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The Challenges of Canon Law in the Church of the Third Millennium: Reflections on His "Sociality" from the Italian Doctrine

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Abstract: In the challenges that the digital era currently poses, the Church can demonstrate how canon law, both in its cognitive and regulatory dimensions, can innovate by protecting Tradition, guaranteeing the depositum fidei, respecting the intangibility of the principles of divine law in the adaptability of its content, and through a change of paradigm constituted by a plurality of techniques and shared methods that evolve, replace themselves, complement each other, and are integrated for the attainment of *salus animarum*, supreme lex Ecclesiae.

Keywords: standardization; innovation; *salus animarum*

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1. Introduction

«Having examined the course of my life, I see clearly what the Lord wanted mainly from me, that is, he wanted my cooperation in the formation of the Code of Canon Law, so necessary to the Church and so desired by all» (Gasparri 1937, vol. IV, p. 3). With these words—which highlight its pragmatic, unifying, dialogic and pastoral spirit, able to offer the canonical law of the third millennium a model for renewal without losing one's own identity, thus responding to the major global challenges—Cardinal Gasparri opened his report at the International Legal Congress held in Rome from 12–17 November 1934 and published in 1937 in the volume of the relevant acts, and then going on to trace the history of the codification of canon law for the Latin Church. A history, that of canon law and its codification, which is characterized not so much and not only by «the evolution of the internal system and the principles on which the juridical institutions of the Church are structured, as well as its effective capacity to respond to the needs posed by contemporaneity, and therefore on its capacity for "innovation" in relation to "tradition"» (D'Arienzo 2018, vol. 25/1, pp. 70–71). This allows him to be characterized by a peculiar "sociality" that can become the interpreter of a true humanism implemented through legal experience, as well as statutory ordinal realities, but without reducing himself to a mere imitative process. If, however, the binomial secular right, or better still Constitution/sociality is more understandable given the dynamism characterizing the relationship between political dimension and social change, the less intuitive is the endiadi canon law and sociality, especially if for "government of society" means the ability not only to read, but also to apply in a timely and adequate manner the rules to the "signs of the times".

The different sociological perspectives through which, in the years following the Constituent Assembly, the relationship between sociality and towards whose solutions the political strategies, developed to try to regulate the relationship between politics and

society, are rooted in the perspectives of "primacy of sociality", "social pluralism", "long-term" and "opening to the new". This was outlined by Aldo Moro during the years of his government and whose elaboration had originated from reflections on the relationship between political dimension and social reality at a historical moment in which Italian society, and not only, seemed to be characterized by the inafferrability and the lack of homogeneity of the elements of which it was composed, thus making it essential to refer to the Constitution as a central factor for the construction of national identity[1]. The opening to the "new" seems, on the contrary, less evident in the context of Church law, where «a reconstruction of the codicial discipline based on the renewed pneumenological approach passes necessarily through the valorization of the Church as communio and the redefinition of the current vision of the social dimension of the Chieda itself, still today based exclusively on positivist categories» (Varalda 2024, vol. 1, pp. 19–20). The intangibility of the principles derived from divine law would then seem to overshadow that conciliar reading of society capable of making canon law once more flexible and fluid, constantly oriented to the *salus animarum* and that precisely in its relationship with human sociality in terms of regulation, it highlights its being "dynamic", "elastic", "flexible".

More precisely, it is in this "dynamic" that canon law reveals its sociality. The same sociality in which Moro's thought revolves around the idea that law should not be a rigid structure, but a dynamic system rooted in human relationships and social realities. For Moro, law should reflect the collective will and the common good, promoting inclusion and dialogue. Aldo Moro's concept of the sociality of law is based on the belief that law is not an abstract or static entity, but a living system shaped by human relationships and social dynamics. Moro emphasizes that law should reflect the common good and promote dialog and participation within society. According to Moro, legal norms should evolve with changes in society, promoting a sense of collective responsibility and cooperation rather than mere authority and coercion. Moro saw sociality as essential to democracy and argued that law should serve as a tool for balancing individual freedoms with the broader interests of the community. His thinking resonates with the idea that true justice emerges from the interaction between legal structures and people's lived experiences. More precisely, it is in this "dynamic" that canon law reveals its sociality. The same sociality that, in Moro's thought, revolves around the idea that law should not be a rigid structure, but a dynamic system rooted in human relationships and social realities. For Moro, law should reflect the collective will and the common good, promoting inclusion and dialogue. Aldo Moro's concept of the sociality of law is based on the belief that law is not an abstract or static entity, but a living system shaped by human relationships and social dynamics. Moro emphasizes that law should reflect the common good and promote dialogue and participation within society. According to Moro, legal norms should evolve with changes in society and promote a sense of collective responsibility and cooperation rather than mere authority and coercion. Moro saw sociality as essential to democracy and argued that law should serve as a tool for balancing individual freedoms with the broader interests of the community. His thinking resonates with the idea that true justice emerges from the interaction between legal structures and people's lived experiences[2].

