

Rights and Participation of the Laity in the Life of the Church

JAVIER GONZÁLEZ, O.P., JCD

The laity has become in recent times a fashionable topic to talk about, a topic that interests both clergy and laity alike. Such interest started some forty years ago, coinciding with the celebration of the Second Vatican Council (1962-65); it grew up with the promulgation of the current Code of Canon Law (1983) and has ever since gradually increased until nowadays. Not in vain our times have been described in ecclesiastical circles as “the hour of the laity.”

The cause of such interest was triggered by the new image of the Church that the Vatican Council offered us. A new or, more accurately, a restored image of a Church composed not only of clergy but also of lay faithful, forming all together the People of God. Something so obvious but also so easily forgotten. In fact, for centuries, the laity had been considered as a sort of second-class citizens in the Church, paternally admitted into her, with specific obligations but hardly any right in her governance. This key factor, together with many others, had lead in modern times to a situation that could not be maintained any longer. The need for *aggiornamento* was prophetically perceived by Pope John XXIII, who, to carry it out, convoked the celebration of the Second Vatican Council.

The Council's last document

Theoretically, the Council ended in 1965. In practical terms, however, the Council ended in 1983 with the promulgation of what rightly has been called its last document, namely, the Code of Canon Law. The chronological interval of almost 20 years that separated both events

was due to two main factors: one, to the obvious need of time to study the Council's documents and see how the whole new look on the Church could be best expressed and presented into legal terms; second, to the amount of consultation which took place with the Church at large, which assumed proportions that were never even thought of before.¹

The result was the Code that we have now. A Code quite different from the previous one, not just because of its material length (1752 canons against 2,414 of the former), but, most importantly, because of its different principle of division, namely, the threefold mission of the Church (teaching, sanctifying and governing) and the altogether new vision of the Church, inherited from the 2nd Vatican Council.

The incorporation of the Council's ecclesiology did not happen by chance, but was the result of a long range orchestrated plan. In fact, the revised Code was originally thought as "a great effort to translate the conciliar ecclesiological teaching into canonical norms."² A task that from the very beginning seemed little less than impossible if not absolutely such. However, as John Paul II wrote on the occasion of the Code's promulgation, "if it is impossible perfectly to transpose the image of the Church described by conciliar doctrine into canonical language, nevertheless the Code must always be related to that image as to its primary pattern whose outlines, given its nature, the Code must express as far as is possible."³

Saying this is one way to indicate that "canon law" is something wider than the Code in which it is synthesized. Indeed, canon law

¹ The preparation of the first drafts of the new Code, over a period of nearly ten years, was carried out by the Pontifical Commission in consultation with some two hundred experts drawn from thirty-one countries. As those drafts became ready, they were circulated for comment through a wide variety of interests in the Church. Taking into account that the amendments for every scheme numbered between 10,000 to 20,000 and that opportunity for a widespread consultation at almost every level was given, one can understand why this process of revision took another seven years (1973-1980) to complete. The work of codification, which was brought to completion in an outstandingly collegial spirit, required indeed an enormous organizational and scientific effort.

² John Paul II, Apost. Const. *Sacrae Disciplina Leges* (25th January 1983).

³ *Ibidem*. In other words, "it would be unfair to expect the Code to express the richness of doctrinal content found in the conciliar and postconciliar text, but it is fair to expect the legislation to remain faithful to the principles outlined in the authoritative doctrinal texts of Vatican II." (F. G. Morrissey, *The Laity in the New Code of Canon Law*, in AA.VV., *Readings, Cases, Materials in Canon Law*, p. 323).

overflows the covers of a book, based as it is on the entire juridical and legislative heritage of revelation and tradition. And so, as we focus here on the present status of the laity in the law of the Church, we are obviously taking the current Code of Canon Law as our primary reference source, but not exclusively. We will have to take into account also some recent official documents on the matter, as well as the ever-fresh new horizons offered by the Second Vatican Council on this regard. Would it be possible, for instance, to understand the canonical status of the laity in the Church without taking into account the overriding doctrinal principle on which canon law is founded, namely, that the Church is *communion*?⁴ Certainly not, for from such principle important juridical consequences flow, as we will see in the following pages, organized around two main points: (1) The fundamental rights and obligations of the laity; (2) The way in which the laity participate in the threefold mission of the Church (Lay Ministries).

But before entering into them, let us give an answer to a simple, basic question on the conceptual identity of the laity.

Who are the laity?

This question reminds me of the typical scholastic *definitio terminorum*. Superfluous as it may seem at first sight, clarification purposes, however, deem it often necessary. In fact, the meaning of the term "laity" receives different peculiar connotations in the documents of the Second Vatican Council and in the 1983 Code of Canon Law.

a) *In the documents of the Vatican Council* we read that all those who have been baptized in Christ form part of the Church, the new people of God⁵; that by such incorporation into Christ and into his Church, they share in the threefold mission (functions) of Christ: priestly, prophetic, and kingly⁶; and that a particular mission flows from this, namely, to bear witness to Christ everywhere on earth, which is nothing else than to give an answer to those who seek an account of that hope of eternal life which is in them.⁷

⁴ Cf. *LG*, 13.

⁵ Cf. *LG* 14-15.

⁶ Cf. *LG*, 31.

⁷ Cf. *LG*, 10.

One distinction is very soon introduced: it happens that among all the members of the Church, some are *fully* incorporated into her, while others are not. In the Council's words, "those are fully incorporated into the new people of God who, possessing the Spirit of Christ, accept all the means of salvation given to the Church together with her entire organization, and who, by the bonds constituted by the profession of faith, the sacraments, ecclesiastical government and communion, are joined in the visible structure of the Church of Christ, who rules her through the Supreme Pontiff and the bishops."⁸

Another distinction is also established by the Council, this time due to the members' different states, condition of life and vocation: some members are constituted clergy, others are religious and finally others, the vast majority, laity. Although all are equally called to sanctity⁹ and to the apostolate,¹⁰ yet "not everyone in the Church marches along the same path."¹¹ The laity, in particular, with their specific *secular*¹² character, "are given this special vocation: to make the Church present and fruitful in those places and circumstances where it is only through them that she can become the salt of the earth."¹³

In short, by "laity" the Council understands all Christ's faithful fully incorporated into His Church, except those in holy orders and those in a religious state sanctioned by the Church, who "carry out their own part of the mission of the whole Christian people with respect to the Church and the world."¹⁴ The emphasis is placed on their *secular* condition and corresponding mission, for the laity are called to work for the sanctification of the world *from within*.

⁸ LG, 14.

⁹ Cf. LG, 39.

¹⁰ Cf. *Ibid.*, 9.

¹¹ *Ibid.* 33.

¹² Cf. LG, 31b; 36b. See a recent study with abundant bibliography on the secular character proper and peculiar of the laity: R. Pangilinan, *La secularización específica de los laicos y la secularidad de la Iglesia en su conjunto*. Instituto Martín de Azpilcueta. Cuadernos Doctorales. *Excerpta e dissertationibus in iure canonico*, n. 16, Navarra, 1999, pp. 367-429.

¹³ LG, 33.

¹⁴ *Ibid.*, 31.

b) *In the Code of Canon Law* we read similar affirmations, for some canons, especially from the second book of the Code, have been literally taken from the Const. *Lumen Gentium*. Thus, canon 204 repeats that "Christ's faithful are those who, since they are incorporated into Christ by baptism, are constituted as the people of God. For this reason they participate in their own way in the priestly, prophetic and kingly office of Christ. They are called, each according to his or her particular condition, to exercise the mission which God entrusted to the Church to fulfil in the world."¹⁵ Parallely, another canon speaks of the faithful who are *in full communion* with the Catholic Church, namely, "those baptized... who are joined with Christ in his visible body, through the bonds of profession of faith, the sacraments and ecclesiastical governance."¹⁶ Finally, all these faithful in full communion with the Catholic Church are divided into two categories: the clergy and the laity. "By divine institution, among Christ's faithful there are in the Church sacred ministers, who in law are also called clerics; the others are called lay people."¹⁷

Thus when we speak on the laity in the context of canon law, we refer to those members of the People of God who, through baptism, have been incorporated into Christ and his Church and who carry out their mission not through the exercise of sacred orders but in virtue of the common priesthood of the faithful.

I. RIGHTS AND DUTIES OF THE LAITY

Practical concern for the rights and duties of all the members of the Church is one of the most remarkable features of the current Code of Canon law. Such concern appeared already as a goal in the first of the ten principles ratified by the General Assembly of the Synod of Bishops in October 1967, at the very outset of the Code revision. It was

¹⁵ This canon is based on LG, 31.

¹⁶ Canon 205. Catechumens are given special place in ecclesial communion in virtue of their desire to be united to the people of God (cf. c.206).

¹⁷ Canon 207. No mention is made of the members of consecrated life on this regard. It is interesting to note that the Code for the Oriental Churches describes the laity as those faithful who, sharing in secular life, participate in the Church's salvational mission when they exercise their proper role in carrying out their functions, have not received sacred orders, and *are not members of the monastic or religious state*.

stated there that, as a consequence of its juridical character... "the Code must specify and preserve the rights and duties of each person towards others and towards the ecclesial society as they pertain to divine worship and the salvation of souls."¹⁸

The result was the inclusion in the Code of Canon Law of a list of fundamental rights and obligations shared by the members of the Church. A sort of bill of rights regrouped in three different sections; one, containing the obligations and rights "of *all* Christ's faithful" (can. 208-223); another, those specifically pertaining to "the *lay* members of the Christ's faithful" (can. 224-231); and a third group containing those regarding clerics (can. 273-289). Such novelty was most welcome for it appeared to keep the Church's legal system attuned with the times and seemed to resonate well with the sensitivities of the 21st century people.

