



The Pastoral Nature of Canon Law

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Defining our Terms

Pastoral: “shepherding”, person-focused, mission-focused, compassionate, merciful and caring, **but also** group-focused, guarding, protecting and defending, keeping safe.

Canon Law: *Universal:* 1983 Latin Code, 1990 Eastern Code, numerous Apostolic Constitutions and authentic interpretations ever since.

Particular: Bishops’ Conference and diocesan

Vatican II: Fundamental Reference

Vatican II documents are cited as primary sources for many canons

Principles of Revision of Canon Law (1967 Synod of Bishops): No.3

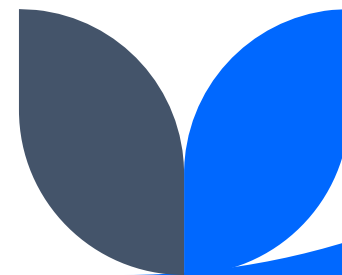
Certain Means for Fostering the Pastoral Ministry in the Code

Apostolic Letter: *Sacrae disciplinae leges* (1983)

Annual Allocutions to the Roman Rota

Revision Principle 3

...it is necessary that the Church's law be in harmony with the attainment of the supernatural end by all men and women. Hence, the laws of the Code of Canon Law must shine forth with the spirit of charity, temperance, humaneness and moderation which, as so many supernatural virtues, distinguish the laws of the Church from every human or profane law...the Code of Canon Law must foster justice as well as a wise equity, which is the fruit of kindness and charity...A reasonable amount of discretionary power and authority should be left in the hands of pastors and those having the care of souls to determine the duties of the faithful and to strike a happy balance between the duties of each individual and the conditions and circumstances of his or her life...Furthermore, the good of the universal Church evidently demands that the norms of any future code should not be too rigid. In fact, a somewhat greater freedom given to Ordinaries...can contribute much toward imbuing the Code of Canon Law with a truly pastoral spirit and character.



Dispensation or relaxation of a law

Whenever he judges that it contributes to their spiritual welfare, the diocesan bishop can dispense the faithful from disciplinary laws, both universal laws and those particular laws made by the supreme ecclesiastical authority for his territory or his subjects. He cannot dispense from procedural laws or from penal laws, nor from those whose dispensation is specially reserved to the Apostolic See or to some other authority (canon 87§1)

Nature of Canon Law

Relationship of theology to law: “incarnated values”

Distinction and connection between canon law and moral theology

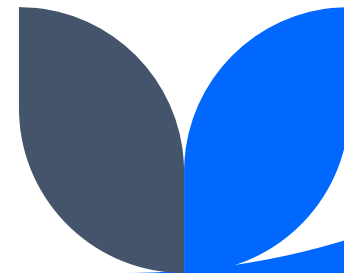
Canon law as “applied ecclesiology”: canon law follows from theology

Promote and Protect

Canon law is necessary, but not the primary consideration

Missionary Conversion (EG 27)

I dream of a “missionary option”, that is, a missionary impulse capable of transforming everything, so that the Church’s customs, way of doing things, times and schedules, language and structures can be suitably channelled for the evangelisation of today’s world rather than for her self-preservation. The renewal of structures demanded by pastoral conversion can only be understood in this light: as part of an effort to make them more mission-oriented, to make ordinary pastoral activity on every level more inclusive and open, to inspire in pastoral workers a constant desire to go forth and in this way to elicit a positive response from all those whom Jesus summons to friendship with himself. As John Paul II once said to the Bishops of Oceania: “All renewal in the Church must have mission as its goal if it is not to fall prey to a kind of ecclesial introversion”.



Ongoing Development (AL 3)

Since “time is greater than space”, I would make it clear that not all discussions of doctrinal, moral or pastoral issues need to be settled by intervention of the Magisterium. Unity of teaching and practice is certainly necessary in the Church, but this does not preclude various ways of interpreting some aspects of that teaching or drawing certain consequences from it. This will always be the case as the Spirit guides us towards the entire truth (cf John 16:13), until he (sic) leads us fully into the mystery of Christ and enables us to see all things as he (sic) does. Each country or region, moreover can seek solutions better suited to its culture and sensitive to its traditions and local needs. For “cultures are in fact quite diverse and every general principle...needs to be inculturated, if it is to be respected and applied”.



