The Role of the Laity in the New Code of Canon Law

Most of the many secular articles that have touched upon the subject of the role of lay people in the Catholic Church present a somewhat negative view of the Church. The Church is generally presented as is the hierarchy of order—the Pope, bishops, priests and deacons. This is justifiably right because the 1917 Code of Canon Law dedicated little attention to the laity. Being a lay person and a practising Catholic, and additionally a Religion Teacher, such views intrigue me. I became ever more curious to delve into the subject in order to unravel the perplexities such literature presented to my mind and to my religious sensibilities. It seemed natural, alas, to concentrate on the spiritual guidance of Pope John XXIII who created a Commission for the Revision of the Code in 1963 and his vision for a Pastoral Synod for the diocese of Rome and a Pastoral ecumenical Council. I must say that Vatican II and the present-day Code of Canon Law, especially regarding the Christian Faithful (which is the largest and most important of the code), was most illuminating.

The laity as presented in the Holy Scriptures and in the 1917 code

Despite the marvellous light in which lay people are presented in the Holy Scriptures, especially in the New Testament, throughout the long history of the Church that light was not always kept as a beacon of guidance. Within the context of each successive period, and frequently in close association with the ideologies and philosophies of the time, Church theology — as expounded by certain major theologians — tended to downplay the high regard with which lay people were presented by the holy writers of the Bible.

Even after the 1917 Code life in the Catholic Church was synonymous with passivity, with stagnation, with an unconscious Christianity which was sociological rather than personal... we have suffered far too much from a static vision of the Church, defined in terms of a juridically "perfect" society of unequal persons. Pope Pius XII in his encyclical, Mystici Corporis Christi, accentuates that the Church contains all the "juridical and social elements", “perfect of its kind”.

For this reason we deplore and condemn the pernicious error of those who dream of an imaginary Church, a kind of society that finds its origin and growth in charity, to
which, somewhat contemptuously, they oppose another, which they call juridical. But
this distinction which they introduce is false: for they fail to understand that the
reason which led our Divine Redeemer to give to the community of man He founded
the constitution of a Society, perfect of its kind and containing all the juridical and
social elements -namely, that He might perpetuate on earth the saving work of
Redemption was also the reason why He willed it to be enriched with the heavenly
gifts of the Paraclete.¹

But before presenting a coherent presentation and comparison between the 1917 and
the present-day Code of Canon Law, it is good to understand the basic structure which
the 1917 Code follows. It is divided in seven main parts: It starts off with the general
rules and a norms proceeding from part two about the clerics, part three about the
religious societies and secular institutes, part four about indulgences and orders and
part five is about marriage. The code closes with crimes and penalties. Never are lay
people given equal statues, and whenever are they mentioned is only as the baptised
who are not a priest, or else in marriage.²

The present-day Code however, following the spirit of the Second Vatican Council
decidedly changed the tide. Apart from the general views and perspectives found in
the Bible, concerning all men in any conceivable circumstance, some texts seem to be
more directly related to our theme – especially the Acts of the Apostles which is the
source for the beginning of the Church. Never in the Holy Scriptures, particularly in
the Acts of the Apostles are lay people presented in the light of inferiority or lack of
importance.

In the Old Testament God is depicted as a loving father; a King, at the same time
omnipotent and in a certain manner distant from his own people with a progressive
coming near to his people, and the old covenant with his people is viewed as a fact to
bring people closer to God. At the same time in the New Testament, although God
never kept himself distant from man, the incarnation enables humanity to experience
an intimate relationship with God. Now this new relationship that has been
established between God and man gives rise to an extension of our relationship
between humanity and it is the Eucharist which is the creative force and source of

¹ Encyclical of Pope Pius XII "On the Mystical Body of Christ" on June 29,
1943http://www.papalencyclicals.net/Pius12/P12MYSTI.HTM

communion among members of the Church precisely because it unites each one of them with Christ.

