

PONTIFICIA COMMISSIO
CODICI IURIS CANONICI RECOGNOSCENDO

PROMULGATION
AND OFFICIAL PRESENTATION
OF THE
CODE OF CANON LAW

VATICAN

PROMULGATION

23 JANUARY 1983

John Paul II, on Tuesday, January 25, 1983, shortly after 12:30 p.m. signed the Apostolic Constitution, *Sacrae Disciplinae Leges* with which he promulgated the new Code of Canon Law.

Present at the solemn ceremony of signing, which took place in the Consistory Hall of the Apostolic Vatican Palace, were the Cardinal Secretary of State, Agostino Casaroli and His Excellency the Most Reverend Rosalio José Castillo Lara, Titular Archbishop of Precausa, Pro-President of the Pontifical Commission for the Revision of the Code of Canon Law, and the Most Reverend Willy Onclin, Associate Secretary and Officials of the Commission.

Also present were Cardinal Joseph Ratzinger, Prefect of the Sacred Congregation for the Doctrine of the Faith; His Excellency Eduardo Martínez Somalo, Titular Archbishop of Tagora and Substitute Secretary of State; Achille Silvestrini, Titular Archbishop of Novaliciana and Secretary of the Council for Public Affairs of the Church.

Also invited to the ceremony were the experts who had helped the Holy Father with his personal examination of the new Code: Their Excellencies the Most Reverend Vincenzo Fagiolo, Archbishop of Chieti, Zenon Grocholewski, Titular Bishop of Agropoli and Secretary of the Supreme Tribunal of the Apostolic Signatura; Monsignor Edward Egan, Auditor at the Sacred Roman Rota; Monsignor Istvan Mester; Fathers Ugo Betti, O.F.M., Xavier Ochoa, C.M.F., Luis Diez García, C.M.F. and Eugenio Corecco.

“Today,” said the Holy Father, “there are to be no speeches, only gratitude offered to the Cardinals, the Archbishops, the Bishops, the Officials and all who have labored so long. We recommend you to the mercy of God,” he added, “for this is a historical event and it is posterity who will judge what we have done.”

OFFICIAL PRESENTATION

3 FEBRUARY 1983

Pope John Paul II has officially presented the new Code of Canon Law to the entire Church. The ceremony took place on the morning of February 3, 1983, in the Hall of Benedictions, over the Portico of the Vatican Basilica.

On either side of the papal chair were seated the Cardinal Secretary of State, Agostino Casaroli and the Pro-President of the Pontifical Commission for the Revision of the Code of Canon Law, the Most Reverend Rosalio José Castillo Lara, Titular Archbishop of Precausa.

Archbishop Castillo Lara was the first to speak. He explained the development of the work of the revision and several aspects of the labor already realized, the basic criteria used for the reform and several changes of major importance in the new codification. This was followed by a discourse of the Cardinal Secretary of State who spoke about how the Church should look upon, understand and accept the Code, now revised and renewed. The Holy Father concluded with his discourse officially presenting the new Code to the entire Church with confidence and hope.

Present at the solemn ceremony were the Sacred College of Cardinals, the members of the Diplomatic Corps accredited to the Holy See and numerous Archbishops and Bishops of various continents. The personnel of the Dicasteries, of the Tribunals and of the Offices of the Roman Curia with their respective highest Prelates were also invited. The Pontifical Roman Universities and Ecclesiastical Institutes for Higher Studies participated with a large representation from their respective academic faculties and student bodies. The invitation was also extended to the highest ranking members of the Roman Curia, to the Colleges of Consistorial Lawyers and Procurators of the Apostolic Palace, to the Lawyers of the Rota, to the International Association for the promotion of the Study of Canon Law, to the Canonical Pastoral Association, to those who worked on the law in the ecclesiastical Tribunals, to the Italian group of Professors of Canon Law,

to the Societies of Canon Law of Great Britain and Ireland, Canada, the United States of America, France and Spain.

The Consultors, Collaborators, and the Officials of the Commission, with the Associate Secretary, were seated in a double row on the platform on each side of the papal chair.

*DISCOURSE OF THE PRO-PRESIDENT
ARCHBISHOP ROSALIO CASTILLO LARA, S.D.B.*

Most Holy Father

The historic day of last January 25th was spiritually linked to another, that of January 25th, 1959. It completed a work begun almost a quarter of a century ago. These twenty-five years have seen the Second Vatican Council open up unsuspected horizons which are set as new milestones in the history of the Church and in its continual effort towards renewal. But these years have also seen, as a humble and often hidden expression of this generous effort, an intense study and research aimed at a diligent and careful drafting of canonical legislation which, by translating the reforms of Vatican II, would guarantee the correct and effective application of those reforms to the life of the whole Church with a view to an ever more lively and well defined presence in the lived reality of today's humanity.

When, to the amazement of many, John XXIII, of venerated memory, announced to the cardinals "with some emotion, but at the same time with a humble resoluteness of purpose" his intention to convoke a Roman Synod and an Ecumenical Council, he added: "They will happily lead to the desired and awaited updating of the Code of Canon Law."

Therefore already in 1959 the Pope spoke of the "desired and awaited up-dating of the Code." And with good reason.

Law, inasmuch as it is a normative rule governing interpersonal relationships should, as is well known, have an intimate relation with the economic-cultural-social context, in which the life of those to whom it is addressed is lived. In other words: law follows life, it expresses it without exaggeration, it seeks to regulate with a view to a correct order that

which is already inherent in nature and which the historical moment requires. For this reason law cannot be anachronistic, that is to say, placed outside history, or still less, in opposition to history.

All due proportion being observed, this holds good also for Canon Law. It is true that it is a law *sui generis* which is rooted in theology, and that some of its articles go back to the will of the Church's Divine Founder, while many others are of apostolic origin or from most ancient times. But it is also true that the formulation of these articles does not escape the evolution whereby, drawing from the treasury of its tradition, the Church, during the course of the centuries, reveals certain aspects previously less evident. And it is especially true that other norms, aimed at ordering the ecclesial structure to a more fitting development of its mission, and to a more adequate attainment of its saving purpose, should be adapted to human beings in their historical situation in order to be able to expect their responsible observance.

The Pio-Benedictine Code of 1917, which had the unquestionable merit of bringing together for the first time the immense number of laws accumulated during the centuries into a systematic, organic, exclusive and universal collection of clear and concise formulae, could not however free itself completely from anachronistic articles, dependent, as it was, on that very abundant material into which it had to bring order.

It is not to be wondered at, therefore, that a few decades after its promulgation, especially after the Second World War, there was a very strong feeling in scholarly circles, especially among pastors of souls, that there was a need to bring it up to date by adapting it to the changed circumstances.

