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# The Digital Environment as a Space of the Evangelization Activity: New Dimension of the Obligations Arising from the Prescripts of can. 822 CIC

**Abstract:** Contemporary papal enunciations are characterized by the assertive—active and optimistic, yet risk-conscious and non-critical—ecclesial approach to the opportunities/challenges of the “digital age.” If we follow these indications, imbued with the concern for the effectiveness of the evangelizing mission in the new socio-(technological-)cultural realities/contexts, and at the same time bear in mind the rule that the Church’s legal practice must take into account the current conditions of human existence—it becomes clear that this authoritatively outlined horizon of the “signs of the times” poses a challenge to theological sciences, including the canonical doctrine. As far as the latter is concerned, leaving aside the often urgent need for legislative changes/adjustments (given the peculiarities of the various regions of the world—above all at the level of particular law), the role of experts in presenting a renewed, adequate *hic et nunc* interpretation of certain nodal canons of the *Code of Canon Law* remains invaluable. We may argue that such include the prescripts of can. 822. Hence, this article attempts a two-stage delimitation of the problem *meritum*—according to the research steps announced in the title: (1) The digital environment as an indispensable space of the evangelization activity; (2) The new dimension of the obligations of the Church’s Pastors imposed by the prescripts of can. 822 §§ 1–3.

**Keywords:** “signs of the times,” communication and community in the “digital age,” legal elements of the ministry of the Word, tasks of church pastors-legislators, introducing order to and interpretation of the “new living space,” optimizing the Church’s evangelizing mission

## Introductory Remarks

“The digital media revolution of recent decades has proved to be a powerful means of fostering communion and dialogue within our human family.”<sup>1</sup> This characteristic passage from Pope Francis’s message to the representatives of the World Catholic Association for Communication (an association of media professionals operating in 140 countries) gathered at the SIGNIS World Congress 2022<sup>2</sup> all too clearly reveals the assertive—active and optimistic, yet risk-conscious and non-critical—ecclesial approach of the present Shepherd and Legislator to the opportunities/challenges of the “digital age.” Indeed, the papal enunciation is a clear signal that the Church’s response to the rapidly progressing civilizational processes of the formation of the digital society must be a wise and consistent delineation of the foundations of a positive program, included in the current of implementation of the conciliar paradigm<sup>3</sup> *Ecclesia semper reformanda*.<sup>4</sup>

The meaning of the papal message is abundantly clear. On the one hand, the fact that the virtual world has become a daily space of human life raises a number of serious ethical issues, poses a new dimension of responsibility and tasks for pastoral workers—necessarily in alliance with committed and competent lay Catholics, such as members of the international association for the Catholic communications professionals—which they cannot evade. Here Francis, focusing his attention on social media users, points explicitly to the urgent need “to assist especially young people, to develop a sound critical sense, learning to distinguish truth from falsehood, right from wrong, good from evil, and to appreciate the importance of working for justice, social concord, and respect for our common home.”<sup>5</sup>

<sup>1</sup> Francis, “Message to the Participants in the SIGNIS World Congress” (August 15, 2022), <https://www.vatican.va/content/francesco/en/messages/pont-messages/2022/documents/20220715-messaggio-congresso-signis.html>, accessed February 14, 2023,

<sup>2</sup> *SIGNIS World Congress 2022*, Seoul, August 16–19, 2022, <https://www.signisasia.net/signis-world-congress-2022/>, accessed February 14, 2023.

<sup>3</sup> See George Weigel, “Re-Forming the Church,” *Plough Quarterly* 14 (Autumn 2017).

<sup>4</sup> It is safe to say that Pope Francis has made this very paradigmatic idea the motto of his pontificate—in his famous proclamation: “The path of synodality [is the path—A.P.] which God expects of the Church of the third millennium.” Francis, *Address at the Ceremony Commemorating the 50th Anniversary of the Institution of the Synod of Bishops* (October 17, 2015), [http://www.vatican.va/content/francesco/en/speeches/2015/october/documents/papa-francesco\\_20151017\\_50-anniversario-sinodo.html](http://www.vatican.va/content/francesco/en/speeches/2015/october/documents/papa-francesco_20151017_50-anniversario-sinodo.html), accessed February 14, 2023. See Andrzej Pastwa, “Synodality—Participation—Co-Responsibility. Remarks on the Determinants of the *Aggiornamento* of the Church Law,” in *Idea of Synodality: Contexts, Challenges and Perspectives* (I), ed. Andrzej Pastwa, *Ecumeny and Law* 7 (2019): 95–114.

<sup>5</sup> Francis, “Message to the Participants in the SIGNIS World Congress.”

On the other hand, the rapid development of modern forms of communication (interpersonal, group, mass), which is taking place before our eyes, does not in any way escape the thought of the Holy Father. On the contrary, it is a reminder to the direct and indirect addressees of the “Message” that an indispensable feature of true communication—nowadays often involving digital technologies—is a service to dialogue and understanding between individuals and larger communities in the pursuit of a serene and peaceful coexistence.<sup>6</sup> A kind of bracket that binds this papal statement (in a way “programmatic,” because it also identifies in the sphere of social media the potential to stimulate the dynamics of the synodal work of the new evangelization<sup>7</sup>) is the papal recommendation contained in the recent “Message for the 57th World Day of Social Communications” (2023): “I dream of an ecclesial communication that knows how to let itself be guided by the Holy Spirit, gentle and at the same time, prophetic, that knows how to find new ways and means for the wonderful proclamation it is called to deliver in the third millennium.”<sup>8</sup>

If we follow these indications of the Shepherd of the Sheep of Christ, imbued with the concern for the effectiveness of the constitutive—because ecclesiocreative (!)—of the evangelizing mission<sup>9</sup> in the new socio-(technological)cultural

<sup>6</sup> Francis, “Message to the Participants in the SIGNIS World Congress.”

<sup>7</sup> Andrzej Pastwa, “‘Accompanying Migrants’ as a Touchstone of the Realisation of the Synodal Church Idea. A Canonist’s Remarks,” in *Migration—Ecumenism—Integration* (II), ed. Andrzej Pastwa, *Ecumeny and Law* 9, no. 2 (2021): 8–12. See International Theological Commission, *Synodality in the Life and Mission of the Church* (2018), [http://www.vatican.va/roman\\_curia/congregations/cfaith/cti\\_documents/rc\\_cti\\_20180302\\_sinodalita\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20180302_sinodalita_en.html), accessed February 14, 2023. See also Joachim Schmiedl, “Synodalität in der katholischen Kirche – ein »Zeichen der Zeit«. Anmerkungen im Anschluss an ein Dokument der Internationalen Theologienkommission,” in *Rechtskultur und Rechtspflege in der Kirche. Festschrift für Wilhelm Rees zur Vollendung des 64. Lebensjahres*, ed. Christoph Ohly, Stephan Haering, and Ludger Müller [Kanonistische Studien und Texte, vol. 71] (Berlin: Duncker & Humblot, 2020), 339–351.

