

“The New Evangelization and Canon Law”
Raymond Leo Cardinal Burke, D.D., J.C.D.
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Introduction

First of all, I wish to thank His Grace, Archbishop John J. Myers, for the invitation to give one of the Gerety Lectures during the year of celebration of the 150th Anniversary of the Foundation of Immaculate Conception Seminary of the Archdiocese of Newark. I also thank Monsignor Robert F. Coleman, Rector of the Seminary, with whom I was privileged to share some years of the study of Canon Law in the 1980s, for his assistance in making the arrangements for my presentation and for the warm hospitality of the Seminary.

While I am honored to make some modest contribution to the work of the Archbishop Gerety Fund for Ecclesiastical History, I am particularly pleased that my contribution is part of the celebration of the sesquicentennial of Immaculate Conception Seminary. The seminary is the heart of a diocese. As Our Lord Himself made clear, from the very beginning of his public ministry, by His call of the Apostles, the life of the Church depends upon the service of worthy shepherds who act in the person of Our Lord, Head and Shepherd of the flock, in every time and place. The Bishop who gives his first and best attention to the seminary will thereby give a true shepherd's care to all the faithful entrusted to him by Our Lord. My presence with you, this evening, is meant, in a particular way, to express heartfelt congratulations to the Archdiocese of Newark, whose faithful have so steadfastly and generously supported the work of the Archdiocesan seminary, and to underline the fundamental importance of the continued support of Immaculate Conception Seminary for the life of the Church in the Archdiocese, now and in the future.

My presentation responds to the work of the Archbishop Gerety Fund for Ecclesiastical History by addressing the present situation of the Church in a totally secularized culture and the response of the Church to the culture of our time. The response is a new evangelization. After treating the question of the new evangelization, in some depth, especially in the teaching of the Venerable, soon to be Blessed, Pope John Paul II, and of the Servant of God Pope Paul VI and of Pope Benedict XVI, I will give particular attention to the state of the Church's canonical discipline and its irreplaceable role in the work of the new evangelization. While the presentation addresses a number of particular phenomena in the recent history of the Church, it seeks to

interpret those phenomena within the perspective of the organic life of the Church, handed down to us, in an unbroken line, from Our Lord's consecration and commissioning of Saint Peter and, with him, of the College of the Apostles. While the question which I am addressing pertains to the life of the universal Church, I trust that its application to the life of the Church in the United States of America will be sufficiently evident, so that I serve faithfully the purpose of the Archbishop Gerety Fund for Ecclesiastical History.

The Call to the New Evangelization in the Magisterium of Pope John Paul II

The pontificate of Pope John Paul II may be rightly described as a tireless call to recognize the Church's challenge to be faithful to her divinely-given mission in a totally secularized society and to respond to the challenge by means of a new evangelization. A new evangelization is teaching the faith through preaching, catechesis and all forms of Catholic education; celebrating the faith in the Sacraments and in their extension through prayer and devotion, and living the faith through the practice of the virtues, all as if for the first time, that is, with the engagement and energy of the first disciples and of the first missionaries to our native place.

In his Post-Synodal Apostolic Exhortation *Christifideles Laici*, "On the Vocation and the Mission of the Lay Faithful in the Church and in the World," the Venerable Pope John Paul II described the contemporary situation of the Church in the world with these words:

Whole countries and nations where religion and the Christian life were formerly flourishing and capable of fostering a viable and working community of faith, are now put to a hard test, and in some cases, are even undergoing a radical transformation, as a result of a constant spreading of an indifference to religion, of secularism and atheism. This particularly concerns countries and nations of the so-called First World, in which economic well-being and consumerism, even if coexistent with a tragic situation of poverty and misery, inspires and sustains a life lived "as if God did not exist". This indifference to religion and the practice of religion devoid of true meaning in the face of life's very serious problems, are not less worrying and upsetting when compared with declared atheism.¹

¹ "Integrae regiones nec non nationes in quibus anteacto tempore religio et vita christiana florebant, quae vivacis ac operosae fidei communitates excitabant, nunc rebus adversis premuntur ac non raro radicitus sunt transformatae, gliscentibus indifferentismo, saecularismo et atheismo. Agitur praesertim de regionibus et nationibus «Primi Mundi» qui dicitur, in quibus oeconomica prosperitas et consumendarum rerum cupiditas,

To remedy the situation, the saintly Pontiff observed, “a mending of the Christian fabric of society is urgently needed in all parts of the world.”² He hastened to add that, if the remedy is to be achieved, the Church herself must be evangelized anew. Fundamental to understanding the radical secularization of our culture is to understand also how much the secularization has entered into the life of the Church Herself. In the words of Pope John Paul II, “[b]ut for this [the mending of the Christian fabric of society] to come about what is needed is to *first remake the Christian fabric of the ecclesial community itself* present in these countries and nations.”³

The Roman Pontiff, therefore, called upon the lay faithful to fulfill their particular responsibility, that is, “to testify how the Christian faith constitutes the only full valid response – consciously perceived and stated by all in varying degrees – to the problems and hopes that life poses to every person and society.”⁴ Making more specific the call, he clarified that the fulfillment of the responsibility of the lay faithful requires that they “know how to overcome in themselves the separation of the Gospel from life, to take up again in their daily activities in family, work and society, an integrated approach to life that is fully brought about by the inspiration and strength of the Gospel.”⁵

Before the challenges of living the Catholic faith in our time, Pope John Paul II recalled to our minds the urgency of Christ’s mandate given to the first disciples and given, no less, to missionaries down the Christian centuries and to us today. He declared:

Certainly the command of Jesus: “Go and preach the Gospel” always maintains its vital value and its ever-pressing obligation. Nevertheless, the *present situation*, not only of the world but also of many parts of the Church, *absolutely demands that*

quamquam etiam terribilibus paupertatis et miseriae adiunctis commixtae, inhiant ac proclamant ita esse vivendum «etsi Deus non daretur». At religiosa indifferentia et practica Dei completa negligentia ad vitae quaestiones licet graviore exsolvendae non minus affligunt animum nec minus videntur evertentis quam proclamatus atheismus;” Ioannes Paulus PP. II, Adhortatio Apostolica *Christifideles Laici*, “De vocatione et missione Laicorum in Ecclesia et in mundo,” 30 Decembris 1988, *Acta Apostolicae Sedis* 81 (1989), p. 454, no. 34. [Hereafter, *CL*]. English translation: Pope John Paul II, Post-Synodal Apostolic Exhortation *Christifideles Laici*, 30 December 1988, “On the Vocation and the Mission of the Lay Faithful in the Church and in the World,” Vatican City State: Libreria Editrice Vaticana, nd, p. 95, no. 34. [Hereafter, *CLE*].

² “consortium humanum spiritu christiano ubique denuo imbuendum est.” *CL*, p. 455, no. 34. English translation: *CLE*, p. 96, no. 34.

³ “[i]d [consortium humanum spiritu christiano imbuendum] tamen possibile erit, si *christianus communitatum ipsarum ecclesialium contextus*, quae his in regionibus et nationibus degunt, *renovetur*.” *CL*, p. 455, no. 34. English translation: *CLE*, p. 96, no. 34.

⁴ “testari quomodo christiana fides responsum constituat unice plene validum, ab omnibus plus minusve conscie agnatum et invocatum, ad quaestiones et expectationes, quas vita ipsa homini et societatis imponit singulis.” *CL*, p. 455, no. 34. English translation: *CLE*, p. 96, no. 34.

the word of Christ receive a more ready and generous obedience. Every disciple is personally called by name; no disciple can withhold making a response: “Woe to me, if I do not preach the Gospel” (1 Cor 9:16).⁶

The obedience which is fundamental and essential to the new evangelization is also a virtue acquired with great difficulty in a culture which exalts individualism and questions all authority, except the self. Yet, it is indispensable if the Gospel is to be taught and lived in our time. We must take example from the first disciples, from the first missionaries to our homeland, and from the host of saints and blessed who gave themselves completely to Christ, calling upon the help and guidance of the Holy Spirit to purify themselves of any rebellion before God’s will and to strengthen them to do God’s will in all things.

Pope John Paul II issued the same call to a new evangelization to the faithful in the other states of life in the Church. In the Post-Synodal Apostolic Exhortation *Pastores Dabo Vobis*, “On the Formation of Priests in the Circumstances of the Present Day,” writing about the spiritual gift of the priest for “the universal mission of salvation to the end of the earth,” he observed:

Today in particular, the pressing pastoral task of the new evangelization calls for the involvement of the entire People of God, and requires a new fervour, new methods and a new expression for the announcing and witnessing of the Gospel. This task demands priests who are deeply and fully immersed in the mystery of Christ and capable of embodying a new style of pastoral life, marked by a profound communion with the Pope, the Bishops and other priests, and a fruitful cooperation with the lay faithful, always respecting and fostering the different roles, charisms and ministries present within the ecclesial community.⁷

⁵ “hiatum inter Evangelium et vitam in seipsis superare valeant, in quotidianis familiae navitatibus, in labore et in societate unitatem vitae componentes, quae in Evangelio lucem et vim pro sua plena invenit adimplentione.” *CL*, p. 455, no. 34. English translation: *CLE*, p. 96, no. 34.