This is the case for canon law, which expresses its sociality through the adaptability of rules by using appropriate instruments of flexibility.

2. The Adaptability of Canon Law and New Paradigms

In the law of the Church, there are known various instruments of flexibilization, as the aequitas, the gratia, the tolerari potest, since the principle of ecclesiastical economy always implies the functionality of the law to the salvation of the individual[3]. In canon law these principles play a fundamental role in balancing the rigidity of norms with pastoral

flexibility. These principles are rooted in the pastoral nature of canon law: rather than punishing, they aim to correct, accompany and reconcile. They are fundamental tools for balancing the rigidity of norms with pastoral needs and the supreme principle of *salus animarum*. If the Catholic doctrine recognizes the application of the epikeia in the event that compliance with the law proves impossible, it is equally true that the methods of flexibilization are extended to cases of necessity as well as to those of utility, of which the attempt of reading, interpretation, and application of the rules to circumstances that change with the changing of history and society, certainly represents a relevant example that cannot, however, be understood without the essential link to the theological end[4]. The fears that the codification of law might lead to greater rigidity in order to ensure legal certainty had been taken into account by the codificators of 1917, who looked with suspicion at the hypothesis that the Church could or should alter its discipline with the variation of historical situations in which it was living—also because of a possible need for "adaptation". Through the adoption of institutes proper to secularized societies, it could have overshadowed «the irreducible specificity of the mission of the Church» (Feliciani 1977, vol. 33, p. 280). On the other hand, precisely in the fact that the "code" had itself brought new rules reflecting that the renovations at that historical stage were deemed necessary, it is certainly possible to grasp an adaptation to the evolution of law[5].

The promulgation of the 1983 Code confirms this perspective because, as pointed out by Eugenio Corecco, «The new codification is no longer conducted in the sign of the rational penetration of the canonical order, but in the sign of the institutional and juridical development of the contents of the faith. The legal principle no longer prevails, but the theological one» (Corecco 1983, p. 627).

The new Code, therefore, should have allowed for greater flexibility, resulting also from the desire to transform the innovations brought by the Second Vatican Council into rules of law, having among the guiding principles for the revision of the Codex the same aequitas. Indeed, the post-conciliar codifier conceives the Code «as a programmatically open legislation to the continuous renewal of ecclesial life» (Feliciani 2018, vol. 38, p. 19), in the wake of the magisterial affirmations of Saint John Paul II: according to this «the legitimate place assigned to the right in the Church, is confirmed and justified in so far as it adapts and reflects the new spiritual and pastoral temperament», being inspired «more and more [. . .] to the law-commandment of charity» (Giovanni Paolo II 1983). Moreover, the same preface to the code stresses that even at the time of its promulgation some norms might be inadequate for rapid social transformations and subsequently require revision; the Church is able, thanks to the forces it enjoys, to renew their laws. This has occurred if we think of the more than forty canons that in about twenty years have been modified, supplemented or completely replaced concerning the most varied subjects, from faith to matrimonial proceedings, to penal matters, to the administrative sphere. Although invoking circumstances of a contingent nature, with reasons that nevertheless involve theoretical and doctrinal issues of great importance.

If in the juridical system of the Church the instruments of flexibilization play an "evolutionary function" in that «every supplementary, corrective, interpretative, and applicative act is also more or less *nomopoietico*» (Pree 2000, vol. 12, p. 388), within canon law, this aspect occupies a secondary role, given the conservative effect of the methods of interpretation established by the legislator. The instruments of flexibility are more on the level of application than on that of interpretation: the body applying the law, in line with the content of the rules formulated in an abstract way, acts "creatively", demonstrating that *aequitas* is also a tool for updating the law. Here then, the relationship between canon law and sociality emerges, which assessed in the light of the mentioned sociological perspectives and the above-mentioned flexibility tools, is equally articulated in the forms in

which it has expressed itself during its evolution. Especially in relation to the so-called "preliminary factors" for evangelization, such as the concept of human person, the right to religious freedom dialogue, witness, listening, and welcoming. According to canon law there are permanent values, as they are not subject to change with the evolution of time and are understandable in their real meaning only when compared with historical situations in their concreteness. First, the concept of human person, belonging to the tradition and heritage of Christian thought, and the principle of man as a social being (cf. Tarantino 2012, vol. 2, pp. 15–22; Pontificio Consiglio della Giustizia e della Pace 2004). The starting point for a hermeneutic reading of the relationship between canon law and society is the person, made in the image and likeness of God. The concept of person is inextricably linked to the principle of human dignity, where the term "dignity" means something sacred and therefore not available. «In this, in the dignity of the human person and in being image and likeness of God, all men are equal [. . .] because the same is the Lord of all [. . .] no one is allowed to violate with impunity the dignity of man, of which God himself disposes with great respect [. . .] because these are not rights that can be disposed of arbitrarily, but duties to God absolutely inviolable» (Leone XIII 1891). This is how Leo XIII expressed himself in the first social encyclical, Rerum Novarum of 15 May 1891, at n. 32, referring to the value of the human person. In this vein continues the Gaudium et Spes, which at no. 12 emphasizes that «this dignity of the human person lies in the fact of being image and likeness of God» (Paolo VI 1966).