Easy as it may look to us today, the original project of introducing such lists, however, was difficult and not exempted from some controversy. Why? Because of three main reasons: First, because this was something completely new in the Church's legislation; second, because such a listing of common rights and obligations presupposed the fundamental equality of all the members of the Church, something in theory accepted but not always correctly understood in the past;¹⁹ and third, because many were unsure on how these rights could eventually be claimed and protected, specially at local levels. This last reason still persists today and we have to humbly admit that "present mechanisms in many instances are simply unable to cope with this new and fascinating dimension of Church law."²⁰

Obligations and rights in the Church go together. Rights give rise to obligations and *vice versa*. This explains the mixed listing of both of them in the Code. Following such list, we enumerate hereinafter the obligations and rights of the laity, which necessary comprise

¹⁸ *Communicationes* 2 (1969), 79.

¹⁹ In the past, rights were very often understood as *concessions* from the authority (and therefore "privileges" granted only to certain persons), rather than something to which one was justly entitled to for being based either on human nature, baptism or Church's positive law.

²⁰ F. G. Morrissey, *op. cit.*, p.326.

also those shared by all the members of the People of God.²¹ To the latter ("all Christ's faithful") belong the first twenty rights and obligations, concerning communion in the Church [1-6], personal sanctification [7-9], Christian education [10-11], apostolate [12-13], relations pastors-lay faithful [14-17], association [18], and two other special rights [19-20]. The rest, twelve in total, are specific of the laity, concerning their mission and apostolate [21-23], Christian doctrine [24-26], matrimonial and family life [27], and ecclesiastical offices and functions [28-32]. They are the following:

1) *Fundamental Equality*. By virtue of baptism there exists true equality among all Christians. Equality in dignity and action in order to contribute, each according to his or her own condition and office, to the building up of the Body of Christ.²²

2) *Communion with the Church*. "Christ's faithful are bound to preserve their communion with the Church at all times, even in their external actions."²³

3) *Obligations towards the Church*. All Christ's faithful are to carry out with great diligence their responsibilities towards both the universal Church and the particular Church to which by law they belong.²⁴

4) *Regard for common good and rights of others*. All Christians, "both individually and in associations, must take account of the common good of the Church, as well as the rights of others and their own duties to others."²⁵

5) *Provision for the material needs of the Church*. "Christ's faithful have the obligation to provide for the needs of the Church, so that

²¹ "Lay members of Christ's faithful have the duties and rights enumerated in the canons of this title, in addition to those duties and rights which are common to all Christ's faithful and those stated in other canons" (can. 224).

²² Cf. can. 208, based in *LG*, 32.

²³ Can. 209 §1. The essential unity among the People of God is constituted by one faith, one worship and one regime: "Those baptized are in full communion with the catholic Church here on earth who are joined with Christ in his visible body, through the bonds of profession of faith, the sacraments and ecclesiastical governance" (c. 205).

²⁴ Cf. can. 209 §2.

²⁵ Can. 223 §1.

the Church has available to it those things which are necessary for divine worship, for works of the apostolate and of charity and for the worthy support of its ministers."²⁶

6) *Social justice and charity*. Everyone has the obligation to promote social justice and to help the poor from their own resources.²⁷

7) *Holiness of Life*. "All Christ's faithful, each according to his or her own condition, must make a wholehearted effort to lead a holy life, and to promote the growth of the Church and its continual sanctification."²⁸ The Second Vatican II Council emphasized the universal vocation to holiness.²⁹

8) *Divine worship and own spirituality*. "Christ's faithful have the right to worship God according to the provisions of their own rite approved by the lawful Pastors of the Church; they also have the right to follow their own form of spiritual life, provided it is in accord with Church teaching."³⁰

9) *Free choice of state in life*. "All Christ's faithful have the right to immunity from any kind of coercion in choosing a state in life."³¹

10) *Christian Education*. All Christians "have the right to a christian education, which genuinely teaches them to strive for the maturity of the human person and at the same time to know and live the mystery of salvation."³²

11) *Freedom to research and of expression*. "Those who are engaged in fields of sacred study have a just freedom to research matters in which they are expert and to express themselves prudently concerning them, with due submission to the magisterium of the Church."³³

²⁶ Can. 222 §1.

²⁷ "They are also obliged to promote social justice and, mindful of the Lord's precept, to help the poor from their own resources" (Can. 222 §2).

²⁸ Can. 210.

²⁹ Cf. *LG*, 40-41.

³⁰ Can. 214.

³¹ Can. 219.

³² Can. 217.

³³ Can. 218.

12) *Spreading the Gospel*. It is the mission of every disciple of the Lord (obligation and right) "to strive so that the divine message of salvation may more and more reach all people of all times and all places."³⁴

13) *Apostolic Action*. Christians have the right "to promote and support apostolic action, by their own initiative, undertaken according to their state and condition."³⁵

14) *Christian Obedience*. "Christ's faithful are bound to show christian obedience to what the sacred Pastors, who represent Christ, declare as teachers of the faith and prescribe as rulers of the Church."³⁶ No blind obedience to "what the Pastors declare as teachers of the faith and prescribe as rulers of the Church," is enforced by the Code, but it simply requires an attitude of Christian obedience towards them, as they are Christ's representatives.

15) *Freedom to express own needs*. Christians "are at liberty to make known their needs, especially their spiritual needs, and their wishes to the Pastors of the Church."³⁷

16) *Personal Views*. It is everybody's duty "to manifest, at least at times, in keeping with their knowledge, competence and position, their views to the sacred Pastors [and to others] on matters which concern the good of the Church."³⁸ The canon adds that this right must be exercised with due respect for the integrity of faith and morals, having also into account both the common good and the dignity of individuals.

17) *Spiritual Assistance*. Because of their baptism, Christians have the right to be assisted by their Pastors from the spiritual riches of the Church, especially by the word of God and the sacraments.³⁹

18) *Association and Meetings*. "Christ's faithful may freely establish and direct associations which serve charitable or pious purpose

³⁴ Can. 211.

³⁵ Can. 216. The canon adds a prohibition about the indiscriminate use of the title "catholic."

³⁶ Can. 212 §1.

³⁷ Can. 212 §2.

³⁸ Can. 212 §3.

³⁹ Can. 213.

of which foster the christian vocation in the world, and they may hold meetings to pursue these purposes by common effort.”⁴⁰

19) *Good Reputation and Privacy*. “No one may unlawfully harm the good reputation which a person enjoys, or violate the right of every person to protect his or her privacy.”⁴¹

20) *Vindication of Rights and Proper Judgment*. “Christ’s faithful may lawfully vindicate and defend the rights they enjoy in the Church, before the competent ecclesiastical forum in accordance with the law.” “If any members of the Christ’s faithful are summoned to trial by the competent authority, they have the right to be judged according to the provision of the law, to be applied with equity.” They have also the right that “no canonical penalties be inflicted upon them except in accordance with the law.”⁴²

21) *Proclamation of salvation message*. Deputed to the apostolate by baptism and confirmation, lay people, like all Christian faithful, have the right “to strive so that the divine message of salvation maybe known and accepted by all people throughout the world.”⁴³

22) *Sanctification of the temporal order*. The sanctification of the temporal order is the specific mission of the lay faithful and the one which is most characteristic of them. “By reason of their special vocation it belongs to the laity to seek the kingdom of God by engaging in temporal affairs and directing them according to God’s will.”⁴⁴ This is their peculiar way to give witness to Christ.

23) *Freedom in secular affairs*. The lay members of Christ’s faithful are entitled to “that freedom in secular affairs which is common to all citizens.”⁴⁵ In using this freedom they are also to safeguard the freedom of others; hence, in questions of opinion, they are not to propose their own view as the teaching of the Church.

⁴⁰ Can. 215.

⁴¹ Can. 220.

⁴² Can. 221.

⁴³ Can. 225 §1.

⁴⁴ LG, 31. Cf. Can. 225 §2.

⁴⁵ Can. 227.

24) *Personal Formation*. "Lay people have the duty and the right to acquire the knowledge of christian teaching which is appropriate to each one's capacity and condition, so that they may be able to live according to this teaching, to proclaim it and if necessary defend it, and may be capable of playing their part in the exercise of the apostolate."⁴⁶

25) *Higher studies*. "[Lay people] have the right to acquire that fuller knowledge of the sacred sciences which is taught in ecclesiastical universities or faculties or in institutes of religious sciences, attending lectures there and acquiring academic degrees."⁴⁷

26) *Teaching the sacred sciences*. Likewise, assuming the requisite suitability, "they are capable of receiving from the lawful ecclesiastical authority a mandate to teach the sacred sciences."⁴⁸

27) *Matrimonial vocation and children education*. "Those who are married are bound... to strive for the building up of the people of God through their marriage and family."⁴⁹ "Parents have the most serious obligation and the right to educate their children... in accordance with the teaching of the Church."⁵⁰

28) *Experts or advisors in councils*. "Lay people who are found to be suitable are capable of being admitted by the sacred Pastors to those ecclesiastical offices and functions which, in accordance with the provisions of law, they can discharge."⁵¹ Furthermore, "those who are outstanding in the requisite knowledge, prudence and integrity, are capable of being experts or advisors, even in councils in accordance with the law, in order to provide assistance to the Pastors of the Church."⁵²

⁴⁶ Can. 229 §1; cf. *Apostolicam Auctoritatem*, 29.

⁴⁷ Can. 229 §2.

⁴⁸ Can. 229 §3. Teaching theology and other sacred sciences does not therefore require the sacred orders, but only a special mandate to do it in an ecclesial manner, as prescribed in can. 812. Cf. *Communicationes* 2 [1970] 95.

⁴⁹ Can. 226 §1.

⁵⁰ Can. 226 §2.

⁵¹ Can. 228 §1.

