

CANON LAW AND THE QUESTION OF CHURCH AND STATE IN THE 21ST CENTURY

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Introduction

Pope Benedict XVI offered this observation: “A society without laws is a society without rights. Law is a condition of love.” The legal system that we have in the Catholic Church today is the result of two thousand years of development. Even in the earliest days of the church, it became quite apparent that rules (or norms) would be needed to provide some sense of “belonging” to the group that sought to follow the teachings of Jesus Christ. Canon law which is the collection of rules guiding the life and workings of the Catholic Church, has evolved over the years. A lot of contemporary questions have arisen given the dynamics of human existential realities of which the church as a human society is not spared.

The challenge facing the Church is establishing an effective and credible system that considers universally the realities of not only European or American church but also African and Asian existential realities in the 21st century church. There are also calls by experts to ensure that the canonical system does not provoke the state into interfering into the ecclesiastical sphere. The Church does not have temporal power that can intimidate the civil state: it is the moral authority of the Church of Christ that gives it credibility and authority. If this authority is lost, the state has every reason to interfere in the internal affairs of the Church.

This paper intends to expose the reader to a basic understanding of Canon Law, its origin and sources, and its theological foundations. Given that the canon law is strictly ecclesiastical, the reader is made aware of the relationship between the canon law and the sovereign states and civil law as we look forward to an all-encompassing canonical codal system that answers the in the 21st century matters in the church.

Understanding Canon Law

Etymologically, the word “canon” comes from the Greek κανών (*kanon*), which simply means rule or norm¹ or a standard of measure. The canons are also a set of regulations governing the life and workings of the Catholic Church.² It is also the set of rules and ordinances governing the Catholic Christian community.

¹ T. P. Doyle, *Rights and Responsibilities: A catholic Guide to the New Code of Canon Law*, N.Y, Pueblo Publishing Company, 1983, pg. 2.

² A. Laschuk, “The Role of Canon Law in the Catholic Tradition and the Question of Church and State” January 14, 2019 (<https://www.cardus.ca/research/religious-freedom/reports/the-role-of-canon-law-in-the-catholic-tradition-and-the-question-of-church-and-state/>)

These set of rules are contained in the code, known as the Code of Canon Law which is a systematic collection and arrangement of such rules or norms. This code directs and orders the conduct of the people of God as members of the Church, an institution that is both a physical human society and a spiritual reality, the mystical Body of Christ.³

Despite the Church's spiritual nature, laws are still important for her good governance. This is so because the Church on earth is basically composed of not only humans but also, imperfect human beings at that. Thus laws are needed, just as in the civil society, to protect the rights of the People of God, and also to prescribe their responsibilities as members of the Christian community.⁴

The purpose of the code of canon law has therefore, remained the same from the early beginnings of the Church. This is borne out of the fact that the Church remains up to the 21st century, a multifaceted society such that, all its various aspects: sacraments, organizations, offices, temporal goods, and even its laws are ordered to a supernatural end. The code then plays a fundamental role of promoting, as well as safeguarding this supernatural end for the sake of the faithful who are the Church.⁵

As it is with every legal system, Canon Law also thrives upon some solid theological foundations and historical sources. These foundations of course have scriptural background which has as its source also, the activities of the early centuries of the Church as recorded mostly in the Acts of the Apostles. This is no doubt due to the numerous human conflicts and questions that arose in the early communities of believers. Many more questions have arisen too in the 21st century given room for calls to review the 1983 code of canon law.

These codes attempted to answer the questions of the early days up to the renaissance up to the 20th century.

1. Theological and Historical Foundations of Canon Law

Canon Law as an 'ecclesial' legal system has witnessed a period of over two thousand years of development.⁶ It has thrived, not only upon theological or scriptural foundations but all through the history of the Catholic Church. At some point in the history of the early Christian community, it became quite apparent that rules (or norms) would be needed to provide some sense of “belonging” to the group that sought to follow the teachings of Jesus Christ. The Acts of the Apostles recount a

³ T. P. Doyle, *op. cit.*

⁴ *Ibidem* (subsequently as *Ibid.*)

⁵ This then gives us a more appreciative view of the canons of the code as not merely a collection of restricting rules, but more positively as a guide to living the Christian life within a specific community, the Catholic Church.