Certainly the concrete man lives at the same time in the world of material values and in the world of spiritual values; therefore it is necessary to pay attention to both these planes of human existence. However, as stated by John Paul II in his speech to the UN on 2 October 1979, «the primacy of the person necessarily requires the primacy of spiritual values because without them we would not be able to use even material goods well» (Giovanni Paolo II 1979).

Canon law well emphasizes that in the concept of person there is a primacy, but there is also a kind of internal law according to which it is necessary to make order between the various goods that belong to the same person. In this context, the relationship between society and law is particularly visible, especially if we think of the new and urgent needs of a multicultural and multi-religious society in continuous evolution and constant progress, whose demands are accepted, examined and translated by the Church into a salvific perspective through the provision of appropriate instruments. For the Church to really be ad extra, it is essential, as Pope Francis affirmed in n. 20 of Evangelii Gaudium, to respond to the "missionary dynamism" inherent in the Word of God to «reach all the peripheries that need the light of the Gospel» (Francesco 2013). The preconditions for evangelization–in particular the concept of the human person, linked to the principle of human sociality that is measured with the problems of history; the principle of freedom, which favors social dialogue, as rooted in man yearning for the Absolute seeking the truth—become "factors of sociality" protected by the norms of the Church that, in the awareness of itself as an instrument of redemption of human society, contributes to the defense of the person at all times and in every place[6]. The preliminary factors of evangelization are deeply intertwined with the concept of sociality, because both place at the center the relationship with each other and the construction of authentic communities. Both evangelization and sociality aim to build spaces of communion, where the encounter with others becomes the starting point for transforming reality, uniting proclamation of faith and social commitment.

Although the codicial order, set on the intention of legislating within the internal life of the Church, avoids referring to its external relations, risking to appear more as an obstacle to the Church's evangelizing mission than as a tool for structuring the Christian community in order for this fundamental officium of the "people of God". The urgency of this was

widely stressed by Vatican II, precisely in its juridical setting, and the pastoral vocation finds the way to accompany the evolution of society and the realization of the ethos of the Christian tradition, proving an indispensable means for the completion of the tria munera and the construction of a pontifical magisterium expression of the Depositum fidei.

In fact, canon law has undergone a "paradigm shift" several times throughout its history: in the first millennium it was not yet strictly separated from theology and the canons were treated from the point of view of the oikonomia of salvation, in line with the Eastern tradition; from the twelfth century onwards, the paradigm of canon law was marked by a new rational and creative technique of interpretation and typically legal argumentation, based above all on Roman law, What makes it flexible and dynamic? The following paradigm is that of the Tridentine: the authority is the guarantor of the authenticity of the text, demanding its interpretation; at the same time, with the support of scholars, we strive to achieve a systematic unification of canon law, highlighting its obligatory nature also for the conscience. The quality and quantity of the typology of legal sources increases, and in the twentieth century the codification paradigm appears, which had appeared for the first time in that Codex iuris canonici of 1917 (cf. Fantappié 2019). Until now, this paradigm has exerted a considerable influence on the method of canon law, giving rise to a positivistic or normative conception that has de facto identified the right of the Church with the Code, reconnecting its content no longer to reality, but to the will of the legislator. In the meantime, we have entered a post-codification era, in which the solicitude of the Church emerges to meet the care of particular pastoral needs through appropriate regulation and where the codifying paradigm is no longer the paradigm par excellence. The "signs of the times", such as globalization, digitalization, the phenomenon of migration, social pluralism, profoundly influence the possibilities for action and the conditions of effectiveness of the Church, placing canon law before new and multiple challenges. With the advent of globalization and digitalization, the Church is facing new issues related to communication and the governance of its structures. Canon law must respond to challenges regarding the use of digital technologies for preaching, liturgy, and canonical justice. This implies a reflection on how traditional canonical norms can be applied in the virtual context and how to ensure the effectiveness of religious practices in a globally interconnected world, in which the change in ecclesiology and governance of the Church is also inserted, where, under the influence of a growing synodality and the participation of the laity, canon law must adapt to a more collegial Church and be less centered exclusively on the figure of the Pontiff[7]. The paradigm changes have influenced canon law, making it more open and adaptable to historical, social, and technological changes, while maintaining the integrity of its doctrine, highlighting its ability to evolve in response to modern challenges. One of these, perhaps the most important, and at least the most pervasive, is the digital challenge, which emerged with particular intensity in the pandemic period.