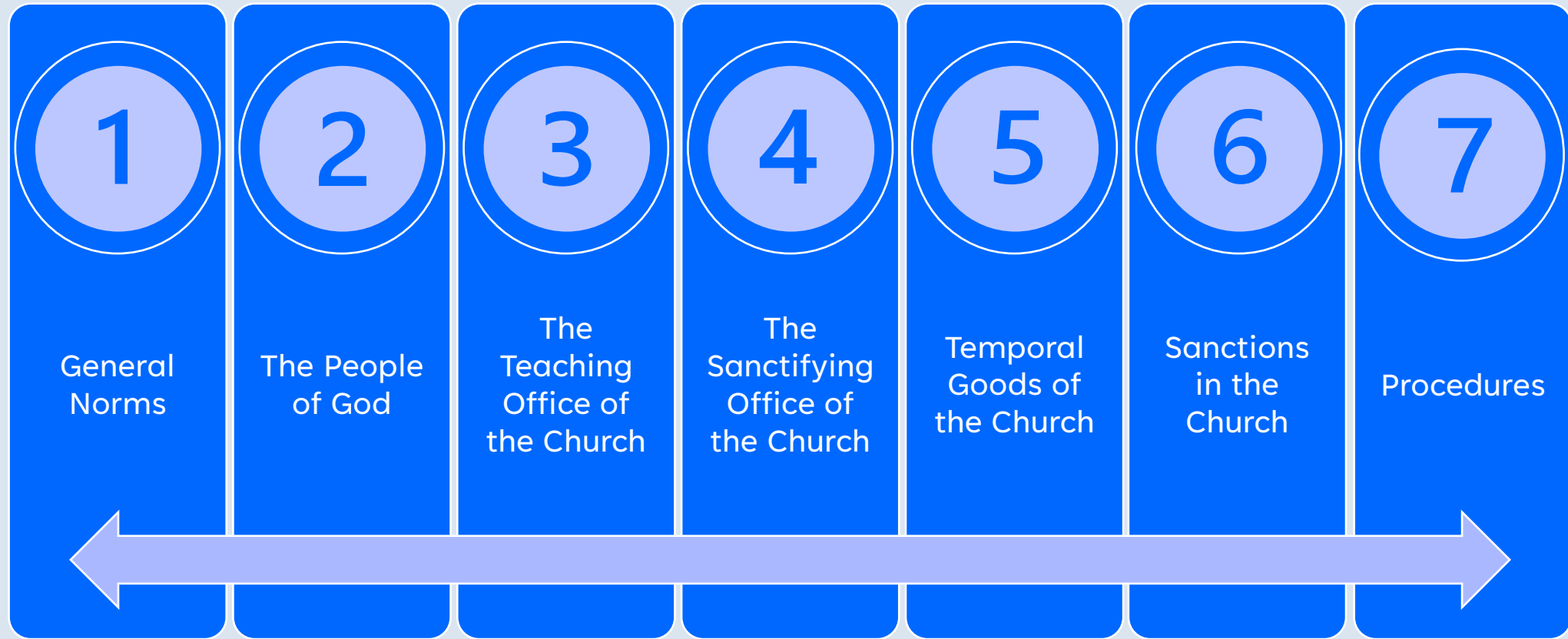
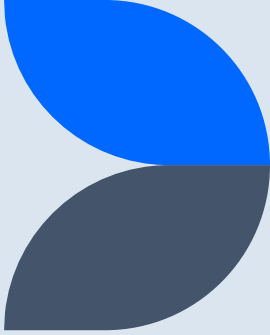
“

...the supreme law of the Church
is the salvation of souls (*salus
animarum*)

Canon 1752

”

Code of Canon Law 1983



Main Areas of Focus

Canonical Status

Christ's Faithful

Fundamental principle of equality

Obligations and Rights of all the Faithful

Obligations and Rights of the Lay Faithful

Lay Ministry

Instituted Lay Ministries

Lay participation in the power of governance

Structures of Collaborative Ministry

Liturgy & Sacraments

Fundamental norms not "rubrics"

Liturgical law (*praenotanda*)

Right to the sacraments and Sacramental Sharing

Requirements for sacramental validity

Accessibility

Reception of the Eucharist

Nullity of Marriage

Christ's Faithful

Canon 204§1: Christ's faithful are those who, since they are incorporated into Christ through baptism, are constituted the people of God. For this reason they participate in their own way in the priestly, prophetic and kingly office of Christ. They are called, each according to his or her particular condition, to exercise the mission which God entrusted to the Church to fulfil in the world



Principle of Equality

Canon 208: Flowing from their rebirth in Christ, there is a genuine equality of dignity and action among all of Christ's faithful. Because of the equality they all contribute, each according to his or her own condition and office, to the building up of the Body of Christ.



