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## Editorial

### Vatican II and Canon Law

Vatican Council II, the 21<sup>st</sup> ecumenical council, was announced on 25 January 1959 and opened on 11 October 1962 by Pope John XXIII, and was concluded on 8 December 1965 by Pope Paul VI. As the Universal Church is celebrating the golden jubilee of Vatican Council II which called for radical changes and reforms in the Church, IUSTITIA, Dharmaram Journal of Canon Law dedicates its current issue to discuss certain aspects of this Council's contributions in relation to the Codes of Canon Law of the Catholic Church, especially CCEO.

Various events that happened prior to the Council, the industrial revolutions, the technological advancement, the two world wars of the 20<sup>th</sup> century, and various other factors together, have contributed to a tremendous change in the thought patterns, ideologies and lifestyles in the ecclesial as well as the secular world. The Church could not close her eyes to the changes in the surroundings and ignore the signs of the times because as the old dictum goes, the Church is always subject to reform (*ecclesia semper reformanda est*). We can, hence, say that Vatican II was the result of the Church's effort to read the signs of the times so that, while preserving the basics and fundamentals of Christian faith of the Church, she could keep pace with the rapidly changing world facing the challenges and penetrating the lives of the people with the Christian spirit.

According to John W. O'Malley there are three contexts for the event of the Vatican II: "the first context pays homage to the '*la longue durée*, to the ongoing impact of events that happened long ago. ..." like "the deep roots of Church-state issue;" the more immediate context is "modernity" or, more concretely, "the long nineteenth century," which for the Catholic Church stretches from the French Revolution until the end of the pontificate of Pius XII in 1958" and

“the third and most specific context is the period beginning with World War II and continuing up to the opening of the Council.”<sup>1</sup>

The gathering of more than 2200 bishops in an ecumenical council for serious deliberation on a wide range of issues concerning the Church and society at large was perhaps the most colourful and radically challenging event in the history of the Catholic Church. It has facilitated the transformation of various aspects and realms of the Church’s life and activities. Vatican II has succeeded to develop a renewed understanding of various dimensions of theology, ecclesiology and even the use of vernacular language in the liturgical celebrations.

With regard to the wide range of issues that Vatican II discussed John W. O’Malley comments: “It dealt with the use of the organ in church services; the place of Thomas Aquinas in the curriculum of seminaries, the legitimacy of stocking nuclear weapons; the blessing of water used for baptisms; the role of the laity in the church’s ministries; the relationship of bishops to the pope; the purposes of marriage; priests’ salaries; the role of conscience in moral decision making; the proper clothing (or habit) for nuns; the church’s relationship to the arts; marriage among deacons; translations of the Bible; the boundaries of dioceses; the legitimacy (or illegitimacy) of worshiping with non-Catholics; and so on, almost, it might seem, into infinity.”<sup>2</sup>

The very ‘people of God’ understanding of the Council has greater impact and implications in the various spheres of Church’s life, activities and mission. More than ever before the dignity of the laity was recognized and the role of the lay apostolate in the mission of the Church was encouraged and appreciated. The Council even declared that, in certain situations, the message Christ could be proclaimed only through the mission of the laity. The very characteristic feature of their vocation, according to the Council, is secularity, that is, to be in the midst of secular affairs and hence the council assigns them a key role in the proclamation of the Word of God and the sanctification of the secular realm.

The deliberations, renovations and the emanation of doctrinal principles of Vatican II were not merely theoretical. They were

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<sup>1</sup> John W. O’Malley, *What Happened at Vatican II*, (Cambridge: The Belknap Press of Harvard University Press, 2008) p. 3-4.

<sup>2</sup> John W. O’Malley, *What Happened at Vatican II*, p. 5.

intended for the renewal and hence for practice in the concrete life situations of the Church. Therefore, the architect behind the convocation of the Council also had in mind the revision and renewal of the norms, rules and regulations in the Church so that the assimilation, realization or implementation of the doctrinal principles and other teachings enunciated by the Council could be better facilitated.

Thus, we see a close affinity between the Second Vatican Council and the current body of canon law, that is, CIC, CCEO including the *Pastor Bonus*. Regarding this bond, it was reported that "... we recognize that between the documents of the Second Vatican Council and the post-conciliar renewal of Canon Law implemented by John Paul II – also and precisely in an ecumenical sense – a fundamental and indissoluble connection should be noted."<sup>3</sup>

Pope John XXIII had, while announcing the reform of Canon Law, also the intention of codifying the laws of the Eastern Churches. "On 25 January 1959 in the Basilica of St Paul Outside-the-Walls Pope John XXIII, ... also expressed on that occasion his intention of promulgating a Code of Canons for the Eastern Churches. Describing the connection between the Council and the renewal of the two universal codes with the verbs *to accompany* and *to crown*, Pope John expressed his conviction that the Codes would follow the work of the Council, expressing the viewpoints that resulted from it for the life, guidance and discipline of the Church."<sup>4</sup>

Thus, we can ascertain that the new codes of canon law, that is, CIC 1983 and CCEO of 1990 are juridical rendering of the theological and ecclesiological vision and pronouncements of Vatican Council II to facilitate the implementation of the latter in the concrete life of the Church. The Vatican documents were, in fact, an inspiration as well as criteria for the revision of the Codes. That is why Pope John Paul II while promulgating the CIC recognized "the Code as a "great effort ... to translate" the teaching of the Second Vatican Council and that is, in particular, "the conciliar ecclesiology into canonical

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<sup>3</sup> Kurt Koch, "The Council's Last Document," *Osservatore Romano*, Englishe Edition, 23 March 2012.