3. Digital Challenge and Sociality

«The pandemic emergency has handed us the web as a new liturgical space: the life of worship has moved from physical territories to virtual and multimedia places [. . .] These are future challenges that will need to be adequately addressed, knowing that canon law has shown, on the one hand, to possess antibodies to promote emergency rules able to ensure *salus animarum* and, on the other hand, to live a perennial weakness in terms of application, which solves a question about its effectiveness» (Consorti and Tarantino 2021, vol. 4, pp. 178–79). The elaboration of a reflection that supports the practical utility of canon law, too often perceived by the People of God as a mere and generic reference indication, if not even an unnecessary burden on ecclesial life, is fundamental (cf. Herranz 2002). The challenge now is addressed to canonical doctrine, which is called to ensure a mature

reflection, capable of elaborating new categories through the understanding of theological development and respect for legal language, By bringing out that model of sociality which can demonstrate the ductility of matter, Canon law, as a universal right, can offer in the era of globalization a lesson of method by proposing high principles of justice, legal institutions which are entirely peculiar, and original technical solutions in the different areas of substantive and procedural law, presenting themselves as an organization that achieves a worldwide projection. Because of its complex history of synthesis and interconnections with the different cultures of peoples and with the variety of legal systems, it allows useful lessons to be drawn for the future (cf. Fantappié 2020, pp. 1–15). It can be taken as a central element of comparison in the analysis of comparative legal systems, showing its influences and possibly the possible new interactions, since in its quality of order based on religion «can today be read and interpreted as a great manifesto of diversity», whose legacy «is therefore not only [...] a question of method: but also, and fully entitled, of merit» (Zanotti 2023, vol. 23, p. 8). In this regard, it is noted that canon law must overcome «the crisis of identity on the basis of its history, through a dialogue with theology, secular legal science and other sciences as well as with other religious rights» (Pree 2018, vol. 107, p. 239). It represents an ecclesial reality that must be guarded, enriched and understood. Precisely, the reflections around its character, nature, content and method have constituted a limit to its development, generating over time two opposing tendencies: on the one hand the tendency to theologize canon law and, on the other hand, the contiguous one of legalizing theology. Over the centuries and in different ways, canon law has tried to justify itself and its own function without being linked to theology, maturing legal concepts that have gradually built it up and represented it as a substitute for statutory rights, putting it in a self-referential dimension[8].

The substantial tension between theology and law, which led to the conviction that there was a need to establish a discipline capable of unravelling certain questions, is to be found in the debate on the foundations of canon law between Catholic tendencies and Protestant instances, the basis of Klaus Mörsdorf's approach, and that of the Munich school[9]. With these presuppositions it was the same with John Paul II to reiterate several times that the relationship between canon law and theology was not only necessary but substantial, reaffirming the evidence that theology founded the norms, since «the authentic interpretation of the Word of God, carried out by the Magisterium of the Church, has legal value insofar as it concerns the juridical sphere, without needing any further formal passage to become legally and morally binding» (Giovanni Paolo II 2005, vol. 97, p. 166).

The relationship between theology and law is not merely a question of institution or of ontological foundation of law, whose nature remains that of being an expression of the human juridical dimension and, therefore, symbolic mediation and, in this sense, the privileged place of ecclesial practice, but not the only one founding its manifestations (cf. Del Giudice 2023, vol. 64, pp. 149–69). In its quality of ethical-confessional order, in fact, it defines its own normativity in relation to axiological contents, fixed by virtue of a revelation of divine origin; the constitutive values and principles of this order repeat therefore from the revealed message traits of objectivity, completeness, and overordering with respect to the variety of subjective convictions and historical-cultural contexts. The theoretical incompatibility between the transcendent qualification of ecclesial juridicality and the identification of law with the set of values and rules shaped by the mobile social consciousness of a given collectivity, and actually observed and followed within it, is contradicted by the implicit recognition of the normative value of living law that can be found in certain norms and canonical institutes (Ruscazio 2018, vol. 25, pp. 122–27).