⁶ These developments in the church later necessitated the first official codification of 1917 and much later the 1983 upgrade for the Latin Church and the 1990 Code of Canons for the Eastern Churches.

gathering of leaders of the Christian community in Jerusalem to discuss the 'the gentile' question of how best to assimilate this group into the fellowship of believers (Acts 15).⁷

a. Scriptural foundations:

The most fundamental source for all of the Church's law is that which is contained in the Scriptures, especially the New Testament. The New Testament provides numerous clear instructions for various aspects of Christian life. The Gospels provide instructions on topics such as baptism and the Eucharist (Matt 28:19; Luke 22:19; 1 Cor 11:23–25), marriage (Matt 19:3–10), the payment of clergy (Luke 10:7–12), the Church's judicial authority (Matt 18:15–17), and relations with the state (Matt 22:17–22). Saint Paul's writings offer even more guidelines for the Christian community, including: the payment of clergy (1 Tim 5:17), requirements for ordination (1 Tim 3:1–13), how to handle accusations against clergy (1 Tim 5:19), and how to relate with non-Christians (1 Tim 5:9–10). Many of these norms are later developed into legal language in future canonical collections. Canon law, in fact, can be understood in a sense to be simply applied theology.⁸

Saint Paul, as well, offers reflections on the role of law in the life of a Christian. So, while the first part of the Letter to the Romans exalts law, “So the law is holy, and the commandment is holy and just and good” (Rom 7:12), Paul later talks about the “end of law,” and one reads in that same letter, “For Christ is the end of the law, that everyone who has faith may be justified” (Rom 10:4). St. Paul also is critical of those who follow the law, writing, “All who rely on works of the law are under a curse” (Gal 3:10). He also writes, “Now it is evident that no man is justified before God by the law; for 'He who through faith is righteous shall live'; but the law does not rest on faith, for 'He who does them shall live by them'” (Gal 3:12). Despite these theological hesitations, however, the early Christians quickly recognized that any society requires rules to ensure the proper conduct of its members. It is from this basic understanding that we get that system of laws in the Church which we today call canon law.

A. Historical evolution and foundations:

The following is a brief chronological summary of some of the major highlights in the development of the Canon Law as the Church's legal system:

- c. 100 A.D. The *Didache*- a collection of instructions originating in Syria or Palestine pertaining primarily to liturgy and morality. It became the

⁷ K. E. McKenna, *A concise guide to Canon Law: A Practical Handbook for Pastoral Ministers*, Ave Maria Press, Indiana, 1999. Pg. 15.

⁸ A. Laschuk, *op. cit.*

- basis for later collections of laws for the early Church. It contained rules about baptism, Eucharist, the organization of the Christian community, and the selection and consecration of church officials.
- c. 218 A.D. The ***Traditio Apostolica*** of Hippolytus of Rome-a Greek text; a basic compendium of liturgical usages of the Church at Rome. It contained rules concerning the consecration of bishops, priests, and deacons as well as regulations for confessors, catechumens, lectors, and other diverse prescriptions concerning life in the community of believers.
- c. 250 The ***Didascalia Apostolorum***-from either Syria or Palestine. This is one of the first attempts at assembling a body of **canon law**, touching on many important aspects of community life, including: advice for widows and married couples, fasting, the manner of celebrating Eucharist.
- c. 300 The ***Canones Ecclesiastici Apostolorum***- from either Syria or Egypt, a collection of thirty chapters written in Greek, dealing with both moral norms and disciplinary regulations.
- c. 325 Council of Nicaea (the first ecumenical council)- gathering of representatives of the entire Church convened for doctrinal and disciplinary consolidation, fixing in place some long-standing practices such as the election of bishops, structural organization (e.g., **dioceses**), and the readmission of schismatics into the Church.
- The development of Canon Law was very much linked to the conciliar model of Church governance. Bishops gathered in council to discuss important issues of the day that pertained to the life of the Church. After coming to some consensus on the issues, norms (or canons) were formulated that were later transmitted to other areas where they served as models for local legislation.
- Another important early source of Canon Law was the decretals (**decrees**) of the popes. By the fourth century, the bishop of Rome was issuing responses to disciplinary inquiries from various bishops. That the pope should be consulted was a logical development, given the increasing prestige of the See of Rome and the availability of **archives** and presence of legal specialist in Rome who could assist the pope in providing good authoritative answers. These responses soon assumed the status of general law for the entire Church.
- Late 300s ***Syntagma Canonum***-collection of canons from councils of the Church, assembled at Antioch and completed in the fifth century.
- c. 500 Dionysius (Dennis) Exiguus' ***Liber Decretorum***-a canonical collection by a monk named Dennis, consisting of 50 apostolic canons, 350 canons from various councils of the Church, and 38 decrees of various popes. This was a major collection of laws utilized throughout the Church for the next several centuries.