<sup>4</sup> Kurt Koch, "The Council's Last Document," *Osservatore Romano*, Englishe Edition, 23 March 2012.

language” and emphasized “that the Code was part of the Council and that in this sense it was the Council's last document.”<sup>5</sup>

Paul Pallath in his article, “The Fundamental Rights of The Churches In the Catholic Communion” makes “an attempt to gather together and articulate some of the fundamental rights of the Churches, which are enshrined in the various documents of the Second Vatican Council, ... and in the codes of canon law, which translate the conciliar teachings into canonical language” (p. 170). Highlighting the fundamental rights such as right to existence, equality, etc., he asserts that “the recognition and respect of the rights and obligations of the different Churches in the Catholic communion would help to engender peaceful coexistence, mutual harmony and healthy collaboration among them for the spread of the Kingdom, the greater glory of God and for the salvation of souls, the *raison d'être* of the Church of Christ”(p. 191). The author affirms that the extrinsic growth requires that each Church is enabled “to extend the territorial reach of its activity whenever it is necessary and suitable, without being obliged to remain in a certain territory” (p. 186).

Sunny Kokkaravalayil SJ's article “The Inspiration of Vatican II for the Revision of the Eastern Canon Law” examines to see how and in what all areas Vatican II has been an inspiration as well as criteria for the codification of the CCEO and affirms that “many of the characteristic features of the new Eastern code are rooted in conciliar teaching”(p. 224). He discloses: “... the teachings and intentions of the council are not merely sources of inspiration in the process of legislation. Rather, they are the aims towards which the observance of law has to lead us. In short, the post-Vatican II law of the Church had to be made, interpreted and applied in the light of and in harmony with the theology taught by the council” (p. 223).

Michael Kuchera, in his article, “The Influence of Vatican II on the Title VII, Eparchies and Bishops, Chapter I. Bishops, c. 178.” analyses the key canon on bishops, namely CCEO, c. 178 comparing it with its corresponding caonon in the Latin Code, that is, CIC, c. 381 § 1, Regarding the eparchial bishop's power of governance and its source he says: “Previously the Catholic teaching was that the bishop has those powers and faculties which the Roman Pontiff has delegated to him. In this sense the bishop was the vicar of the pope. After Vatican II the diocesan or eparchial bishop is clearly understood as the vicar

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<sup>5</sup> Kurt Koch, “The Council's Last Document,” *Osservatore Romano*, Englishe Edition, 23 March 2012.

and legate of Christ and governs the diocese or eparchy by divine right in his own name" (pp. 196-197). In his article, *The Common Canonical Heritage of the Christian East Revisited by Vatican II*, George Gallaro says that "among the sources of the CCEO, besides the Sacred Canons, there are the canons of canonical collections, the norms of the Roman imperial legislation of the East, the canons of the western councils, the decrees and instructions of the Roman pontiff and his curial dicasteries, the canons of the four *motu proprio*s ... the canons and decrees of the synods of the various Eastern Churches, and the constitutions and decrees of the Second Vatican Council (p. 257). He concludes by saying that "The Sacred Canons of the first millennium, confirmed in the year 787 by the Council Fathers of Nicaea, are the common heritage of the whole Greek and Latin Church. This appeal to the common roots of all Churches to their disciplinary heritage, fundamentally one and unique, has an extraordinary ecumenical import." (p. 263).

Cherian Thunduparampil's article "Vatican II as the First Source of CCEO Canons" presents an index of 262 canons most of which cite Vatican II in the first place as their source. He states that the code commission of CCEO has considered seriously the vision of John XXIII and the desire of his successor Paul VI to formulate the canons of CCEO in the light of Vatican II because 15 out of its 16 appear as sources of the canons.

George Nedungatt, who was also part of the codification process of CCEO, pays glorious tribute to Ivan □u□ek, the architect behind the codification of the Code of Canons of the Eastern Churches (CCEO), in his review article, "The Indian Edition of the Eastern Code in Revised English Translation." He discloses certain facts regarding Ivan □u□ek, S. J.'s *Index Analyticus Codicis Canonum Ecclesiarum Orientalium*, its original CLSA English translation and the reprint published by the Theological Publications, India in 2003.

While we can ascertain beyond any doubt that the renewed theological and ecclesiological visions of the Council have transformed the face of the Church, questions like the autonomy and extension of territorial jurisdiction of the Oriental Churches, decentralization and the principle of subsidiarity in various realms, etc., have not been fully materialized in spite of having clear and evident norms and guidelines both in the Council teachings and in

the codes of canon law. Hence, the teachings of Vatican II still continue to be a task and challenge to be implemented.

Dr. Cherian Thunduparampil, CMI,  
Chief Editor, *Iustitia*