⁵² Can. 228 §2. It is difficult to see in the expression "are capable of" used by this canon in its two paragraphs a real and proper right of the laity, inasmuch as the admission to particular offices requires a prescribed suitability in the subject and is subject to the decision of the competent authority. Cf. G. Feliciani, "I diritti e i doveri dei

29) *Stable ministry of lector and of acolyte.* "Lay men whose age and talents meet the requirements prescribed by decree of the Bishops' Conference, can be given the stable ministry of lector and of acolyte, through the prescribed liturgical rite."⁵³ This canon, which uses the term "ministry" referred to the laity,⁵⁴ contains also a distinction between laymen and laywomen, for these two stable ministries are given exclusively to lay men.⁵⁵

30) *Temporary assignments in liturgical actions.* "Lay people can receive a temporary assignment to the role of lector in liturgical

fedeli in genere e dei laici in specie," in *Il nuovo codice di diritto canonico. Aspetti fondamentali della codificazione postconciliare*, Bologna, 1983, 62-63. For some bibliography on this regard see A. Gauthier, OP, *Norme canoniche generali sui fedeli, laici e chierici (Commentario del Codice di diritto canonico, cann. 204-329)*. (Rome: Pontificia Università di San Tommaso, 1994), p.35.

⁵³ Can. 230. The Catholic Bishops' Conference of the Philippines (CBCP) set in 1984 the following requirements for admission of lay men to the ministries of lector and acolyte, whose exercise of office is subject to renewal every year: 1) They must be exemplary Catholics; 2) They must be at least twenty-one years old; 3) They must be adequately literate; and 4) They must have finished the seminar established for their proper training and formation (Cf. CB, Prot. n. 35/84. F. Testera, OP, *Canon Law Digest for the Philippine Catholic Church. A Text and Commentary*. (Manila: University of Santo Tomas, 3rd ed., 1985), p. 14. This canon 230 echoes *Ministeria Quaedam*, 12 when it says that this conferral "does not carry with it the right to sustenance or salary from the Church." They are entitled, however, "to a worthy remuneration befitting their condition, whereby, ...they can becomingly provide for their own needs and the needs of their families" (Can. 231 §2).

⁵⁴ Traditionally the term "minister" has been reserved only for ordained ministers. The documents of the Vatican council made a certain use of the word "ministry" speaking of the laity, but the Code itself is much more reserved on this point. It uses the term "ministry" referred to laity only in relation to liturgy (worship), the ministry of the word and in a substituting function or of extraordinary character (can. 230, 759). When it refers to a function peculiar of the laity, the Code does not use the term "ministerium." Cf. A. Gauthier, *op., cit.*, p. 41.

⁵⁵ The Code has eliminated, where possible, discrimination in the law between laymen and laywomen. With the exception of this canon regarding the lay ministries of lector and acolyte (probably because of the close connection with orders: they were before "minor orders"), all distinctions based on sex in regard to the status and functions of the laity have been removed. Thus the general laws on choice of domicile, place of marriage, choosing a rite for the children, access to Church courts, and so forth have been revised to recognize equality for all lay people. The law maintains a distinction between the sexes in regard to the minimum age for marriage (can. 1083), taking into account the natural functions of each partner.

actions. Likewise, all lay people can exercise the roles of commentator, cantor or other such, in accordance with the law.”⁵⁶

31) *Supplying certain ministerial functions*. “Where the needs of the Church require and ministers are not available, lay people, even though they are not lectors or acolytes, can supply certain of their functions, that is, exercise the ministry of the word, preside over liturgical prayers, confer baptism and distribute Holy Communion, in accordance with the provisions of the law.”⁵⁷

32) *Service of the Church not strictly ministerial*. “Lay people who are pledged to the special service of the Church, whether permanently or for a time, have a duty to acquire the appropriate formation which their role demands...” “They have the right to a worthy remuneration... Likewise, they have the right to have their insurance, social security and medical benefits duly safeguarded.”⁵⁸

These fundamental rights and obligations, whose implementation calls for harmonious action, good will, and understanding on the part of all concerned, have four significant notes, namely, they are universal, perpetual (lost only in death), cannot be renounced voluntarily and are anterior to any other right.

II. PARTICIPATION OF THE LAITY IN THE MISSION OF THE CHURCH

The rights and obligations which arise from the condition of being a member of the faithful are juridical requirements of the baptismal character and, therefore, of divine law. The fundamental rights and obligations of the laity form the basic nucleus of their juridical status.

All those who have been baptized are called without distinction to the fullness of sanctity, which is the same for all; they are likewise called to the common apostolate.⁵⁹ However, while sanctity and the apostolate are equal for all regarding their substance and their ends, there is great diversity in the methods and forms of attaining them,

⁵⁶ Can. 230 §2.

⁵⁷ Can. 230 §3.

⁵⁸ Can. 231 §2.

⁵⁹ Cf. LG, 32 and 41.

namely, the states and conditions of life as well as particular or specific vocations.⁶⁰

The Second Vatican Council spoke of the various ways in which the faithful could share in Christ's prophetic, priestly, and kingly functions. It affirmed that by the will of Christ there is a hierarchy in the Church endowed with power and peculiar functions in carrying out the mission entrusted to the Church. Likewise, the laity, being part of the whole people of God, participate in the same triple mission of Christ. This three-fold mission entrusted to the Church—to teach, to sanctify, and to govern—, was precisely adopted by the 1983 Code of Canon Law as its principle of division, henceforth providing for us a framework to study the status of the laity in the new law.

A. The Teaching Mission

Every member of the Church, by virtue of the sacrament of confirmation, is bound by the obligation to witness to Christ and to spread and defend the faith.⁶¹

The Code describes the different responsibilities that the episcopal college, individual bishops, priests, religious and laity have for the ministry of the Word.⁶² Referring specifically to the laity, it states that they "are witnesses to the good news of the Gospel, by their words and by the example of their christian life. They can also be called upon to

⁶⁰ Cf. *Ibidem*. This means that the varied and manifold forms of spirituality, conditions of life, and types of apostolate are a response to the will of Christ for the foundation of the Church. By the will of Christ there is a hierarchy in the Church endowed with power and the mission received is to teach doctrine, maintain the deposit of faith, administer the sacraments, specially to renew the sacrifice of the Cross through the celebration of the Eucharist, and to govern the life of the Church. The participation of the faithful in the triple mission of Christ (namely, priestly, prophetic, and kingly) is not hierarchical. Cf. J. Hervada, "Introduction to Book II, Part I- Christ's Faithful," in E. Caparros, M. Theriault, J. Thorn (ed.), *Code of Canon Law Annotated*, (Montreal: Wilson & Lafleur Limitée, 1993), 185-186.

⁶¹ Through the sacrament of confirmation, the faithful are "enriched with the gift of the Holy Spirit, and are more closely linked to the Church. They are made strong and firmly obliged by word and deed to witness to Christ and to spread and defend the faith" (Canon 879).

⁶² Cf. canons 756-780.

cooperate with Bishops and priests in the exercise of the ministry of the word."⁶³

The exercise of such witnessing and cooperation has specific responsibilities in each of the five principal ways through which the ministry of the Word is rendered, namely, preaching, catechetical instruction, missionary work, works of education at all levels, and through the use of social communication.

1) *Preaching of the Word*. Canon 766 states that "the laity may be allowed to preach in a Church or oratory if in certain circumstances it is necessary, or in particular cases it would be advantageous." No limitation is set as to age or sex; thus lay men and women, the young and the old, may now engage in the ministry of the word provided they are truly trained or skilled and properly deputized for this type of ministry. Some limitations, however, are otherwise provided by law as well as by the local authorities, specifically by the respective Bishops' Conferences. *By law*, the homily at regular Masses, as part of the liturgy itself, is reserved to priests and deacons.⁶⁴ *By the local authorities*, in the particular set up of the Philippines, the Bishops' Conference has authorized the diocesan bishops to deputize duly qualified lay persons to preach outside the Mass, in accordance with the following norms: (a) Whenever there is a need because of scarcity or physical inability of sacred ministers, in cases such as those in large parishes, in remote barrios and islets, and in other places where there is difficulty in the means of transportation and during inclement

⁶³ Canon 759.

⁶⁴ "The most important form of preaching is the homily, which is part of the liturgy, and is reserved to a priest or deacon" (Can. 767). The Church has made it clear in strong terms that the homily is a special case and must be preached by an ordained minister (cf. cc. 762-765). The main reason of this exception is the close relationship between preaching and the Eucharist, to the point that "the Eucharist appears as the source and the summit of all preaching of the gospel" (*Presbyterorum Ordinis*, 5). This explains why the ministers of the Eucharist, in principle, have the right or the faculty to preach.

⁶⁵ These instances listed here are some of the "certain circumstances" or the "particular cases" mentioned in canon 766 when the lay preaching may become necessary or useful. They may very well include the Liturgy of the Word with or without Communion at daily services as well as Sunday services in the absence of a priest or deacon (can. 517 §2); or by one acting as an official witness at marriage (can. 1112) and funerals presided over by a duly authorized lay person. It may be likewise useful in

weather⁶⁵; (b) They must be Catholics of good moral character; (c) They must be well prepared through formation in Christian doctrine and in Sacred Scriptures; (d) They must be distinguished by their loyalty to the hierarchy and fidelity to the magisterium of the Church; and (e) They are deputized for one year, renewable.⁶⁶

2) *Catechetical instruction*. If every Christian, by virtue of baptism and confirmation, is called to transmit the Gospel, it means that in a certain sense everyone in the Church is a catechist. Now, the term "catechist" ordinarily refers to the numerous lay teachers of catechesis in parishes and schools. Catechesis, so understood, is "an eminent form of lay apostolate" and the Church has high words of praise and appreciation for them because they exercise a task of vital importance for the life of the Church.⁶⁷

The importance of this apostolate comes mainly from its aim, which is to put up those being instructed "not only in touch but in communion, in intimacy, with Jesus Christ."⁶⁸ Catechesis is an "education in the faith" ministry, primarily oriented to teach the revealed truths (leading to the profession of faith), to relate the message with liturgy (leading to the celebration of the Christian mystery), to witness what is proclaimed (leading to an authentic life in Christ), and to promote a life of prayer in the listeners.