- c. 550 **Collectio 50 Titulorum**-collection by an Antiochene lawyer Joannes Scholasticus, who brought together under about fifty titles the law of the Church current at that time.
- 774 **Dionysiana-Hadriana**-collection of laws presented by Pope Adrian I to Charlemagne, a model code based on the Dionysiana of Dionysius Exiguus.
- c. 800 **Dacheraiana**-a French collection of an anonymous priest, of great use during the Carolingian reform, touching on such subjects as penitential discipline and procedural law.
- (The following four entries are some individuals who contributed to the development of canon law.)
- 806-882 Hincmar-Archbishop of Rheims, skilled in Roman law and contributor to the science of canon law.
- 1008-1022 Burchard- Bishop of Worms issued his *Decretum*, an effort to reform the clergy of his time and increase the power of the bishops.
- 1091-1116 Ivo- Archbishop of Chartres, fostered reform and respect for papal primacy with his *Tripartita*, *Decretum*, and *Panormia*.
- c. 1140 John Gratian- completed his work, the ***Concordatia Discordantium, Canonum*** (*A Harmony of Discordant Canons*), or *Decretum*. Up until this time there was great confusion in the area of law due to the vast variety of diffuse collections.
- Gratian, a monk teaching at the University of Bologna, undertook to harmonize the various collections into a coherent whole, similar to efforts that were currently underway for a comparable **civil law** corpus. His efforts bore fruit in his *Decretum*, which became an enormously important reference work for canonists.
- 1234 ***Decretals of Gregory IX***-collection assembled to include papal decretals and conciliar canons issued since the *Decretum*, assembled by St. Raymond of Penafort. Since this was formally **promulgated** by the pope it became an authentic collection of laws for the entire church.
- 1298 ***Liber Sextus*** (*Book Six*)-(named thus since it was intended to supplement the five books that made up the *Decretals of Gregory IX*) another collection of laws, this time by Boniface VIII which included his own decretals and those of his predecessors since Gregory IX, as well as the canons of the councils of Lyons (1245 and 1274).
- 1500 ***Corpus Iuris Canonici*** (Body of Canon Law) - compilation by John Chappuis and Vitale de Thebis of the major collections of law up until that point, including Gratian's *Decretum*, the *Decretals of Gregory IX*, and other collections. It remained an important source of law for the church up until the promulgation of the first code of canon law (1917).

- 1545-1563 Council of Trent- attempted to give a canonical as well as a doctrinal basis for the internal reform of the Church which included the duties and obligations of clerics, regulations concerning ordinations, criminal proceedings, penitential disciplines, and synods.
- 1917 *Code of Canon Law*-was an important work of Pope Pius X (1835-1914) in which he attempted to codify the vast canonical tradition into a coherent whole. The actual work was done by a commission of cardinals headed by Cardinal Pietro Gasparri. After consultation with the bishops and major superiors throughout the world, the code was promulgated by Pope Benedict XV, May 27, 1917.
- A revision of the Code of Canon Law was inaugurated during the pontificate of Pope John XXIII, who announced in 1959 his desire to update the law of the Church at the same time he announced an ecumenical council (Vatican II) and a synod for the city of Rome. Pope Paul VI determined that the work of the code commission itself would not begin until the conclusion of the Second Vatican Council. The work was finally completed under the pontificate of John Paul II when the Code was promulgated, January 25, 1983. In October of 1990, Pope John Paul II was to promulgate the code of Canons of the Eastern Churches, in order that the proper disciplines of the Eastern Churches be maintained and fostered.⁹

As the Church structures developed in their formality and as conflict emerged between Christians, the laws that governed them necessarily needed to advance.

ROLE OF CANON LAW IN THE CATHOLIC TRADITION

The Church has, at various times in its history, been described as a *communitas perfecta*, a perfect and supreme society that has as its goal the promotion of salvation of humanity. A society in this understanding is an organization of members united for a common end. It is called perfect because it is complete in itself; that is, the Church does not require any external agencies in order to achieve its end of promoting salvation. Like any organization, the Church is governed by rules that enable it to achieve its end, and this is the most basic function of canon law. What is this end? While civil law is focused on temporal happiness (*felicitas*), canon law focuses on one's eternal happiness (*beatitudo*). Canon law has as its supreme law and end the salvation of souls (Can. 1752).