<sup>8</sup> Francis, “Message for the 57th World Day of Social Communications” (January 24, 2023), <https://www.vatican.va/content/francesco/en/messages/communications/documents/20230124-messaggio-comunicazioni-sociali.html>, accessed February 14, 2023.

<sup>9</sup> “Die ganze Welt mit der Schönheit des Evangeliums bekannt zu machen, indem sie Jesus Christus als wahren Gott und wahren Menschen verkündet, das ist und bleibt die hohe Pflicht und der hohe Auftrag der Kirche zu allen Zeiten.” Georg Gänswein, “Neuevangelisierung. Weg und Herzmitte der Kirche in unserer Zeit,” in *Theologia Iuris Canonici. Festschrift für Ludger Müller zur Vollendung des 65. Lebensjahres*, ed. Christoph Ohly, Wilhelm Rees, and Libero Gerosa [Kanonistische Studien und Texte, vol. 67] (Berlin: Duncker & Humblot, 2017), 41–42. See more: Benedict XVI, “Apostolic Letter in the Form of Motu Proprio Establishing the Pontifical Council for Promoting the New Evangelization *Ubicumque et Semper*” (September 21, 2010), [http://www.vatican.va/content/benedict-xvi/en/apost\\_letters/documents/hf\\_ben-xvi\\_apl\\_20100921\\_ubicumque-et-semper.html](http://www.vatican.va/content/benedict-xvi/en/apost_letters/documents/hf_ben-xvi_apl_20100921_ubicumque-et-semper.html), accessed February 14, 2023.

realities/contexts,<sup>10</sup> and at the same time bear in mind the rule that the Church's legal practice must take into account the current conditions of human existence<sup>11</sup>—it becomes clear that this authoritatively outlined horizon of the “signs of the times” poses a challenge to theological sciences, including the canonical doctrine. As far as the latter is concerned, leaving aside the often urgent need for legislative changes/adjustments (given the peculiarities of the various regions of the world—above all, at the level of particular law<sup>12</sup>), the role of experts in presenting a renewed, adequate *hic et nunc* interpretation of certain knotty canons of the *Code of Canon Law* (CIC)<sup>13</sup> remains invaluable. We may argue that such include the prescripts of can. 822. And since this is the case, it seems advisable to attempt a two-stage delimitation of the problematic merits<sup>14</sup>—according to the research steps announced in the title: (1) The digital environment as an indispensable space of the evangelization activity; (2) New dimension of the obligations of the Church's Pastors imposed by the prescripts of can. 822 §§ 1–3.

## Digital Environment as an Indispensable Space of the Evangelization Activity

A considerable contribution to the scholarly debate on a subject similar to that of the conference organized by the University of Presov, *Accompany Man in the Digital Age*, reflected in this volume, is made by a recently published by Innsbruck University Press (2021), as a part of the well-known series “Theologische Trends,” book *Digitalisierung—Religion—Gesellschaft*.<sup>15</sup> We have to agree

<sup>10</sup> “Ab initio suae historiae, nuntium Christi, ope conceptuum et linguarum diversorum populorum exprimere didicit.” Concilium Vaticanum Secundum, “Constitutio pastoralis de Ecclesia in mundo huius temporis *Gaudium et spes*” (December 7, 1965), n. 44.

<sup>11</sup> Cf. Remigiusz Sobański, “‘Omnis institutio ecclesiasticarum legum ad salutem referenda sit animarum.’ Uwagi o zbawieniu dusz jako celu prawa kościelnego,” *Ateneum Kapłańskie* 134 (2000): 213.

<sup>12</sup> Here, an example is the general decree issued by the Polish Episcopal Conference as a supplementary norm to can. 831 § 2 CIC. Konferencja Episkopatu Polski, “Dekret ogólny w sprawie występowania duchownych, członków instytucji życia konsekrowanego, stowarzyszeń życia apostołskiego oraz niektórych wiernych świeckich w mediach” (30.03.2023), *akta Konferencji Episkopatu Polski*, no. 35 (2023).

<sup>13</sup> *Code of Canon Law* (promulgated: January 25, 1983).

<sup>14</sup> A broader study of the issues does not allow for the adopted framework of the article.

<sup>15</sup> *Digitalisierung—Religion—Gesellschaft*, ed. Monika Datterl, Wilhelm Guggenberger, and Claudia Paganini [Theologische Trends, vol. 31] (Innsbruck: Innsbruck University Press, 2021).

with editorial team member and the author of the “Introduction” (*Einleitung*) Claudia Paganini that the collective work submitted—the fruit of the congress: “Innsbrucker Theologischen Sommertage 2021”—can be regarded as unique in many respects. Firstly, this is determined by the sensitive area of research, determining the urgency and professionalism of the scientific reflection, and, secondly, by the high degree of interdisciplinarity: the participation of philosophers, representatives of systematic theology, biblical studies and canon law. Professor Claudia Paganini—a philosopher and theologian working at the University of Innsbruck and the Munich Hochschule für Philosophie, specializing in the field of media ethics—puts the subject matter of the study in the said Introduction as follows:

Media studies and theology do not face each other as strangers, but as two disciplines that can look back on a long shared history full of points of contact and overlap. Media criticism has always been and remains an authentic component of the sacred scriptures of Judaism, Christianity, and Islam, and if we focus on the recent past, it becomes clear that it is central to the development of media ethics [...]. Against this background, it is not surprising that at the dawn of the digital age, on the one hand, religious communities have begun to make practical use of the new possibilities, and on the other hand, more and more theologians have begun to subject media studies to theological analysis in order to enter the field of tensions between current media developments, digitisation, fundamental theological topoi, social changes (*gesellschaftlichem Wandel*), and ecclesiastical transformations (*kirchlichen Veränderungen*).<sup>16</sup>

In a way, the quoted words of the “Introduction” are an invitation to a careful reading of a further text by the same author entitled “Helfen und Heilen. Neue Medien in Seelsorge und Psychotherapie.”<sup>17</sup> The clear ethical profile of the reflection contained here—as we shall see, with the inherent question of the “Christian use of the new media”<sup>18</sup>—is already heralded by the very title of the first part of the study: Church Activity on the Net (*Kirchliches Handeln im Netz*).

<sup>16</sup> Claudia Paganini, “Einleitung,” in *Digitalisierung—Religion—Gesellschaft*, 8–9.

<sup>17</sup> Claudia Paganini, “Helfen und Heilen. Neue Medien in Seelsorge und Psychotherapie,” in *Digitalisierung—Religion—Gesellschaft*, 129–146.