After the Second Vatican Council this demand became still more urgent, not merely because of the force of the conciliar deliberations which contained so many innovations, but also because many believed, even though erroneously and arbitrarily, that the Code of 1917 was in practice abrogated. There began therefore a period of "anomie" which dangerously compromised ecclesiastical discipline and which today we hope is definitely ended.

The updating referred to by John XXIII was at first regarded by many as an operation of modest proportions. The university professors themselves, in the proposals sent in 1960 for the preparation of the Council,

in general, asked merely for modest revisions, a pruning of the norms which were already out of date, especially those regarding the system of benefices and the penal law, some slight modifications of others, the simplification of some formulations, etc. At the beginning of the Commission's work, after the conclusion of the Council, the directives from Higher Authority offered a criterion not very much different: "recognoscere", that is, to revise, update, introduce modifications judged necessary, without departing too much from the existing code, "which serves the function, as it were, of a guide" (Paul VI, Allocution to the Cardinals and Consultors of the Pontifical Council for the Revision of the Code of Canon Law, published in *Communicationes* 1 [1969], 41).

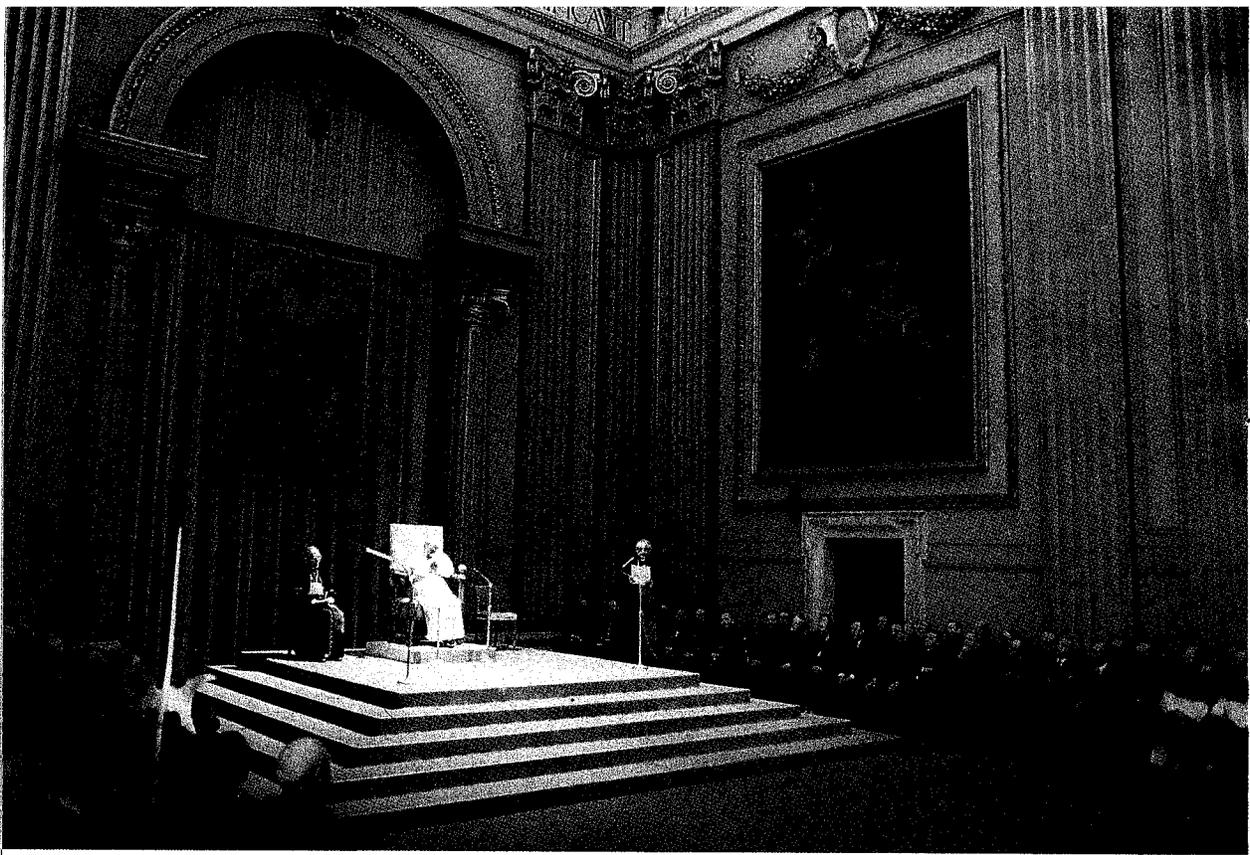
During the process of the work, either as a conclusion of the studies carried out within the Commission, or as a result of the suggestions received from the Episcopal Conferences and from other organs of consultation, and also because of the progress in canonical knowledge, and especially because of the evolution of ecclesial life, it was seen that the requirements laid down by the Council went far beyond a mere simple revision and required more profound changes: a real and true reform.

Paul VI himself mentioned it on 4th February 1977 when speaking to the Dean, the Auditors, Officials and Advocates of the Roman Rota: "The revision of the new Code of Canon Law cannot consist solely in the correction of the former one, by arranging the contents in proper order, by adding what it seems appropriate to add, and omitting whatever no longer applies. Rather, after the celebration of the Second Vatican Council, the new Code must prove to be an instrument most finely adapted to the life of the Church" (cf. *Communicationes*, 9 [1977], 24).

And so the new, reformed Code has now been promulgated.

Before outlining some aspects of the completed work, I wish, in the name of the Commission, which I have the high honour of representing here, to thank with all my heart Almighty God and the most Blessed Virgin Mary, Auxiliatrix and Mother of the Church, for having enlightened, assisted and strengthened us during these years of arduous and toilsome labour.

We think of all those who, after having contributed in diverse ways and means to today's event, have been called by the Merciful Father to



The Pro-President of the Pontifical Commission for the Revision of the Code of Canon Law, His Excellency Msgr. Rosalio Castillo Lara, S.D.B., Titular Archbishop of Precausa, reads his address. On the Holy Father's right, His Eminence Cardinal Agostino Casaroli, Secretary of State.

receive their reward. They are many, and I could not name them all. But may I be permitted to mention Cardinal Pietro Ciriaci, the first president, Father Raimondo Bigador, S.J., secretary, who generously contributed his canonical knowledge in the drafting of the first schemata, and Cardinal Pericle Felici, who united to his discharge of the presidency the rich experience acquired as Secretary General of the Second Vatican Council. He greatly desired to see this day but the Lord, in his mysterious designs, when the work was almost finished, called him to eternity from where he is doubtlessly joyously present with us today.