For centuries designation of the Church as people of God, mentioned as “Laos” 140 times in the New Testament prevailed. Afterwards more important was given to the Church as the people redeemed by Christ, and the intimate community with the Redeemer. In the modern period there was an opposing reaction to the protestant’s anti hierarchal approach, where Catholics put emphasis on institutional and social aspect. During the last sixty years or so, we had a rediscovery of the Church as a mystery; the Church as the mystical body of Christ. All believers are called to be members of God’s people, against to the traditional perception.

The Second Vatican Council, reflecting more recent biblical studies, considers the Bible as portraying a more positive view, especially regarding lay people. Its starting point is that all faithful were created in God’s image. This fundamental truth must be taken as the founding stone of any subsequent reflection.

Therefore, the chosen People of God is one: “one Lord, one faith, one baptism” (Eph. 4:5). As members, they share a common dignity from their rebirth in Christ. They have the same filial grace and the same vocation to perfection. They possess in common one salvation, one hope, and one undivided charity. Hence, there is in Christ and in the Church no inequality on the basis of race or nationality, social condition or sex, because “there is neither Jew nor Greek; there is neither slave nor freeman; there is neither male nor female. For you are all ‘one’ in Christ Jesus” (Gal. 3:28, Greek text; cf. Col. 3:11).

The express acknowledgement here of the fundamental equality of all of God’s people—above and beyond all distinctions—has found expression in the 1983 code which guaranteed equality to all the faithful. These people are distinguished by a variety of functions. While in the 1917 code the faithful are mentioned in relation with the institution, the 1983 code we have a more personalistic orientation and fundamental freedom of all the people of God. The present-day Code of Canon Law clearly states:

By baptism one is incorporated into the Church of Christ and constituted a person in it, with the duties and the rights which, in accordance with each one’s status, are proper to Christians, in so far as they are in ecclesiastical communion and unless a lawfully issued sanction intervenes (c.96).

3 Lumen Gentium 32., p.389.
This fully complies with Vatican II, which states that “The faithful who by Baptism are incorporated into Christ, are placed in the People of God, and in their own way share the priestly, prophetic and kingly office of Christ”, but the canon also adds “the duties and rights”, which will be explained in more details here. In other worlds they have juridical personhood, official standing in the church’s system of rules.\(^4\)

Such extensive participation by the laity is undoubtedly a clear and tenable result of the new life injected into the Church by Vatican II. It is also promoted by specific attention given to women’s participation by Church law, which was promulgated in 1983. In *Christifideles laici* John Paul states that:\(^5\)

> The revised Code of Canon Law contains many provisions on the participation of women in the life and mission of the Church: they are provisions that must be more commonly known and, according to the diverse sensibilities of culture and opportune ness in a pastoral situation, be realized with greater timeliness and determination.

One of the most important offshoots of Vatican II was a renewed awareness of the Church’s obligation to bring its internal structure in line with the principles of that justice on which it insisted so much. This was ushered by imperious papal pronouncements such as John XXIII’s *Pacem in terris* in 1963, and Paul VI’s *Popolorum progressio* in 1967. The Church was decided to change in this regard.

This was not simply a way of modernizing or secularising the Church in order to parallel the culture of the west. It was more of a commitment by the Church to restate its belief in the worth of the human person and man and woman’s most basic rights and freedoms. The Church recognised its duty to restore its structure in such a way so as to make the protection of the personal dignity of the human person more effortless for itself and more possible for the rest of the world. Women were ultimately to be given their rightful place in the Church as proclaimed in the Holy Scriptures.

Even the Synod of Bishops, which was called in 1985 to celebrate the 20\(^{th}\) anniversary of Vatican II, in the final report the bishops say that the most important theme of the mission of the Church in Vatican II is the Church as Communion. In the Trinity lies

\(^4\) CORIDEN, JAMES, p.55.
\(^5\) N. 51.
the foundation of communion; the central mystery of faith is the Trinity, the belief that God’s very being is relationship.