Living canon law is, then, the set of effective rules of ecclesial action, which realize, or at least do not contradict, the deontic criteria derived from the evangelical kerygma, because

not only is it not impervious to the vital needs of the human communities in which it fits, it can even function as a laboratory for the experimentation of effective ways of interaction between normative typos and kairós of particular historical and existential situations[10]. Precisely, in the tensions between religious tradition and cultural changes, canon law in the contemporary context can consolidate its role in regulating the life of the faithful and in its interaction with public institutions, contributing to the debate on how the Church can operate within pluralistic and secular societies. In this sense, its sociality is evident in its being not only an internal normative system, but also an instrument of regulation of relations within the ecclesial community and, more generally, in society. It is not just a set of static legal norms, but a system that responds to the needs of a living community, that of the faithful. In this sense, several aspects make it a social right, such as the fact that it is not limited to regulating relations between individuals and ecclesiastical institutions, but deals with the cohesion and participation of the Christian community, recognizing the communio fidelium, not just the authority of the hierarchy. In addition, canon law balances eclectic norms with principles such as the aequitas and the tolerari potest, placing itself not purely as punitive or as bureaucratic right, but aimed at the common good and the *salus animarum*, supreme lex ecclesiae. Canon law evolves to respond to changes in society, and the application of norms often depends on pastoral discernment, with attention to the concrete needs of the faithful. Canon law is a social right because it is not only a set of abstract norms, but an instrument of organization and cohesion of the Church as a society, capable of adapting to the needs of the faithful and of dialoguing with the contemporary world[11].

And this dialog today must of necessity also take place through the new tools that the digital age has to offer. The intersection of digital technologies and canon law presents new challenges and opportunities for the Catholic Church. The evolution of communication, data management, and virtual interactions affects various aspects of ecclesiastical governance, pastoral care, and sacramental life. One key issue is the promulgation and accessibility of canonical norms. Digital tools allow for the instant publication of legal texts, ensuring that clergy and faithful can access up-to-date canonical regulations. However, this raises questions about the officiality and juridical value of online documents compared to printed versions. Another crucial aspect is privacy and data protection in ecclesiastical contexts. The Church handles sensitive personal data, including sacramental records, tribunal proceedings, and pastoral information. The implementation of digital storage and communication systems requires alignment with both canonical and civil data protection norms while maintaining the confidentiality expected in ecclesiastical matters. The role of digital media in evangelization and catechesis has expanded significantly. Online platforms facilitate the dissemination of religious teachings, enabling broader participation in catechetical programs. However, this digital shift demands discernment regarding the authenticity and authority of online religious content.

A particularly delicate topic is the impact of digitalization on the administration of sacraments. While digital platforms offer new forms of spiritual engagement, sacramental theology emphasizes the necessity of physical presence. The validity of sacramental acts, such as confession and the Eucharist, remains contingent on in-person interaction, raising concerns about the theological and juridical implications of virtual liturgical participation. Finally, ecclesiastical legal procedures are being reshaped by digital technologies. Canonical tribunals are exploring electronic documentation and virtual hearings, which can enhance efficiency but also necessitate careful regulation to ensure due process and procedural fairness. The Church's response to these developments involves a careful balance between tradition and innovation, ensuring that digital adaptations align with theological principles and canonical norms, while addressing contemporary pastoral and legal needs[12].

In order for canon law to recover its centrality in the law of the Church by making use of digitization and reconciling itself with theology, it is necessary to follow lines of thought suitable to grasp the challenges of the present time, highlighting the practicality of the rules that constitute it, historically contingent and therefore variable in time and space; making a more careful distinction between law and morality, so that the teleological relevance of its purpose makes the principles of equity, of flexibility and elasticity tools usable by the canonist in a legal and not moral sense; valuing the pontifical magisterium, in such a way that law and pastoral live a mutual relationship ancillare where the fracture between "believe" and "do" the prospect of an effective decentralization in the development of canon law in the global reality of the Church is recognized, so that in canonical law every solution can always be functional to the *salus animarum*, only justification of the norm (cf. Consorti 2017). It constitutes "one" of the structural components of the ecclesial mission itself: not so much a "lex", even only substantial, but the end, the very purpose of the ecclesial mission that Christ has entrusted to the Church.

The norma missionis, therefore, constitutes a meta-juridical concept of juridical-constitutional scope that highlights the salvific intentionality both of orthodoxy and of ecclesial orthopraxis in the interaction between people and the Church, since it expresses the normative nucleus, objective and indispensable of the identity, life, and institutional activities of the Church. This in their constitutive finalization to the announcement and realization of eschatological salvation already operating in human history in existential and sacramental key—its both personal and community component (cf. Gherri 2018, vol. 2, pp. 126, 129). Hence, the usefulness and actuality of canon law continues in the cultural and legal formation of contemporary jurist[13] as well as its irreplaceable role, as an instrument placed at the service of the mission of the Church and, at the same time, an indispensable foundation of its autonomy and independence vis-à-vis the State. This constitutes the basis of that "institutional dualism" from which the "secularization" of politics and, with it, constitutional democracy and human rights doctrine developed in the West (cf. Cavana 2020, vol. 12, p. 88).