⁶ “Equidem mandatum Iesu: «Euntes praedicate evangelium» sua vi perpetuo viget ac inoccidue urget: verumtamen *praesens rerum conditio*, non solummodo in mundo sed in pluribus quoque Ecclesiae partibus, *omnino requirit ut Christi verbo promptius ac magis dilatato corde obtemperetur*; quivis discipulus ita in sua ipsius persona interpellatur, ut nullus se in proprio responso eliciendo retrahere possit: «Vae enim mihi est, si non evangelizavero!» (1 Cor 9, 16). *CL*, p. 454, no. 33. English translation: *CLE*, p. 94, no. 33.

⁷ “Hodie praesertim urgentius illud munus pastorale novae evangelizationis, quod universum Dei Populum sollicitat novamque alacritatem, novas methodos, novam denique linguam pro Evangelio nuntiando postulat, sacerdotes requirit qui radicitus atque integre in Christi mysterium immersi sint, capaces novum pastoralis viate stilum in actum ponendi; qui et profunda communione cum Summo Pontifice, cum Episcopis, apud semetipsos emineant, et per fecundam cum christifidelibus laicis collaborationem signentur, reverentes nihilominus et provehentes quae, intro ecclesialem communitatem, diversa sunt vel munera, vel charismata, vel ministeria.” Ioannes Paulus PP. II, Adhortatio Apostolica Postsynodalis *Pastores Dabo Vobis*, “De Sacerdotum formatione in aetatis nostrae rerum condicione,” 25 Maii 1992, *Acta Apostolicae Sedis* 84 (1992), p. 685, no. 18. English translation: Pope John Paul II, Post-Synodal Apostolic Exhortation *Pastores Dabo Vobis*, “On the Formation of

According to the teaching of Pope John Paul II, the seminarian preparing to present himself for ordination to the priesthood and the exercise of the priestly office, today, must be equipped for and engaged in the remaking of “the Christian fabric of the ecclesial community,”⁸ in fidelity to the Church’s apostolic nature, sustained in organic unity, down the Christian centuries from the Resurrection, Ascension and Descent of the Holy Spirit. Before the forces of secularization which dominate society and culture, the faithful need the spiritual ministrations of priests who recognize the gravity of the situation and are prepared to address it steadfastly with apostolic zeal, with fervent prayer, especially before the Blessed Sacrament; with sound teaching, and with obedience to the Holy Father and the Bishops in communion with him.

We who are seminarians and priests should not be naïve about the influence of secularism and its by-product, consumerism, in our own lives. According to an ancient axiom of the Church’s discipline, “*corruptio optimi pessima est*,” “the corruption of the best is the worst thing.” Satan and the forces of evil, who do not sleep, understand well that any influence which they can have upon the shepherds of the Church will redound to their influence in the whole flock. They know the wisdom expressed in the Prophet Zechariah, “Strike the shepherd, that the sheep may be scattered.”⁹ The formation of future priests and the ongoing formation of priests, therefore, must be centered upon the essential elements of our life in Christ and, in particular, the irreplaceable office of the ordained priest in the Mystical Body of Christ.

In a similar fashion, in his Post-Synodal Apostolic Exhortation *Vita Consecrata*, “On the Consecrated Life and Its Mission in the Church and in the World,” Pope John Paul II emphasized the new evangelization as the particular form, in our time, of the universal charity which is the characteristic mark of the state of life of consecrated persons. He declared:

Today, among the possible works of charity, certainly the one which in a special way shows the world this love “to the end” is the fervent proclamation of Jesus Christ to those who do not yet know him, to those who have forgotten him, and the poor in a preferential way.¹⁰

Priests in the Circumstances of the Present Day,” 25 May 1992, Vatican City State: Libreria Editrice Vaticana, nd, pp. 46-47, no. 18.

⁸ “*christianus communitatum ipsarum ecclesialium contextus*.” *CL*, p. 455, no. 34. English translation: *CLE*, p. 96, no. 34.

⁹ *Zec* 13:7.

¹⁰ “Inter varia quae fieri possunt caritatis genera illud quod proprio quodam titulo hominibus amorem ostentat «usque in finem», hodie certe est flagrans Iesu Christi nuntiatio iis qui nondum eum noverunt, qui sunt Ipsius obliti, at potissimum pauperibus.” Ioannes Paulus PP. II, Adhortatio Apostolica Post-Synodalis *Vita Consecrata*, “De vita consecrata eiusque missione in Ecclesia ac mundo,” 25 Martii 1996, *Acta Apostolicae Sedis* 88 (1996), p. 452, no. 75. [Hereafter, *VC*]. English translation: Pope John Paul II, Post-Synodal Apostolic Exhortation *Vita*

Consecrated persons, because of their identification with Christ the Poor, the Chaste and the Obedient, both by their consecration itself and through their apostolate – including the apostolate of prayer and penance of those who are monastic or contemplative religious – , carry out an essential service in the Church in every age and, in a special way, in our time. They call the faithful and all persons of good will to Christ, to contemplate Christ and the Gospel virtues, to love Christ and to serve Him.

Later on in *Vita Consecrata*, the Venerable Pope John Paul II articulated the service to a new evangelization, given by consecrated persons, with these words:

The new evangelization, like that of all times, will be effective if it proclaims from the rooftops what it has first lived in intimacy with the Lord. It calls for strong personalities, inspired by saintly fervour. The new evangelization demands that consecrated persons have *a thorough awareness of the theological significance of the challenges of our time*. Those challenges must be weighed with careful joint discernment, with a view to renewing the mission. Courage in proclaiming the Lord Jesus must be accompanied by trust in Providence, which is at work in the world and which “orders everything, even human differences, for the great good of the Church.” ... In every place and circumstance, consecrated persons should be zealous heralds of Jesus Christ, ready to respond with the words of the Gospel to the questions posed today by the anxieties and urgent needs of the human heart.¹¹

Given the individualism and materialism characteristic of a secularized society, the faithful witness of the consecrated life to the poverty, chastity and obedience of Christ is more critically needed in our time than ever.

An extraordinary synthesis of the teaching of Pope John Paul II on the new evangelization is found in his Apostolic Letter *Novo Millennio Ineunte*, “At the Close of the Great

Consecrata, “On the Consecrated Life and Its Mission in the Church and in the World,” 25 March 1996, Vatican City State: Libreria Editrice Vaticana, nd, p. 138, no. 75. [Hereafter, *VCE*].

¹¹ “Haud secus atque consueta, evangelizatio nova tum efficax erit cum ex tectis pronuntiare valebit quaecumque in intima cum Domino consortione prius erunt experta. Ad hanc igitur solida flagitantur ingenia sanctorum ardore incensa. A consecratis viris feminisque postulat nova evangelizatio *plenum theologici sensus conscientiam provocationum aetatis nostrae*. Haec postulata ponderentur oportet a diligenti unanimesque iudicio, unde missio ipsa renovetur. In Domino Iesu annuntiando fortitudinem comitari debet fiducia de Providentiae actione, qui in mundo «omnia, adversos etiam humanos casus, in Ecclesiae bonum sapienter» disponit.... Omnibus in locis rerumque adiunctis ardentis sint personae consecratae Dominum Iesum nuntiatrices, conditorum conditricumque menti fideles, paratae ad respondendum cum sapientia postulatis evangelicis quae

Jubilee of the Year 2000.” In the face of the grave situation of the world today, we are, the saintly Pontiff reminded us, like the first disciples who, after hearing Saint Peter’s Pentecost discourse, asked him and the other Apostles: “Brethren, what shall we do?”¹² Even as the first disciples faced a pagan world which had not even heard of our Lord Jesus Christ, so we, too, face a culture which is forgetful of God and hostile to His Law written upon every human heart.

Before the great challenge of our time, Pope John Paul II cautioned us that we will not save ourselves and our world by discovering “some magic formula” or by “inventing a new programme.”¹³ In unmistakable terms, he declared:

No, we shall not be saved by a formula but by a Person, and the assurance which he gives us: *I am with you.*¹⁴

He reminded us that the programme by which we are to address effectively the great spiritual challenges of our time is, in the end, Jesus Christ alive for us in the Church. He explained:

The programme already exists: it is the plan found in the Gospel and in the living Tradition, it is the same as ever. Ultimately, it has its center in Christ himself, who is to be known, loved and imitated, so that in him we may live the life of the Trinity, and with him transform history until its fulfillment in the heavenly Jerusalem. This is a program which does not change with shifts of times and cultures, even though it takes account of time and culture for the sake of true dialogue and effective communication.¹⁵

In short, the program leading to freedom and happiness is, for each of us, holiness of life, in accord with our state in life.