I also thank with profound gratitude and emotion all those who, in diverse positions and different offices, have generously laboured for long years to give to the Church the reformed Code: the Eminent Members of the Commission from whom we received constant moral support and directives bearing the imprint of profound wisdom; the well-deserving associate secretary, the officials and the personnel of the secretariat, the consultors, and other illustrious collaborators. They are the artificers of this edifice. These canons, which are now the law of the Latin Church, were drafted with silent, hidden and self-sacrificing work, in continuous dialogue, at times indeed lively but always harmonious, with exquisite accuracy.

Finally, our gratitude goes also to the Supreme Pontiffs who followed in succession to the Chair of Peter during the work of the revision of the Code: to the servant of God John XXIII, who, reading the signs of the times, decreed its revision and then instituted the Commission; to Paul VI, who traced out the guidelines, fixed the programme, and closely followed with vigilant and paternal care the development of the work; to John Paul I, who, in the fleeting period of his pontificate, manifested from the very first day his love for the "great discipline of the Church" and his resolve to hasten the revision of the Code. But in a special way I feel it my duty to express, in the name of the entire Commission, our gratitude to His Holiness John Paul II, who wished to study personally the *Schema novissimum*, which was submitted to him on 22 April last year, and to subject to a detailed examination the more important problems, with the help of a commission of experts and of another commission of qualified prelates, devoting many sessions of collegial work to the task and who finally decided on its promulgation. This Code, therefore, is a pontifical

law, not merely because it was promulgated *by the authority of the Supreme Pontiff*, but also because it bears the imprint of the personal interest of the Roman Pontiffs and of their specific legislative will.

In the process of the Code's preparation, which was regarded by some as being too lengthy, but was in reality proportionate to the immensity of the work, as Paul VI had occasion to say: "What usually required ages to accomplish previously, must be carried out in a short time" (loc. cit.), I hasten to underline a feature which characterized it. I refer to the valuable and continual contribution made by the entire Church to this arduous undertaking. We could call it an expression of collegiality. It was manifested in many ways, in the very choice of consultors who were named at the suggestion of the Episcopal Conferences, and who represented, even geographically, the catholicity of the Church. It is found in the very dynamics of the work of preparation of the individual canons which are the fruit of the collegial study and deliberation of the consultors and of the secretariat. But above all, it finds adequate expression in the three consultations made with the episcopate as well as with the universities and ecclesiastical faculties, which enriched the reflection of the Commission with the petitions and concern of all the particular Churches. Rightly therefore can it be said that this is a Code both of the Church and for the Church.

Turning our attention now to the contents of the Code, I wish to stress two fundamental criteria which have guided and inspired this reform and which, though apparently contrary to each other, offer instead a perfect complementarity which I would call "characteristic" in the history of canonical legislation.

The *first criterion* is fidelity to the Council. The aim was to translate it as faithfully as possible into juridical norms.

We are well aware that this intention was criticized by some as being unattainable, ontologically impossible, because—it was asserted—juridical language is incapable of containing all the doctrinal richness of the Second Vatican Council.

We, however, have always held that this objection, though coming from authoritative sources, starts from a false premise. It was never intended to imprison the Council in juridical formulae. In the first place the conciliar documents of a doctrinal character preserve all their value

and vigour; but then it must be remembered that conciliar documents and a Code, theology and law, belong to very different literary *genres*, and each of them must remain faithful to its own proper character. Canon Law, as everyone knows, is based upon theology which provides the foundation of and justification for its prescriptions. There cannot be opposition between them, even though it is a case of two different disciplines.

Everything therefore in the Council which concerned the hierarchical structure of the Church, the ecclesiastical institutions, the exercise of the triple office, the life of the faithful, and which required for its effective application its translation into juridical norms, has been incorporated in the Code. All the conciliar documents, in different measure naturally, according to the ecclesiological or disciplinary slant which each of them may have, figure abundantly among the sources of the reformed canons.

The *other criterion*, no less important, is fidelity to the legislative-juridical tradition of the Church.

One who knows the history of Canon Law knows very well how the legislation and the juridical institutes have developed in a line of consistency and respect for tradition, which indicated their ancient origin and guaranteed their authenticity. The innovations successively required by history never represented a break with tradition, but an evolution in perfect line of continuous harmony, as a tree which grows without ever disowning its roots.

The new Code, therefore, will require for its correct understanding and interpretation, not only recourse to the Second Vatican Council, but also to the Pio-Benedictine Code, and to the whole rich canonical tradition of the Church especially to that which is rightly called *ius classicum*.

The innovations of the new Code are indeed manifold. One must, however, immediately note that a Code cannot be judged merely on the basis of the innovations which it presents, and still less if these are measured by quantitative or sensationalistic criteria. This would dangerously falsify the perspective, deforming and mutilating the importance of the Code. This is a unique and single legislation in which one cannot make a choice nor set the new canons and the old in opposition, but where the whole is fused harmoniously into a single purpose and a sole legislative will.

Having said this, it is helpful to recall some of the principal characteristics of the Code, obviously without pretending to give a complete and exhaustive list of the same, but only with the desire to offer today, to this solemn assembly, some points by way of indication.

From the formal technical point of view I think it should be recognised that the new Code has progressed in reference to what previously existed, in clearness and precision of the formulae, in the exactness of the juridical-canonical language, and in the clarity and simplicity of the statements. At the same time there is to be noted a greater theological inspiration aimed at underlining the peculiar nature of Canon Law and the bond of the Code with the Second Vatican Council. Many canons, especially in the matter of the sacraments or ecclesiology, offer theological syntheses of notable precision, and some, when the subject matter so permits, reproduce almost literally the very formulations of the Second Vatican Council.

The systematic ordering, although inspired by a pragmatic criterion, namely, that of making the use and understanding of the new legislation easier for pastoral workers, while not abandoning completely the arrangement in use until now, presents some interesting innovations which draw their inspiration from the Second Vatican Council.

The second book, which constitutes the backbone of the Code, is no longer called "De Personis" as in the Code of 1917, but "De Populo Dei", wishing thereby to assume into the systematic arrangement a basic concept of *Lumen Gentium*, and to indicate that the faithful are not to be considered in isolation but, first and foremost, in a community dimension, constituting a people hierarchically structured such as the Church is.

In place of the third book of the existing Code which gathered together heterogeneous matters, under the title "De Rebus", which is a noble Roman expression, but from the ecclesiological point of view not very satisfactory, there now appear three books, two of which refer respectively to the office of sanctifying and the office of teaching, in order to indicate their intrinsic relationship with the Church's saving mission.

The systematic innovations are not exhausted with the titles of the books, but find notable expression also in the entire division and arrangement of each of them, as can be seen by glancing through the index.