John Paul II promulgated the revised *Codex iuriscanonici* in 1983 by means of the Apostolic Constitution *Sacrae disciplinae legis*. Recognizing that in the aftermath of

⁹ K. E. McKenna, *op. cit.*

the Second Vatican Council the place of law in the Church was again being questioned by many, he offers the following observation on the role of canon law:

In actual fact the Code of Canon Law is extremely necessary for the Church. Since, indeed, it [the Church] is organized as a social and visible structure, it must also have norms: in order that its hierarchical and organic structure be visible; in order that the exercise of the functions divinely entrusted to her, especially that of sacred power and of the administration of the sacraments, may be adequately organized; in order that the mutual relations of the faithful may be regulated according to justice based upon charity, with the rights of individuals guaranteed and well defined; in order, finally, that common initiatives, undertaken for a Christian life ever more perfect may be sustained, strengthened and fostered by canonical norms.

This explanation offers four clear definitions for the role and function of canon law, explanations that are not present in the *Code of Canon Law* itself.

First, canon law makes the hierarchical and organic structure of the Church visible. While the Church is the mystical body of Christ, it is incarnate in physical structures on earth. Canon law provides good order to the Church and defines how it is to function. This includes questions such as how bishops are to be appointed, how the supreme governing authority of the Church is to be exercised, and norms for the acquisition and alienation of property. This provides a defined and expectable order in the Church to its members.

Second, canon law ensures the proper exercise of the sanctifying function of the Church. This respects the salvation of humanity as its primary purpose. Sacraments are understood as ways that divine grace is made present, and canon law provides clear norms for their celebration. The Church understands itself as being bound to follow the sacraments as established by Jesus Christ, and, as a result, firm conditions are required to ensure their valid celebration. These requirements are present in canon law in detailed form; for example, the Eucharist can only be celebrated by a priest (*sacerdos*) using pure bread and wine and not by a deacon using rice crackers and grape juice. These requirements ensure the sacrament is real and valid and, consequently, grace is offered in a definitive manner and is available to aid the salvation of the faithful.

Third, canon law provides rights, obligations, and methods of resolving conflicts in the Church. Like any society, the Church's members, whether physical persons or legal (juridic) persons, have rights and obligations. These are articulated clearly in

the canonical system. The canonical system also provides a system of trials and recourse to ensure the proper exercise of these rights and obligations. The Church is a firmly hierarchical society, and there are occasions where a juridic superior may not function according to the norm of law. In these cases, the one claiming harm may make recourse to a hierarchical superior. Additionally, physical and juridic persons can vindicate their rights using canonical trials and seek redress. Certain crimes can be punished according to the norm of law, and, in fact, a trial is necessary to impose certain penalties. These procedures recognize that if rights are to have any meaning, they are by their nature in need of a mechanism that ensures their enforceability.

Fourth, canon law attempts to provide the structures that sustain and direct the Church's common initiatives. These structures are defined and directed in canon law. For example, a parish or a diocese must have certain bodies that aid its superior in governing the parish or diocese. There are norms to ensure that Catholic schools, faculties, and universities follow the Church's mission. Social communications are regulated to ensure the effective and authentic proclamation of the gospel and transmission of the Christian faith. The simple facts of keeping the bills paid and the buildings open is guided by canon law.

Canon law has numerous elements in common with civil law. Both are forms of positive law established by a legislator. Both derive their ultimate governing authority from God. Both govern relationships of members within an organization, in the case of one the Church, in the case of the other the state. Both systems attempt to provide the necessary structures of governance to ensure a well-functioning society. Each has its respective sphere, however, with separate, but certainly not incompatible, goals to be achieved. This leads to a natural discussion of the relationship between the Church and the state.

3. Relationship between Canon law and civil law: Church and State

The Catholic Church recognizes the legitimate authority of the nation-state. The Church teaches that political authority is by divine mandate and derives its authority from God. This is a firm application of the Letter to the Romans, in which Saint Paul states, "Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore he who resists the authorities resists what God has appointed, and those who resist will incur judgment" (Rom 13:1–3). This theme is repeated frequently in Catholic teaching, and John XXIII writes about this in his encyclical *Pacem in terris*, which states that Human society can be neither well-ordered nor prosperous without the presence of those who, invested with legal authority, preserve its institutions and do all that is necessary to sponsor actively the interests of all its members. And they derive their authority from God.