<sup>18</sup> It is worth showing the broader background to this statement: “Wenn Kirche online geht, d. h. von den Chancen der Digitalisierung Gebrauch macht, dann tut sie das—noch bevor die Seelsorge in den Blick kommt—im Kontext der Verwaltung, des Recruitings, der Öffentlichkeitsarbeit, der Bildungsarbeit mit Kindern, Jugendlichen und Erwachsenen. In all diesen Bereichen gilt es aus einer theologischen Perspektive zu fragen, wie eine christliche Nutzung der Neuen Medien aussehen kann [...]” Paganini, “Helfen und Heilen...”, 130–131; see more Paganini, *Werte für die Medien(ethik)* [Kommunikations- und Medienethik, vol. 12] (Baden-Baden: Nomos, 2020): 216–228; cf. also Ralf Peter Reimann, “Digitalisierung als Herausforderung für die seelsorgliche Kommunikation. Veränderungen in der Seelsorge durch Social Media,” *Wege zum Menschen* 72 (2020): 216–228.

And indeed, here the theological (!) heart of today's burning issue is rendered with the utmost conviction and precision: How can we pastorally "program" an optimal use of the eponymous new media?<sup>19</sup> In Claudia Paganini's response, she adheres to the principle of not knocking down open doors ("doors and gates should be [constantly—A.P.] open to stimulation and inspiration"<sup>20</sup>)—draws attention to the activities and achievements of the German theologian and journalist Johanna Haberer on this issue. These have resonated far beyond her native academic (Friedrich-Alexander-Universität Erlangen-Nürnberg) and ecclesiastical (Evangelisch-Lutherische Kirche in Bayern) circles, as they are now being vigorously discussed in Protestant circles worldwide, as well as inspiring research thought and debate in the global scientific world. Which specific achievements are in question? Three must necessarily be mentioned. In 2015, Professor Johanna Haberer published the pioneering<sup>21</sup> monograph *Digitale Theologie. Gott und die Medienrevolution der Gegenwart*.<sup>22</sup> It is worth noting that the publisher's note about this book reveals the author's ambitious goal. Well, the phenomenon of the "new living space" (as a result of the ever-accelerating digital revolution) sets the horizon of "ecclesiastical" responsibility, namely obliging us to take action to organize and interpret this space—according to theological criteria. In this work we are only at the beginning of a long road, while the book, as the note informs us, allows us to take the first steps.<sup>23</sup>

<sup>19</sup> Paganini, "Helfen und Heilen," 130–134.

<sup>20</sup> Paganini, "Einleitung," 9.

<sup>21</sup> Cf. Thomas Schlag, "Von der Möglichkeit zur Selbstverständlichkeit. Überlegungen zu einer Ekklesiologie der Digitalität," in *Theologie und Digitalität. Ein Kompendium*, ed. Wolfgang Beck, Ilona Nord, and Joachim Valentin (Freiburg im Breisgau: Verlag Herder, 2021): 282, note 1.

<sup>22</sup> Johanna Haberer, *Digitale Theologie. Gott und die Medienrevolution der Gegenwart* (München: Kösel Verlag, 2015).

<sup>23</sup> Here is the full text of the publisher's note: "Die digitale Revolution hat unser Denken dramatisch verändert. Wir betreten mit dieser Technik einen neuen [Raum], in dem herkömmliche Regeln nicht gelten und die Gesellschaften lernen müssen, neue Normen auszuhandeln. Der Umgang mit Texten und anderen traditionellen Autoritäten verändert sich, und damit auch ethische Fragestellungen aus christlicher Perspektive. Zum Beispiel: Wer ist mein Nächster? Es wird ein langer Weg, bis die herkömmliche Wissenschaft von Gott diesen neuen [Raum] nach theologischen Kriterien einordnen und deuten kann. Dieses Buch möchte einen Anfang machen," [https://books.google.pl/books/about/Digitale\\_Theologie.html?hl=de&id=EeNgBgAAQBAJ&redir\\_esc=y](https://books.google.pl/books/about/Digitale_Theologie.html?hl=de&id=EeNgBgAAQBAJ&redir_esc=y), accessed February 14, 2023. A slightly different research perspective is presented by Peter Phillips (head of Digital Theology at Durham University, England)—signaled by open questions: How can we encourage the Church to move towards greater engagement with the Digital? How might we explore the theology of the digital age? <https://uk.linkedin.com/in/drpetermphillips>, accessed February 14, 2023. See Peter M. Phillips, Kyle Schiefelbein-Guerrero, and Jonas Kurlberg, "Defining Digital Theology: Digital Humanities, Digital Religion and the Particular Work of the CODEC Research Centre and Network," *Open Theology* 5 (2019): 29–43.

No less significant was to be the chairmanship of an interesting scientific project involving also other scholars from Friedrich-Alexander-Universität Erlangen-Nürnberg. This group presented a high-profile 50-page paper in 2015 entitled *Das Netz als sozialer Raum: Kommunikation und Gemeinschaft im digitalen Zeitalter*<sup>24</sup> [The Net as Social Space: Communication and Community in the Digital Age].

In this document, approved by the Regional Church Council of the Evangelical Lutheran Church in Bavaria, the Bishop of this Church, Heinrich Bedford-Strohm, presents (in the Preface) the scale of the urgent tasks to be carried out in the name of fidelity to the mission of preaching the Gospel today—in a digitized society: “As a Protestant Church, we need to engage more with an ethical-media discourse that describes [...] legal and ethical framework conditions to place ‘private’ and ‘public’ in a freedom-promoting relationship—which corresponds to the Christian understanding of human dignity, also of human responsibility in terms of possible guilt and forgiveness.”<sup>25</sup> At the present time, there can be no doubt, concludes the Bavarian bishop in his argument, that it is the duty of the churches to actively and critically help shape the civilization of the digital society.<sup>26</sup>

The central problem considered in the document, as its title already indicates, is the current revolution in digital communication, bringing with it the potential<sup>27</sup> for profound, and from the second half of the 21st century (Web 2.0)—escalated<sup>28</sup> changes: in the sphere of culture (*Netzkultur*),<sup>29</sup> in the

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<sup>24</sup> *Das Netz als sozialer Raum: Kommunikation und Gemeinschaft im digitalen Zeitalter*. Edited by Landeskirchenrat der Evangelisch-Lutherischen Kirche in Bayern. München 2015, <https://handlungsfelder.bayern-evangelisch.de/downloads/ELKB-Impulspapier-Medienkonzil-2015-Webversion.pdf>, accessed February 14, 2023.

<sup>25</sup> *Das Netz*, 3.

<sup>26</sup> *Das Netz*, 4.

<sup>27</sup> Let us recall, Marshall McLuhan (†1980) one of the most eminent communication theorists recognized the fourth media epoch (after three epochs in human history—successively the culture of the oral tribe, the handwriting culture and the “Gutenberg Galaxy”), namely the electronic media culture (in the “global village”) as the most astonishing stage of human development.