More important innovations are to be seen however in the ecclesiological sphere corresponding on the other hand to the Vatican Council, of which *Lumen Gentium* was the principal Constitution.

We refer, above all, to the basic concept of "communion" which, presupposes Baptism which incorporates the baptized person into Christ and makes that person a member of the People of God (canon 204, par. 1). It is deeply rooted in the Eucharist which is its source and highest expression, and develops simultaneously, along a twofold dimension, complementary and integrating, theological and juridical, as regards the common participation in the same faith, in the same sacraments and under the same ecclesiastical ruling (can 205). Thus communion constitutes the first duty of every Christian (can 209) and expresses the profound and mystical reality of the Church in the union of Christians with the hierarchy and with each other, in the Eucharist and in faith.

In close relationship with communion, because inseparable from it, there must be mentioned the harmonious relationship between the universal Church and the particular Churches, "in which and from which one and the same Catholic Church exists" (*Lumen Gentium* 23; can 368). This is expressed in the Code in many forms: in the hierarchical communion which unites the bishops, successors of the Apostles, with the Supreme Pontiff, successor of Peter, in a college (can 330); in the care of the bishops "for the universal Church and for all the Churches" (can 782 par. 2), whose unity they too must safeguard by seeing to the observance of the common discipline (can 392 par. 2); and also in the ample space of legitimate autonomy accorded to the particular Churches to which there is granted the power to legislate on many matters hitherto reserved to the Apostolic See, following the principle of subsidiarity, but more exactly because of their very theological consistency which requires a proper autonomy within an organic and hierarchical communion.

Still in the sphere of communion there is sanctioned the "true equality in regard to dignity and action" of every member of the faithful, which provides opportunity for a vast participation in the common mission of the Church, differentiated only according to the condition of each one and the office with which a person has been entrusted in the Church (can 208).

New, also, the statute on the *christifideles* (the faithful) enumerates the more important rights and duties in the life of the Church.

The scope of activity of the laity, that is, of those who have not received Holy Orders, has been greatly enlarged both in their participation in the threefold function of teaching, sanctifying and governing, and in the specific sphere of freedom of association which has been recognized, with all its consequences, in the juridical system. It must not, however, be forgotten that the true and proper specific function of the laity always remains that of "animating and perfecting the temporal order with the evangelical spirit" (AA, 2), so that in the management of temporal affairs and in secular offices the laity may bear witness to Christ (can 225 par. 2).

It would be quite impossible to try even to mention all the doctrinal riches contained in the canons. I would however like to mention the pastoral intent and thrust of the new Code. Paul VI already indicated it in tracing the first directives to the Commission in 1965; it was a matter, he said then, of bringing the Code into line "with the new mental outlook proper to the Second Vatican Ecumenical Council, which contributed much to pastoral care" (*Communicationes* 1 [1969], 41). And the Synod of Bishops of 1967 underlined this concern to foster pastoral care as one of the guiding principles of the revision of the Code.

I think that the new Code has responded to this requirement. However, I wish to warn immediately, against a certain tendency to set law and pastoral care in opposition to each other, for Canon Law is by its very nature eminently pastoral. The whole canonical juridical system having its foundation in Christ, the Incarnate Word—as Paul VI said to the Prelates of the Rota—has the value of a sign and of an instrument of salvation, and this because of the work of the Holy Spirit who confers upon it force and vigour (cf. Discourse to the Auditors and Officials of the Tribunal of the S.R. Rota. 8 Feb. 1973, in AAS 66, [1974], 98).

Therefore it is not only an essential element in the visible expression of communion but an efficacious and vital instrument of the Church's mission of salvation to which all law is directed. The form of canonical norms which frequently set forth the divine law, the form of the hierarchical structure of the Church, of the exercise of the function confided to her by Christ, of the correct administration of the means of grace, the clear definition of rights and duties in the sphere of ecclesial life—all

create a living and fruitful atmosphere, helpful towards obtaining the supreme end.

This pastoral orientation directed to the Christian in his concrete situation, in his social and cultural environment, is abundantly manifested in the Code.

And this is manifested both in the individual canons, which directly express pastoral concern, as well as in many which concern the exercise of the pastoral ministry of bishops, of parish priests and the other sacred ministers, and also abundantly in Book IV which refers to the function of sanctification, but it is also present as an underlying criterion even in those books which seem more remote from it, as in sanctions, processes or in the safeguarding of rights.

The last canon of the Code synthesizes this orientation by appealing, in the application of the law (and this holds good for the entire Code), to canonical equity and to the "salvation of souls which should always be the supreme law in the Church" (can 1752).

On the first Sunday of Advent, at the beginning of the liturgical year, the new Code will go into effect.

In what measure it will influence the life and mission of the Church we do not know. If we consider the long period of preparation and the toil of so many and the collegiate contribution of the Church in its preparation, our reply is full of hope.

The Code will provide a notable service. First and most important is juridical certainty, a value of great importance in the life of every society. Only the clear definition of rights and duties makes possible the *diaconia iuris*, the service of justice, which is indispensable also in the life of the Church. Justice, however, in the canonical system is not an end in itself, but is elevated and blossoms naturally, as it were, into love. So wrote Joannes Andrea about the year 1330 in his commentary on the title "De regulis iuris". He, who was known to his contemporaries as "the source and trumpet of the law" and was one of the most competent canonists of the classical age, wrote: "The principal virtue at which Canon Law aims is that heavenly friendship which we call charity". (In tit. de reg. iuris Commentari [vulgo Novella] insignes, ed. Lugduni 1551, f. 165 ra.).

May the new Code, therefore, serve to assure justice which leads to charity and charity founded on justice.

DISCOURSE OF CARDINAL AGOSTINO CASAROLI,
SECRETARY OF STATE

Most Holy Father,

1. In promulgating the Apostolic Constitution *Sacrae Disciplinae Leges* on January 25th, Your Holiness performed one of the most important functions of the mission of the Successor of Peter, the everlasting principle and visible foundation of unity in the Church of God.

With a decision of historical importance, one which will deeply affect the life of the People of God, and a significant moment in the two-thousand-year existence of the Church, you have exercised, with regard to the Catholic community of the Latin rite, that supreme *munus regendi* ("office of government") which the Lord has entrusted to you, *in aedificationem, non in destructionem* ("in order to build up, not to tear down"): to direct, that is, to harmonize, as his Vicar on earth and Head of the Episcopal College, the ecclesial life and the activity of pastors and of faithful, who, united in the bond of faith, hope and charity, "baptized in one Spirit" (1 Cor 12:13), and "partakers of the one loaf" (cf. 1 Cor 10:17), form, as many as they are, one body (cf. *ibid.*), permeated and vivified by the one Spirit: the Body of Christ.

