

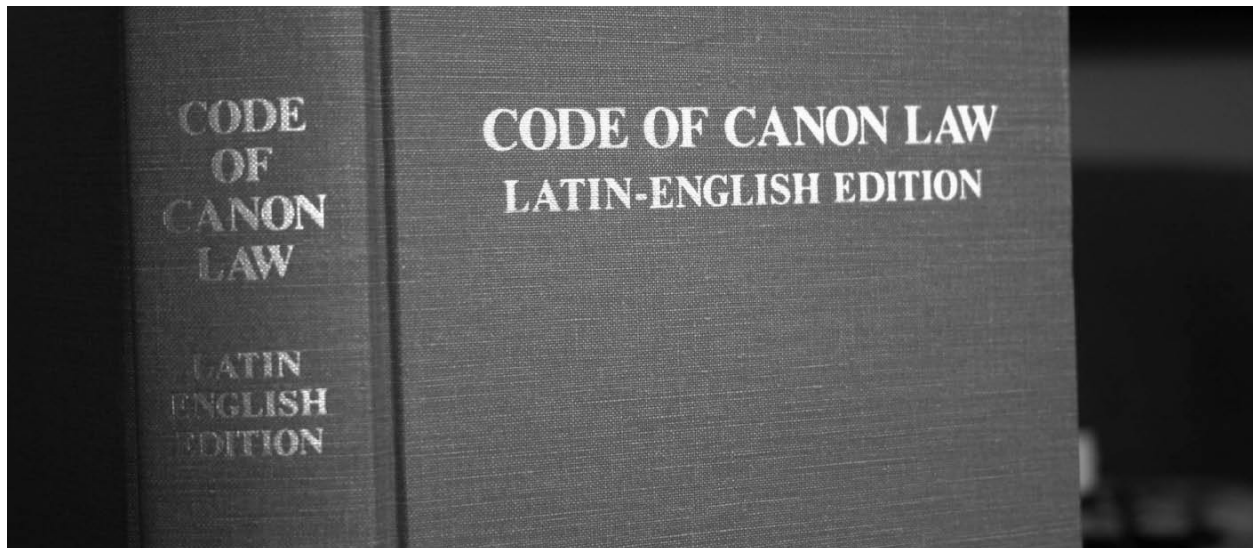
CANON LAW

I will give you the keys of the Kingdom of Heaven, and whatever you bind on earth shall be bound in Heaven, and whatever you loose on earth shall be loosed in Heaven. ~ Matthew 16:19

THE WORD “CANON” comes from the Greek word *kanon*, which originally had several meanings, including a standard or a measuring rod, a rule or practical direction, or a list or catalog. “Canon” is used in four different ways in the Catholic Church that derive from these various meanings. The canon of the Bible is the standard list of books, that is, those that are the inspired texts. There is the canon, or “standard part,” of the Mass — that is, the part that does not change daily (there are several versions of the canon, however). There is the canonization of saints, meaning that the names of these holy ones may be included among those holy men and women named in the canon of the Mass.

law includes some law borrowed from civil law, and so its meaning is a little bit different from “ecclesiastical law,” which means only those laws made solely by Church authorities.

Canon law includes the precepts of divine law and takes its authority from God. Many of the basic elements of canon law are found in the Gospels and other books of the New Testament and in the living Tradition of the Church — for example, canon law address the primacy of the papacy, the three-fold structure of Holy Orders, the indissolubility of marriage, and essential elements of worship. Canon law is specifically addressed to the good order of the Church and society, not to the conscience of the indi-



DAVID CHARLES PHOTOGRAPHY

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And, finally, there is canon law. As the Church became a more influential part of the Roman Empire (for which Greek was an official language along with Latin), *kanon* became a term used exclusively by the Church. In the 4th century, *kanon* was applied to the laws of the Church councils, and another Greek word was used to describe civil law. Thus “canon law” means Church law, and the term in its Latin form became common by the 12th century. Canon

law determines valid and invalid marriages, while for the individual, the moral law determines whether a person has or has not committed sin.

Canon law addresses many subjects that are a matter of discipline, such as laws relating to administrative due process. While the purpose of laws governing due process is a matter of justice, and is thus an expression of the moral law, the details can change

from time to time. A good example of a change in discipline in recent times is how a Catholic fulfills the obligation given in the revealed moral law to participate in Mass on Sundays. Until recently, Sunday was defined from midnight to midnight; now, however, a Mass on the Saturday evening before satisfies the obligation as well.

Canon law is made by the bishops in communion with the Pope. The most significant form of law-making by the entire body of bishops is by Church councils. Canons (which is what the individual laws are called) that are derived from councils are especially important. The Pope also has the power, as sovereign ruler of the Church, to make canon law and to change it, and it has been the papacy in recent times that has fully codified canon law into a single document. The Roman curia, which is the central administrative, legislative, and judicial body of the Church, can draft laws which, with the approval of the Pope, become part of canon law. Finally, each bishop, and bishops together in local councils, can also create canon law applicable to their particular dioceses or groups of dioceses.

The current Code of Canon Law was promulgated in 1983, although there have been a few revisions since then. It covers an enormous variety of subjects, everything necessary to manage the affairs of a Church with one billion-plus members in virtually every nation and culture on earth. For example, there are laws governing the authority of bishops in their dioceses, the organization of diocesan offices and of parishes, how each of the sacraments is administered and how validity is determined, the elements of life of priests, nuns, and brothers in religious orders, preaching and catechesis, sacred places, the Church's material property, and administrative procedures. Anyone who has experienced civil processes of administrative law and courtroom proceedings will recognize the similarity of many provisions of civil law and procedures to canon law. Among the provisions of canon law that many Catholics ex-

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Statues of Saints Etienne, Clement, and Lawrence on the exterior of the Cathedral of Chartres, France, dating from the 15th century

perience are the precepts of the Church (see CCC 2041-2043) and laws regulating the administration of the sacraments. For those who are familiar with the multiple-volume books of civil law, it may be surprising to discover that the Code of Canon Law is publishable in a single volume. Members of Christian communions which have a history of, at most, several centuries may, nevertheless, see the Church as “encrusted” with rules. However, canon law instead should be viewed as the result of a mature Church, with law that reflects its long

organizational experience and experience in all the varieties of the human condition.

When canon law intersects with civil matters, for example in the administration of property, the Church conforms to the civil laws of the locality as well as adhering to canon law. It is interesting to realize that civil law has, at times, been modeled on canon law as well, especially in areas such as procedure for both civil and criminal cases and in how the courts are organized.

The sheer size and variety of the Church has made it desirable to create two ways to add needed flexibility. The first is a form of permanent exception granted to certain groups or certain persons. This is called a “privilege.” For example, national bishops’ conferences may adjust the number of holy days of obligation for the dioceses within their jurisdiction, or transfer the celebration of one or more of them to Sunday, as has happened with Ascension Thursday. The second is an exception granted on a case-by-case basis. This is called a “dispensation.” Both privileges, and the reasons dispensations may be granted, are themselves part of canon law.

Because of Jesus’ grant of authority to St. Peter (see citation at the beginning), canon law is binding on all the faithful as an expression of the moral law. It is a treasure in its scope, fairness, and humaneness that should be cherished as one of the expressions of the heart and mind of our Lord and Savior.

(CCC 1897-1900, 1952, 2041-2043)