<sup>28</sup> The processes in question were decisively accelerated by the Web 2.0 revolution (2004–2016), i.e., the advent of the era of the “dynamic web,” which is characterized by interaction (Social Web). “Web 2.0 is about connecting people and creating technologies that are effective for people. To describe Web 2.0, terms such as Social Web, people-centric Web or participative Web are used. Technological development has enabled the flourishing of social networking sites and services that have changed the way that the content is managed and interaction happens between the users. Web 2.0 is characterized by Internet applications that facilitate global content production and information exchange. In the Web 2.0 era, all users can generate content, and not just read it.” Karol Król, “Evolution of Online Mapping: from Web 1.0 to Web 6.0,” *Geomatics, Landmanagement and Landscape 1* (2020): 37–38.

<sup>29</sup> “Die Netzkultur ist eine Kultur des Teilens und Mitteilens in all ihrer Ambivalenz. Die Möglichkeiten des Netzes, Ideen, Texte, Bilder usw. der Netzöffentlichkeit mitzuteilen und in

sphere of social relations, and also within structures of power. Today, new digital technologies—especially the rapidly growing social media—are changing people’s perceptual habits, which significantly affect social interactions. The authors of the document in question demonstrate this when they do not content themselves with the easy (neutral) statement that digital technologies are opening up an—abstract-sounding—“new era.” They put it specifically and expressively: we are all (at least potentially) entering a new living space, a kind of “primordial state” (*Naturzustand*),<sup>30</sup> where the hitherto conventional social rules lose their meaning as useless and societies must learn to negotiate new rules.<sup>31</sup> “We, who have woken up in the network galaxy, are contemporary witnesses of a profound cultural change with no end or destination in sight. We are experiencing how our identities are being reconstructed, how global hegemonies are being redefined, how nations are entering new constellations, how wars are being fought in new and very different ways, how entire continents and their inhabitants are being monitored in detail, and how the reliable institutions of our society are being undermined and slipping as if on shifting sands.”<sup>32</sup>

It is evident that what makes the document associated with the name Johanna Haberer interesting and valuable in exploring the title question are, above all, the elements of scientific diagnosis attesting to the depth of cultural change associated with the advent of the digital age. And this is in the context of the self-evident truth that the religious life of Christians and the activities of church communities are never unaffected by current trends/phenomena in the socio-cultural sphere—where progress or even technological revolution is an important determinant. If, therefore, there are such unambiguous signals from expert circles about “the far-reaching implications of digitality on all aspects of human existence,”<sup>33</sup> one can expect the shepherds of Christ’s Church to respond adequately and

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neue Zusammenhänge zu stellen (“Recht auf Remix“), veranlassen zu Fragen über das Recht auf geistiges Eigentum. Neue Demokratiebewegungen, Freundschaftsnetze, Interessens- und Betroffenenengruppen, Forschungsnetzwerke und Diskussionsforen entstehen. Das Netz vervielfacht die Kommunikationsoptionen, es entgrenzt die erste Realität, überspringt räumliche und soziale Distanzen, es schafft neue Möglichkeiten virtueller Begegnung und Selbstdarstellung.” *Das Netz als sozialer Raum*, 11.

<sup>30</sup> It is hard to miss the reference made by the documentary’s authors to the libertarian ideas of John Rawls (†2002), the American political philosopher, one of the most influential thinkers of the 20th century. He became famous as a creator of the concept of justice as fairness, which he developed in his magnum opus: *A Theory of Justice* (1971—original version). John Rawls, *A Theory of Justice*. Revised Edition. Cambridge, MA: The Belknap Press of Harvard University Press, 1999.

<sup>31</sup> *Medienkonzil. Bürgersein in der digitalen Welt* (11–12.05.2015), <http://www.medienkonzil.de>, accessed February 14, 2023.

<sup>32</sup> *Medienkonzil. Bürgersein in der digitalen Welt*.

<sup>33</sup> “Given the pace of technological innovation and ‘the far-reaching implications of digitality on all aspects of human existence, the demand for prophetic appraisals of digital culture cannot be ignored.’ Phillips, Schiefelbein-Guerrero, and Kurlberg, *Defining Digital Theology*, 40.



promptly—of course, in close cooperation with competent lay persons—in order to achieve the desired effect of “synodal synergy.”<sup>34</sup> All this in order not to squander the opportunity to optimize (!) the mission of evangelization, yes, without underestimating the dangers and by giving resistance to negative phenomena. Referring directly to these premises, Johanna Haberer emphatically states that “the Web should not be an uncivilised space.”<sup>35</sup> Hence, it is clear that the great challenge facing the pastors of the Church—not without the intellectual support of academic bodies (especially representatives of practical theology)—is the ecclesiastical “design” and use of the space of the Internet for the proclamation of the gospel of God, community building and faith sharing.<sup>36</sup> With such a positive message today—it is worth noting—both Catholic,<sup>37</sup> and Protestant<sup>38</sup> representatives of theological thought come forward.

<sup>34</sup> “Synodality is lived out in the Church in the service of mission. *Ecclesia peregrinans natura sua missionaria est*; she exists in order to evangelize. The whole People of God is an agent of the proclamation of the Gospel. Every baptized person is called to be a protagonist of mission since we are all missionary disciples. The Church is called, in synodal synergy, to activate the ministries and charisms present in her life and to listen to the voice of the Spirit, in order to discern the ways of evangelization.” International Theological Commission, *Synodality in the Life and Mission of the Church* (2018), n. 53.

<sup>35</sup> Johanna Haberer, “Das Netz soll kein unzivilisierter Raum sein” [Interview mit Johanna Haberer über die Bayerische Kirche und digitale Medien], *evangelisch.de*, 25.08.2015, <https://www.evangelisch.de/inhalte/124055/25-08-2015/interview-mit-johanna-haberer-ueber-die-bayerische-kirche-und-digitale-medien>, accessed February 14, 2023.

<sup>36</sup> Cf. Haberer, “Das Netz.”

<sup>37</sup> Prof. Norbert Mette of TU Dortmund University sees the potential for desirable changes in the matter under discussion in the activities of young church members: “Mit der Kommunikation des Evangeliums wird nicht eine bloße Reproduktion überlieferter christlicher Lebensformen angezielt. Es geht vielmehr darum, einen Raum zu eröffnen, in dem das Evangelium entdeckt, erfahren und gelebt werden kann. [...] Soll es in diesem Prozess dazu kommen, dass auch die Kirche eine Rolle spielt [...] dann muss den Jugendlichen die Möglichkeit gegeben werden, ihren eigenen Beitrag zur Auferbauung des Volkes Gottes einzubringen [...] Dass auf diese Weise der Kirche Impulse gegeben werden, auch ihren eigenen Horizont zu weiten, wäre ein erfrischender und nachhaltiger Nebeneffekt—etwas, was genau auf der Linie des von Papst Franziskus ausgegebenen Programms einer ‘pastoralen Bekehrung’ liegt, wie er es in seinem vom Geist des Zweiten Vatikanischen Konzil geprägten Apostolischen Schreiben ‘Evangelii Gaudium’ ausgegeben hat.” Norbert Mette, “Kommunikation des Evangeliums—insbesondere mit der heranwachsenden Generation—im digitalen Zeitalter.” *Zeitschrift für Pastoraltheologie* 39, no. 1 (2019): 121–122.