At this solemn moment, which the whole Church is living with you, represented here by so many cardinals, bishops, priests, men and women religious, and laity, and in which the Christian and non-Christian world also is participating, represented by members of the Diplomatic Corps accredited to the Apostolic See, and in a special way, by the juridical and canonical world, I would like to pause on a particular aspect of this act, which does not contradict, but is a development and closer examination of what I just stated.

It is a consideration which I believe faithfully responds to the thought

and concerns of Your Holiness. In fact, by promulgating the new Code of Canon Law, you have preferred not so much to place emphasis on the legitimate exercise of your full, immediate and universal *power* of ecclesiastical government which was entrusted to Peter and to his successors, but to respond to your *duty* as Pastor of the universal Church.

In fact, to Peter and to his successors Christ solemnly entrusted the mandate: *Pasce agnos meos! Pasce oves meas!* (Feed my lambs! Feed my sheep!).

Through this mandate, the *munus pascendi gregem Dei* (office of feeding God's flock), which belongs to all the bishops, belongs personally, for the whole Church, that is, faithful and pastors, to the Supreme Pontiff, as a mission which sums up in one phrase the sum total of his responsibilities and his powers.

Feeding the great family of God implies, in fact, not letting it lack the nourishment of the Truth, with a Magisterium which gives to all its members the security necessary for a commitment which embraces their entire lives, for the present and for eternity; it implies assuring them of the necessary means for their sanctification; but it also implies guiding them during their earthly journey, along a path often unsafe and strewn with snares, so that they may always, faithfully, be *veluti sacramentum seu signum et instrumentum intimae cum Deo unionis totiusque generis humani unitatis* ("a kind of sacrament or sign and instrument of intimate union with God and of the unity of all mankind") (*Lumen Gentium*, no. 1) and always, faithfully, *fructus salutis hominibus communicet* ("communicate the fruits of salvation to men") (*ibid.*, no. 8).

2. To this multiform ministry as pastor, teacher, priest and guide, the pontificate of Your Holiness is generously committed.

And it is in this eminently pastoral context that you, Most Holy Father, have intended to bring to completion a work decided by that other great pastor of souls, John XXIII, and subsequently initiated and brought to an advanced stage by your predecessor, Paul VI, and, after the brief intervenient pontificate of John Paul I, entrusted to your hands.

It was seen a pastoral endeavour, a characteristic certainly not alien to previous canonical legislation; and it is in this sense that you have brought it to completion.

It is in this way that the Church must see and understand the Code of Canon Law now revised and renewed; in this way it must accept it; or, rather, we must see it as a singular expression of the pastoral service which the Supreme Pastor renders to the fulfilment of the mission entrusted to him by the *Pastor magnus ovium* ("great Shepherd of the sheep") (Heb 13:20), with the authority which such a mission confers on him.

And inasmuch as the mandate *pascendi gregem Dei* was given in response to, and almost depending on, the triple profession of love which Christ solicited from Peter, and in him from all those who would legitimately succeed him, the exercise of such a mandate assumes a character of service, of love even more than of a command.

To recognize this character of pastoral love certainly does not mean to disregard or diminish in any way the binding force of the Code under the aspect of a norm that is not only moral, but juridical. It only leads to understanding better what we could define as its "soul": that soul which confers a proper and singular character on law in the Church, directed as it is at regulating the life and activity of a community which is spiritual and at the same time visible, in which all are equally brothers and enjoy the same dignity as children of God, heirs of the same promise, although hierarchically organized, with "ministers who are endowed with sacred power . . . so that all who are of the People of God . . . can work toward a common goal freely and in an orderly way, and arrive at salvation" (*Lumen Gentium*, no. 18).

3. Well-ordered freedom. Freedom and responsibility. Freedom of the children of God, subject, however, to his law as it is proposed, authentically interpreted, and concretely applied, as necessary, by the Church.

Responsibility towards the society of which one is a member and towards which the Church in its entirety—the other brothers and sisters in the faith—everyone has his respective duties: hierarchy, clergy, members of institutes of consecrated life and of societies of apostolic life, the laity.

Just as the individual faithful can aspire to see his or her rights in the Church recognized and respected, so also must each one recognize and respect his or her responsibilities.

It is precisely the task of the Code of Canon Law to define and to safeguard, on the one hand, the legitimate freedom and rights which

are due the members of the ecclesial community and, on the other, to define and to safeguard the "common good" of this same community, in conformity with its human-divine nature and the mission which God has assigned to it.

4. It certainly was not easy, more than half a century after the promulgation of the Pio-Benedictine Code, to find for our times a proper balance between these two requirements in such a way as to preserve full fidelity to the unchangeable principles of the divine constitution of the Church and, at the same time, to take into proper consideration the studious reflection made by theology and, even more, by the teachings of the Second Vatican Ecumenical Council in ecclesiological matters; and, in addition, without failing also to take into consideration, within this framework, new situations and new sensitivities of the Christian people.

In order to confront such a demanding undertaking, your predecessors and you yourself, Most Holy Father, wished to call the entire Catholic episcopate to collaborate, in the first instance, and subsequently to name a highly authoritative commission representative of it and of your Curia, and also comprised of experts of recognized authority. Methodically, on the basis of pastoral experience or ecclesiastical government and on the basis of juridical canonical science, there was thus drawn up the schema finally submitted to Your Holiness and examined and reviewed by you with scrupulous care and with an open mind, before making it your own and presenting it, bearing the seal of your supreme authority, as the organic body of laws which for the future must rule and regulate the life and activity of the Catholic Church of the Latin rite.

5. This Church therefore has its new Code, as the Eastern Catholic Churches will have—we hope in the not-too-distant future.

A great work has been completed. Its result is a legislation of wide juridical and pastoral breadth which, as Your Holiness pointed out in the Apostolic Constitution of Promulgation, while it has the nature of a "primatial" act, bears in itself, more than in echo, the reality of the collegial solicitude of the entire Latin episcopate.

It is now up to the Church to respond to this solicitude of yours and of your brothers in the episcopal ministry.

6. Our first response without doubt must be a renewed awareness—or, when necessary, a revival of conscience—not only of the legitimacy, but also of the necessity and the pastoral usefulness of law in the Church. We must be convinced that the irksome insistence by some on the opposition between the Church as a communion of grace and charity and the Church as institution; between charism as an interior gift of the Spirit and external authority; between spirit and letter, with the consequent rejection of law and the declared supremacy of that liberty *qua Christus nos liberavit* (“for which Christ freed us”) (*Gal* 5:1), we must find a harmonious blending in a higher synthesis, consonant with the true nature of the Church, which its Divine Founder desired and which the Supreme Pontiff Pope Paul VI expressed in this way: “The Church of ‘Law’ and the Church of ‘Charity’ are one and the same reality, of whose internal life the juridical form is the external sign” (*L’Osservatore Romano*, 17-18 September 1973).

