extraneous to Catholic faith and morals.³ For this reason, first of all, the Code has to

be contextualized in the juridical tradition of the Church. This calls not so much for cultivating an abstract historical erudition, but of penetrating the flow of ecclesial life that is the history of canon law, in order to draw light for the interpretation of the norms. In fact, the canons are inserted into a body of juridical sources, that cannot be ignored without exposing the rationalist illusion of an exhaustive norm for every concrete juridical problem. An abstract mentality of that sort will turn out to be fruitless, above all, because it does not take into account the real problems and pastoral objectives that are at the base of the canonical norms. A more dangerous reductionism is that which claims to interpret and apply the laws of the Church in a manner that is detached from the teaching of the Magisterium. According to this view, Only formal legislative acts and not doctrinal pronouncements would have disciplinary value. It is obvious, that those operating from this reductionist perspective could sometimes come up with two different solutions to the same ecclesial problem: one drawn from the texts of the Magisterium, and the other drawn from canonical texts. At the root of such a conception is an impoverished idea of canon law that identifies it only with the positive dictate of the norm. This is not right: in fact, since the juridical dimension, being theologically intrinsic to the ecclesial reality, can be the object of magisterial, even definitive, teaching. This *realistic conception of law* establishes a genuine interdisciplinary relationship involving canonical scholarship and the other sacred sciences. A truly profitable dialogue must start with the common reality that is the very life of the Church. Even though it can be studied from many angles in the different scientific disciplines, the ecclesial reality remains the same and, as such, can allow for a reciprocal exchange among the disciplines that will surely be helpful to each.⁴ One of the more important new features of the *Code of Canon Law* and of the more recent *Code of Canons of the Eastern Churches* is the set of norms that both texts contain on the duties and rights of all the faithful (cf. *CIC*, cann. 208-223; *CCEO*, cann. 7-20). In reality, the reference of the canonical norm to the mystery of the Church, as desired by Vatican II (cf. Decree *Optatam totius*, n. 16), must also take into account the rights and duties of the individual person, while obviously keeping in mind the common good of ecclesial society. It is this personalist dimension of Conciliar ecclesiology that allows us to understand better the special and irreplaceable service that the ecclesiastical hierarchy must offer for the recognition and protection of the rights of individuals and communities in the Church. Neither in theory nor in practice can one prescind from the exercise of the power of governance and, more generally, from the entire hierarchical office of governing (*munus regendi*), as the way to declare, determine, guarantee and promote justice within the Church. All the usual instruments by which the power of governance is exercised - laws, administrative acts, processes, canonical sanctions - acquire in that way their real meaning: genuine *pastoral service* in favour of the persons and communities that belong to the Church. Sometimes, such service can be misunderstood or opposed: it is precisely at that time that it is more necessary to avoid making, under the pretext of pastoral need, decisions that can cause or even unconsciously favour true injustices.⁵ Conscious of the importance of the contribution that you as canonists make for the good of the Church and of souls, I urge you to persevere with renewed zeal in your dedication to study and to the canonical instruction of the new generations. In that way you will make an important contribution on the part of the Church to that peace, that is the work of justice (cf. Is 32,17), for which I have asked you to pray in this special Year of the Rosary (cf. Apostolic Letter, *Rosarium Virginis Mariae*, nn. 6 and 40). With these best wishes, and with affection, I impart my Blessing.