<sup>38</sup> Expert Prof. Ilona Nord from the University of Würzburg states: “Die Frage nach politischer Partizipation von Kirche und Praktischer Theologie in Zeiten der Digitalisierung liefert der Institution wie der wissenschaftlichen Fachdisziplin einen starken Impuls. [...] Es gilt, praktisch-theologische Studien zu zentralen [...] Themenstellungen anzuregen bzw. solche für sie fortzuentwickeln. Hiermit verlassen beide, Kirche und Praktische Theologie, keinesfalls ihr angestammtes Gebiet, vielmehr werden sie dazu motiviert, ihre Traditionen und Reflexionen, ihre Ressourcen und Kompetenzen in den Dienst der Gestaltung einer digitalisierten Gesellschaft zu stellen. [...] Dies gilt für Gottesdienst und Verkündigung, für Bildung und Seelsorge.”

As far as the second field of pastoral responsibility is concerned, the Church should work intensely to eliminate harmful content on the Internet (violence, pornography) or toxic forms of communication (vulgarity, mudslinging, phishing for personal data). The shepherds of the Church should also not be indifferent to the problem of building the financial and political power of the large media corporations Facebook, Google, Apple, Microsoft, or Amazon,<sup>39</sup> and the resulting escape from state/international control of the spontaneous processes of development of artificial intelligence.<sup>40</sup> All this is of considerable importance in the context of creating/securing the right conditions for the digital Environment to increasingly become a Space of the Evangelization. This was also the intention of Prof. Johanna Haberer (nota bene, since 2018, a member of the Data Protection Ethics Committee of the Government of the Federal Republic of Germany)—and we are talking about her third initiative, worthy of at least signaling—when, in 2015, she formulated “Die zehn Gebote für die digitale Welt” [The Ten Commandments for the Digital World],<sup>41</sup> a kind of ethical primer dedicated to today’s Internet users, in the form of a catalogue of social rules: rights and obligations.<sup>42</sup>

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Ilona Nord, “Öffentliche Kirche und Theologie in Zeiten der Digitalisierung,” in *Evangelisch-Lutherische Kirche in Bayern, Profil und Konzentration. Der landeskirchliche Zukunftsprozess (Dokumentation der Akademischen Konsultation 8. November 2018 in Nürnberg)*, 36–47, <https://puk.bayern-evangelisch.de/downloads/18-11-23-dokumentation-akademische-konsultation.pdf>, accessed February 14, 2023. In contrast, the great dynamic of the Church’s opening up to the “digital world” in recent years is noted by Prof. Thomas Schlag of the University of Zurich: “Kirche ist inmitten der digitalen Kultur auf vielfältige und innovative Art präsent. Dies galt in gewissem Sinn schon für die Zeit vor der Corona-Pandemie.” Schlag, “Von der Möglichkeit zur Selbstverständlichkeit,” 281.

<sup>39</sup> Cf. Haberer, “Das Netz.”

<sup>40</sup> “While in the case of Web 4.0 and Web 5.0 there are the concepts of artificial intelligence and virtual agent, in the case of Web 6.0 they aspire to be independent, to the extent that it cannot be described as ‘artificial.’” Król, “Evolution of Online Mapping,” 42.

<sup>41</sup> The catalogue is as follows: “1) Du brauchst dich nicht vereinnahmen zu lassen!—Denn nur Gott hat Anspruch auf mein Leben. Sonst niemand. Auch nicht das scheinbar allwissende Netz. 2) Du sollst keine Unwahrheiten verbreiten!—so wie Du auch nichts mit dem Hinweis auf Gott beschwören sollst. 3) Du darfst den netzfreien Tag heiligen!—Eine Atempause ist wichtig, genau wie der Sonntag. 4) Du musst ein Datentestament machen!—Wer hat Zugriff auf Deine Daten, wenn Du nicht mehr da bist? 5) Du sollst nicht töten!—Bedenke, auch Worte und Fotos können Menschen zerstören! 6) Du brauchst keine schwachen Beziehungen eingehen!—Das Internet ermögliche Kontakte aller Arten. Aber welche Beziehungen bieten Geborgenheit und Nähe? 7) Du sollst nicht illegal downloaden!—Das ist Diebstahl am Eigentum anderer. 8) Du darfst nicht digitalen Rufmord betreiben! 9) Du hast Verantwortung für persönliche Daten anderer! 10) Du gestaltest die Gesellschaft, wenn du dich im Netz bewegst!”, <https://www.kirche-im-swr.de/beitraege/?id=20034>, accessed February 14, 2023.

<sup>42</sup> “So wie die alten Gebote zunächst nicht einen arbeitsteiligen Staat regulieren, sondern das Verhalten des Einzelnen in der Gemeinschaft, so muss auch das vernetzte Leben im globalen Dorf zunächst die Rechte und Pflichten der Einzelnen in den Blick nehmen: das Recht auf freie Kommunikation und Partizipation an gesellschaftlichen Prozessen einerseits und die Pflicht, die

What is striking is the comprehensive nature of the catalogue and the universalism of the ethical and moral thought it contains. Suffice it to quote the last rule: “Du gestaltest die Gesellschaft, wenn du dich im Netz bewegst!” [You shape society when you move online]. Yes, much is explained by the author’s word of commentary/conclusion: it is, in fact, about “looking in the mirror of the ten principles of freedom, popularly known as the ‘decalogue,’ which still today delineates the foundations of Western culture.”<sup>43</sup>

## New Dimension of the Obligations of the Church’s Pastors Imposed by the Prescripts of Can. 822 §§ 1–3

Illuminating the legal issue, announced by the subtitle, it is appropriate to begin by directing the research attention to the systemic location of the title can. 822. The aforementioned canon, containing three paragraphs, opens the collection of prescripts devoted to the instruments of social communication in Book III of the CIC: “The Teaching Function of the Church”—and thus naturally correlates with the entry of can. 747, which initiates the group of introductory canons of the cited Book. Significantly and worthy of comment, even a cursory glance at the normative content of these paragraphs makes it possible to realize that the direct addressees of only the first two are the pastors of the Church, since the third paragraph is addressed to “all the Christian faithful,” especially the numerous (looking from today’s perspective) group of those who meet the criteria given here. The prescripts in question are as follows:

Can. 822 § 1. The pastors of the Church, using a right proper to the Church in fulfilling their function, are to endeavor to make use of the instruments of social communication.

§ 2. These same pastors are to take care to teach the faithful that they are bound by the duty of cooperating so that a human and Christian spirit enlivens the use of instruments of social communication.