Pope John Paul II, in fact, cast the entire pastoral plan for the Church in terms of

ex inquieto hominis corde eiusque impellentibus necessitatibus oriuntur.” *VC*, pp. 457-458, no. 81. English translation: *VCE*, pp. 148-149, no. 81.

¹² *Acts* 2:37.

¹³ “formulam veluti «magicam» ... excogitando «novo consilio». Ioannes Paulus PP. II, Epistula Apostolica *Novo Millennio Ineunte*, “Magni Iubilaei anni MM sub exitum,” 6 Ianuarii 2001, *Acta Apostolicae Sedis* 93 (2001), p. 285, no. 29. [Hereafter, *NMI*]. English translation: Pope John Paul II, Apostolic Letter *Novo Millennio Ineunte*, “At the Close of the Great Jubilee of the Year 2000,” 6 January 2001, Boston: Pauline Books & Media, 2001, p. 39, no. 29. [Hereafter, *NMIE*].

¹⁴ “Nullo modo: servabit nos nulla formula, verum Persona una atque certitudo illa quam nobis Ipsa infundit: *Ego vobiscum sum!*” *NMI*, p. 285, no. 29. English translation: *NMIE*, p. 39, no. 29.

¹⁵ “Iam enim praesto est consilium seu «programma»: illud nempe quod de Evangelio derivatur semper vivaque Traditione. Tandem in Christo ipso deprehenditur istud, qui sane cognoscendus est, diligendus atque imitandus, ut vita in eo trinitaria ducatur et cum eo historia ipsa transfiguretur ad suam usque in Hierosolymis caelestibus consummationem. Institutum enim hoc, variantibus quidem temporibus ipsis atque culturae formis non mutatur quamvis rationem quidem habeat temporis et culturae, ut verum instituat diverbium efficacemque communicationem.” *NMI*, pp. 285-286, no. 29. English translation: *NMIE*, pp. 39-40, no. 29.

holiness. He explained himself thus:

In fact, to place pastoral planning under the heading of holiness is a choice filled with consequences. It implies the conviction that, since Baptism is a true entry into the holiness of God through incorporation into Christ and the indwelling of his Spirit, it would be a contradiction to settle for a life of mediocrity, marked by a minimalist ethics and a shallow religiosity. To ask catechumens: “Do you wish to receive Baptism?” means at the same time to ask them: “Do you wish to become holy?” It means to set before them the radical nature of the Sermon on the Mount: “Be perfect as your heavenly Father is perfect” (*Mt* 5:48).¹⁶

Pope John Paul II continued, making reference to the Second Vatican Ecumenical Council, by reminding us that “this ideal of perfection must not be misunderstood as if it involved some kind of extraordinary existence, possible only for a few ‘uncommon heroes’ of holiness.”¹⁷

Pope John Paul II taught us the extraordinary nature of our ordinary life, because it is lived in Christ and, therefore, produces in us the incomparable beauty of holiness. He declared:

The ways of holiness are many, according to the vocation of each individual. I thank the Lord that in these years he has enabled me to beatify and canonize a large number of Christians, and among them many lay people who attained holiness in the most ordinary circumstances of life. The time has come to re-propose wholeheartedly to everyone this *high standard of ordinary Christian living*: the whole life of the Christian community and of Christian families must lead in this direction.¹⁸

Seeing in us the daily conversion of life by which we strive to meet the high standard of holiness,

¹⁶ “Re quidem vera, si pastoralis ordinatio sub signo sanctitatis statuitur, aliquid compluribus cum consecrariis decernitur. Inde enim in primis firma aperitur sententia: si vera est Baptismus ingressio in Dei sanctitatem per insertionem in Christum ipsum necnon Spiritus eius per inhabitationem, quaedam repugnantia est contentum esse mediocri vita, quae ad normam transigitur ethicae doctrinae minimum solum poscentis ac religionis superficiem tantum tangentis. Ex catechumeno quaerere: «Vis baptizari?» eodem tempore est petere: «Vis sanctificari?». Idem valet ac deponere eius in via extremum Sermonis Montani principium: «Estote ergo vos perfecti, sicut Pater vester caelestis perfectus est» (*Mt* 5, 48).” *NMI*, p. 288, no. 31. English translation: *NMIE*, 43, no. 31.

¹⁷ “optima haec perfectionis species non ita est iudicanda quasi si genus quoddam secum importet vitae extraordinariae quam soli aliqui sanctitatis «gigantes» traducere possint.” *NMI*, p. 288, no. 31. English translation: *NMIE*, p. 43, no. 31.

¹⁸ “Multiplices enim sanctitatis existunt viae atque cuiusque congruunt cum vocatione. Grates Domino referimus Nobis quod concessit his proximis annis tot christianos et christianas inter beatos adnumerare ac sanctos, ex quibus plures laici sanctimoniam sunt communissimis in vitae condicionibus adsecuti. Omnibus ergo tempus est iterum firmiter hunc proponere «superiorem modum» *ordinariae vitae christianae*: ad hanc namque metam conducere debet omnis vita ecclesialis communitatis ac familiarum christianarum.” *NMI*, p. 288, no. 31.

the “*high standard of ordinary Christian living*,” our brothers and sisters will discover the great mystery of their own ordinary life in which God daily showers upon them his ceaseless and immeasurable love, calling them to holiness of life in Christ, His only-begotten Son. Clearly, the “mending of the Christian fabric of society” can only come about by the remaking of “the Christian fabric of the ecclesial community,” beginning with the individual in his family, at home.¹⁹

The New Evangelization in the Magisterium of Pope Paul VI

To understand the nature and urgency of the call to the new evangelization, it is important to note how the same call was issued in the Magisterium of Pope Paul VI who, in his Apostolic Exhortation *Evangelii Nuntiandi*, “On Evangelization in the World Today,” of December 8, 1975, had called for a new proclamation of the Gospel in what he called “frequent situations of dechristianization in our day.”²⁰ In the years which followed the close of the Second Vatican Ecumenical Council, the Servant of God had witnessed the progressive secularization of society and its destructive effects within the Church.

In his homily on the Solemnity of Saints Peter and Paul, in 1972, for example, reflecting upon the situation of the Church in the world, he spoke of his sense that “through some fissure the smoke of Satan has entered into the temple of God.”²¹ He spoke of a pervasive doubt, uncertainty, restlessness, dissatisfaction and dissent, and of a loss of trust in the Church, coupled with a ready placement of trust in secular prophets who speak through the press or social movements, seeking from them the formula for a true life.²² He noted how, also in the Church, the state of uncertainty prevailed, observing that after the Second Vatican Ecumenical Council it was believed that “a day of sunlight had dawned upon the Church,” while, in fact, “a day of

English translation: *NMIE*, p. 43, no. 32.

¹⁹ “consortium humanum spiritu christiano ubique denuo imbuendum est...*christianus communitatum ipsarum ecclesialium contextus*.” *CL*, p. 455, no. 34. English translation: *CLE*, p. 96, no. 34.

²⁰ “cum crebro hodie eae invaluerint condiciones, quibus a lege christiana prorsus disceditur.” Paulus PP. VI, Adhortatio Apostolica *Evangelii Nuntiandi*, “De Evangelizatione in mundo huius temporis,” 8 Decembris 1975, *Acta Apostolicae Sedis* 68 (1976), pp. 40-41, no. 52. English translation: Pope Paul VI, Apostolic Exhortation *Evangelii Nuntiandi*, “On Evangelization in the Modern World,” 8 December 1975, Washington, D.C.: United States Catholic Conference, nd, p. 36, no. 52.

²¹ “da qualche fessura sia entrato il fumo di Satana nel tempio di Dio.” Paulus PP. VI, “Per il nono anniversario dell’Incoronazione di Sua Santità: «Resistite fortes in fide», 29 giugno 1972, in *Insegnamenti di Paolo VI*, Vol. 10 (1972), Città del Vaticano: Tipografia Poliglotta Vaticana, 1973, p. 707. English translation by author.

²² Cf. *Ibid.*, pp. 707-708.

clouds, storms, darkness, wandering and uncertainty” had arrived.²³ He commented that we seek to plumb the abysses rather than to fill them.²⁴

I am reminded of a comment by the late and most wise Mother Mary Francis of the Poor Clare Colettine Monastery in Roswell, New Mexico. Writing, already in 1967, about the approach to the renewal of the religious form of consecrated life, after the Council, Mother Mary Francis observed:

It is simply a fact that we can have too many workshops and discussions on such subjects as the formation of novices and juniors, the psychological aspects of religious life, and mental hygiene, which reduce to mere long-ringing condemnations of the past. One, of course, would be too many. We could be using this time and this energy actually forming our communities, in studying and promoting a sound psychology of religious life, and in practicing and encouraging mental hygiene. We are all surely aware that mistakes have been made in the past. We may even be willing to admit we have made a few ourselves. Let us go on from there, not hold a seminar there. Let us by all means get expert guidance in the areas just mentioned and many others, the while not letting the fact elude us that the Holy Spirit remains *the* Expert, *the* Counsellor. There may certainly be valid reasons for calmly mentioning some past errors for mutual education. A charitable sharing of blunders can be a genuine service to one another, since we all stumble often enough even when forewarned of booby-traps. However, to talk from a stump of censure will never avail anything positive.²⁵

Pope Paul VI's lament, reflected also in the observations of Mother Mary Francis, points to a rupture in the life of the Church, caused by the failure to see the organic nature of her life, receiving from Christ, faithfully down the centuries, the gift of the Holy Spirit for the evangelization of the world. The rupture is embodied in the perception that everything which had happened in the Church from the time of the first disciples was a betrayal and that the Church must, therefore, be created *ex novo* by somehow returning to the life of the primitive ecclesial community, viewed, according to this way of thinking, in a naïve manner taking no

²³ “una giornata di sole per la storia della Chiesa...una giornata di nuvole, di tempesta, di buio, di ricerca, di incertezza.” *Ibid.*, p. 708. English translation by author.