4. Conclusions

The spirit with which Cardinal Pietro Gasparri drew up the 1917 Codex Iuris Canonici can offer valuable insights for adapting canon law to the challenges of the third millennium, despite the radically different historical context. Gasparri did not conceive canon law as a rigid and immutable system, but as an instrument at the service of the Church and her mission. This realistic and pragmatic approach can be translated today into pastoral flexibility, ensuring that canon law is able to respond to social changes—such as migration or the use of artificial intelligence—without betraying the fundamental principles of faith. But also in an institutional adaptability, so that canon law can evolve to deal with the growing secularization and religious pluralism. Gasparri wanted a unitary code to give coherence to ecclesiastical norms. By refocusing its attention on the legal order and drawing inspiration from its inclusive logic, the Church of the third millennium can strengthen the protection of the rights of the faithful. Through canon law it can translate the original spirit of unity: on the one hand into global coherence, capable of strengthening the communion between the local Churches, maintaining a clear legal structure, but capable of valuing cultural differences; on the other hand in synodality, integrating norms that promote the participation of lay people and dialogue between Churches. The aim of *salus animarum* today can stimulate a canon law that is more inclusive of the peripheries, paying attention to the needs of the Churches in the most marginalized contexts, and more merciful, promoting reforms that facilitate access to the sacraments. In this regard, to consider how digital technology is having a growing impact by opening up complex questions, especially

regarding the sacraments online. The issue of the sacraments celebrated in digital form is particularly delicate, since canon law requires, for the validity of the sacraments, physical presence in almost all cases. In particular, in the Eucharist and in Reconciliation the physical presence is essential, since transubstantiation in the Eucharistic rite requires the concrete matter and the real presence of the priest. Likewise, confession by telephone or video call is not valid (can. 960 CIC) because sacramental communication demands personal encounter. But, certainly, digital technology raises other issues that canon law is facing. It is enough to think of the digital archive of the sacraments, which raises questions about the security of personal data and canonical confidentiality (can. 220 CIC). Or the ecclesiastical jurisdiction online, repeatedly recalled by the current Pontiff who has highlighted the need to regulate the digital pastoral activity, posing the problem of how to exercise ecclesiastical authority on social platforms (cf. Papa Francesco 2022; Dicastero per la Comunicazione 2023).

The recent Magisterium—from Benedict XVI to Pope Francis—emphasizes how digital can represent a pastoral space, and can push canon law to evolve, even with a strong anchoring to the physical sacramental reality (cf. Gisotti 2023). In this sense, the COVID-19 pandemic highlighted several weaknesses in the practical application of canon law, revealing tensions between traditional norms and emerging pastoral needs, especially in the sacramental area. It was the case with the suspension of confession in the presence of numerous dioceses, which has left unresolved the issue of acquittals by phone or video conference, with a rigid application of the norms that did not respond to urgent pastoral needs and without providing indications on how to consider spiritual participation in the celebrations. The absence of a canonical protocol for global emergencies has highlighted the risk of uneven pastoral decisions, putting to the test the supreme principle of *salus animarum* where the strict application of the norms seemed to hinder pastoral care, creating the impression that the observance of laws prevailed over the immediate spiritual good of the faithful, and the lack of normative updating seemed to show a certain distance between canon law and lived reality. Precisely, these weaknesses emerged during the pandemic and the need to adapt to the digital age can stimulate canon law to intervene on different levels, maintaining the balance between loyalty to tradition and openness to innovation, especially through practical-legal institutions which once again demonstrate its "flexibility". This can start from the preparation of a reform that contemplates a special regulation for global emergencies, offering extraordinary sacramental solutions without compromising doctrine, defining permissible virtual liturgical forms, disciplining digital justice in a way that ensures the continuity of canonical processes, clarifying the competences of bishops and the Holy See in extraordinary situations. This reform should necessarily be accompanied by a theological reflection on the presence of the Church in digital, which can clarify the meaning of its presence in the digital sphere without compromising the centrality of the physical community, and that it helps to promote a digital synodality through the use of online platforms to broaden the participation of lay people in the synodal processes, formalizing in canon law the possibility of virtual consultations (cf. Tarantino 2021, pp. 199–234).

The adaptability of canon law today is manifested in its ability to respond to new pastoral, social, and technological challenges, while maintaining the fundamental principle of *salus animarum*—the salvation of souls—as the ultimate goal of norms. While it is based on non-negotiable theological and sacramental principles, it has mechanisms of flexibility to adapt to concrete situations. It starts from the key principles of the canonical aequitas, which allow interpretation of the norms with justice and mercy, applying the law so that it does not become an unsupportable burden for the faithful, and of the tolerari potest, that allows the Church to endure certain irregularities when the rigidity would risk harming the community or souls. The adaptability of canon law today is on three levels: regulatory flexibility, legal updates, integration of digital. This ability to evolve, without distorting