§ 3. All the Christian faithful, especially those who in any way have a role in the regulation or use of the same instruments, are to be concerned to offer

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Rechte und die Meinung des anderen zu würdigen andererseits.” Johanna Haberer, “Regeln fürs globale Dorf,” *medienpolitik.net* (05.08.2013), <http://www.medienpolitik.net/2013/08/medienethikregeln-furs-globale-dorf/>, accessed February 14, 2023.

<sup>43</sup> Haberer, “Regeln fürs globale Dorf.”

assistance in pastoral action so that the Church exercises its function effectively through these instruments.

In turn, the signaled introductory canon—doctrinally and structurally programmatic and consistently the point of reference for all the regulations of Book III—was given the wording by the ecclesiastical legislator:

“Can. 747 §1. The Church, to which Christ the Lord has entrusted the deposit of faith so that with the assistance of the Holy Spirit it might protect the revealed truth reverently, examine it more closely, and proclaim and expound it faithfully, has the duty and innate right, independent of any human power whatsoever, to preach the gospel to all peoples, *also using the means of social communication* [emphasis—A.P.] proper to it.”

The juxtaposition of the above code norms, expedient, as we shall see, in the specific context of the verification of the research thesis proposed here (the “New Dimension of the Obligations...” of the title), provides the opportunity to place this reflection—still in the realm of general assumptions—on a solid ecclesiological foundation. The proclamation of the Gospel and the proclamation of the Revealed Truth to all peoples, which is Jesus Christ the Redeemer, is the task and responsibility—by virtue of baptism and confirmation<sup>44</sup>—of all members of the People of God, and not of the shepherds (bishops) alone. Yes, in the community animated by the Spirit of Christ (*communio*), it is the latter who are entrusted with a particular responsibility for the deposit of faith.<sup>45</sup> And this is due to the formal mission received from Christ, namely the *munus docendi*, which is exercised according to the logic of the *nexus communionis*: “preserving the bond of communion.”<sup>46</sup> But insofar as Jesus Christ entrusted the universal *munus propheticus* to the whole (!) *ecclesial communio*<sup>47</sup>—as he formed it as a salvific community<sup>48</sup>—this apostolic service to the Word of God must update the paradigm of the unifying power of the ministry of the Word of God.<sup>49</sup> And this implies a dynamic process of ecclesial (synodal) co-participation in this ministry *cum et sub Petro*, with the presupposition of “interactive reciprocity between the apostolic magisterium and the *sensus fidei* of all the faithful.”<sup>50</sup> It is no coincidence that in *Evangelii Gaudium*—the pontificate’s programmatic document—Pope Francis has already included key passages of the exhortation

<sup>44</sup> Cf. CIC, can. 759 § 2.

<sup>45</sup> Cf. CIC, cann. 747 § 1, 756 §§ 1–2.

<sup>46</sup> CIC, can. 749 § 2.

<sup>47</sup> Vatican Council II, Dogmatic Constitution on the Church *Lumen Gentium* (November 21, 1964), n. 12.

<sup>48</sup> Vatican Council II, Dogmatic Constitution on the Church *Lumen Gentium*, n. 1.

<sup>49</sup> CIC, can. 762: “Cum *Dei populus primum coadunetur verbo Dei vivi* [emphasis—A.P.], quod ex ore sacerdotum omnino fas est recipere, munus praedicationis magni habeant sacri ministri, inter quorum praecipua officia sit Evangelium Dei omnibus annuntiare.”

<sup>50</sup> Cf. Libero Gerosa, *Canon Law* (Münster: LIT Verlag, 2002): 35.

segment entitled “The entire people of God proclaims the Gospel”<sup>51</sup> refers precisely to this truth: “In all the baptized, from first to last, the sanctifying power of the Spirit is at work, impelling us to evangelization. [...] The Spirit guides it in truth and leads it to salvation. As part of his mysterious love for humanity, God furnishes the totality of the faithful with an instinct of faith—*sensus fidei*—which helps them to discern what is truly of God. The presence of the Spirit gives Christians a certain connaturality with divine realities, and a wisdom which enables them to grasp those realities intuitively, even when they lack the wherewithal to give them precise expression.”<sup>52</sup> Without entering into the meanders of the contemporary debate among theologians and canonists regarding—as Francis pointed out—the overcoming of the separation between an *Ecclesia docens* and an *Ecclesia discens*,<sup>53</sup> it should be clearly stated: the common/community responsibility for the ministry of the Word, exercised according to the different degrees of authority and according to the variety of special functions in Ecclesia, is demanded by the very logic of *communio*. And this is true at every level of ecclesial communion: from the Shepherd of Christ’s flock,<sup>54</sup> to whom the universal ministry of the proclamation of the word has been entrusted, to the lay faithful,<sup>55</sup> called to be witnesses of the Gospel, co-workers of the Bishop<sup>56</sup> and his presbyters in carrying out the service to the Word of God.<sup>57</sup>

The canonical doctrine places this fundamental problematic within the horizon of the principle that the law organizes *hic et nunc* the activity of the

<sup>51</sup> Francis, Apostolic Exhortation *Evangelii Gaudium* (November 24, 2013).

<sup>52</sup> Francis, Apostolic Exhortation *Evangelii Gaudium*, n. 119.

<sup>53</sup> “The *sensus fidei* prevents a rigid separation between an *Ecclesia docens* and an *Ecclesia discens*, since the flock likewise has an instinctive ability to discern the new ways that the Lord is revealing to the Church.” Francis, *Address at the Ceremony Commemorating the 50th Anniversary of the Institution of the Synod of Bishops* (October 17, 2015), [http://www.vatican.va/content/francesco/en/speeches/2015/october/documents/papa-francesco\\_20151017\\_50-anniversario-sinodo.html](http://www.vatican.va/content/francesco/en/speeches/2015/october/documents/papa-francesco_20151017_50-anniversario-sinodo.html). Accessed February 14, 2023. See also Ilona Riedel-Spangenberg, “Der Verkündigungsdienst (munus docendi) der Kirche und der Glaubenssinn des Volkes Gottes (sensus fidelium),” in *Wege der Evangelisierung. Heinz Feilzer zum 65. Geburtstag*, ed. Andreas Heinz, Wolfgang Lentzen-Dies and Ernst Schneck (Trier: Paulinus Verlag, 1993): 193–206; Andrzej Pastwa, “*Sensus fidei fidelium*. Legal and Ecumenical Reflection,” in *Remaining United in Diversity*, ed. Andrzej Pastwa, *Ecumeny and Law*, vol. 6 (2018): 225–247; Thomas Schüller, “Kirchenrechtliche Spielräume und Begrenzungen synodaler Prozesse am Beispiel des ‘Synodalen Weges’ in Deutschland,” *Synodalität, Theologisch-Praktische Quartalschrift* 170 (2022): 347–355.

<sup>54</sup> Cf. CIC, can. 756 § 1.