²⁴ Cf. *Ibid.*, p. 708.

²⁵ Mother Mary Francis, P.C.C., *Marginals*, Chicago: Franciscan Herald Press, 1967, p. 42. Reprinted as: Mother Mary Francis, P.C.C., *Chastity, Poverty, and Obedience: Recovering the Vision for the Renewal of Religious Life*, San Francisco: Ignatius Press, 2007, p. 42.

account of the grave internal struggles which the Church experienced from the beginning and about which Saint Luke in the *Acts of the Apostles* and Saints Paul, John, Peter and James in their letters give ample testimony.

Pope Benedict XVI reflected at length upon the rupture in his first Christmas address to the Roman Curia, in December of 2005, which also marked the fortieth anniversary of the close of the Second Vatican Ecumenical Council. He described a struggle between two interpretations of the Council, the “hermeneutic of discontinuity and rupture,” and the “hermeneutic of reform.”²⁶ Without entering into a thorough analysis of his discussion of the struggle between the two hermeneutics, which would certainly be illuminating for the subject of our reflection but which time does not permit me to undertake, suffice it to say that the hermeneutic of rupture “risks ending in a split between the pre-conciliar Church and the post-conciliar Church” and, thereby, justifies an interpretation of the Council not based upon the texts approved by the Council Fathers but upon what is called “the true spirit of the Council,” which is discovered “in the impulses toward the new that are contained in the texts.”²⁷

The fruit of the “hermeneutic of discontinuity and rupture” is described by Pope Benedict XVI in these words:

The nature of a Council as such is therefore basically misunderstood. In this way, it is considered as a sort of constituent that eliminates an old constitution and creates a new one. However, the Constituent Assembly needs a mandatory and then confirmation by the mandatory, in other words, the people the constitution must serve. The Fathers had no such mandate and no one had ever given them one; nor could anyone have given them one because the essential constitution of the Church comes from the Lord and was given to us so that we might attain eternal life and, starting from this perspective, be able to illuminate life in time and time itself.²⁸

²⁶ “ermeneutica della discontinuità e della rottura...ermeneutica della riforma.”Benedictus PP. XVI, Allocutio “Ad Romanam Curiam ob omina natalicia,” 22 Decembris 2005, *Acta Apostolicae Sedis* 98 (2006), p. 46. English translation: Pope Benedict XVI, “Address of His Holiness Benedict XVI to the Roman Curia Offering Them His Christmas Greetings,” 22 December 2005, *L’Osservatore Romano Weekly Edition in English*, 4 January 2006, p. 5.

²⁷ “rischia di finire in una rottura tra Chiesa preconciliare e Chiesa postconciliare...il vero spirito del Concilio...negli slanci verso il nuovo che sono sottesi ai testi.” *Ibid.*, p. 46. English translation: *Ibid.*, p. 5.

²⁸ “Con ciò, però, si fraintende in radice la natura di un Concilio come tale. In questo modo, esso viene considerato come una specie di Costituente, che elimina una costituzione vecchia e ne crea una nuova. Ma la Costituente ha bisogno di un mandante e poi di una conferma da parte del mandante, cioè del popolo al quale la costituzione deve servire. I Padri non avevano un tale mandato e nessuno lo aveva mai dato loro; nessuno, del

His analysis points to the need of a new evangelization which centers upon the gift of Christ's life given to us, as individuals and as a community, in the Church, by which we are to live and thus to serve our neighbor.

In the years following the Second Vatican Ecumenical Council, but certainly not because of the Council, the rupture was manifested, for example, in an erosion of marital fidelity and, therefore, of family life, and the denial of procreation as the crown of marital love. It was also manifested in the betrayal of the liturgical reform ordered by the Council through a manipulation of the divine action of the liturgy to express the individual personality of the celebrant and of the congregation, and even to advance various human agenda, completely alien to the divine action of the Sacred Liturgy. Already, in 1972, Pope Paul VI had the sense that some foreign, indeed diabolically hostile element, had entered into the very sanctuaries of the Church. One understands, then, why Pope Paul VI urged so adamantly the work of evangelization in the Church and in the world.

The New Evangelization in the Magisterium of Pope Benedict XVI

Pope Benedict XVI, in his 2010 Christmas Address to the College of Cardinals, the Roman Curia and the Governorate of Vatican City State, spoke clearly and strongly about the profoundly disordered moral state in which our world finds itself, today, and of its devastating effect also within the Church. He spoke about the grave evils of our time, for example, the sexual abuse of minors by the clergy, the marketing of child pornography, sexual tourism, and the deadly abuse of drugs.

One further thinks of other most grievous moral evils of our time, for instance, the plague of procured abortion, the abhorrent practices of the artificial generation of human life and its subsequent destruction, at the embryonic stage of development; the so-called "mercy killing" of the very brothers and sisters who have the first title to our care, those who have grown weak through advanced years, grave illness or special needs; and the ever advancing agenda of those who want to redefine marriage and family life to include the unnatural sexual union of two persons of the same sex. Such acts are evil in themselves. They are always and everywhere wrong, that is, they can never be justified for any reason.

Regarding the grave evils which beset the world, in our day, Pope Benedict XVI declared

resto, poteva darlo, perché la costituzione essenziale della Chiesa viene dal Signore e ci è stata data affinché noi possiamo raggiungere la vita eterna e, partendo da questa prospettiva, siamo in grado di illuminare anche la vita nel tempo e il tempo stesso." *Ibid.*, p. 46. English translation: *Ibid.*, p. 5.

that they are all signs of “the tyranny of mammon which perverts mankind” and that they result from “a fatal misunderstanding of freedom which actually undermines man’s freedom and ultimately destroys it.”²⁹ They are manifestations, to be sure, of a way of living, to use the words of Pope John Paul II, “as if God did not exist.”³⁰

They are a manifestation of sin at its root which is pride, the pride of man who fails to recognize that all that he is and all that he has come from the hand of God Who has created us and has redeemed us, after the sin of our First Parents. They are a manifestation of the foolishness of seeking our freedom other than in the will of God and thus making ourselves slaves to creaturely realities. That foolishness manifests itself in a most distressing manner in a culture of addictions, in which we seek our freedom and happiness in some creaturely reality and, when we do not find them there, as indeed we never can, we, in our pride, instead of turning in obedience to God, enslave ourselves more and more to the same creature, for example, alcohol, drugs, food, abuse of power, sexual promiscuity or pornography, until the creature destroys us.

Pope Benedict XVI’s words in his 2010 Christmas Address are redolent of the powerful pastoral concern about the profound influence of secularization within the Church herself, which he expressed in his homily during the Mass for the Election of the Roman Pontiff, celebrated before the conclave during which he was elected to the See of Peter. He spoke of how the “the thought of many Christians” has been tossed about, in our time, by various “ideological currents,” observing that we are witnesses to the “human deception and the trickery that strives to entice people into error,” about which Saint Paul wrote in his *Letter to the Ephesians*.³¹ He noted that, in our time, those who live according to “a clear faith based on the Creed of the Church” are viewed as extremists, while relativism, that is, “letting oneself be ‘tossed here and there, carried about by every wind of doctrine,’” is extolled.³² Regarding the source of the grave moral evils of our time, he concluded: “We are building a dictatorship of relativism that does not

²⁹ “dittatura di mammona che perverte l’uomo ... un fatale fraintendimento della libertà, in cui proprio la libertà dell’uomo viene minata e alla fine annullata del tutto.” Benedictus PP., Allocutio “Omina Nativitatis novique Anni Curiae Romanae significantur,” 20 Decembris 2010, *Acta Apostolicae Sedis* 103 (2011), p. 36. [Hereafter, *CG2010*]. English translation: Pope Benedict XVI, “Address of His Holiness Benedict XVI on the Occasion of Christmas Greetings to the Roman Curia,” 20 December 2010, *L’Osservatore Romano Weekly Edition in English*, 22-29 December 2010, p. 13. [Hereafter, *CG2010E*].