In this perspective the Church must understand the requirements which the promulgation of the new Code proposed to it and to every one of its members: *the magna disciplina Ecclesiae* (“the great discipline of the Church”), of which, Most Holy Father, you spoke at the beginning of your pontificate, taking up the expression of your predecessor John Paul I. This great Church discipline is an ecclesial arrangement based on love and on the Gospel. It is not a limitation, but a strengthening of the freedom of the children of God. It does not suppress gifts and charisms, but protects them and directs their use for the greater good of the Church. It assures justice in peace and is opposed to arbitrariness. It helps to safeguard *ordo ecclesialis* (“ecclesiastical order”) as an external structure: that *ordo iudicis* (“juridical order”) which, as you said not long ago, is intended to ensure peace in communion: *quod ut fiat, ea pax erit caritas* (“for this to be so, that peace will be charity”) (*AAS* 72, [1980], 1103, no. 6).

7. The second response, following upon the first, must be everyone’s readiness to observe the new canonical legislation faithfully and with conviction.

The prolonged period of time which the revision of the Pio-Benedictine Code required, combined with the activities for renewal brought by the

Second Vatican Council, which moreover were not always rightly understood and were already assumed by some as criteria of behaviour, beyond or even contrary to the canonical norm still in effect, resulted in the spread in the Church of a feeling of uncertainty concerning law, if not in situations of actual " anomie ", with the relaxation in ecclesiastical discipline and of experiments, not always fitting, sometimes merely tolerated or at least not firmly guided.

The ecclesial community must rediscover its full usefulness, not only in faith and charity, but also in canonical discipline, willingly welcomed as a means aimed at ensuring the orderly progress of the life and the activity of the pilgrim People of God in the world, at this historical moment, in the long journey, and thus strengthen the capacity for evangelization and service.

8. We hope that all the faithful—beginning with those who have special responsibilities for guidance and direction in the Church—when confronted with the new Code of Canon Law, so carefully and conscientiously prepared, will assume an attitude of fitting commitment, accepting it as a gift of your pastoral zeal and responding to you with faithful observance.

The Code obliges bishops to promote in their own particular Churches total respect for common ecclesiastical discipline, they too having the responsibility—as Canon 392 of the new Code expresses it—of safeguarding the unity of the universal Church. Subsequently, it will be up to them to proceed quickly with the revision of diocesan laws so that, adapting them to the general legislation, they may better reflect the spirit and the principles emphasized by the Second Vatican Council, and to complete this legislation with the portion which it leaves to the competence of the individual pastors or of the Episcopal Conferences.

In conclusion, Most Holy Father, I want to make your wish my own: *Faxit Deus ut gaudium et pax cum justitia et oboedientia hunc Codicem commendent* (" May God grant that joy and peace with justice and obedience obtain favour for this Code "), so that it too may effectively contribute to a new springtime in the Church, which prepares to celebrate the 1950th anniversary of its birth from the redeeming Blood of Christ and from the Pentecostal outpouring of the Spirit!



The College of Cardinals, the Diplomatic Corps accredited to the Holy See, and other authorities, during the solemn ceremony for the official presentation of the new Code of Canon Law.

DISCOURSE OF HIS HOLINESS JOHN PAUL II

Reverend Brother Cardinals and Bishops;

Your Excellencies, Members of the Diplomatic Corps to the Holy See;
Distinguished Professors and Students of the Pontifical Universities and
Ecclesiastical Faculties;

Beloved Sons and Daughters!

1. I have been most eager for today's meeting to make *the solemn presentation of the new Code of Canon Law* and thus officially to launch it on its way, within the Church and in service to the Church. The process of integration will take time but we hope it will be orderly and rapid.

This is, therefore, an important occasion, because of the importance of the revised and updated *Corpus*, which contains the norms of general canonical legislation. I would like to add that the occasion is even more significant since it follows yesterday's religious ceremony during which the Sacred College of Cardinals was fittingly completed by the eighteen new Cardinals here present in the midst of many distinguished Brothers and Pastors.

To all of you who are assembled here and who by your very participation lend today's gathering great importance and a special character of juridical relevance and presence, I wish to express my cordial gratitude, which is meant to be, and is, a sign of esteem, respect, communion and mutual consolation in your respective cultural, ecclesial and social responsibilities. Whether you work here in Rome at the See of Peter or in nearby or far-off regions, to each and every one of you I am happy to address a respectful, affectionate greeting, in the conviction that in Rome, the seat of law and also and above all the centre of the Church, built on Peter (cf. *Mt 16:18*), no one is ever an outsider or a stranger,

but everyone—I say everyone—is “at home”, as within a beloved spiritual household. *Roma patria communis!* (Rome, the common homeland!)

2. In signing the law of the Church, the Apostolic Constitution, *Sacre Disciplinae Legis*, last January 25th, I had the occasion to repeat and to deepen my reflection on an expression, only seemingly simple, in which is summarized the role of law as such, even in its external formulation, in the life of the *societas sui generis* founded by Christ the Lord to continue his work of salvation in the whole world throughout the centuries:

“... go, therefore, and make disciples of all nations.

Baptize them...

Teach them to carry out everything I have commanded you...”

(Mt 28:19-20).

What—we ask ourselves—is law in the Church? Does it respond to the perennial and universal mission which these sublime words of the Gospel assign, in the persons of the Apostles, precisely to the Church. Is it consonant with its genuine nature as People of God on their journey? And why should there be law in the Church? What purpose does it serve?

3. An initial response to these questions may come from the consideration of history. In saying this, I am not referring only to the almost two-thousand-year-old history of the Church, during which, in so many centuries of tireless work and confirmed fidelity to Christ, one can find, among other outstanding elements, the existence of an *uninterrupted canonical tradition* of prestigious doctrinal and cultural value, dating from the earliest origins of the Christian era up to the present, and of which the Code, promulgated today, constitutes a new, important and wise chapter. No, I am not looking only at this; going back in time, I am referring to *the history of the People of God in the Old Testament*, when the pact of alliance with the God of Israel took the form of precise cultic and legislative regulations and the man to whom the role of mediator and prophet between God and his people was entrusted, that is, Moses, became, at the same time, their legislator. It is precisely since that time, that is, since the Covenant of Sinai, that the connection between *foedus et lex* (covenant and law) appears and slowly becomes more and more important.