The Code of Canon Law enjoins parish priests to avail themselves of... "the assistance of lay members of Christ's faithful" to ensure the catechetical formation of their parishioners. It also encourages them "to promote and to foster the role of parents in the family catechesis."⁶⁹

particular cases, such as retreats, missions and other made by special request (cf. F. Testera, *op. cit.*, 82).

⁶⁶ Cf. CB, Prot. N. 35/84, in F. Testera, *op. cit.*, 82-83.

⁶⁷ "I am anxious to give thanks in the Church's name to all of you, lay teachers of catechesis in the parishes and schools, the men and the still more numerous women throughout the world, who are devoting yourselves to the religious education of many generations. Your work is often lowly and hidden but it is carried out with ardent and generous zeal, and it is *an eminent form of the lay apostolate*, a form that is particularly important where for various reasons children and young people do not receive suitable religious training in the home." (John Paul II, *Catechesi Tradendae*, 66). Emphasis mine.

⁶⁸ *Catechism for Filipino Catholics* (Manila: ECCCE Publications, 1997), 129.

⁶⁹ Can. 776.

Catechists have been for centuries carrying their mission motivated almost exclusively by personal dedication. Today, however, the Church has envisioned organized bodies of professional [diocesan and parochial] catechists, granting them not only financial assistance, but also official recognition for their ministry. This is reflected in some programs being already implemented in many dioceses, where a "missio canonica" (mandate) or a written appointment is given to them.⁷⁰ Such written document attests also to the seriousness of the commitment and to the support of the Church that sends them. In fact, catechists, to be properly called "ministers," need to act "in the name of the Church," something that cannot happen unless they are *sent* or commissioned by the Church herself.

Obviously, catechists need formation. Canon 785 states that catechists are to be given a suitable formation before being commissioned to teach on behalf of the Church. Previously, canon 780 had said that "local Ordinaries are to ensure that catechists are duly trained to carry out their office properly." Reacting to this vital need, the Second Plenary Council of the Philippines (1991) urged the creation of centers for the "calling, training and formation of professional and volunteer catechists for children and youth in public and non-sectarian schools..."⁷¹

3. *Missionary activity.* The missionary activity of the Church is the responsibility of all her members.⁷² Canon 784 explicitly states that laypersons may be chosen as missionaries, particularly for the role of catechists,⁷³ whose functions are to present the Gospel teaching and to engage in liturgical worship and in works of charity.

⁷⁰ In those dioceses where such program is already being implemented, those accepted as catechists are given the so-called *Missio Canonica* or mandate by their Ordinary. As currently practiced in Manila, the core of the written document issued to each catechist reads as follows: "After you have signified in word and deed your intent to commit yourself to the fundamental ecclesial task of evangelization and catechesis, we hereby confer on you the Apostolic Mission to be a Catechist. We are confident that you will communicate the Christian Faith in doctrine, worship and life according to the directives of the Magisterium of the Church, and that to the best of your knowledge and ability, you will lead those entrusted to you to the maturity of Christian life."

⁷¹ PCP-II, *Decrees*, art. 55 #1. "For all catechists ongoing formation programs are a necessity, in order to increase their fervor, purify their motives, and improve their knowledge and teaching skills. To facilitate all the foregoing, there is need in each diocese for a diocesan catechetical center with a full-time coordinator" (*Ib.*, 648).

⁷² Cf. can. 781.

⁷³ Canon 785.

It has become a modern phenomenon to see throngs of lay people committed to missionary activities and works of apostolate. At times professionals (doctors, teachers...) who volunteer to go to mission lands offering the services of their witnessing and expertise. Other times young people who generously offer themselves for a period of time to help in parishes and schools, etc. These services, fully appreciated and encouraged by the Church, bear also an excellent witness to Christ and in many instances they are a practical way to spread the good news of the Gospel. Again, lay missionaries in order to become properly "ministers" need to be "sent" by the competent ecclesiastical authority.⁷⁴

4. *Catholic education.* Catholic education is one of the primary duties of committed lay Christians, and in particular of parents, whose responsibility it is to educate their children in the doctrine of the Church.⁷⁵ Parents, however, may avail themselves of religious assistance that is usually available in schools.

Among the means of advancing education, schools are of great importance⁷⁶; thus "parents must have a real freedom in their choice of schools"⁷⁷ since they "are to send their children to those schools which will provide for their catholic education."⁷⁸ Diocesan bishops (indeed local Ordinaries) are reminded of their duty to regulate and watch over the education in the Catholic religion provided *in any school*: "In his own diocese, the local Ordinary has the right to appoint or to approve teachers of religion and, if religious or moral consideration require it, the right to remove them or to demand that they be removed."⁷⁹

⁷⁴ Cf. can. 784. In the Ritual there is an "Order for the Blessing of those who exercise pastoral service." It is a blessing that may be given by a priest/deacon or superiors in religious congregations. The order may be celebrated during the mass or during a celebration of the word of God. Normally, a little cross is imposed on each one after the public commitment. In the prayer/blessing the community asks God "to strengthen and bless our brothers and sisters as they begin their new pastoral service."

⁷⁵ Canons 793-799.

⁷⁶ Can. 796.

⁷⁷ Can. 797.

⁷⁸ Can. 798.

⁷⁹ Can. 805.

But education in the faith has to be extended also to institutes of higher studies, especially Catholic universities, whose responsibility is to initiate the laity into the study of theology⁸⁰ so that, in turn, they may also teach it. Two conditions, though, are required for lay people to teach theological subjects, namely, 'requisite suitability' and a mandate to teach: "Lay people... are capable of receiving from the lawful ecclesiastical authority a mandate to teach the sacred sciences."⁸¹ Likewise, canon 812 states that "those who teach theological subjects in any institute of higher studies must have a mandate from the competent authority." The Apostolic Constitution *Sapientia Christiana* spoke of 'canonical mission' or *venia legendi* to teach theological or academic subjects that dealt with matters of faith and morals. Furthermore, it required that those professors made the profession of faith.⁸² However in view of certain difficulties, the present law requires a *mandate* rather than a *mission*,⁸³ to be given by the competent ecclesiastical authority.

Who is that "competent authority"? Originally, the Apostolic See, the Episcopal Conference within its territory, and in the normal course of events, the diocesan Bishop in his own diocese. By delegation, the Major Religious Superior of clerical institutes which own and operate Catholic learning institutions.

5. *Means of Social Communication.* The Code exhorts all the faithful, especially those who in any way take part in the management or use of the media, to be diligent in assisting pastoral action, "so that the Church can more effectively exercise its office through these means."⁸⁴ On its part, given the importance of electronic media today, the Philippine Bishops' Conference has decreed that "a ministry for Evangelization and Catechesis through Electronic media shall be created at national and diocesan levels."

⁸⁰ Cf. can. 811.

⁸¹ Can. 229 §3.

⁸² *Sapientia christiana*, art. 27, s.1.

⁸³ Cf. *Communicationes* 15 [1983], 105. This mandate or commission is required because those who teach these subjects do so, not on their own authority, but in the name of the Church (*SP*, 27). Hence this mandate is something more than mere permission to teach (although it seems to be less weighty than 'canonical mission').

⁸⁴ Can. 822 §3.

From this overview it can be seen that lay people are expected to share in the Church's mission of teaching the Word. No sector of this ministry is excluded from them although the norms on preaching must be carefully observed.

B. The Sanctifying Mission

The Church's sanctifying mission is carried out "in a special way in the sacred liturgy, which is an exercise of the priestly office of Jesus Christ."⁸⁵ That is why it is exercised principally by bishops, priests, and deacons. Still, "the other members of Christ's faithful have *their own part* in this sanctifying office, *each in his or her own way* actively sharing in liturgical celebration, particularly in the Eucharist."⁸⁶

Referring to this particular mission of the Church, the Code distinguishes two big areas of Church's life, namely, the celebration of the sacraments or sacramental law (can. 840-1165), and the acts of divine worship other than the celebration of the sacraments (can. 1166-1253). What is the role of the laity in each of these two areas?

a) *In the field of sacramental law*, the Code provides that lay people may be ministers of baptism,⁸⁷ may distribute the Eucharist even as Viaticum,⁸⁸ are the ministers of matrimony, and may be delegated to receive matrimonial consent.⁸⁹

The role of the laity is more evident when it comes to the preparation for reception of the sacraments, especially of initiation: Baptism, Confirmation and Eucharist. Preparation for baptism begins even before the birth of the child⁹⁰; the actual preparation may be carried out

⁸⁵ Can. 834 §1.

⁸⁶ Can. 835. Emphasis mine.

⁸⁷ "If the ordinary minister is absent or impeded, a catechist or some other person deputed to this office by the local Ordinary, may lawfully confer baptism; indeed, in a case of necessity, any person who has the requisite intention may do so" (can. 861).

⁸⁸ Cf. Can. 910, 911.

⁸⁹ "Where there are no priests and deacons, the diocesan Bishop can delegate lay persons to assist at marriages, if the Episcopal Conference has given its prior approval and the permission of the Holy See has been obtained" (Can. 1112 §1).

⁹⁰ "Parents are obliged to see that their infants are baptized within the first few weeks. As soon as possible after the birth, indeed *even before it*, they are to approach

by qualified members of the laity.⁹¹ The faithful, especially the parents, are to see to preparation for confirmation.⁹² The same applies for reception of the Eucharist.⁹³ The law makes little reference to special preparation for the reception of penance and anointing of the sick, taking for granted the desire of the Church that "the faithful take part (in the sacraments) fully aware of what they are doing, *actively engaged in the rite* and enriched by it."⁹⁴ However, the Code enters into detail when speaking of the way in which the ecclesial community is to assist in preparing young couples for marriage. We can see, therefore, that it is primarily in regard to the sacraments of initiation and of matrimony that lay people are called on to exercise their priestly mission of sanctification. What is new in the law is the emphasis placed on preparation for the celebration of these sacraments.⁹⁵

All other norms on the sacraments, except those explicitly concerning clerical ministers, are addressed to the laity. The law retains the prescription that only males may have access to orders⁹⁶ and states that through the reception of orders a person leaves the state of the laity.⁹⁷

the parish priest to ask for the sacrament for their child and to be themselves duly prepared for it" (Can. 867 §1).

