

What is Canon Law?



Monsignor Brendan Daly, judicial vicar in charge of the Tribunal of the Catholic Church for New Zealand.

'Canon Law' is the legal system of the Catholic Church and includes law for church order, discipline, structures, rules and procedures for the highly organised community that is the Catholic Church. The central core of canon law in the Catholic Church is 'The Code of Canon Law', last promulgated in 1983, although the penal law section in the Code was revised in 2021.

Canon law affects virtually every aspect of the faith life of about 1.2 billion Catholics and is the oldest continuously functioning legal system in the western world. 'Canon' has been used to describe the Church's laws from earliest times and comes from the Greek word *kanon*, which means 'rod' or 'ruler'. It described the measure used by a carpenter and was a standard by which things were measured. It also came to mean a rule of conduct and was used in this sense in Gal. 6:16 and Phil. 3:16. The Latin word *regula* also means rule, and from this source we get our word 'regulations'.

Canon law can be said to be the rules

that govern the public order of the Roman Catholic Church. It includes law for both order and discipline, and concerns the external life of the Church such as sacraments and structures. The law is not primarily concerned with doctrine and dogma or the general content of the Catholic faith.

The purpose and function of Canon law

'Canon law helps the church community to be faithful in what it is called to be, and in its mission of the salvation of souls which is the supreme law.' (c. 1752)'

All communities need rules and order and a huge human organisation like the Catholic Church is no different. However, the Church is a unique organisation with human and divine relationships.

Canon law has a four-fold function:

1. *Law is to aid the community achieve its goals, and promote the common good of society.* Canon law helps the church community to be faithful in what it is called to be, and in its mission of 'the salvation of souls which is the supreme law' (c. 1752)
2. *Law provides stability for society:* procedures to obtain one's rights; the organisation of leadership in parishes and dioceses; requirements for the celebration of the sacraments; laws

for administering parish and diocesan property. Canon law guides and shapes the life of the Church in its everyday functioning including the powers of bishops, parish priests, parish councils, parish finance committees.

3. *Law is to protect personal rights, provide justice to victims and a means to resolve disputes.* Canon law provides processes so that people can obtain their rights in the Church such as privacy, employment, knowing their marital status in the Church etc. Mediation and arbitration can settle property disputes. Abusers can be tried, and if found guilty, the abusive clerics can be dismissed from the clerical state and provision be made to compensate victims.
4. *Law assists in the education of the community by reminding everyone of its values and standards.* Canon law outlines the expectations of office-holders, as well as the ideals of religious life.

Biblical sources for Canon Law

The New Testament included laws to deal with offenders (Mt 18); collections by St Paul (2 Cor 8); qualifications for ordination (1 Tim 3); and dealing with disputes in the Council of Jerusalem (Acts 15).

Most people experience canon law through the sacraments when they have to meet requirements to receive sacraments, or when someone wants to remarry in the Church after the Tribunal of the Catholic

Church for New Zealand has declared a marriage null. The judges in the New Zealand tribunal are currently priests and a married woman, all with degrees in canon law who are appointed by the bishops' conference.

Civil law

Civil laws in each country vary greatly. Normally the Church is obliged to observe both canon law and civil law, an example being selling a property (cc 22; 1292). The Church must obey civil reporting laws unless knowledge of sexual abuse is covered by the seal of confession and is therefore contrary to divine law.

If a cleric or religious sexually abuses someone, a civil court will probably sentence the offender to a term in jail. A Church tribunal or penal process, however, is still required to have the offender dismissed from the clerical state or the religious institute or congregation.

Both canon law (c.220) and civil law have legislation concerning privacy, so many Church issues must be handled in both jurisdictions.

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