Note well, however: even according to ancient Israel (and this will be

even more true of St Paul), *the grace of God precedes the law* and also exists apart from it (cf. *Ex* 20:2; *Deut* 7:7-9; cf. also *Gal* 3:15-29; *Rom* 3:28; 4:22), so much so as to be expressed continually as pardon for transgressions (cf. *Deut* 4:31; *Is* 1:18; 54:8). In every case, however, the bond of love persists between the Lord and Israel, sanctioned by the mutual commitment of God who promises, and of the people who pledge fidelity. It is a question of a bond which must find expression in the witness of daily life, through the observance of the Commandments (cf. *Ex* 24:3), entrusted by God himself to Moses to be communicated to the people. From all this arose a juridically and liturgically ordered way of life which lent unity and cohesion to that people in its communion with God.

Laws and commandments were considered a splendid gift from God, and their observance true wisdom (cf. *Si* 24); and even if—as we know—a series of infidelities and betrayals was their return for such a lofty position, the Lord was none the less faithful to his pact of love. Through the prophets he constantly called his people to respect that same pact and to observe the laws (cf. *Hos* 4:1-6; *Jer* 2). But there is more: he also gave them a glimpse of the possibility, even the opportuneness and the urgency, of an interiorized observance, when he announced that he would inscribe his law in their hearts (cf. *Jer* 31:31-34; *Ez* 36:26-27).

In this relationship between *foedus* and *lex* and, especially in the accent placed on the “religion of the heart”, there was already an anticipation of the new times which had been announced and which were already maturing according to the divine plan.

4. Jesus arrives, the new Moses, supreme mediator and legislator (cf. *1 Tm* 2:5), and suddenly the climate improves and is purified. If in the programmatic Sermon on the Mount he proclaims that he has not “come to abolish the law and the prophets . . . but to fulfil them” (*Mt* 5:17), he also immediately gives a new basis to, or better, infuses a new spirit into the law’s precepts: “It was said by your forefathers . . . but I tell you” (*Mt* 5:21-48). Claiming for himself fullness of power, valid both in heaven and on earth (cf. *Mt* 28:18), he transmits it to his Apostles. This power, note well, both universal and real, is in function of a legislation having love as a general commandment (cf. *Jn* 13:34). He himself is the first to give the example of its highest dimension—that

of giving one's life for another (cf. *Jn* 15:13). He asks his Apostles and disciples to love and even to remain in love, telling them that they will remain in his love by observing his commandments (cf. *Jn* 15:10). After his Ascension he sends them the Holy Spirit, and with this gift the law finds its real strength in the human heart just as the ancient prophet had foretold (cf. *Joel* 3:1-5).

This perspective still holds true for all believers: moved by the Spirit, they are able to establish in themselves this *new order*, which Paul calls the law of Christ (cf. *Gal* 6:2): that is, Christ lives in the hearts of the faithful in a communion through which each one is grounded in the mystery of the charity and the obedience of the Son. Thus, the link between *foedus* and *lex* reappears; and the faithful, joined to Christ in the Spirit, have not only the strength to obey the commandments but also facility and joy in doing so.

We find confirmation for all this in the *first Christian communities*; established in the East and West by the Apostles and their immediate disciples. For example, we see St Paul who, with the authority received from the Lord, gives orders and directives so that in the individual local Churches everything should take place with the necessary discipline (cf. *1 Cor* 11:2; 14:40; *Col* 2:5).

5. Built upon the foundation of the Apostles and the Prophets (cf. *Eph* 2:20), the Church of Christ—the Church of Easter and Pentecost—soon began its pilgrimage in the world; and it is very natural that over the course of centuries needs emerged, practical necessities and experiences gradually developed in the combined exercise of authority and obedience, in a rather distinct variety of circumstances. This brought about within the Church as an *historical and living reality*, a complex of laws and norms which, as early as the beginning of the Middle Ages, became a broad and organized canonical legislation. In this regard, among the many deservedly famous figures of canonists and jurists, permit me to mention at least the monk Graziano, author of the *Decretum (Concordia Discordantium Canonum)*, whom Dante places in his fourth heaven among the wise spirits, in the company of St Albert the Great, St Thomas Aquinas and Peter Lombard, praising him because “his work so helped both courts / That it gives pleasure here in paradise” (*Paradiso* X, verses 104-5).

6. But, passing over subsequent events up to the codification of 1917, we must now turn from the historical perspective to the *properly theological and ecclesiological* one in order to rediscover—on the basis of what the Second Vatican Council taught us—the deepest and truest motives for ecclesiastical legislation: faced with a variety of specific situations, the Church, by its very nature, requires its own laws—in the present just as in the past. Why? In Christ's Church—the recent Council repeated—alongside its spiritual and internal nature there is its visible and external nature. In the Church there is unity, and this unity is, in reality, one of its fundamental characteristics; but such unity, far from excluding diversity, is composed of and is intertwined with the “*variety of the members and functions*” (cf. Const. *Lumen Gentium*, nos 7-8).

In fact, the Church, People of God and Body of Christ, was not founded solely as a messianic and eschatological community “subject to its Head” (*ibid.*, no. 7), but “as a visible structure” and “constituted and organized as a society” (*ibid.*, no. 8). It was built on a rock (cf. Mt 16:18), and was divinely enriched by the Lord himself with “hierarchical gifts” (cf. Const. *Lumen Gentium*, no 4), and various institutions, which are to be effectively considered its constituent elements. In short, the Church, in its living unity, is also a visible structure with precise functions and powers (*sacra potestas*).

Therefore, although all the faithful live in such a way that “they share a common dignity from their rebirth in Christ, have the same filial grace and the same vocation to perfection, and possess in common one salvation, one hope and undivided charity” (*ibid.*, no. 32), nevertheless, this general and mystical “equality” (*ibid.*) implies the above-mentioned “diversity of members and functions”, so that “thanks to the appropriate means of visible and social union” (*ibid.*, no. 8), the divine constitution and the organic “inequality” of the Church are manifested. It is necessary to say, therefore, that “not only is the People of God made up of different peoples, but even in its inner structure it is composed of various ranks. This diversity among its members arises either by reason of their duties . . . or their situation and way of life” (*ibid.*, no. 13).

7. This “variety of members” is certainly of *divine institution*, and in effect, “the distinction which the Lord made between sacred ministers

and the rest of the People of God" (*ibid.*, no. 32) implies a twofold and public way of living in the Church.

From this also follows the other "diversity": that "of office" or social functions, since "the whole body, mutually supported and held together by joints and sinews, thus grows according to the will of God" (*Col 2:29*): yet "not all the members have the same function" (*Rom 12:4*).

Hence, although all the Christian faithful share in the kingly, prophetic and priestly office of the Head, nevertheless the clergy and the laity receive distinct duties according to their social activity, functions regulated and safeguarded through the will of Christ by "sacred law" (*ius sacrum*), in such a way that the common good of the whole Church may be provided for.