⁹¹ Cf. Can. 851.

⁹² Cf. Can. 890.

⁹³ Can. 914: "It is primarily the duty of parents and of those who take their place, as it is the duty of the parish priest, to ensure that children who have reached the use of reason are properly prepared..."

⁹⁴ *Sacrosanctum Concilium*, n.11. The active participation of the faithful in the rites takes different forms in each particular sacrament. The rite of Penance, for instance, speaks of "the role of the community" in its celebration and the manner for the penitent to celebrate it: "The faithful Christian, as he experiences and proclaims the mercy of God in his life, celebrates with the priest the liturgy by which the Church continually renews itself" (*Rite of Penance*, Introduction, n. 10 d). Regarding the anointing of the sick, the Code says that "Pastors of souls and those who are close to the sick are to ensure that the sick are helped by this sacrament in good time" (Can. 1001).

⁹⁵ F. G. Morrissey, *op. cit.*, p.328.

⁹⁶ "Only a baptized man can validly receive sacred ordination" (Can. 1024).

⁹⁷ "By divine institution, among Christ's faithful there are in the Church sacred ministers, who in law are also called clerics; the others are called lay people" (Can. 207).

b) In the area of the Church's life *concerning acts of divine worship other than the celebration of the sacraments*, the newly restored "non-ordained" ministries take on special significance. By describing them as "newly restored" ministries, we are indicating that they are not in fact novel experiments, but rather, as Pope Paul VI wrote, "a restoration of the old practice."⁹⁸ Certainly, the awakening and restoration of functions of the laity within the Church are recent phenomena, the answer to an urgent call issued by the Second Vatican Council.

The law foresees in canon 230 the institution of three different types of lay ministries: (1) ministries *conferred on a stable basis*: lector and acolyte; (2) ministries where *the assignment is temporary*: commentator, cantor, etc.; and (3) ministries exercised *on a supply basis* where ministers are not available: ministry of the Word, prayer leadership, conferral of baptism and distribution of communion. Let us say something about each one of them.

(1) *The stable ministries of lector and acolyte*: "Lay men," canon 230 §1 states, "whose age and talents meet the requirements prescribed by decree of the Episcopal Conference, can be given the stable ministry of lector and of acolyte, through the prescribed liturgical rite."

As it appears, these stable ministries of lector and acolyte are so far reserved to men. This is in fact one of the few canons that make a distinction between men and women. Being based on the M.P. *Ministeria Quaedam*, we may well presume that the main reason for such distinction is the one advanced in said document, namely, to keep "with the venerable tradition of the Church"⁹⁹ Traditionally, these two ministries of lectorate and acolytate were "minor orders" and, as such, exclusive of men. In recent times, however, there have been requests formulated by experts asking for the revision of this norm, since *de facto* these same ministries are being performed already by women (reading, distribution of communion, etc.). As we wrote in another place,¹⁰⁰

⁹⁸ Paul VI, *Ministeria quaedam* (1972). "For certain liturgical and charitable functions were entrusted to the faithful *from earliest times*, whose conferring was frequently accompanied by a special rite, in which God's blessing was invoked, and which established the person designated in a special rank or class for the performance of some ecclesiastical ministry" (*Ib.*).

⁹⁹ *Ibidem*, n. 7.

¹⁰⁰ J. González, *Lay Ministries*. (Manila: Life Today Publications, 2000) 3rd ed., 9.

such a reservation was necessary when those “minor orders” were seen exclusively as steps towards priestly ordination. Now, however, that the two are restored as lay ministries, any exclusive reservation to men does not seem to make much sense anymore. It is then my opinion that the borderline of lay (men and women) ministries should be clearly drawn in the reception of orders (diaconate, priesthood and episcopacy), and that the exercise of liturgical ministries, *with the exception of those requiring ordination*, should be open to lay people both men and women.¹⁰¹

Secondly, that these stable ministries are not confined solely to liturgical celebrations: for instance, it is part of the ministry of the lector to proclaim the word of God, to provide catechetical instruction and to prepare the faithful for the reception of the sacraments.¹⁰² In turn, the acolyte, as an extraordinary minister of the Eucharist, can be called on to distribute holy communion, to expose the Blessed Sacrament,¹⁰³ or even be instructed to have a special care for the sick.¹⁰⁴

Thirdly, that these ministries are conferred by the Ordinary, i.e., the Bishop and, in clerical religious institutes and clerical societies of apostolic life, of pontifical right, the competent major Superior.¹⁰⁵

Finally, that, apart from a firm will to render faithful service to God and the Church, those on whom these ministries are conferred must meet the requirements of age and talents prescribed by decree of the Episcopal Conferences. In the particular case of the Philippines, the local Conference set, in 1984, some specific requirements in the candidates, namely, to be exemplary Catholics, at least twenty-one years

¹⁰¹ Some past and even existing hesitations on this matter are very understandable for the degree of openness, especially at the level of implementation, will vary greatly from times and places, since it involves many religious-socio-cultural factors. Furthermore, certain “intermediate steps” may have probably been necessary, before the law takes in some instances a more innovative stand. Cf. G. Morrissey, *op. cit.*, p. 329. This author is already thinking of the third Code some years hence, and considers prudent in the meantime “to wait and see how some of the new institutions develop before enshrining them in the Church’s formal legislation” (*Ib.*).

¹⁰² Cf. *Ministeria Quaedam*, n. 5.

¹⁰³ Cf. Can. 910 §2, 943.

¹⁰⁴ *Ministeria Quaedam*, n.6.

¹⁰⁵ Cf. *Ibidem*, n. 9.

old, and being adequately instructed as certified by having finished the seminar established for their proper training and formation.¹⁰⁶

(2) *Ministries with temporary assignment: commentator, cantor, etc.* "Lay people can receive a temporary assignment to the role of lector in liturgical actions. Likewise, all lay people can exercise the roles of commentator, cantor or other such, in accordance with the law."¹⁰⁷ While the stable ministry of lector, for instance, is conferred in a liturgical rite, the temporary assignment of some person to exercise the role of lector is much less formal. Both men and women may be so assigned. The person concerned may be asked to carry out specific functions on particular occasions, e.g., to read at Masses on a Sunday. The other roles mentioned in this paragraph [commentator, cantor or "other such": altar servers, collectors, ushers...] ¹⁰⁸ are also conferred and exercised in this informal manner.

(3) *Ministries exercised on a supply basis where ordained ministers are not available.* "Where the needs of the Church require and ministers are not available, lay people, even though they are not lectors or acolytes, can supply certain of their functions, that is, exercise the ministry of the word, preside over liturgical prayers, confer baptism and distribute Holy Communion, in accordance with the provisions of the law."¹⁰⁹

The list of functions mentioned in the canon is not exhaustive¹¹⁰; the Code foresees other cases where lay people may act as extraordinary ministers.¹¹¹ These extraordinary ministries mentioned here can be exercised by lay people, either men or women. Two prerequisites

¹⁰⁶ Cf. CB, Prot. n. 35/84, in F. Testera, *op. cit.*, p. 14.

¹⁰⁷ Can. 230 §2.

¹⁰⁸ See J. González, *Lay Ministries*, 10-36.

¹⁰⁹ Can. 230 §3.

¹¹⁰ For instance, the Code does not say anything of the person who is to preside at funeral services. The rite of burial (no. 19), however, provides that under certain conditions laypersons may be authorized to carry out such rites on behalf of the Church

¹¹¹ Cf. Can. 517 §2, 1112. The Code is silent about other ministries, partly because the matter is implicitly referred to liturgical law (cf. Can. 2), and partly also because, given the time and circumstances, it probably opted for the more prudent attitude of "wait and see" how some of the new institutions develop before enshrining them in the Church's formal legislation.

are mentioned: the need of the Church, and the non-availability of ministers. In such circumstances, lay people can be authorized to supply some of the functions of the absent or impeded ministers. "The canon [230] does not allow the lay people in question to act solely on their own initiative: since the responsibility for the pastoral welfare of his people falls on the Bishop, it is he who must decide whether the circumstances warrant such extraordinary ministries."¹¹²

Commenting on these ministries exercised *on a supply basis* where ordained ministers are not available, we notice that an examination of the canons curiously reveals that many of the functions assigned to the laity in the Code are done so in instances where clerics are not available. Evidently, although some canonists may think that "there is little possibility that canon 230 will be changed,"¹¹³ this is not the Church's last word on the matter. Could have we expected from the 1983 Code a "more advanced" stand on the issue of non-ordained ministers and ministries? Perhaps. We could make ours the opinion that "in spite of the evident progress to date, it is quite clear that many of the various sanctifying functions of the Church are still thought of in terms of the clergy."¹¹⁴

However, on this particular sanctifying mission of the Church, which involves the exercise of the common priesthood of the faithful, on one hand, and the ministerial priesthood of the clergy, on the other, utmost care has to be taken to keep in line with right terminology and, much more important, with theological accuracy.

A recent *Instruction* issued jointly by six Sacred Congregations, on November 13, 1997,¹¹⁵ purposely provided "authoritative response to the many pressing requests which have come to our Dicasteries from Bishops, Priests and Laity seeking clarification in the light of specific

¹¹² The Canon Law Society of Great Britain and Ireland, *The Canon Law. Letter & Spirit*. (London, 1995), pp. 131-132.

¹¹³ T. Richstatter, OFM, *Instituted Lay Ministry: The History and Future of Canon 230*, in Canon Law Society of America, *Proceedings of the Forty-ninth Annual Convention* (Nashville, Tennessee, October 12-15, 1987), p.72.