Governance is necessary in order to maintain human society. But this authority is

from God and must be exercised according to certain principles. Legitimate authority is exercised, however, only when it seeks the common good.

Unjust laws do not bind in conscience, and Catholics are required to disobey laws that are contrary to the moral order as established by the Creator. Aquinas calls immoral laws, which he defines as laws that are contrary to reason, as 'acts of violence.' This moral obligation to refuse to follow laws contrary to the common good is based on the exhortation of Jesus Christ in the Gospel of Matthew: "Render therefore to Caesar the things that are Caesar's, and to God the things that are God's" (Matt 22:21). The same message is present in the Acts of the Apostles: "Peter and the apostles answered, 'We must obey God rather than men'" (Acts 5:29). Civil disobedience, however, is not to rise to the level of armed disobedience unless there are strict conditions satisfied.

The Church and the civil state do not possess the same role, and each has its own function. On this topic, the Second Vatican Council expresses in *Gaudium et Spes*, given the sense that, the Church, by reason of her role and competence, is not identified in any way with the political community nor bound to any political system. She is at once a sign and a safeguard of the transcendent character of the human person. The Church and the political community in their own fields are autonomous and independent from each other. Yet both, under different titles, are devoted to the personal and social vocation of the same men. The more that both foster sounder cooperation between themselves with due consideration for the circumstances of time and place, the more effective will their service be exercised for the good of all. For man's horizons are not limited only to the temporal order; while living in the context of human history, he preserves intact his eternal vocation. The Church, for her part, founded on the love of the Redeemer, contributes toward the reign of justice and charity within the borders of a nation and between nations. By preaching the truths of the Gospel, and bringing to bear on all fields of human endeavor the light of her doctrine and of a Christian witness, she respects and fosters the political freedom and responsibility of citizens.

Both the state and the Church have their proper areas of competence, and these interact with each other in a complementary relationship. This is reflected even in the canonical system, which frequently takes up civil norms into its own legal structures. What does canonical interpretation suggest should occur when there is a conflict of laws?

Canonization of Civil Law (Can. 22)

Of course, canon law and civil law are often in disharmony as we witness in contemporary times. What is to happen when civil laws and canon laws are in conflict? It is worthy of note at this point that, Canon law thus does not yield to civil

law in general, but only in certain matters.

Canon 22 of the 1983 code of Canon Law states that:

“When the law of the Church remits some issues to the Civil law, the latter is to be observed with the effects in canon law, insofar as they are not contrary to divine law, and provided that it is not otherwise stipulated in canon law.”

That is, civil laws are to be observed by the Christian faithful, except when they are contrary to divine law or if there is a contrary norm in canon law.

Canon law often makes use of civil norms: in the 1983 *Code of Canon Law* such occurs twenty-one times. Canon law does, at time, defer to civil norms. A canon may incorporate civil norms into the canonical sphere. This can also happen without explicitly citing the civil norm, but simply referring to the need to consult the civil law in an area.

Some of the areas of canonization of civil law include: of the *Code of Canon Law* indicates that legal emancipation of minors should follow the norm of civil law (canon 105). Adoption of children (Canon 877); evidential value of documents in a canonical trial (Canon 1540); contracts, marriage age, employment matters, etc are to be applied as stipulated in civil law of the state or jurisdiction.

The Church also follows civil (international) law with respect to its diplomatic relations. While there is an ancient practice of the Roman pontiff sending legates to local Churches, in modern parlance apostolic nuncios are recognized not only as ecclesiastical representatives to a particular Church but also as civil ambassadors to a political entity. Canon law indicates that these appointments are to follow the norms of international law with respect to the appointment and recalling of such ambassadors.

Civil law, conversely, can also take into itself canon law. In some countries, this results from explicit terms in a concordat.¹⁰ This is so because the Roman Catholic Church is a self-governing organization. Canon law therefore provides an internal review process for ecclesiastical disputes which is respected by many legal systems.¹¹

¹⁰ The Republic of Cameroon and the Holy See for example entered into some agreement on the legal status of the Catholic Church in 2014. Both parties (Republic of Cameroon and the Holy See) agree on legislations with regards to juridic personality of the church, and alienation of temporal goods, etc.

¹¹ “a person who voluntarily chooses to be a member of a self-governing organization and who has been aggrieved by a decision of that organization must seek redress in the internal procedures of the organization: see *Levitts Kosher Foods v. Levin* (1999), 1999 CanLII 14818 (ON SC), 45 O.R. (3d) 147 (S.C.).”