Obligations and Rights

All the Faithful

Preservation of Communion

Lead a holy life and promote growth of the Church

Evangelisation

To make needs and views known to Pastors

Right to access to the word of God and the sacraments

Liturgical worship and own spirituality

Establish and direct associations

Promote and support apostolic action on own initiative

Right to a Christian education

Academic freedom in research in sacred disciplines

Immunity from coercion in choosing a state of life

Good reputation and personal privacy

Vindication and defence of rights

Support the needs of the Church

Promotion of social justice and help of the poor

The Lay Faithful

Evangelisation

Special obligation to evangelise the temporal order, secular business and functions

Obligations of married people towards the Church and their children

Right to freedom in secular affairs

Capacity to be admitted to certain ecclesiastical offices and functions

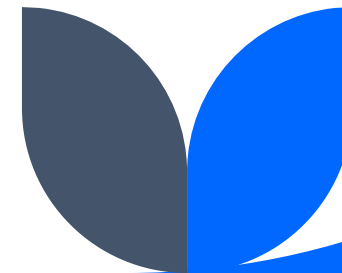
Capacity to be experts or advisors, including in councils

To be catechized, live out and defend that teaching, and exercise of the apostolate

Right to study and to have a mandate to teach sacred sciences

Capacity to be instituted in lay ministries: reader, acolyte and catechist

Formation and remuneration for particular roles within the Church



Lay Ministry

Instituted Lay Ministry

Reader and Acolyte...for men only! (canon 230§1)

Opened to women (Apostolic Letter, *Spiritus Domini*, 10/01/21)

Institution of lay ministry of catechist (Apostolic Letter, *Antiquum Ministerium*, 10/05/21)

Power of Governance

Lay people can “co-operate” in the exercise of the power of governance (canon 129§2)

Lay judges

Lay people can be heads of Vatican dicasteries and offices (*Praedicate evangelium*, principle 5)

Collaborative Structures

The Synod and Synodal Pathway (24/04/23)

Diocesan Synod and Diocesan Pastoral Council

Diocesan Curial Offices

Parish Pastoral Council

Parish Finance Committee

“Lay-led” parishes

Collaborative Ministry

The Parish Priest is to recognise and promote the specific role which lay members of Christ's faithful have in the mission of the Church, fostering their associations which have religious purposes...Moreover, he is to endeavour to ensure that the faithful are concerned for the community of the parish, that they feel themselves to be members both of the diocese and of the universal Church, and that they take part in and sustain works which promote this community (canon 529§2)

...a general clerical duty

Clerics are to recognise and promote the dignity of lay persons and the specific role they have in the mission of the Church, especially by acknowledging the manifold charisms of lay persons and by directing their competence and experience for the good of the Church, especially in way foreseen by the law (CCEO 381§3)

Liturgy and Sacraments

Access

Sacraments are not to be denied unless... (canon 843§1)

Sharing sacraments with other Christians (canon 844; *One Bread, One Body* 1998)

Accessibility of the sacraments to those with disability (*Valuing Difference* 1998)

Reception of Eucharist

Any baptised person not forbidden by law may and must be admitted to holy communion (canon 912)

...those who obstinately persist in manifest grave sin are not be admitted to holy communion (canon 915)

Anyone who is conscious of grave sin may not...receive the Body of the Lord without previously having been to sacrament confession (canon 916)

Nullity of Marriage

Development of the grounds for the nullity of marriage: (1) impact of the human sciences and (2) the importance of the conjugal partnership

Revision of the process for the declaration of the nullity of marriage (*Mitis iudex* 2015)

Pope Francis, Angelus, 6 June 2021

Jesus reacts to the evil of Judas' betrayal with a greater good, responding to Judas' "no" with the "yes" of mercy. He does not punish the sinner, but rather gives his life for him, he pays for him. When we receive the Eucharist, Jesus does the same with us: he knows us; he knows we are sinners; he knows we make many mistakes, but he does not give up on joining his life to ours. He knows that we need it, because the Eucharist is not the reward of saints, but the bread of sinners. This is why he exhorts us: 'Do not be afraid! Take and eat.'

Revision of Penal Law (1 June 2021)

Impact of the child sex abuse scandal

Introduction of new offences: abusive images of children, failure to report, failure to act by bishops

Other offences introduced regarding the abuse of the sacraments

Revision of the penal process to make it more usable by bishops and appropriate to new circumstances

Involvement of the Dicastery for the Doctrine of the Faith

...the revision continues

Many parts of “codified” law soon become outdated since law follows life and theological reflection, which are by nature on-going and developing.

Ever since 1983, there has been a continual revision of – and additions to – the Code of Canon Law.

What might the impact of the Synod 2023-24 have on the on-going need to revise the Church’s law? How might it make it more pastoral?