<sup>55</sup> CIC, can. 225 § 2: “According to each one’s own condition, they are also bound by a particular duty to imbue and perfect the order of temporal affairs with the spirit of the gospel and thus to give witness to Christ, especially in carrying out these same affairs and in exercising secular functions.”

<sup>56</sup> Cf. CIC, can. 756 § 2.

<sup>57</sup> Cf. Gerosa, *Canon Law*, 82.

Church.<sup>58</sup> Thus the Supreme Legislator, who is at the same time the teacher of the faith, systematically refreshes and enlivens—whether personally or through subordinate organs (especially the dicasteries of the Roman Curia)—the legislated norms (in the present case: the canons of the CIC) by clarifying their premises and reasons (especially new premises and new reasons). The idea is that, by providing authoritative explanations and comments in the various enunciations, the legal efficacy of these norms is ensured and their functionality is optimized. Similarly, with the measure determined by the hierarchical structure of the Church (which presupposes the implementation of the indications/decisions of the Shepherd of the universal Church), the activity of the particular legislator—teacher of the faith to the part of God’s people entrusted to him—should be seen. If, therefore, we ask, what impels us to take regulatory action: updating and activating, in terms of stimulating the *munus propheticus* in the aforementioned two planes of ecclesial life? The answer is obvious—to dynamize the solidarity action of the faithful (in the religious and ethical fields), directed towards the evangelizing goal. On the one hand, it will always be a question of safeguarding the clarity and credibility of the communal witness of the baptized; on the other hand, it will be a question of the desirable generation of new “impulses” to stimulate activity, yes, also overcoming pastoral inertia.

It is clear that such motivation of the faithful for activities that are indispensable today (because determined by the “signs of the times”)—even when these can be typified and generalized—does not necessarily imply the establishment of new norms, establishing an obligation. The nature of Church law and the spirit of Church law are more in keeping with behavior guided by a sense of responsibility than by precepts. In fact, even mere advice or encouragement (whether still ethical or already legal) will serve its purpose when it stimulates and promotes appropriate action while protecting the space of freedom. This regularity is well reflected in the thought of Prof. Remigiusz Sobański: “The rules of communal behavior arising from faith find their bearing in the preaching of the Church and fulfil their proper function in it. It would be a distortion to conceive of them [...] as an instrument of conducting (e.g., as a means of social engineering) or of restricting the freedom behind religious or ethical decisions.”<sup>59</sup>

It is worth taking a closer look at exemplary implementations of these assumptions in the title context of the united efforts of pastors (church legislators) and communities (which they lead) so that “a human and Christian spirit

<sup>58</sup> The aforementioned principle safeguards and promotes the effectiveness of the “here and now” of the Church’s actions, understood both dogmatically (unity of the faith, authenticity of the sacraments) and pastorally (legibility of the Church’s witness). Cf. Sobański, “Omnis institutio,” 214.

<sup>59</sup> Remigiusz Sobański, “Zasięg normy kanonicznej,” *Prawo Kanoniczne* 34, no. 3–4 (1991): 46.

enlivens the use of instruments of social communication.”<sup>60</sup> In 2012, the German Bishops’ Conference issued a two-page document entitled. “Social Media Guidelines für kirchliche Mitarbeiter. Empfehlungen und Muster” [Social Media Guidelines for Church Workers. Recommendations and Benchmarks].<sup>61</sup> This document became the reference for the “Social-Media-Codex”<sup>62</sup> developed by the Diocese of Augsburg in 2017. In its ten points, which set out the rules for presence and activity in various areas of social media, the Codex sets out an ethical and legal framework for the use of social media in various fields of pastoral activity, including on the plane of (new) evangelization. The section preceding the presentation of these principles reads: “This ‘Social Media Code’ is intended to provide binding regulations. [...] The Code is *legally binding* [emphasis—A.P.], in particular for ministers in pastoral, educational and associational work, as well as for all administrative staff who use social media in an official context.”<sup>63</sup> The legal and not just ethical nature of the Code is underlined by the rules/regulations formulated in points 7. and 9. Point 7 states, among other things: “Do not take part in activities or projects that are incompatible with Catholic doctrine and morals, violate human dignity or interfere with the sphere of personality. As a breach of official duties, these offences may result in legal consequences.”<sup>64</sup> In turn, point 9 contains the standard: “You must actively guarantee data protection, personal rights and copyright.”<sup>65</sup> How to read the normative profile of this last regulation? It is clear that such violations of the law—in addition to unpleasant official consequences—potentially expose the perpetrator to criminal sanctions under state law.

It is interesting, but also significant, that the normative part of the German “Social-Media-Codex” opens with a kind of ideological “key” in the form of a motto—an excerpt from the first Message of Pope Francis for the 48th World Day of Social Communications in 2014, entitled “Communication at the Service of an Authentic Culture of Encounter.” The “synodally” sounding passages present themselves as follows: “A culture of encounter demands that we

<sup>60</sup> CIC, can. 822 § 2.

<sup>61</sup> Deutsche Bischofskonferenz, “Social Media Guidelines für kirchliche Mitarbeiter. Empfehlungen und Muster” (2012), [https://www.dbk.de/fileadmin/redaktion/diverse\\_downloads/presse/2012-109b-Empfehlungen-Social-Media-Guidelines.pdf](https://www.dbk.de/fileadmin/redaktion/diverse_downloads/presse/2012-109b-Empfehlungen-Social-Media-Guidelines.pdf), accessed February 14, 2023.

<sup>62</sup> Bistum Augsburg, “Social-Media-Codex für Mitarbeiter/-innen in der Diözese Augsburg” (2017), [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiX9-Xq7\\_b-AhUIgosKHeO1Dm8QFnoECAQQAQ&url=https%3A%2F%2Fbistum-augsburg.de%2Fcontent%2Fdownload%2F161530%2Ffile%2FSocial-Media-Codex-Flyer-2017.pdf&usq=AOvVaw3wj5GlceaK0gNbGtjhHb\\_](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiX9-Xq7_b-AhUIgosKHeO1Dm8QFnoECAQQAQ&url=https%3A%2F%2Fbistum-augsburg.de%2Fcontent%2Fdownload%2F161530%2Ffile%2FSocial-Media-Codex-Flyer-2017.pdf&usq=AOvVaw3wj5GlceaK0gNbGtjhHb_). Accessed February 14, 2023.

<sup>63</sup> Bistum Augsburg, “Social-Media-Codex.”

<sup>64</sup> Bistum Augsburg, “Social-Media-Codex,” n. 7. As noted earlier in the document, this is a violation of the norms of internal Church labour law: “Grundordnung des kirchlichen Dienstes im Rahmen kirchlicher Arbeitsverhältnisse.” Bistum Augsburg, “Social-Media-Codex,” n. 4.