In cases of conflicts of laws, as a result, the Church clearly reserves to itself the ability to determine what is a just law in line with its understanding of the natural moral order. This ability to pass judgement on civil institutions and laws is seen as a right of the Church. The Second Vatican Council describes it clearly, stating that it is only right, however, that at all times and in all places, the Church should have true freedom to preach the faith, to teach her social doctrine, to exercise her role freely among men, and also to pass moral judgment in those matters which regard public order when the fundamental rights of a person or the salvation of souls require it.

The Church sees itself, manifestly, as holding an authority above that of the state, recognizing, again, the understanding that the authority of the state comes from God and the Church is in a position to evaluate such authority in a manner that is to be free from politics. At the same time, the Church is not “entitled to express preferences for this or that institutional or constitutional solution.” The Church is only to comment on the religious and moral implications of political program.

Agreements between Canon and Civil State Law

Recognizing that the Church and the state occupy distinct spheres, canon law is explicit in respecting the bilateral agreements that the Holy See has entered into with other nation-states. *The Code of Canon Law* indicates clearly that these agreements with nations supersede any contrary norms in canon law. The canon states, “The canons of the Code neither abrogate nor derogate from the agreements entered into by the Apostolic See with nations or other political societies. These agreements therefore continue in force exactly as at present, notwithstanding contrary prescripts of this Code” (Can. 3).

This is an application of the legal maxim, common to both canon and civil law systems, *pacta sunt servanda* (agreements must be honoured). These agreements between the Holy See and other nations are referred to by the general term “concordats.”

Concordats are a practical application of Church-state relations. In post-Reformation times some in the Church would hold that the Church is superior to the state in all things (called the “regalist” position), while others (called the “curialist” position) hold that while the Church is superior to the state, the Church can grant certain privileges to the state through agreements such as concordats.

In the contemporary era, the general approach to concordats is that the Church and the individual nation are both legal persons who are able to enter into bilateral agreements. These agreements allow the Church to establish legal recognition of its proper identity. The practice of negotiating concordats allows these agreements to be entered into according to the norms of international law and, as a result, to be

enforceable according to legal principles. This is not to say the Church and the state are equal in their status, but only that an agreement can be entered into respecting the norms of international law to the benefit of both the political and ecclesiastical spheres. Concordats are entered into in order to protect and clarify the rights of the Church and the relationship between the Church and a particular state. This is an application of the Second Vatican Council's Pastoral Constitution on the Church in the Modern World, *Gaudium et spes*, in no. 76 which states:

“The Church and the political community in their own fields are autonomous and independent from each other. Yet both, under different titles, are devoted to the personal and social vocation of the same men. The more that both foster sounder cooperation between themselves with due consideration for the circumstances of the time and place, the more effective will their service be exercised for the good of all”

To this end, concordats describe topics such as the civil recognition of academic degrees granted by ecclesiastical faculties, the right of the Catholic Church to own and register property, and the exemption of ecclesiastical properties from taxation. These are documents meant to allow the Church to perform its function effectively in a given political territory. While many of these agreements are entered into with countries or other political entities holding Catholic majorities (e.g., Italy in 1985, Bavaria in 1966, Austria 1969, Cameroon 2014), concordats have also been developed with countries holding non-Christian majorities (e.g., Tunisia in 1964, Morocco in 1985, Israel in 1993).

Conclusion

The question of Canon law in the 21st century has taken us into an indepth understanding of not only what canon law is, but also exposed us to the foundational evolution of same.

The evolution of canon law from its theological and historical foundations have confirmed the principle of law which says: *leges humanae nascuntur, vivunt, moriuntur* (laws of man are born, live, and die). No doubt this process of evolution has shown that a lot is still needed to be done to make canon law more effective in the 21st century. This is so because of the new wave of contemporary questions that need answers. Some of these questions include: complicated marriage issues, sex scandals, pornography, rights and responsibilities of the faithful, and procedures for dealing with those problems in the church as a human society. A good attention to these issues will answer the question “What is the future of the canonical system in the 21st century?”

Kudos to the Holy Father, Pope Francis who in recent years, has been engaged in frequent revisions of canon law. It is our believe and hope that these revisions will bring about a good canonical legal system or codal system that will adequately respond to the 21st century challenges and achieve discipline that makes rom for the effective proclamation of the gospel so that the people of God can obtain salvation.

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