³⁰ “etsi Deus non daretur.” *CL*, p. 454, no. 34. English translation: *CLE*, p. 95, no. 34.

³¹ “pensiero di molti cristiani...correnti ideologiche...sull’inganno degli uomini, sull’astuzia che tende a trarre nell’errore.” Joseph Cardinal Ratzinger, “Initium Conclavis,” 18 Aprilis 2005, *Acta Apostolicae Sedis* 97 (2005), p. 687. English translation: Cardinal Joseph Ratzinger, “Mass «Pro eligendo Romano Pontifice», Homily of His Eminence Card. Joseph Ratzinger, Dean of the College of Cardinals,” 18 April 2005, *L’Osservatore Romano Weekly Edition in English*, 20 April 2005, p. 3. Cf. *Eph* 4:14.

recognize anything as definitive and whose ultimate goal consists solely of one's own ego and desires."³³

In his 2010 Christmas Address, reflecting on the grave evils which are destroying us as individuals and as a society, and which have generated a culture marked predominantly by violence and death, the Holy Father reminded us that, if we, with the help of God's grace, are to overcome the grave evils of our time, "we must turn our attention to their ideological foundations."³⁴ He then identified directly and unequivocally the ideology which fosters these evils: a perversion of *ethos*, of the moral norm, which has even entered into the thinking of some theologians in the Church.

Referring to one of the more shocking manifestations of the ideology, namely, the so-called moral position that the sexual abuse of children by adults is actually good for the children and for the adults, he declared:

It was maintained – even within the realm of Catholic theology – that there is no such thing as evil in itself or good in itself. There is only a "better than" and a "worse than". Nothing is good or bad in itself. Everything depends on the circumstances and on the end in view. Anything can be good or also bad, depending upon purposes and circumstances. Morality is replaced by a calculus of consequences, and in the process it ceases to exist.³⁵

Pope Benedict XVI described a relativism, called proportionalism or consequentialism in contemporary moral theology, which has generated profound confusion and outright error regarding the most fundamental truths of the moral law.³⁶ Here, too, the rupture in ecclesial life is manifested. It has led to a situation in which morality itself indeed "ceases to exist." If,

³² "una fede chiara, secondo il Credo della Chiesa...il lasciarsi portare «qua e là da qualsiasi vento di dottrina»." *Ibid.*, p. 687. English translation: *Ibid.*, p. 3

³³ "Si va costituendo una dittatura del relativismo che non riconosce nulla come definitivo e che lascia come ultima misura solo il proprio io e le sue voglie." *Ibid.*, p. 687. English translation: *Ibid.*, p. 3.

³⁴ "dobbiamo gettare uno sguardo sui loro fondamenti ideologici." *CG2010*, p. 36. English translation: *CG2010E*, p. 13.

³⁵ "Si asseriva – persino nell'ambito della teologia cattolica – che non esisterebbero né il male in sé, né il bene in sé. Esisterebbe soltanto un «meglio di» e un «peggio di». Niente sarebbe in se stesso bene o male. Tutto dipenderebbe dalle circostanze e dal fine inteso. A seconda degli scope e delle circostanze, tutto potrebbe essere bene o anche male. La morale viene sostituita da un calcolo delle conseguenze e con ciò cessa di esistere." *CG2010*, pp. 36-37. English translation: *CG2010E*, p. 13.

³⁶ Cf. Ioannes Paulus PP. II, Litterae Encyclicae *Veritatis Splendor*, "De quibusdam quaestionibus fundamentalibus doctrinae moralis Ecclesiae," 6 Augusti 1993, *Acta Apostolicae Sedis* 85 (1993), oo. 1193-1194, no. 75. English translation: Pope John Paul II, Encyclical Letter *Veritatis Splendor*, "Regarding Certain Fundamental Questions of the Church's Moral Teaching," 6 August 1993, London: Catholic Truth Society, 1993, pp. 79-81, no. 75.

therefore, the irreplaceable moral order, which is the way of our freedom and happiness, is to be restored, we must address with clarity and steadfastness the error of moral relativism, proportionalism and consequentialism, which permeates our culture and has also entered, as the Holy Father reminds us, into the Church.

To confront the ideology, Pope Benedict XVI has urged us to study anew the teaching of his predecessor, Pope John Paul II, in his Encyclical Letter *Veritatis Splendor*, “Regarding Certain Fundamental Questions of the Church’s Moral Teaching.” In *Veritatis Splendor*, Pope John Paul II, in the words of Pope Benedict XVI, “indicated with prophetic force, in the great rational tradition of Christian *ethos*, the essential and permanent foundations of moral action.”³⁷ *Veritatis Splendor* is a remarkable fruit of the “hermeneutic of reform” or hermeneutic of continuity in what pertains to the perennial moral doctrine of the Church. Reminding us of the need to form our consciences, in accord with the moral teaching of the Church, our Holy Father also reminded us of “our responsibility to make these criteria [these moral foundations] audible and intelligible once more for people today as paths of true humanity, in the context of our paramount concern for mankind.”³⁸ In the exhortation of Pope Benedict XVI, we hear again the call of Pope John Paul II to mend “the Christian fabric of society” by mending first “*the Christian fabric of the ecclesial community itself*.”³⁹

In Jesus Christ, God the Son made man, heaven has come to earth to dispel the darkness of error and sin, and to fill souls with the light of truth and goodness. If Christians live in Christ, in the union of their hearts with His Most Sacred Heart, when their brothers and sisters, lost in the unreal and destructive world of moral relativism and, therefore, tempted to despair, encounter them, they will discover the hope for which they are looking. Living in Jesus Christ, living according to the truth which He alone teaches in His Church, Christians become light to dispel the confusion and error which have led to the many and so grievous moral evils of our time, and to inspire a life lived in accord with the truth and, therefore, marked by freedom and happiness. The words of our Holy Father make clear the inherent dynamism of the life of the Holy Spirit within the soul, leading the Christian to give witness to the mystery of God’s love in his life and so to convert his own life more fully to Christ and to transform the world.

³⁷ “indicò con forza profetica nella grande tradizione razionale dell’*ethos* cristiano le basi essenziali e permanenti dell’agire morale.” *CG2010*, p. 37. English translation: *CG2010E*, p. 13.

³⁸ “nostra responsabilità rendere nuovamente udibili e comprensibili tra gli uomini questi criteri come vie della vera umanità, nel contesto della preoccupazione per l’uomo, nella quale siamo immersi.” *CG2010*, p. 37. English translation: *CG2010E*, p. 13.

³⁹ Cf. footnote no. 19.

The State of Canon Law in the Church

I began my studies of Canon Law in September of 1980, residing at the Casa Santa Maria dell'Umiltà, the residence of the Pontifical North American College in Rome for priests undertaking graduate studies. At the time, the number of United States priests pursuing graduate studies in Rome was much less than the capacity of the residence. As a result, the Casa Santa Maria was also able to be the residence for priests from the United States doing a three-month sabbatical in Rome. As a result, every fall and every spring semester, a new group of priests arrived for the sabbatical course, and the normal process of getting to know one another took place.

I, who, to be honest, took up the study of Canon Law in obedience to my Bishop and not because of a deep personal interest in the discipline, soon learned how much the Church's discipline was disdained by her priests, in general. When I responded to the usual question of what my area of study was, the responses fairly consistently went like this: "I thought that the Church had done away with that," and "What a waste of your time." These responses, in fact, reflected a general attitude in the Church toward her canonical discipline, an attitude inspired by the hermeneutic of discontinuity, by that sense that "a day of sunlight" had arrived in the Church, in contrast to the darkness of what had gone before.⁴⁰ Institutes of the Church's law, which, in her wisdom, she had developed down the Christian centuries, were set aside without consideration of their organic relationship to the life of the Church or of the chaos which would necessarily result from their neglect or abandonment.

The "hermeneutic of discontinuity and rupture," which has tried to hijack the renewal mandated by the Second Vatican Ecumenical Council, is marked by a pervasively antinomian culture, epitomized by the Paris student riots of 1968, and had a particularly devastating effect on the Church's discipline. Father John J. Coughlin, O.F.M., in his recently published book comparing canon law with Anglo-American legal theory, treats, at some length, the effect of antinomianism on Church discipline. Reflecting on the long process of the revision of the Pio-Benedictine Code of Canon Law, he observed:

Over the course of almost three decades of revision, although theoretically still the universal law of the church, the 1917 Code fell into general disuse. It was in many instances abrogated in favor of postconciliar innovations *ad experimentum*.

⁴⁰ Cf. footnote no. 23.