¹¹⁴ F. G. Morrissey, *op. cit.*, p.329.

¹¹⁵ Instruction *Ecclesia de Mysterio, On Certain Questions regarding the collaboration of the non-ordained faithful in the Sacred Ministry of Priests*. (Vatican City: Libreria Editrice Vaticana, 1997).

cases of new forms of "pastoral activity" of the non-ordained on both parochial and diocesan levels"¹¹⁶

The document first encourages the active *participation* of all the faithful in the mission of the Church, in line with the call of the 1987 and of 1994 Synods of Bishops, by making its own the exhortation to Pastors "to acknowledge and foster the ministries, the offices and roles of the lay faithful that find their foundation in the Sacraments of Baptism and Confirmation, indeed for a good many of them, in the Sacrament of Matrimony."¹¹⁷ Then, it makes clear that in the more restrict area of the sacred ministry of the clergy (which office requires reception of the sacrament of Orders) the non-ordained are called to *assist* and *collaborate*, pointing out that "in situations of emergency and chronic necessity in certain communities, some of the faithful, despite lacking the character of the sacrament of Order, have acted appropriately and within their proper limits, in dealing with these realities"¹¹⁸ One of the important issues here is the terminological shift between "participation" and "collaboration" concerning the lay and priestly ministries,¹¹⁹ due to "the essential difference between the common priesthood of the faithful and the ministerial priesthood." Such difference exists not in the priesthood of Christ (which remains forever one and indivisible) nor in the sanctity to which all of the faithful are called, but "at the mode of participation in the priesthood of Christ."¹²⁰

C. The Governing Mission

The Church's mission of governing has traditionally been reserved to the clerics, mainly because it involves the so-called power of "juris-

¹¹³ Ibidem, *Premiss*.

¹¹⁷ John Paul II, Post-Synodal Apostolic Exhortation *Christifideles laici* (30 December 1988, n.23: AAS 81 (1989), p. 429.

¹¹⁸ Instruction *Ecclesia de Mystério*, premiss.

¹¹⁹ In effect, participation ("to take part in") in the ministerial tasks could not take place strictly speaking without the subject ontologically taking part -for the matter- in the ministerial priesthood itself. This could only happen with priestly ordination. From this we see the aptness of the term collaboration ("to work with") when applied to the non-ordained faithful's cooperation with the ministerial work of priests." (J. B. Achacoso, "Limits to Lay Ministries. A Reflection on *Ecclesia de Mystério*," in *Philippine Canonical Forum* I [1999], p. 76).

¹²⁰ Instruction *Ecclesia de Mystério*, Theological Principles, n. 1.

diction," power traditionally believed to be inseparable from the *sacra potestas* and, therefore, exclusive of those who have received the sacrament of Holy Orders. This explains why for centuries the laity has hardly had any participation in it.

In our times, this relationship between the *sacra potestas* and the *munus regendi* has plunged into canon law some ecclesiological problems that are still object of doctrinal debate. A debate that focuses alternatively on the very foundation of power in the Church and on its exercise and organization,¹²¹ and that is enlivened by the Second Vatican Council's numerous texts quoted by the Code, whose theological expressions simply cannot be translated always at once into canonical terms.

Without entering now into the debate, I will simply "situate" it in the right perspective for the purpose of our study. It is commonly understood that the *sacra potestas* refers to the power that Christ transmitted to the Apostles and to their successors in order that in His name they taught, sanctified and governed the Church. The *sacra potestas*, therefore, apart from expressing juridical power, includes also "the capacity received from the sacrament of Orders to produce in Christ's name the supernatural effects attached to the administration of the sacraments and to the preaching of the divine word."¹²² Logically, while the *sacra potestas* includes the three *munera* of teaching, sanctifying and governing entrusted by Christ to the apostles, the governing function constitutes one aspect of the *sacra potestas*, namely, the one concerning the governance of the Church as a society.¹²³

The next question, basic for us here, is concerning the subjects of such governing power in the Church. Going straight to the point: *Do the laity have the capacity to share in the power of governance in the Church?* The answer to this question requires having first determined the relationship between priesthood (common and ministerial) and power in the Church.

¹²¹ A. Viana, *Organización del gobierno en la Iglesia según el derecho canónico latino*. (Pamplona: Ediciones Universidad de Navarra, 1997), p. 39.

¹²² Ibidem, 40.

¹²³ Cf. W. Onclin, *De potestate regiminis in Ecclesia*, in P. Laisching-F. Pototschnig-R. Potz (eds.), *"Ex aequo et bono"*. Willibald M. Plochl zum 70. Geburtstag." (Innsbruck, 1977, p. 224.

The 1983 Code of Canon Law did not solve this problem. One could have reasonably expected the Code to have done it, but the Code wisely avoided facing the issue directly, thus leaving options open to further research on the matter. The canonical norm states: "*Those who are in sacred orders are, in accordance with the provisions of law, capable of the power of governance, which belongs to the Church by divine institution. This power is also called the power of jurisdiction.*"¹²⁴ From this text some readers hurry up to conclude the contrary by exclusion: "Therefore," they affirm, "those who are *not* in sacred orders are *incapable* of the power of governance." But actually the canon does not say that lay people are incapable of the power of governance; it only contains the general declaration that "those in sacred orders are capable of having power of governance in the Church."¹²⁵ True, the Code adds a second paragraph that somehow declares the legislator's mind: "Lay members of Christ's faithful can *cooperate* in the exercise of this same power in accordance with the law."¹²⁶ For a better reading of the legislator's mind one needs to go back in time to the period of preparation of the 1983 Code of Canon Law.

In the process of revision of the Code, the Pontifical Commission studied the question of the participation of non-ordained persons in

¹²⁴ Can. 129 §1

¹²⁵ Certainly, canon 129 does not say that the lay people are incapable of power of governance, with the effects as expressed in c. 10, but that they "may cooperate" in the exercise of this power. A serious objection to this, however, comes from canon 274 §1, which states that "only clerics can obtain offices the exercise of which requires the power of order or the power of ecclesiastical governance." From here many conclude that the Code excludes the laity from the power of governance. However, an attentive reading of c. 274, §1 shows that the reference to the power of order is a tautology, for it is already included in the cleric, and that the reference to the power of governance is contradicted by the Code itself when it admits lay persons to governance offices (can. 228), as it is certainly the judge in ecclesiastical tribunals (can. 1421)... The problem is rooted in a theological question relating to various was intensely debated by the Revision Commission (cf. *Communicationes* 14 [1982] 146-149 at can. 126). The matter is more doctrinal than legal, and still open to further theological research. (Cf. *The Canon Law. Letter & Spirit*. (London: 1995), Commentary to c. 274, p. 156).

¹²⁶ Can. 129 §2. The word "cooperate" (*cooperari*) is not a technically refined canonical term; it is a new and somewhat ambiguous word for a legal text. Obviously, the §2 does not refer to a mere material or bureaucratic cooperation, for this would be of no interest to the legislator, and even less so in this canon that wishes to determine which persons have the right to exercise power of governance and when they can exercise it.

the office of government. In the drafts of the Code, in 1974, the door seemed very open in this regard. Even at its final stages, the Commission seemed to agree that the laity, too, should be able to share in the mission of governing, taking into account the particular nature of the Church.¹²⁷ This position was clearly reflected in the 1980 draft of the Code, whose proposed canon 126 used for the laity the expression "*eam partem habere possunt quam singulis pro causis auctoritas Ecclesiae suprema ipsis concedit*," although a remark was advanced: "*quatenus eodem ordine sacro non innititur*"¹²⁸ This latter sentence was suppressed in the 1982 draft, which kept the text intact, although adding a curious "however" to the statement on the participation of the laity.¹²⁹ The promulgated text was simplified with the expression "cooperate... in accordance with the law."

Understandably, then, interpretations to this canon 129 vary, depending on the different doctrinal background taken as departure point. The basic tendencies or opinions that appeared on this regard were [and are still today] the following:¹³⁰

a) Some believe that the power of governance *requires always the sacred order*. Those who defend this opinion claim that Orders and Offices have been always united; the distinction between power of order and power of jurisdiction did not destroy such need, but it simply distinguishes their exercise. They add that the Second Vatican Council always united sacred power with order, being strange to the Council the participation of the laity, admitted *suo modo* in services of direction or governance. The concession of a lay person to be a judge in the ecclesiastical tribunals¹³¹ is not in accordance with the Council. The

¹²⁷ Cf. F. G. Morrissey, *op. cit.*, 331.

¹²⁸ The proposed canon 126 of the 1980 draft had only one paragraph and read as follows: "Potestatis regiminis, quae quidem ex divina institutione est in Ecclesia et etiam potestas iurisdictionis vocatur, ad normam praescriptorum iuris, habiles sunt, qui ordine sacro sunt insigniti; in exercitio eiusdem potestatis, quatenus eodem ordine sacro non innititur, christifideles laici eam partem habere possunt quam singulis pro causis auctoritas Ecclesiae suprema ipsis concedit."

¹²⁹ Cf. J.Ma. Piñero, *La ley de la Iglesia*, Vol. I (Madrid: Sociedad de Educación Atenas, 1993), 261-262.

¹³⁰ Cf. J. Ma. Piñero, *op. cit.*, pp.262-263.