From this intimate reality of the Church, from this diversity of members and functions, spring the rights and duties belonging to individual persons or to groups which the Church, with the exception, of course, of things already ordered by divine and natural law, has been careful to regulate by issuing laws and precepts according to circumstances, that is, according to the needs and requirements of time and place.

We know, in fact, that the visible body of the Church, subject to Christ its Head, has grown over the course of the centuries, expanding into visible integrated parts, that is—according to Council language—into "additional units organically united, which, without prejudice to the one faith or to the unique divine constitution of the Church" (*Lumen Gentium*, no. 23) are justly called "particular Churches", in each of which "is truly present and operative the one, holy, catholic and apostolic Church of Christ" (*Decree Christus Dominus*, no. 11).

8. So, beloved brothers, it is in the light of this wonderful ecclesial reality, invisible and visible, one and at the same time multiple, that we must regard the *ius sacrum*, which is in force and operates within the Church: it is a perspective which evidently transcends the merely historical-human one, even if it confirms and strengthens it.

If the Church-Body of Christ is an organized structure, if it includes in itself the stated diversity of members and functions, if "it reproduces itself" in the multiplicity of the particular Churches, then the fabric of their relations is so tightly woven that *the law is already there*, it cannot

help but exist. I am speaking about law understood in its totality and in what is essential, even before the specifications, derivations or applications of a properly canonical order. Consequently, the law should not be perceived as a foreign body, nor as a now useless superstructure, nor as a residue of presumed temporal claims. Law is innate to the life of the Church, to which it is, in fact, extremely useful: it is a means, a help, and is also—in sensitive questions of justice—a safeguard.

In explaining the new Book which is being presented today, it does not suffice therefore, simply to give as a reason the rather important consideration that many years have gone by since 1917, when my predecessor Benedict XV, of venerated memory, promulgated the Code of Canon Law which has remained in effect up to the present. Rather the main reason given should be that *law has its place in the Church*, has in it the *right of citizenship*.

Naturally—how can it be denied?—the fact remains that since that year, 1917, both because of the Council's contribution and because of the progress of studies and of psychology, an entire world has changed as much within the Church as outside it. Above all—it is worthwhile recalling—there was the Second Vatican Council, which introduced in many areas emphases and approaches, at times new and innovative, and not only—as I have said up to now—in ecclesiology, but also in the pastoral and ecumenical fields, and in reaffirmed missionary commitment. Who does not know, for example, that pastoral activity is rightly understood today according to a broader and clearer view? That just as it is open to the contribution of the laity, actively sought with firm theological reasons, so it makes use of specific instruments, such as psychology and sociology, and is more firmly linked to liturgy and catechesis? In reference to the activity of Catholic missions, did it not make a great impression, almost that of a happy rediscovery, when the Council authoritatively established that “the Church is missionary by its nature” (*Ad Gentes*, no. 2)?

Because of the lack of time, I must unfortunately, limit myself to making a few references; but it is certain that the *conciliar postulates*, as well as the *practical directives* marked out for the ministry of the Church, find in the new Code *exact and precise counterparts*, sometimes even in the terms used. I should like to invite you, by way of example, to place

side by side Chapter II of *Lumen Gentium* and Book II of the *Code*: common to both, identical rather, is the title: *De Populo Dei*. It will be, I assure you, a quite useful comparison, and the *exegetical and critical comparison* of the respective paragraphs and canons will be illuminating to whoever wishes to make a more careful examination.

For all these reasons, it is easily understood how the statement-question which I posed at the beginning can receive an answer and a fully positive one. *The legitimate place* due in the Church to law is *confirmed and justified in the measure in which it conforms to and reflects the new spiritual and pastoral climate*: in serving the cause of justice, the law must be always more and better inspired by the law-commandment of charity, being enlivened and vitalized by it. Animated by charity and ordered to justice, the law is alive!

9. This is the true meaning of the canonical reform, dear Brothers, and the new text which has put it into effect should be looked at in this way. *A journey literally a generation long* has just drawn to a conclusion, as exactly twenty-four years have passed since the unforgettable Pope John XXIII announced the reform of the Code, together with the proclamation of the Council.

How often should I say "Thank you"! I have already done so in the Document of Promulgation, but I would like to express gratitude publicly, particularly by recalling the memory of the revered Cardinals Pietro Ciriaci, who began the work, and Pericle Felici, who was responsible for its progress up to last year. Then I must mention the Secretaries of the Pontifical Commission, Mons. Giacomo Violardo, subsequently Cardinal, and Father Raimondo Bigador of the Society of Jesus. I wish to remember and thank the Pro-President of the Commission, Mons. Rosalio Castillo Lara, and Mons. Willy Onclin, as well as all the other members of the Commission itself, cardinals, bishops, officials, along with the consultors and experts, all of whom in varying degrees and with an exemplary "collegial spirit", collaborated together in the difficult work of editing the final text.

This book contains the new Code, the fruit of thorough studies, enriched by such a breadth of consultations and collaboration. I present it today to you and, in your persons, I consign it officially to the whole

Church, repeating to all the phrase from St Augustine: *Tolle, Lege* (*Confessiones VIII*, 12, 29; P. L. 32, 762). I consign this new Code to the pastors and to the faithful, to the judges and officials of the ecclesiastical tribunals, to male and female religious, to male and female missionaries, as well as to the scholars and students of Canon Law. I offer it, with confidence and hope, to the Church, which is now approaching its third millennium; along with the book containing the Acts of the Council there is now the new Code of Canon Law, and this seems to me to be a very valid and significant combination. But above and before these two books must be placed, *as the summit of highest transcendence*, the eternal Book of the Word of God, whose centre and heart is the Gospel.

In conclusion, I would like to place before you, as an indication and reminder, an imaginary triangle: at the top, there is Sacred Scripture; on one side, the Acts of the Second Vatican Council, and on the other, the new Code of Canon Law. In order to advance in an orderly, coherent fashion from these two books, drawn up by the Church of the twentieth century, up to that highest and invariable summit, *it is necessary to pass* along the sides of the triangle, without carelessness or omissions, respecting the necessary connecting side, that is, the whole Magisterium, by which I mean that of the previous Ecumenical Councils and also (omitting of course, expired and abrogated norms) that heritage of juridical wisdom which belongs to the Church.

May the People of God, aided by these essential parameters, proceed securely on their journey, and with the lively confidence of the first Apostles (*Acts 2:29; 28:31; 2 Cor 3:12*), witness to Jesus Christ the Lord and to the eternal message of his Kingdom of "justice, love and peace" (Preface of the Solemnity of Our Lord Jesus Christ, King of the Universe). My blessing to all.