

ECCLESIOLOGY OF THE CODE OF CANON LAW OF JOHN PAUL II

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Summary

The Second Vatican Council (1962-1965) became a groundbreaking event for the Catholic Church in many aspects. It introduced some long-expected changes in many areas of life and ministry of the Church. One of the major shifts concerns the view of the Church itself in contrast to the past. A juridical vision of the Church which dominated in the past, was based on the view of the Church as “a perfect society”(*societas perfecta*). In the conciliar reflection, this vision was theologically challenged by the Fathers of the Council in their aim to explore the nature, mission and structure of the Church. The teaching of the *Vaticanum II* on the Church returned to the vision and ideas deeply rooted in the Sacred Scriptures and the ancient tradition of the Church and focused in particular on “the People of God.” It also emphasized the communal dimension of the Church (*communio*) which finds expression in a close unity among believers of Christ, that goes far beyond the external structure. This unity manifests itself in the conciliar ecclesiology by focusing on the identity and significance of all believers, underlining their duties and rights, and emphasizing an important role of the laity as co-responsible in fulfilling the trifold mission of the Church in the modern world, that is teaching, sanctifying and governing. The view of the Church expressed in the teaching of the Second Vatican Council became essential not only in shaping theology and pastoral practice, but also it influenced the Church legislation, the practice, and the study of canon law. The theological reflection on the Church of the Second Vatican Council found its legal implications in the Code of Canon Law promulgated in 1983 by John Paul II (1978-2005). This dissertation takes up the subject of analysis of the influence of the theological doctrine of the Second Vatican Council on the ecclesial dimension as presented in the canon law legislation.

The first chapter of this dissertation explores the theological-legal basis for understanding of the Church. It launches a philosophical, theological and legal introduction exploring the essential basis that the canon law refers to, taking into account in particular the philosophical-legal concept of the natural law and the legacy developed in the field of the Roman Law. This chapter also deals with the historical context of the development of church legislature indicating the existence of the juridical element in the Church community right from its very beginning. Moreover, in order to exhibit the whole picture of the evolution of the legal discipline of the Church, it is necessary to characterize the historical development of the

theology of canon law which shows both the negating and justifying views concerning the need for the necessity of the legal order in the Church community.

In the second chapter of this dissertation, the author analyzes the theological doctrine of the Second Vatican Council that shows the views of the council fathers regarding the Church community. The Ecclesiology of *Vaticanum II* is the starting point for further reflection on the topic of the reception of the theological vision of the Church in the legislation of the Code of Canon Law promulgated in 1983. The analysis of the ecclesiology of *Vaticanum II* was examined in the context of three different fundamental perspectives which are essential to fulfill the goal of the dissertation. The first perspective consists of the categories used in support of viewing the Church as they are exhibited in the writings of the council, which show in addition the changes in the understanding of the Church while the council was in session. The second perspective is the communal character of the Church which points out to the co-responsibility of the faithful in fulfilling the mission of the Church. The third perspective deals with the hierarchical structure of the Church and it defines the elements and interactions that take place among specific members of this structure.

The third chapter provides a theological-legal analysis of ecclesiology contained in the norms of the Code of Canon Law promulgated in 1983. The conducted comparative analysis of the duties and rights of the faithful points out to the theological origin of the legal assurances as contained in the code legislation. It underlines the reception of the theological doctrine of the council in terms of a need to emphasize the subjectivity of the faithful in the legal system of the Church. The analysis of the complexities of the Church's governance shows the necessity to engage the collegial interactions as well as shared-responsibility in the decision making process resembling the council model. In terms of conducting a research of the hierarchical system, the author characterizes the relationships and interactions among particular subjects of this structure and indicates the need for an in-depth reception of the Second Vatican Council's teachings in the church legislature particularly in the area of the participation of the laity in executing the governing of the Church.

The Ecclesiology of the Code of Canon Law promulgated in 1983 generates some essential topics, interdisciplinary in nature, and vital in the context of the theological and legal perspective. The adequate implementation of the theological as well as legal reflection concerning the Church, into canonical legal norms is a vital condition for the Code of Canon Law to assure the realization of its supreme goal which is salvation of a human person.