¹³¹ Cf. *Causas Matrimoniales*, V §1. Can. 1421: "The Episcopal Conference can permit that lay persons also be appointed judges."

holders of this stand see a contradiction in the statement that “they do not have and yet can cooperate in it”; if someone is incapable for something, there is no sense to grant him it. They conclude by saying that a power of governance that is not rooted in the sacred power is a contradiction in itself.¹³²

b) Others think that *only the Pope can grant the power of governance to a lay person*. They are not satisfied with the distinction between clergy-laity: “If [the laity] are incapable, how can they exercise it?” they wonder. True, in the Code there are cases of executive power of governance in a lay person, as for instance the case of the diocesan administrator.¹³³ The holders of this opinion propose that it should be said: “the power of governance is exercised by the lay faithful by concession, in each case, of the supreme authority of the Church.”¹³⁴

c) There are others who believe that the power of governance *can be granted by the diocesan bishop to the laity*. The holders of this stand maintain that not only the Pope, but also any diocesan bishop can grant the power of governance to a lay person. The reason given is not purely theological, but also practical: in order to avoid too much centralization.¹³⁵

What is my personal opinion and understanding of canon 129? With due respect for other opinions and subject always to a better judgment, it seems to me that the Code does not exclude the laity from the power of governance. Canon 129 expresses a principle of ecclesiastical law, namely, that the power of governance by itself requires the sacred Orders but that it can also be delegated by the supreme legislator to the laity. This way of talking recognizes two channels of transmission of public functions in the Church: first, the sacrament of Orders; second, the canonical mission.¹³⁶ The existence of this double channel of

¹³² Cf. *Communicationes* 14 [1982] 146-148, ad c.126, n° 4.

¹³³ See can. 494.

¹³⁴ *Communicationes* 14 [1982] 146, ad c.126, n° 1.

¹³⁵ Cf. *Ibidem* 14 [1982] 149, ad c. 126, n°4. In dealing with this matter, there were some simple warnings about being careful regarding the statement, since in it men and women are included (Cf. *Communicationes* 14 [1982] 149, ad c. 126, n° 8).

¹³⁶ See A. Viana, *op. cit.*, pp. 28-29. Unlike the canonical mission, the sacrament of Orders confers the recipient the capacity to act *in persona Christi Capitis* (ministerial priesthood), a prerogative exclusive of ordained ministers.

transmission brings forth several questions, especially those related to their proper articulation and relation in the specific ministries of sacred order,¹³⁷ but allows us to understand the canon's term "cooperate" as "having the capacity." Later on, the peculiar nature of each office and the faculties assigned to it in canon law¹³⁸ will determine whether an office may be entrusted to sacred ministers only [and among these, to what type of minister according to the degree of orders received] or whether the office may also be entrusted to a lay person.

Be it what it may, I do not think the present text of the Code is the final word on this fundamental doctrine. After all, the matter is still one of doctrinal discussion, and accordingly not one to be determined in a Code of law. Most canonists admit that canon 129 is somewhat unclear. Some even think it may have been left "deliberately ambiguous" in order to allow the Church itself to gradually live its way into an appropriate understanding of its meaning;¹³⁹ and others hold that the meaning of its second paragraph "must be deduced from and therefore circumscribed by other statements in the Code as well as prior understanding of the law."¹⁴⁰ Perhaps then it may be accurately said that "the present texts restrict themselves to reflecting what would appear to be the current state of theology and practice in this matter."¹⁴¹

Leaving this excursus aside, let us reassume the original point on the lay participation in the Church's function of governing. Since "the power of governance is divided into legislative, executive and

¹³⁷ Some of these questions become very intricate due to the fact that some theological, juridical and even historical elements are implicated in them. In ancient times, for instance, the sacrament of Order and the canonical mission were fused in an single act, in such a way that a cleric was ordained for a specific office that was conferred on him by the imposition of hands; later, as it is today, there was separation between the sacramental moment and the specific act of provision of an office. See A. Viana, *op. cit.*, p. 29; J. Hervada, *Elementos de Derecho Constitucional Canónico*. (Pamplona, 1987), pp. 199-220.

¹³⁸ Cf. can. 145 §2

¹³⁹ Cf. P. Lombardía, *Lecciones de Derecho Canónico* (Madrid: 1984), p. 102.

¹⁴⁰ R. Smith, *Lay Persons in the Diocesan Curia: Legal Structures and Practical Issues*. Canon Law Society of America, Proceedings of the Forty-ninth Annual Convention (Nashville, Tennessee, October 12-15, 1987), p.72.

¹⁴¹ *The Canon Law. Letter & Spirit, op. cit.*, p. 156.

judicial power,"¹⁴² we will briefly examine each of these three areas separately.

1) *Legislative*. Although the *legislative power* as such is reserved to the supreme authority in the Church,¹⁴³ the laity, however, by virtue of their baptism, can cooperate in their own way in the exercise of this power. Thus, like any other member of the ecclesial community, they cooperate in the legislative function of the legitimate customs, approved by the legislator.¹⁴⁴

They also cooperate in the exercise of this function at the regional or local level, for instance, by taking part in the diocesan synod, the formal diocesan legislative organ. In fact, among the members of the synod are laypersons, chosen by the pastoral council "in the manner and the number to be determined by the diocesan bishop."¹⁴⁵ The bishop may in addition invite other laypersons to participate in the diocesan synod.¹⁴⁶ The synod members —clerical and lay— do not have a deliberative vote, but only a consultative one, being the diocesan bishop *the sole legislator* in the synod.¹⁴⁷ In spite of this limitation, the official presence of lay persons is a significant step forward. The previous Code did not provide for lay delegates to the synod.

Similarly, members of the laity may also be invited to participate in particular councils, also with consultative voice.¹⁴⁸ Again, this presence was not provided for in the 1917 Code.

2) *Judicial*. The position of laypersons on the Church's tribunals has been considerably enhanced with the new legislation. Offices that were previously reserved to clerics are now open to all the faith-

¹⁴² Can. 135 §1.

¹⁴³ "Legislative power is to be exercised in the manner prescribed by law; that which in the Church a legislator lower than the supreme authority has, cannot be delegated, unless the law explicitly provides otherwise. A lower legislator cannot validly make a law which is contrary to that of a higher legislator" (Can. 135 §2).

¹⁴⁴ Cf. Can. 23.

¹⁴⁵ Canon 463 §1, 5°.

¹⁴⁶ Cf. Canon 463 §2. Even members of other Churches may be invited as observers (Cf. Canon 463 §3)

¹⁴⁷ Cf. Canon 466.

¹⁴⁸ Can. 443 §3.

ful, both men and women.¹⁴⁹ Actually, only the office of judicial vicar and his assistant are reserved to clerics.¹⁵⁰

Thus, in addition to advocates, who previously could be laypersons, the functions of notary,¹⁵¹ defender of the bond,¹⁵² promoter of justice,¹⁵³ auditor,¹⁵⁴ assessor¹⁵⁵ and judge¹⁵⁶ are now available to the laity. The presence of laypersons in these areas may exert a very innovative influence on the lives of many of the faithful. Obviously, competency is a must: referring in particular to judges, the Code states that they "are to be of good repute, and possess a doctorate, or at least a licentiate, in canon law."¹⁵⁷

The possibility of having the laity as judges in ecclesiastical tribunals is a major change from the previous Code. The present norm, first introduced by Pope Paul VI in 1971,¹⁵⁸ establishes that "the Bishops' Conference can permit that lay persons also be appointed judges"; adding that "where necessity suggests, one of these can be chosen in forming a college of judges."¹⁵⁹

The Catholic Bishops' Conference of the Philippines has allowed diocesan bishops (and those who are ranked equal to them in law) to recommend lay persons to be appointed judges in the ecclesiastical

¹⁴⁹ The old Code barred lay persons from sitting in ecclesiastical tribunals as judges (cf. c. 1574). This was based on the commonly accepted assumption that only those in holy orders were capable of the power of governance or jurisdiction. Today, lay persons may be admitted to cooperate or share in the exercise of the power of jurisdiction (cf. c. 129 §2) and can therefore, be involved in functions heretofore reserved to clerics, e.g. as judges in a collegiate tribunal (cf. can. 1421 §2).

¹⁵⁰ Cf. Can. 1420 §4.

¹⁵¹ Cf. Can. 1437.

¹⁵² Cf. Can. 1435.

¹⁵³ Cf. Can. 1435.

¹⁵⁴ Cf. Can. 1428.

¹⁵⁵ Cf. Can. 1424.

¹⁵⁶ Cf. Can. 1421.

¹⁵⁷ Can. 1421 §3.

¹⁵⁸ Cf. *Causas Matrimoniales* n.V §1. See *Communicationes* 10 (1978) 231 at can. 20 §1; 16 (1984) 54-55 at can. 1373 §2.

¹⁵⁹ Can. 1421 §2.

tribunals, on condition there is a shortage of qualified clerics for the job, that the candidates are "Catholics of unimpaired reputation" and technically prepared having a doctorate or at least a licentiate in canon law. The licentiate requirement may be waived in special instances but only in favor of persons experts in civil law and with at least a three year experience in ecclesiastical courts.¹⁶⁰

3) *Executive*. At the administrative level lay people, by virtue of their baptism, are also called on to exercise their common priesthood and to cooperate in their own way in the exercise of this power. This role will be carried out primarily at the diocesan and parochial levels.

At the diocesan level, the presence of the laity may be felt in several councils, boards and commissions, such as:

(a) *The diocesan pastoral council*. This is an optional body, whose duty is to study and weigh those matters which concern the pastoral works in the diocese, and to propose practical conclusions concerning them¹⁶¹ Lay members are to be assigned also to it, so that the council "truly reflects the entire portion of the people of God which constitutes the diocese."¹⁶² The law requires that they be "outstanding in firm faith, high moral standards and prudence."¹⁶³ The bishop is free to establish such a council, in so far as pastoral circumstances suggest.

(b) *The Committee for economic matters*. Each diocese is to establish a *committee for economic matters*, comprising at least three members who are experts in financial and legal matters, and of outstanding integrity.¹⁶⁴ All such members, appointed by the Bishop for terms of five years, may be lay persons. This committee, whose establishment is a requirement of the law, not an option, must be consulted before any taxes for the needs of the diocese are levied,¹⁶⁵ before acts

¹⁶⁰ Cf. CB, Prot. n. 35/84 in F. Testera, *op. cit.*, pp. 168-169. The Conference's norm end with a restriction, namely, that "lay persons cannot sit as judges in cases against clerics, or in cases concerning the declaration or imposition of interdict or excommunication" (*Ib.*, p. 69).