The role of the laity in the Church today

The changing political climate of the last twenty years has created a new context in which citizens had to define more clearly their socio-political views and allegiances. The lay person is he/she who lives his/her baptism in this secular reality. Christian perfection is not more considered only to clerics and holy orders. The canon law present to all the Christifidelis their duties and rights. It is in the spirit of the second Vatican Council which guaranteed fundamental equality to all the faithful and the Declaration of Human Rights.

Nowadays it has become practically accepted by all that marginalization and degeneration, be it of women, children or other social groups, are socially engineered. Socio-economic status is an amalgam of at least two conceptually distinct, although correlated, factors: occupation and income. To these we must sometimes add parental education. Throughout the last decade, education theory and practice emphasized less role learning and concentrated more on discovery learning. These constitute the new perspectives of 21st century ideology. The lay man as described by the Second Vatican Council is present in the world to offer solidarity and offer a critical judgment. By the love of the spirit his true knowledge becomes one which makes the world. His mission starts from the world, and from there he must seek God’s Kingdom. The layman is a Christifideles, adheres to Christ and share in Divine life. In the world, he is entrusted with a task.6

All civilized people who believe in equality and participation nowadays champion the emancipation of people with special needs, women and all working people. Decisions cannot be left to a small number of people but power has to be more equally shared among all citizens. These are the new standards of modern society. The Church fully understood this and on the promulgation of the new code of canon law, his Holiness John Paul II stated that “the reform of the Code of Canon Law was seen to be directly

sought and requested by the Council itself, which had particularly concentrated its attention upon the Church.”

Neglect of the role of the laity has been quite detrimental to the modern Church, for it gave the wrong impression that the Bible, or the Church itself for that matter, had nothing worth saying to lay persons or about their role as persons. It seemed, unfortunately, that the laity had no place in the Church, that their role was estraneous to the life of the Church, and that they actually were on the fringe of any serious Catholic consideration. This is obviously untrue, but it had to be said so. In the Catholic Church, we must admit, there was a most serious need to develop this doctrine of the lay state on the sure basis of the divine revelation.

The present Code of Canon Law states that all the baptised build up the Body of Christ (c. 208). Through baptism the Christians come to share in the priesthood of Christ. John Paul II confirms this and states that:

> Foremost among the elements which express the true and authentic image of the Church are: the teaching whereby the Church is presented as the People of God (cf. Const. *Lumen Gentium*, n. 2) and its hierarchical authority as service (ibid n. 3); the further teaching which portrays the Church as a communion and then spells out the mutual relationships which must intervene between the particular and the universal Church, and between collegiality and primacy; likewise, the teaching by which all members of the People of God share, each in their own measure, in the threefold priestly, prophetic and kingly office of Christ, with which teaching is associated also that which looks to the duties and rights of Christ's faithful and specifically the laity; and lastly the assiduity which the Church must devote to ecumenism."

By the power of Baptism and Confirmation, all lay people are entrusted by God with a mission. They have the right and the duty, alone or with others, to spread the Good News of salvation. Thus they are made to share in the priestly, prophetic and kingly office of Jesus. The Spirit of God leads them to new initiatives to fulfil their part in the mission of Christ, sometimes in the Church, most often in the World. The call of the clergy, in a spirituality of obedience to proper authority, is mainly to build up the Church. They do this mainly through the Sacraments, charisms and ministries. The call of lay people, in a spirituality based on initiatives - as the Spirit leads- is mainly

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7 [http://www.ourladyswarriors.org/canon/promulgate.htm](http://www.ourladyswarriors.org/canon/promulgate.htm)
8 [http://www.ourladyswarriors.org/canon/promulgate.htm](http://www.ourladyswarriors.org/canon/promulgate.htm)
to bring the Gospel to the world and thus draw others into the Church. They do this mainly through charisms and ministries.

The lay members of Christ’s faithful, by reason of their baptism and confirmation, are witnesses to the good news of the Gospel, by their words and by the example of their Christian life. They can also be called upon to cooperate with Bishops and priests in the exercise of the ministry of the word (c. 759).