In retrospect, the ecclesial ambiance in the wake of Vatican II represented a swing of the pendulum from the preconconciliar legalism toward the antinomian. While it would overstate the matter to claim that the juridical structures of the church disintegrated during the postconciliar years, it seems accurate to observe that proper function of law in the church became unbalanced. The legalism of the past had been supplanted not only by openness to the new spirit but perhaps also by the tendency to underestimate the need for a healthy ecclesial order. The culture of canon law was reduced, with the effect that law was seen as an obstacle to the manifestation of the spirit in the church.⁴¹

Father Coughlin shows, in a particular way, how the failure of knowledge and application of the canon law, which was indeed still in force, contributed significantly to the scandal of the sexual abuse of minors by the clergy in our nation.⁴²

Indeed, it is often asserted that the just-mentioned scandal was caused by the absence of a proper discipline in the Church to deal justly with such abhorrent factispecies. In the typical approach of the hermeneutic of discontinuity, it is assumed that the Church lacked the proper canonical discipline with which to investigate such crimes and sanction them. The truth of the matter is that the Church had dealt with such crimes in the past, as should come as a surprise to no one, and that she had in place a carefully articulated process by which to investigate accusations, with full respect for the rights of all parties involved, including the protection of potential victims during the time of the investigation; to reach a just decision regarding their truth, and to apply the appropriate sanction. The discipline in place was not followed because it was not known and, in fact, was presumed not to exist.

In his annual addresses to the Roman Rota, from 1969 to 1973, Pope Paul VI repeatedly confronted the loss of respect for the irreplaceable, if also humble, service of canon law in safeguarding and fostering our life in Christ in the Church. His repeated appeals for a new appreciation of the Church's discipline are an indication of the gravity of the weakened situation of canon law, at the time. Confronting a general opinion that somehow the Second Vatican Ecumenical Council had repudiated the service of Canon Law, he declared:

On the contrary the Council not only does not repudiate canon law, the norm that spells out the duties and defends the rights of the members of the Church,

⁴¹ John J. Coughlin, *Canon Law: A Comparative Study with Anglo-American Legal Theory*, New York: Oxford University Press, 2011, pp. 68-69.

⁴² *Ibid.*, pp. 65-74.

but wishes and desires it as a consequence of the power bequeathed by Christ to his Church, as a necessity of its social and visible nature, its communitarian and hierarchical nature, as the guide of religious life and of Christian perfection, and as the juridical safeguard of liberty itself.⁴³

In another address to the Roman Rota, he confronted the false dichotomy between canon law and freedom in the Church, observing that canon law is not opposed to freedom but serves “what is needed to safeguard the common good – including the basic good of exercising freedom – which only a well-ordered social order can adequately guarantee.”⁴⁴

The years of a lack of knowledge of the Church’s discipline and even of a presumption that such discipline was no longer fitting to the nature of the Church indeed reaped gravely harmful fruits in the Church, for example, the pervasive violation of the liturgical law of the Church, a revolution in catechesis which often rendered the teaching of the faith vacuous and confused, if not erroneous; the breakdown of the discipline of priestly formation and priestly life, the abandonment of the essential elements of religious life and the devastating loss of fundamental direction in many congregations of religious Sisters, Brothers and priests; the loss of the identity of charitable, educational and healthcare institutions bearing the name of Catholic; and the failure of respect for the nature of marriage and the time-proven process for judging claims of nullity of marriage in ecclesiastical tribunals. Regarding the last example, the concern about the breakdown of canonical discipline in the Church’s matrimonial tribunals is not simply a technical legal concern but, above all, a concern for the sanctity itself of marriage, the first cell of the life of the Church and society, which must be respected, above all else, in judging a cause of matrimonial nullity, and which is the reason why, in the Church’s procedural discipline, marriage must always enjoy the favor of the law.⁴⁵ It is also a concern for the scandal caused in the wider society, when the Church, which is to be the *speculum iustitiae* for all legal orders, treats

⁴³ “Ma il Concilio non solo non ripudia il Diritto Canonico, la norma cioè che precisa i doveri e difende i diritti dei membri della Chiesa, ma la auspica e la vuole, come conseguenza delle potestà lasciate da Cristo alla sua Chiesa, come esigenza della sua natura sociale e visibile, comunitaria e gerarchica, come guida alla vita religiosa e alla perfezione cristiana, e come tutela giuridica della stessa libertà.” Paulus PP. VI, Allocutio “Ad Praelatos Auditores, Officiales et Advocatos Tribunalis Sacrae Romanae Rotae, novo litibus iudicandis ineunte anno coram admissos,” 27 Ianuarii 1969, *Acta Apostolicae Sedis* 61 (1969), p. 177. English translation: William H. Woestman, O.M.I., ed., *Papal Allocutions to the Roman Rota 1939-2002*, Ottawa: Saint Paul University, 2002, p. 96. [Hereafter, *Papal Allocutions to the Roman Rota*].

⁴⁴ “le esigenze di una sicura ed efficace tutela dei beni comuni, tra i quali quello fondamentale dell’esercizio della stessa libertà, che solo una convivenza bene ordinata può adeguatamente garantire.” Paulus PP. VI, Allocutio “Ad Praelatos Auditores et Officiales Tribunalis Sacrae Romanae Rotae, a Beatissimo Patre novo litibus iudicandis ineunte anno coram admissos,” 29 Ianuarii 1970, *Acta Apostolicae Sedis* 62 (1970), p. 115. English translation: *Papal Allocutions to the Roman Rota*, p. 101.

claims of nullity of marriage without due respect for the nature of marriage itself and for the time-tested process for arriving at the truth regarding such claims.

A frequent manifestation of the confusion and error regarding the irreplaceable role of canon law in the life of the Church has been the claim that the Church's discipline is, somehow, in opposition to her pastoral care of the faithful. Pope John Paul II confronted the false opposition between Church discipline and her pastoral care in his annual address to the Roman Rota in 1990.⁴⁶ He confronted it once again in his last annual address to the Roman Rota in 2005.⁴⁷ Pope Benedict XVI has addressed the same false opposition in his annual addresses to the Roman Rota in 2006,⁴⁸ 2007⁴⁹ and 2010.⁵⁰ In his 2010 address, Pope Benedict XVI recalled the words of Pope John Paul II: "The judge... must always guard against the risk of misplaced compassion, which could degenerate into sentimentality, itself pastoral only in appearance."⁵¹ He went on to observe:

One must avoid pseudo-pastoral claims that would situate questions on a purely horizontal plane, in which what matters is to satisfy subjective requests to arrive at a declaration of nullity at any cost, so that the parties may be able to overcome, among others things, obstacles to receiving the Sacraments of Penance and the Eucharist. The supreme good of readmission to Eucharistic Communion after sacramental Reconciliation demands, instead, that due consideration be given to the authentic good of the individuals, inseparable from the truth of their

⁴⁵ Cf. can. 1060.

⁴⁶ Cf. Ioannes Paulus PP. II, Allocutio "Ad Romanae Rotae Praelatos, auditores, officiales, et advocatos anno iudiciali ineunte," 18 Ianuarii 1990, *Acta Apostolicae Sedis* 82 (1990), pp. 872-877. English translation: *Papal Allocutions to the Roman Rota*, pp. 209-213.

⁴⁷ Cf. Ioannes Paulus PP. II, Allocutio "Ad Tribunal Rotae Romanae iudiciali ineunte anno," 29 Ianuarii 2005, *Acta Apostolicae Sedis* 97 (2005), pp. 164-166. English translation: Pope John Paul II, "Address of Pope John Paul II to the Members of the Tribunal of the Roman Rota," 29 January 2005, *L'Osservatore Romano Weekly Edition in English*, 2 February 2005, p. 3.

⁴⁸ Cf. Benedictus PP. XVI, Allocutio "Ad Tribunal Rotae Romanae," 28 Ianuarii 2006, *Acta Apostolicae Sedis* 98 (2006), pp. 135-138. English translation: Pope Benedict XVI, "Address of His Holiness Benedict XVI to the Members of the Tribunal of the Roman Rota," 28 January 2006, *L'Osservatore Romano Weekly Edition in English*, 8 February 2006, p. 3.

⁴⁹ Cf. Benedictus PP. XVI, Allocutio "Ad Tribunal Rotae Romanae in inauguratione Anni Iudicialis," 27 Ianuarii 2007, *Acta Apostolicae Sedis* 99 (2007), pp. 86-91. English translation: Pope Benedict XVI, "Address of His Holiness Benedict XVI to the Members of the Tribunal of the Roman Rota," 27 January 2007, *L'Osservatore Romano Weekly Edition in English*, 31 January 2007, pp. 3 and 10.

⁵⁰ Cf. Benedictus PP. XVI, Allocutio "Ad sodales Tribunalis Romanae Rotae," 29 Ianuarii 2010, *Acta Apostolicae Sedis* 102 (2010), pp. 110-114. English translation: Pope Benedict XVI, "Address of His Holiness Pope Benedict XVI on the Occasion of the Inauguration of the Judicial Year of the Tribunal of the Roman Rota," 29 January 2010, *L'Osservatore Romano Weekly Edition in English*, 3 February 2010, p. 3.