doctrinal principles, makes canon law a unique legal system, capable of being at the same time firm, dynamic, and "social". In this sense, the concept of sociality of Aldo Moro and the challenge of opening to the new canon law can be deeply intertwined, especially in the perspective of a Church that lives in history and in concrete communities. For Moro, sociality is not just an abstract principle, but a constant tension towards dialogue, the encounter with others, and adaptation to social dynamics without losing one's identity. This is clearly reflected in the idea of a political community that evolves while maintaining its founding values. Similarly, canon law, although rooted in immutable theological principles, must respond to social, cultural, and technological changes. The heart of this report lies in two points. The first consists in the concept of community as a center of legal action, where for Moro sociality implies that laws are not rigid, but reflect the common good and the dignity of the person, just as in canon law there is the primacy of *salus animarum*, that the norms exist for the good of souls, not for a sterile legalism. The second, in opening to the new as a historical responsibility, where Moro saw change not as a threat, but as an opportunity to strengthen democratic principles. Likewise, canon law addresses the challenges of digital and global emergencies not by denying them, but by seeking pastoral solutions. The adaptability of canon law finds points of contact with the concept of sociality outlined so far in that it embraces the complexity of human and social situations, balancing law and mercy; it dialogues with technological and cultural innovations without betraying its own spiritual mission; it promotes synodality as a social dynamic within the Church, reflecting the principle of a community that walks together.

This was stressed during the Conference of the Association of university teachers of the legal discipline of the religious phenomenon (ADEC) held in Turin 2022 under the title "The synodality in the normative activity of the Church, the contribution of canonical science to the formation of proposals for laws", in which the theme of synodality in relation to future social changes was discussed, highlighting the need for a renewal of the Church to face the challenges of the contemporary context. In particular, the Conference highlighted the link between synodality as an ecclesiological principle and the social transformations that are influencing global society, underlining how synodality can be the answer to contemporary challenges, placing itself as a crucial element for a Church that wishes to be closer to the social reality and the concrete needs of people. In opening to change, synodality is also the method for participation and co-responsibility, fostering a more dynamic and responsive Church in the face of rapid social changes, presenting itself as an opportunity for the Church to discern together future challenges and to respond to them with collective decisions, based on mutual listening and accompanying people. Therefore, it is necessary to have synodal instruments that allow involving the younger generations, favoring an opening to the themes that will characterize the future society, such as environmental issues, digital rights, intercultural dynamics, enabling the synodality to connect with the universal dimension of the Church, calling not only to respond to local needs but to interact with the global world, especially through the use of new technologies. In this sense, synodality is not only an internal process of the Church, but an opportunity for dialogue with the outside, to build a Christian community that is witness of justice and peace in a world in constant evolution. Synodality is an instrument of renewal and adaptation to social changes, not only through the reform of ecclesiastical structures, but also as a form of active participation that involves all members of the Christian community in discerning future challenges[14]. Addressing the question of the reform of canon law in relation to synodality and the future of the Church means, then, understanding that canon law, although being perceived as one of the most resistant areas to reforms within the Church can find the capacity to reform itself in the promotion of a greater synodality, understood as active participation and co-responsibility of all members of the ecclesial community. The current

Codex Iuris Canonici already offers space for synodal practices, but it is necessary to implement reforms that make these practices more effective and incisive. The synodality can be a way to face the present and future challenges of the Church, promoting an open and inclusive dialogue among all the faithful, in an approach that aims to make the ecclesial order more conforming to the needs of the contemporary world, fostering a Church that is more participative and attentive to the needs of its members, through the application of a practical canon law" (cf. Guzzo 2024). In dealing with the practicality of canon law, it is necessary to focus on the concept that canon law is not only a set of abstract or theoretical norms, but must be applied concretely in the daily life of the Church, in its institutions and interactions with the faithful (cf. Cavana 2022).

The practicality of canon law refers to its ability to respond effectively and promptly to the real and daily needs of the Church, ensuring that canonical norms do not remain distant from pastoral reality and concrete situations. The key concepts of the practicality of canon law become as follows: concrete application of norms, adaptation to contemporary needs, balance between justice and mercy. This vision is well integrated with that of Corecco and Mörsdorf. For Corecco, while maintaining the necessary legal rigor, canon law must nevertheless be adaptable to pastoral needs and respond to the concrete needs of the faithful and ecclesial institutions. He recognizes that the Church needs laws that are both stable and dynamic, capable of responding quickly to social changes and pastoral challenges. Mörsdorf, on the other hand, focuses on flexibility and the importance of an adaptive interpretation of canon law. In relation to practicality, it emphasizes the appropriate response to contemporary challenges, suggesting that canon law should be applied with a pastoral vision that takes into account the concrete situations in which the faithful find themselves and not only laws in the strict sense. Both emphasize the need for a canon law that is not only theoretical, but can respond to the real challenges of the contemporary Church.