This is very interesting because equality involves rights and obligations. For every right there is a corresponding duty. While Christians have the right to make their needs and desires known to their bishops, they also have to show obedience towards their bishops (212.2). However, when these rights are disregarded, Christians have the right to defend them in a church court (221.1). A section on the fundamental rights and duties of the Faithful was already made in the ‘Principles to Guide the Revision of the Code of Canon Law’ which was presented by the 1967 Synod of Bishops. In this document while acknowledges the authority of the Pope and Bishops, prohibits its abuse. A distinction has to be made between civil rights and human rights. The law of the church safeguards the rights of all the christidideles. The Church, ever conscious of her duty to safeguard human dignity, has frequently highlighted the need for the social and economic structures to respond to the requirements of the human persons. In the contemporary world social “standardisation” became synonymous with equality. On this basis much effort has been made, to promote ideas which cannot be accepted by the Church such as women priesthood, marriage between persons of the same sex etc. It has been frequently noted, however, that such a “standard” interpretation may often be actually exploited for denying people their proper rights. The canon law guarantees functional diversity within substantial equality.

In a truly democratic spirit, the Christian faithful have the right to express their opinions, and this is beneficial to the Church (c. 212.3). Not only do the faithful have the right to Christian education (c. 217; LG 35) but they are also obliged to evangelise the nations (c. 211). The Canons affirm the ability of the laity to be involved in the Church’s work and be active participants in its mission. While the old code states that

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only clerics can receive the power of orders or of ecclesiastical jurisdiction the new code states that only clerics can obtain offices whose ecclesiastical governance that rests upon the power of orders. In other words, the laity is entrusted with ecclesiastical offices to serve as experts and advisers.\textsuperscript{10} Some commentators and critics today may want more and more, and that is quite comprehensible, but maybe they must appreciate a bit more the many that has been done in such short time. Other achievements will surely come along, and the Church will continue to mature its positions and attitudes, but for this there must be patience and courage. An interesting proposal is that

\textit{Laymen (men and female) should be included in all the major spheres of decision-making in the Church, including the parish, the diocese, the national conference of the Vatican and even future ecumenical councils.}

\textit{At some future date the Church might even experiment with a truly democratic system in which all members have some part in the election of Bishops and the Pope himself.}\textsuperscript{11}

This, we may say, will have to be seen.

The theological principles of the 1917 code and certain Mediaevalists, rather than denied out rightly, had to be explained better in the light of new biblical studies and the experience of the Church. What seems to have been the main point of contention was the understanding of the very nature of the human person. Before any consideration of the lay point of view it was necessary, evidently, to return to the positive and agreeable perspective that the Holy Scriptures give of the human person. Christians are obliged to promote social justice (c.222.2) and do charitable works (c.222.1): to feed and clothe the poor, visit the sick and prisoners, welcome strangers and the marginalized; to run prayer groups, houses of prayer, new communities, evangelization outreaches, outreaches to media ministries, healing and deliverance ministries, political involvement, social justice ministries and more. They also have the right to assemble for charitable and religious associations (c.215). All the charismatic gifts identified in the New Testament and the fivefold charismatic ministry of apostles, prophets, evangelists, pastors and teachers have sprung up spontaneously all over the world.

\textsuperscript{10} HUIZING, p.40,
\textsuperscript{11} JAMES Coriden et al, We the people of God. a study of Consitutitional Governemtn for the Church, p. 107.
Practical Implications

Our role as laity in the Church might be likened to the 72 disciples mentioned in Luke's Gospel, where, "The harvest truly is great, but the labourers are few."\textsuperscript{12}

The disciples were warned

pray ye therefore the Lord of the harvest, that he would send forth labourers into his harvest.