⁵¹ "Il giudice [...] deve sempre guardarsi dal rischio di una malintesa compassione che scadrebbe in sentimentalismo, solo apparentemente pastorale." *Ibid.*, p. 112. English translation: *Ibid.*, p. 3.

canonical situation. It would be a false “good” and a grave lack of justice and love to pave the way for them to receive the sacraments nevertheless, and would risk causing them to live in objective contradiction to the truth of their own personal condition.⁵²

Regarding the Church’s pastoral concern, Pope Benedict XVI reminded the Rotal auditors and, through them, the whole Church, “that both justice and charity postulate love for truth and essentially entail searching for truth.”⁵³ “In particular,” he observed, “charity makes the reference to truth even more exacting.”⁵⁴

Canon Law in the Magisterium of Pope John Paul II

Pope John Paul II pursued with vigor the revision of the 1917 Code of Canon Law. There was no question in his mind, as a Father of the Second Vatican Ecumenical Council, about the Council’s desire that the perennial discipline of the Church be addressed to the present time. Clearly, the Council’s desire regarding Church discipline did not intend the abandonment of her discipline but a new appreciation of it in the context of contemporary challenges. In the Apostolic Constitution *Sacrae Disciplinae Leges*, with which he, the Supreme Legislator in the Church, promulgated the 1983 Code of Canon Law, he wrote:

Turning our minds today to the beginning of this long journey [of the revision of the Code of Canon Law], to that January 25, 1959 [“when my predecessor of happy memory, John XXIII, announced for the first time his decision to reform the existing *corpus* of canonical legislation which had been promulgated on the feast of Pentecost in year 1917”] and to John XXIII himself who initiated the revision of the Code, I must recognize that this Code derives from one and the same intention, the renewal of Christian living. From such an intention, in fact,

⁵² “Occorre rifuggire da richiami pseudopastorali che situano le questioni su un piano meramente orizzontale, in cui ciò che conta è soddisfare le richieste soggettive per giungere ad ogni costo alla dichiarazione di nullità, al fine di poter superare, tra l’altro, gli ostacoli alla ricezione dei sacramenti della Penitenza e dell’Eucaristia. Il bene altissimo della riammissione alla Comunione eucaristica dopo la riconciliazione sacramentale, esige invece di considerare l’autentico bene delle persone, inscindibile dalla verità della loro situazione canonica. Sarebbe un bene fittizio, e una grave mancanza di giustizia e di amore, spianare loro comunque la strada verso la ricezione dei sacramenti, con il pericolo di farli vivere in contrasto oggettivo con la verità della propria condizione personale.” *Ibid.*, pp. 112-113. English translation: *Ibid.*, p. 3.

⁵³ “sia la giustizia, sia la carità, postulino l’amore alla verità e comportino essenzialmente la ricerca del vero.” *Ibid.*, p. 113. English translation: *Ibid.*, p. 3.

⁵⁴ “In particolare, la carità rende il riferimento alla verità ancora più esigente.” *Ibid.*, p. 113. English translation: *Ibid.*, p. 3.

the entire work of the council drew its norms and its direction.⁵⁵

These words point to the essential service of canon law in the work of the new evangelization, that is, the living of our life in Christ with the engagement and energy of the first disciples. Canonical discipline is directed to the pursuit, at all times, of holiness of life.

The saintly Pontiff described the nature of canon law, indicating its organic development from God's first covenant with His holy people. He recalled "the distant patrimony of law contained in the books of the Old and New Testament from which is derived the whole juridical-legislative tradition of the Church, as from its first source."⁵⁶ In particular, he reminded the Church how Christ Himself declared that He had not come to abolish the law but to bring it to completion, teaching us that it is, in fact, the discipline of the law which opens the way to freedom in loving God and our neighbor. He observed: "Thus the writings of the New Testament enable us to understand even better the importance of discipline and make us see better how it is more closely connected with the saving character of the evangelical message itself."⁵⁷

Pope John Paul II then articulated the purpose of canon law, that is, the service of the faith and grace, and of the gifts of the Holy Spirit and charity. He noted that, far from hindering the living of our life in Christ, canonical discipline safeguards and fosters our Christian life. He declared:

[I]ts purpose is rather to create such an order in the ecclesial society that, while assigning the primacy to love, grace and charisms, it at the same time renders their organic development easier in the life of both the ecclesial society and the

⁵⁵ "Mentem autem hodie convertentes ad exordium illius itineris [ad Codicem Iuris Canonici recognoscendum], hoc est ad diem illam XXV Ianuarii anno MCMLIX ["qua Decessor Noster fel. rec. Ioannes XXIII primum publice nuntiavit captum abs se consilium reformandi vigen Corpus legum canonicarum, quod anno MCMXVII, in sollemnitate Pentecostes, fuerat promulgatum"], atque ad ipsum Ioannem XXIII, Codicis recognitionis initiator, fateri debemus hunc Codicem ad uno eodemque proposito profluxisse, rei christianae scilicet restaurandae; a quo quidem proposito totum Concilii opus suas normas suumque ductum praesertim accepit." Ioannes Paulus PP. II, Constitutio Apostolica *Sacrae Disciplinae Leges*, 25 Ianuarii 1983, *Acta Apostolicae Sedis* 75, Pars II (1983), p. viii (cf. p. vii). [Hereafter, *SDL*]. English translation: Canon Law Society of America, *Code of Canon Law: Latin-English Edition*, New English Translation, Washington, DC: Canon Law Society of America, 1998, p. xxviii (cf. p. xxvii). [Hereafter, *SDLE*].

⁵⁶ "longinqua illa hereditas iuris, quae in libris Veteris et Novi Testamenti continetur, ex qua tota traditio iuridica et legifera Ecclesiae, tamquam a suo primo fonte, originem ducit." *SDL*, p. x. English translation: *SDLE*, p. xxix.

⁵⁷ "Sic Novi Testamenti scripta sinunt ut nos multo magis percipiamus hoc ipsum disciplinae momentum, utque ac melius intellegere valeamus vincula, quae illud arctiore modo contingunt cum indole salvifica ipsius Evangelii doctrinae." *SDL*, pp. x-xi. English translation: *SDLE*, p. xxix.

individual persons who belong to it.”⁵⁸

As such, canon law can never be in conflict with the Church’s doctrine but is, in the words of Pope John Paul II, “extremely necessary for the Church.”⁵⁹

The teaching of the Church, in fact, is translated into discipline by the canonical tradition.⁶⁰ He indicated four ways in which the Church’s discipline is a necessary complement to her doctrine, declaring:

Since the Church is organized as a social and visible structure, it must also have norms: in order that its hierarchical and organic structure be visible; in order that the exercise of the functions divinely entrusted to it, especially that of sacred power and of the administration of the sacraments, may be adequately organized; in order that the mutual relations of the faithful may be regulated according to justice based upon charity, with the rights of individuals guaranteed and well-defined; in order, finally, that common initiatives undertaken to live a Christian life ever more perfectly may be sustained, strengthened and fostered by canonical norms.⁶¹

Because of the essential service of canon law to the life of the Church, Pope John Paul II reminded the Church that “by their very nature canonical laws are to be observed,” and, to that end, “the wording of the norms should be accurate” and “based on solid juridical, canonical and theological foundations.”⁶²

Specific Form of the New Evangelization through Canonical Discipline

From the above considerations, it should be clear that the knowledge of and respect for canonical discipline is indispensable to the Church’s response to the call to a new evangelization. There are many aspects of the form of the new evangelization through canonical discipline. I

⁵⁸ “Codex eo potius spectat, ut talem gignat ordinem in ecclesiali societate, qui, praecipuas tribuens partes amori, gratiae atque charismati, eodem tempore faciliorem reddat ordinatam eorum progressionem in vita sive ecclesialis societatis, sive etiam singulorum hominum, qui ad illam pertinent.” *SDL*, p. xi. English translation: *SDLE*, pp. xxix-xxx.

⁵⁹ “Ecclesiae omnino necessarius est.” *SCD*, p. xii. English translation: *SDLE*, p. xxxi.

⁶⁰ Cf. *SDL*, p. xi. English translation: *SDLE*, p. xxx.

⁶¹ “Cum ad modum etiam socialis visibilisque compaginis sit constituta, ipsa normis indiget, ut eius hierarchica et organica structura adspectabilis fiat, ut exercitium munerum ipsi divinitus creditorum, sacrae praesertim potestatis et administrationis sacramentorum rite ordinetur, ut secundum iustitiam in caritate innixam mutuae christifidelium necessitudines componantur, singulorum iuribus in tuto positis atque definitis, ut denique communia incepta, quae ad christianam vitam perfectius usque vivendam suscipiuntur, per leges canonicas fulciantur, muniantur ac promoveantur.” *SDL*, pp. xii-xiii. English translation: *SDLE*, p. xxxi.

address four as examples.

The first aspect is respect for the rule of law as the irreplaceable foundation for right relationships and coherent activities within the Church. In specific, we must confront the antinomian tendency of the culture, which is inimical to the organic unity which is inherent to the Body of Christ. A general ignorance of canon law, which sees it as some esoteric and surpassed aspect of Church life, must be overcome. At the same time, the false conflict between canon law and the pastoral nature of the Church, between truth and love, must be addressed.