¹⁶¹ Can. 511.

¹⁶² Can. 512 §2.

¹⁶³ Can. 513 §3.

¹⁶⁴ Cf. Can. 492

¹⁶⁵ Cf. Can. 1263.

of administration of major importance are carried out,¹⁶⁶ when determining what acts go beyond the limits and manner of ordinary administration,¹⁶⁷ for the investment of funds,¹⁶⁸ and even when a bishop has to reduce certain obligations arising from a will.¹⁶⁹ Likewise, the council must give its consent for certain acts of alienation.¹⁷⁰ Along with these and other prescribed general functions, the council can also play an important advisory role in temporal matters.

(c) *The Diocesan treasurer.* The function of diocesan treasurer needs not be a cleric, as long as whoever is appointed is an expert in financial matters and of truly outstanding integrity¹⁷¹ and fulfils the general criteria for ecclesial office.¹⁷² The financial administrator, appointed for fixed terms of five years, may indeed be clerical or lay, male or female. As an administrator, the task is not so much to make policy decisions as to carry out the policies already established, to make payments in accordance with the budget policy, and administer the funds on a day-to-day basis. It is the administrator's responsibility to ensure that proper accounts are kept and laid before the committee at the end of the financial year. The administrator's basic responsibility is to manage the diocesan funds in accordance with canon law.¹⁷³

(d) *The chancellor.* The office of the chancellor is a very important one, as indicated by the fact that it is mandatory, and by the provision that he/she may, if necessary, be given an assistant.¹⁷⁴ The chancellor may, but need not, be a cleric: in principle a lay man or woman may be, and nowadays not infrequently is appointed. It is important, however, to distinguish the office of chancellor as described in the Code

¹⁶⁶ Cf. Can. 1277.

¹⁶⁷ Cf. Can. 1281.

¹⁶⁸ Cf. Can. 1305.

¹⁶⁹ Cf. Can. 1310. The bishop is no longer considered the sole administrator of the diocesan temporal goods.

¹⁷⁰ Cf. Can. 1292.

¹⁷¹ Can. 494.

¹⁷² See Can. 149 §1.

¹⁷³ Cf. Can. 1275ff. See *The Canon Law. Letter & Spirit*, op. cit., p. 722-723.

¹⁷⁴ Cf. Can. 482.

¹⁷⁵ Cf. F. G. Morrissey, op. cit., p. 332.

from that found in some dioceses, where the chancellor's role is closer to that of a vicar general or an episcopal vicar than to other offices.¹⁷⁵ Only a priest may be vicar general or episcopal vicar."¹⁷⁶

At the parochial level, the presence of the laity may likewise be felt in similar councils, boards and commissions, such as:

(1) *Parochial pastoral councils*. "If the diocesan bishop considers it opportune, a pastoral council is to be established in each parish. In this council...Christ's faithful, together with those who by virtue of their office are engaged in pastoral care in the parish, give their help in fostering pastoral action."¹⁷⁷ The Code does not enter into details regarding the composition and prerogatives of the council except to say that the members assist the pastor in promoting the pastoral activities of the parish and in providing assistance.

(2) *Parochial finance committee*. In each parish there is to be a finance committee to help the parish priest in the administration of the goods of the parish.¹⁷⁸ Such a committee provides the parish priest with valuable insight and advice, so that he may act more effectively in the interests of the parish. This is another example of the call to the laity for a greater participation (responsibility) in the mission of the Church. This mission is expected to be carried out by the laity in the exercise of their apostolate in the temporal as well as the spiritual order. And it is particularly in the areas of finance and management that laymen can make their most significant contribution to the Church, for it is in this field that lay people are often better trained than priests.¹⁷⁹ Although lay persons are to be members, the law recalls that "in all juridical matters, the parish priest acts in the person of the parish, in accordance with the law."¹⁸⁰

(3) *Parish minister/team*. In exceptional circumstances, due mainly to scarcity of priests, the pastoral care of a parish could be entrusted to one or several persons who are not priests –whether clerics, religious, or lay person. "If because of a shortage of priests,

¹⁷⁶ Cf. Can. 478.

¹⁷⁷ Can. 536.

¹⁷⁸ Cf. Can. 537; PCP-II, a.120.

¹⁷⁹ Cf. F. Testera, *op. cit.*, p. 86.

¹⁸⁰ Can. 532.

the diocesan bishop has judged that a deacon, or some other person who is not a priest, or a community of persons, should be entrusted with a share in the exercise of the pastoral care of a parish..."¹⁸¹

(4) *Other functions.* In addition to those mentioned, there are other ministries and functions the laity may exercise in connection with the life and mission of the Church. For instance, heads of apostolic movements and of charitable institutions; apostles in politics and media; promoters of Catholic schools, etc., to say nothing of other innumerable "hidden" ministries, not precisely administrative in nature, exemplified in those engaged in contemplative prayer or "prayer apostolate" and in the countless anonymous "martyrs" whose lives are a perfect witnessing to the spirit of the beatitudes.

Such a variety leads us also to a better understanding of the splendid nature of the Christian laity: "The chosen race, the King's priests, the holy nation, God's own people" (1 Pe 2:9), with the specific mission of transforming the world from within, that is, of "consecrating" the earthly realities... deputed to such a mission by baptism and confirmation!

Some Conclusions

The Church, understood by canon law in terms of communion, is succinctly described in the Code as "the People of God." All her members, by their incorporation into Christ through baptism, are entitled to take an active role in the mission of the Church: "For this reason they *participate in their own way in the priestly, prophetic and kingly office of Christ*. They are called, *each according to his or her particular condition*, to exercise the mission which God entrusted to the Church to fulfill in the world." All Christians, then, share not only the dignity of Christ but also his mission. But it is done "in their own way" and "according to their particular condition."

¹⁸¹ Can. 517 §2. The possibility of such participation arises from the basic fact of the sacrament of baptism. Those who are not priests cannot be entrusted with the full care of souls, but they may be given various liturgical and pastoral responsibilities within the parish. The Sunday celebrations in the absence of a priest is an occasion when those entrusted with their pastoral care may exercise their ministry. Cf. B.A. Cusack – T.G. Sullivan, *Pastoral Care in Parishes Without a Pastor: Applications of Canon 517 §2*. (Washington D.C.: Canon Law Society of America, 1995).

In the Church, there are sacred ministers, who in law are also called clerics, and there are lay people. Drawn from both groups are those who are consecrated to God in their own special way, who are popularly known as “religious.” Each group enjoys a peculiar, unique state recognized by the Church.

In these pages we have zeroed in our attention on the present status of the laity in the Church from the canonical point of view. Two aspects of the nature and life of the laity have been the object of our attention: their rights and obligations, and their participation in the threefold mission of the Church. As a way of conclusion, I add a few remarks that may have the resemblance of some practical guidelines for future action.

1) *Respect for the rights of the laity.* The rights of the faithful in general and of the laity in particular are to be respected. A careful study of the canons of the present Code reveals that much more attention has been given to the laity and to their rights and corresponding obligations in the Church than was the case with the previous Code. The canonical provisions regarding the Sacraments, for instance, involve the right of the faithful to receive them in accordance with their nature and purpose of sanctification, willed by Christ. A strict observance of such provisions is urged at all levels. Canon law calls for a prudent recognition of the rights of all the members of the people of God. This should not be envisaged as a threat to clerical independence or as a surrender of prerogatives, but rather as a special grace given to the Church at this time.

2) *Active lay participation.* The laity are to be encouraged not only to assume leadership in the family life ministry, but also to actively participate in the life of the Church, through associations and ministries proper to them at both diocesan and parochial levels. Although final decision-making still in most cases remains a prerogative of clerics, many of such decisions are to be made in consultation with the laity. The Code repeatedly tells pastors to get the valuable assistance of lay persons, reminding them furthermore that in varying ways lay people share in the Church’s threefold mission of teaching, sanctifying, and governing. Any attempt to identify the Church with the hierarchy, or even with the clergy as a whole, would be contrary to the very teaching of the Church and to its legislation. This presents a new challenge for all.

3) *Common priesthood and ministerial priesthood.* To attain a harmonic development of the Church's life, as organic communion, the acceptance of the different nature of the common priesthood and the ministerial priesthood is necessary, respecting consequently the diversity of functions defined also in the Code, of the sacred ministers (in law called clerics) and the laity, avoiding both the "clergyization" of the laity and the "laityzation" of the clergy.

4) *Ecclesiastical Tribunal Personnel.* Bishops, clergy and laity alike should realize of the importance of the matrimonial tribunal ministry in their respective dioceses. Consequently, they should support their establishment and operation. The preparation of adequate personnel, priests and laypersons, for the purpose has to be a priority, since ecclesiastical tribunals, in order to operate properly in the administration of justice, need to count on personnel specifically trained and apt. Only thus judicial activity, "integrated with a truly pastoral attitude and placed at the service of the truth," could be seen as a ministry in the light of the Gospel and of the Church Magisterium.

5) *Studies in canon law by the laity.* Local Ordinaries and clergy are left today with no other alternative but to encourage and facilitate some selected members of the laity (lay religious as well) to enroll in formal canon law courses, in order to acquire the proper academic degrees: Master, Licentiate or Doctorate in canon law. This is not charity, but justice, for the laity are somehow entitled to this higher formation as well as to be equipped with the required qualifications, in line with the CBCP's recommendation for lay persons to be appointed judges in the ecclesiastical tribunals. At the bottom of it, however, people need help to understand that canon law is part of the Church's patrimony; that canonical norms, by avoiding arbitrariness, take on the work of justice in the protection of rights as well as in the determination of duties; and, finally, that canon law is a valuable means for every person to live in the Church his or her vocation to salvation...

A great challenge indeed represents for us what we are seeing with our own eyes: the emergence in the Church of a mature, well-prepared, responsible lay people, committed and directly involved in carrying out the mission entrusted by the Lord to his followers. □