Go your ways: behold, I send you forth as lambs among wolves.\textsuperscript{13}

John Paul II in his apostolic exhortation, \textit{Christifidelis Laici} warns us about the
the ever-growing existence of religious indifference and atheism in its more varied forms, particularly in its perhaps most widespread form of secularism.\textsuperscript{14}

While two years ago everyone could feel the huge enthusiasm of the Maltese people when His Holiness John Paul visited our islands, maybe it's time to examine our faith after St. Paul's shipwreck. The Pope did not have the same experience in Malta as he had in Greece but his journey to our islands is going to help us examine our way of living our religious luggage of faith. Church attendance is decreasing in our islands although it is still relatively high compared to other European countries and the United States. The Barna Research Group reveals in its latest study that more than four out of five American, or 82\% call themselves Christians, but less than half of them attend church services in any given week. In fact, this new nationwide survey of religious behaviour, reveals that "marking the fifth consecutive year, attendance at religious services has declined to its lowest level measured, since Barna Research began tracking religious involvement in 1986."\textsuperscript{15}

This is a tragedy for the faith, because in a society where Christianity seems absent from social life and the faith relegated to the private sphere, access to religious values becomes more difficult, especially for the poor and the young, that is to say, for the vast majority of people who are unconsciously becoming secularized under pressure from the models of thought and action spread by the prevailing culture. The absence

\textsuperscript{12} Lk., 10, 2.
\textsuperscript{13} Lk, 2, 3.
\textsuperscript{15} \textit{Church Attendance Down Again: Boomers Cut Church}, American Family Journal; May 1996, p. 11.
of a culture to support them prevents the young from having contact with the faith and from living it to the full.\textsuperscript{16}

Unfortunately some broadcasters, journalists, commentators and even clergy with a Christian perspective tend to over-rationalize faith with a corresponding reluctance to share one’s expression of faith. Every diocese on the other hand should support even financially those priests who wish to get involved more with pastoral work, including hours administering the sacraments. Lay people have a unique mission in the spreading of the Gospel and participation in the affairs of the earth.

A new state of affairs today both in the Church and in social, economic, political and cultural life, calls with a particular urgency for the action of the lay faithful. If lack of commitment is always unacceptable, the present time renders it even more so. It is not permissible for anyone to remain idle.\textsuperscript{17}

Other structures of accountability have to be formed at every level of the Church, whenever the needs of mission demanded e.g., parish councils. We have to cultivate participation, which is essential to the idea of the “Church of the people”. The cultivation of participatory virtues should become more prominent. Lack of participation leads to corporate hegemony.

Unfortunately some chaplains tend to be overstressed with all decisions of the parish church. Many of the decisions can be taken by other clergy members and even lay people. This restructuring in any parish church involves a great commitment from the laity. Committee members should see as their obligation to propose new ideas and methods, activities and pastoral work.

\textbf{Conclusion}

When reading through the present-day Code of Canon Law one takes the immediate impression of the Church’s committed attitude towards the role of the laity in the world. It is actually impressive, and even refreshing, to live in an age when the magisterium is so engaged in defending the role and dignity of the lay persons. Other

\textsuperscript{16} On 14 March 1997 the Pope addressed the Plenary Assembly of the Pontifical Council for Culture as follows (the address may be found in full in the English weekly edition of L'Osservatore Romano for March): http://website.lineone.net/~nicholas.armitage/~nicholas.armitage/secondspring/johnpaul.htm.

Christians in other ages, especially before Vatican II, were not so fortunate. The new Code of Canon Law is a visible and clear sign of the tremendous growth that has occurred, at least on this score, during the last fifty years or so. Surely, it has amended so many of the Church’s past misdeeds which had been creating so much animosity towards the Church and so much lack of confidence in the Church’s magisterium. Undeniably, this understanding of the role of the laity in contemporary times has given more credence to the long tradition of the Church and the teachings of Jesus Christ, our Light and Saviour.

Jesus Christ,
Let me be ambassador of your peace,
and proclaim the Good News, making it relevant in today’s world.
Guide me through the teachings of Your Church,
and help me spiritually mature, by living according to your Word,
the Teachings of the Fathers of the Church
and the teachings of one Roman Catholic Apostolic Church.
Give us strength and happiness.
Despite modern technology,
many people still feel empty from within.
And give us peace upon our hearts,
through the Holy Spirit.
Live in us,
and let our lives manifest our new Christian being
which we receive through the sacraments,
and thy will be done on earth as it is in Heaven
Amen.