Secondly, key to the form of the new evangelization through canonical discipline is the study of the sources of canonical institutes in the Sacred Scriptures and Tradition. The discipline regarding the refusal of Holy Communion to persons who persist in grave and public sin, for example, must be seen in its consistent development from the time of Saint Paul.⁶³ Likewise, the ground of nullity of marriage, lack of sufficient discretion of judgment, must be seen in the long canonical tradition regarding the influence of the lack of mental capacity or the loss of it through mental illness on the capacity to give marriage consent.⁶⁴

Thirdly, the study of the text of the law must respect the mind of the legislator and, therefore, avoid any kind of formalism. The wording of Church discipline derives from solid juridical, canonical and theological foundations which can only be known by those humble enough to study them. All forms of manipulation of the law to advance particular agenda redound to the grave harm of the faithful and of the Church as the Body of Christ.⁶⁵

Finally, liturgical law must enjoy the primacy among canonical norms, for it safeguards the most sacred realities in the Church. It is interesting to note that in his first Encyclical Letter *Redemptor Hominis*, Pope John Paul II confronted the abuse of general confession and general absolution, of the essentially personal encounter with Christ in the Sacrament of Penance, reminding us both of the right of the penitent to such an encounter and the right of Christ Himself,⁶⁶ and that, in his last Encyclical Letter *Ecclesia de Eucharistia*, he urgently addressed

⁶² “canonicae leges suapte natura observantiam exigent... accurate fiet normarum expressio... in solido iuridico, canonico ac theologico fundamento inniterentur.” *SDL*, p. xiii. English translation: *SDLE*, p. xxxi.

⁶³ Cf. can. 915; Raymond Leo Burke, “Canon 915: The Discipline regarding the Denial of Holy Communion to Those Obstinate Persevering in Manifest Grave Sin,” *Periodica de Re Canonica* 96 (2007), pp. 7-55.

⁶⁴ Cf. can. 1095, 2°; Raymond L. Burke, “Defectus discretionis iudicii propter schizophræniam doctrina et recens jurisprudentia rotalis,” *Periodica de Re Morali Canonica Liturgica* 73 (1984), pp. 560-566.

⁶⁵ Cf. Raymond L. Burke, “Response Role of Law Award,” Canon Law Society of America, *Proceedings of the Sixty-Second Annual Convention* (October 2-5, 2000, Arlington, Virginia), Washington, DC: Canon Law Society of America, 2000, pp. 495-500.

⁶⁶ Cf. Ioannes Paulus PP. II, *Litterae Encyclicae Redemptor Hominis*, “Pontificali eius ministerio ineunte,” 4 Martii 1979, *Acta Apostolicae Sedis* 71 (1979), p. 314, no. 20. English translation: Pope John Paul II, Encyclical

abuses of the Church's discipline regarding the Sacrament of the Holy Eucharist.⁶⁷ In *Ecclesia de Eucharistia*, he declared:

I consider it my duty, therefore, to appeal urgently that the liturgical norms for the celebration of the Eucharist be observed with great fidelity. These norms are a concrete expression of the authentically ecclesial nature of the Eucharist; this is their deepest meaning. Liturgy is never anyone's private property, be it of the celebrant or of the community in which the mysteries are celebrated. The Apostle Paul had to address fiery words to the community of Corinth because of grave shortcomings in their celebration of the Eucharist resulting in divisions (*schismata*) and the emergence of factions (*haereses*) (cf. *1 Cor* 11:17-34). Our time, too, calls for a renewed awareness and appreciation of liturgical norms as a reflection of, and a witness to, the one universal Church made present in every celebration of the Eucharist. Priests who faithfully celebrate Mass according to the liturgical norms, and communities which conform to those norms, quietly but eloquently demonstrate their love for the Church.⁶⁸

As is always the case, knowledge and observance of canonical discipline frees us from the false impression that we must make the Sacred Liturgy interesting or stamp it with our personality, and frees us to be the instruments by which the presence of Christ, the Good Shepherd, among His people is rendered more visible, and the action of the Sacred Liturgy bears His stamp alone.

Conclusion

It is my hope that these few reflections will help us to understand the key, indeed

Letter *Redemptor Hominis*, "At the Beginning of His Papal Ministry," 4 March 1979, Vatican City State: Libreria Editrice Vaticana, nd, p. 86, no. 20.

⁶⁷ Cf. Ioannes Paulus PP. II, Litterae Encyclicae *Ecclesia de Eucharistia*, "De Eucharistia eiusque necessitudine cum Ecclesia," 17 Aprilis 2003, *Acta Apostolicae Sedis* 95 (2003), p. 439, no. 10. English translation: Pope John Paul II, Encyclical Letter *Ecclesia de Eucharistia*, "On the Eucharist in Its Relationship to the Church," 17 April 2003, Vatican City State: Libreria Editrice Vaticana, nd, p. 13, no. 10.

⁶⁸ "Nostrum propterea esse censemus vehementer hortare, ut in eucharistica Celebratione magna quidem fidelitate liturgicae observentur regulae. Ipsae enim sunt significatio solida verae ecclesialis indolis Eucharistiae; hic eorum est altissimus sensus. Numquam privata alicuius proprietates est liturgia, neque ipsius celebrantis neque communitatis ubi Mysteria celebrantur. Debit acriora verba apostolus Paulus communitati Corinthiae proferre ob graviora vitia eorum in eucharistica Celebratione, quae pepererunt divisiones (*schismata*) atque factionum constitutiones (*haereses*) (cfr *1 Cor* 11, 17-34). Nostris pariter temporibus observantia liturgicarum normarum iterum est detegenda et aestimanda veluti actus et testimonium unius universalisque Ecclesiae, quae in omni Eucharistiae celebratione praesens redditur. Tam sacerdos, qui Missam ex liturgicis normis fideliter celebrant, quam communitas, quae his se conformat, modo tacito sed eloquenti suum testificantur erga Ecclesiam amorem." *Ibid.*, p. 468, no. 52. English translation: *Ibid.*, p. 65, no. 52.

essential, service of canon law to the work of a new evangelization. There are, to be sure, many other fruitful avenues of reflection on the subject. It must be clear that the remaking of “the Christian fabric of the ecclesial community,” which is necessary for the “mending of the Christian fabric of society,” will have as a fundamental element a new knowledge of and respect for the canonical discipline of the Church.⁶⁹

The challenge of a new evangelization through a new knowledge of and respect for the canonical discipline of the Church is formidable. But we must never forget that Our Lord, the New Moses, accompanies and strengthens us all along the way, and that Mary Immaculate unceasingly intercedes for us. Honoring the 150th anniversary of the foundation of the theological seminary of the Archdiocese of Newark, placed, from its beginning, into her maternal care, I invoke her intercession under her title, *Speculum Iustitiae*, Mirror of Justice. Mary Immaculate, conceived without any stain of sin, consecrated totally to Christ from the very first moment of her life, by her humility before God and her total obedience to His will, is indeed a mirror of the justice which is the minimum but indispensable condition of the charity of life lived in Christ. The Blessed Virgin Mary, under her title of the Immaculate Conception, teaches us the hypocrisy of exalting charity, when we do not practice justice in obedience to God’s law. At the same time, she prays for us, drawing our hearts to her Immaculate Heart, in order that our hearts, like hers, may be totally for Christ, that from our hearts may flow in abundance Christ’s justice and charity.

On our continent, we are the privileged witnesses of the truth of Mary Immaculate’s title of Mirror Justice in her apparitions at Tepeyac in present day Mexico City, by which she inspired obedience to the moral law, especially in what pertains to the respect for the inviolable dignity of innocent human life and, thereby, drew together into lasting unity two peoples who were set on a course to destroy one another. She is Mother of America and Star of the New Evangelization in a special way through her teaching of the justice which respects the inviolable dignity of human life from its first moment of existence and, thereby, draws us together into a community dedicated to serve the common good, the good of all, without boundary or exception.

I conclude with the exhortation with which the Venerable, soon to be Blessed, Pope John Paul II concluded the Apostolic Constitution *Sacrae Disciplinae Leges*:

I therefore exhort all the faithful to observe the proposed legislation with a sincere spirit and good will in the hope, that there may flower again in the

⁶⁹ Cf. footnote no. 19.

Church a renewed discipline and that consequently the salvation of souls may be rendered ever more easy under the protection of the Blessed Virgin Mary, Mother of the Church.⁷⁰

⁷⁰ “Omnes ergo filios dilectos hortamur ut significata praecepta animo sincero ac propensa voluntate exsolvant, spe confisi fore ut Ecclesiae studiosa disciplina revirescat ac propterea animarum quoque salus magis magisque, auxiliatrice Beatissima Virgine Maria Ecclesiae Matre, promoveatur.” *SDL*, p. xiv. English translation: *SDLE*, p. xxxii.