Canon law must be practical, capable of adapting to pastoral needs and interpreted in a flexible way to respond to the concrete situations in which the faithful find themselves, without losing their legal integrity. Updating canon law to make it more flexible, without betraying its sacramental and pastoral nature, is a delicate but possible challenge. The key is to balance legal adaptability with theological fidelity to the fundamental principles of the Church, strengthening synodality in the legislative process, applying the principle of pastoral elasticity, responding with adequate reforms to digital innovation, adequately training the clergy in a juridical-pastoral sense, and providing legal mechanisms that allow for greater dialogue between local laws and universal law (cf. Consorti 2022).

In the current challenges posed by the digital age, the Church can demonstrate how canon law in both in its cognitive dimension (functional to the ordinal role played by the same right in the mission of the Church) and in its regulatory dimension (which differentiates canon law from theology and pastoral law and links it to its productive function), can be innovated through a paradigm shift consisting of a plurality of shared techniques and methods that evolve, replace, complement each other, and are integrated for the achievement of the *salus animarum*, supreme lex Ecclesiae, strengthening the centrality of the human person and contributing «to the construction of a new humanism capable of retying the threads that today seem broken, to recover the sense of that meeting Jerusalem, Athens and Rome that has formed Europe» (Condorelli 2020, vol. 32, 2, p. 761).

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Notes

1 On topic cf. (Tarantino 2019, pp. 125–220).

2 For more information, see (Grassi 2018).

3 On notion about *aequitas* and on function cf. (Colombo 2003; Solidoro Maruotti 2012, vol. 1, pp. 207–320; Grossi 2015, vol. 1, pp. 1–13; Serra 2017, vol. 36, pp. 2–18).

4 cf. (Berkmann 2017, vol. 28, pp. 1–5). On the purpose of the *salus animarum*, see the contributions on *La salus animarum nell'esperienza giuridica della Chiesa*. In *Ius Ecclesiae* 2/2000: 291–532; (Pellegrino 2004, vol. 44, n. 87, pp. 141–51).

5 Cf. Burkhard, J. B. *La codificazione del diritto compromette la sua flessibilità?*, cit.: 8. On the codification of 1917, see *inter alia* Tedeschi, M. 2000. *La codificazione canonica. Problemi metodologici*, in Id., *Scritti di diritto ecclesiastico*, III ed., Milano e Fantappiè, C. 2008. *Chiesa romana e modernità giuridica*, t. II, *Il Codex Iuris Canonici (1917)*, Milano.

6 By placing concrete, historical man, with his hopes and disillusions, his strengths and weaknesses, at the centre of the social dimension, the Church bears witness to her unconditional love for humanity (cf. Paolo VI 1973).

7 The reformability of canon law is particularly visible in synodality, which promotes greater participation by all components of the Church and implies an update of canon law that takes into account shared governance. Although important decisions are the prerogative of the Pontiff and the Curia, the synodal consultation becomes a privileged channel for identifying the concrete needs of Christian communities and bringing canon law closer to daily life. A fundamental part of the reformability of canon law is precisely its pastoral dimension, which implies a balance between legal justice and pastoral mercy. The Church must know how to apply norms so that they are instruments of spiritual growth and not merely instruments of control or condemnation. The changes to canonical laws, such as the reform of marriage processes, are examples of how canon law has been reformed to respond to new pastoral needs, such as support for families in difficulty or the possibility of greater accompaniment of the faithful. Reformability, then, is closely linked to paradigm shifts, since canon law must be able to adapt to transformations in social and religious models. The paradigm shifts concern not only historical changes, but also new theological and pastoral challenges. The reformability is therefore linked to new theological and pastoral understandings, to a view towards a pluralistic and globalized world, to the response to new technologies and digitization, without compromising on one's own theological and legal identity (cf. Berlingò 2022).

8 For further details cf. (Gherri 2007).

9 The theology of law developed in the Catholic canon with the teaching of Klaus Mörsdorf shows its deepest roots in the explicitly Germanic problem of the legal autonomy of the Churches in relation to the State. The question was posed by Sohm denying any foundation to such autonomy and stating that Kirchenrecht is the exclusive competence of the State and contradicts the nature of the Church. Therefore, the Kirchenrecht of Sohm was the right of the State on the Churches, while that of Mörsdorf was the right of the Church on itself (canon law), a single term for two irreconcilable realities (cf. Gherri 2010, vol. 50, pp. 221–53).

10 On the application of the concept of living law in canon law, cf. (Mazzola 1996).

11 For more details see (Ventura 2012, pp. 35–52).

12 To learn more, see (Santoro et al. 2024).

13 On this point, see (Parisi 2019, vol. XXXV, pp. 601–11).

14 For more on synodality and the challenges for the future of the Church, see the contributions in the volume *Synodality and Reform. An ecclesial challenge*. Queriniana, Brescia 2022.

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