<sup>65</sup> Bistum Augsburg, “Social-Media-Codex,” n. 9.

be ready not only to give, but also to receive. Media can help us greatly in this, especially nowadays, when the networks of human communication have made unprecedented advances. The Internet, in particular, offers immense possibilities for encounter and solidarity. This is something truly good, a gift from God.”<sup>66</sup>

The same motto was used by the Australian Catholic Bishops Conference in the introductory section of its high-profile 20-page 2019 document “Making It Real: Genuine Human Encounter in Our Digital World.”<sup>67</sup> The importance of this document was highlighted by Francis himself in his 2020 encyclical “Fratelli Tutti”—first citing the same passage from Message (2014) and then pointing to the Australian bishops’ extensive and pertinent analysis of the dangers lurking online.<sup>68</sup> Of course, the document does more than just show the dark side of the Internet. “We are called not just to be inhabitants of this new digital world, but active citizens shaping it”<sup>69</sup>—proclaims the introduction preceding a proclamation of ethical (and legal) principles, accompanied by appropriate commentary. These principles, which are intended by the authors to “guide us to a more just digital space,”<sup>70</sup> are edited in simple terms: “(1) Make your online presence one of dignity and respect; (2) Be present to others in the real and virtual worlds; (3) Take care of yourself and others online; (4) Every community should promote digital literacy; (5) We cannot leave our sisters and brothers behind; (6) We must protect the personal data of citizens; (7) We call for transparency and accountability in all online systems.”<sup>71</sup>

But that is not all. In the document in question, the Australian bishops—again on the basis of the 2014 Message—formulate a message about the need to add to the catalogue of human rights. “Our Church has an important role to play in building the city of God in reality and online. Keeping the doors of our churches open also means keeping them open in the digital environment so that

<sup>66</sup> Francis, “Message for the 48th World Communications Day” (June 1, 2014),

[https://www.vatican.va/content/francesco/en/messages/communications/documents/papa-francesco\\_20140124\\_messaggio-comunicazioni-sociali.html](https://www.vatican.va/content/francesco/en/messages/communications/documents/papa-francesco_20140124_messaggio-comunicazioni-sociali.html), accessed February 14, 2023.

<sup>67</sup> Australian Catholic Bishops Conference, “Making It Real: Genuine Human Encounter in our Digital World” (November 2019), 4, <https://socialjustice.catholic.org.au/wp-content/uploads/2019/11/Social-Justice-Statement-2019-20.pdf>, accessed February 14, 2023.

<sup>68</sup> “We need constantly to ensure that present-day forms of communication are in fact guiding us to generous encounter with others, to honest pursuit of the whole truth, to service, to closeness to the underprivileged and to the promotion of the common good. As the Bishops of Australia have pointed out, we cannot accept ‘a digital world designed to exploit our weaknesses and bring out the worst in people.’” Francis, *Encyclical Letter on Fraternity and Social Friendship “Fratelli Tutti”* (October 3, 2020), n. 205, [https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco\\_20201003\\_enciclica-fratelli-tutti.html](https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20201003_enciclica-fratelli-tutti.html), accessed February 14, 2023.

<sup>69</sup> Australian Catholic Bishops Conference, “Making It Real,” 13.

<sup>70</sup> Australian Catholic Bishops Conference, “Making It Real,” 12.

<sup>71</sup> Australian Catholic Bishops Conference, “Making It Real,” 13–15.



people, whatever their situation in life, can enter, and so that the Gospel can go out to reach everyone. We are called to show that the Church is the home of all.”<sup>72</sup> And it is in this context that the words of appeal are made: since digital inclusion appears today as necessary for basic participation in society, it should be considered a human right (!).<sup>73</sup> This standpoint of the Australian Catholic Bishops Conference is not an isolated one. The bishops refer in the cross-reference to the declarations of the Australian Human Rights Commission, among which is this declaration: “[...] the right to freedom of expression includes a right of access to the Internet.”<sup>74</sup>

It is clear that the German and Australian documents—although they do not invoke any norm of the Code of Canon Law—meet the *ratio legis* of can. 822, and by no means can they be denied—if not in whole, then in part—the character of legal normative acts. However, this is not the issue at hand. By posing the title question: “a new dimension of the obligations of the Church’s shepherds,” we are in fact asking about the optimal choice of the way to make the digital world, in the near future possible, a common/community space for the evangelizing activity of the faithful: clergy and laity. Especially in contemporary realities—when the ecclesial “sign of the times” is the growing (self-)awareness that “a synodal Church walks forward in communion to pursue a common mission through the participation of each and every one of her members.”<sup>75</sup> Indeed, the ministry of pastors—“teachers of the faith” and “rulers of the Church”<sup>76</sup>—must

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<sup>72</sup> Australian Catholic Bishops Conference, “Making It Real,” 16. Cf. Francis. “Message for the 48th World Communications Day.”

<sup>73</sup> Here is the full and literal form of this appeal: “It is clear that social divisions are being replicated online. More worryingly, as essential services continue to shift online, digital inclusion becomes mandatory for basic participation in society. It should therefore be considered a human right. This is especially important in the context of e-government, where the welfare of the most vulnerable is at stake.” Australian Catholic Bishops Conference, “Making It Real,” 8.

<sup>74</sup> It is worth pointing out the wider context of the Commission’s statement: “New technologies are causing us to rethink our understanding of particular human rights. For example, there has been increasing attention to the implications of the internet, and its role in modern life, for freedom of expression. The former UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression said: ‘By vastly expanding the capacity of individuals to enjoy their right to freedom of opinion and expression, which is an enabler of other human rights, the Internet boosts economic, social and political development, and contributes to the progress of humankind as a whole.’ This leads some to claim that the right to freedom of expression includes a right of access to the Internet.” Australian Human Rights Commission, *Human Rights and Technology* (Sydney: AHRC, 2018): 17. See also: <https://tech.humanrights.gov.au/downloads>, accessed February 14, 2023.

<sup>75</sup> Synod of Bishops, *For a Synodal Church: Communion, Participation, and Mission. Vademecum for the Synod on Synodality* (September 7, 2021), n. 1.3 [“What is the aim of this Synod? Objectives of the Synodal Process”], <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2021/09/07/210907b.html>, accessed February 14, 2023.

<sup>76</sup> CIC, can. 212 § 1.

today be viewed through the lens of the idea and praxis of synodality.<sup>77</sup> The synodal process, launched by Pope Francis on 9 and 10 October 2021, is to lead as the theme for this Synod proclaims: “Towards a Synodal Church: Communion, Participation, and Mission.” And the aim of the “synodal path” is the widespread participation of all (!) faithful in shaping the life and evangelizing mission of the Church.

It is easy to recognize in this epochal event an echo of the realization of the subjective rights of the faithful from the catalogue of fundamental rights in Book III of the CIC entitled “The Obligations and Rights of All the Christian Faithful.”<sup>78</sup> With the distinctive in terms of the systemic “programming” of the freedom of opinion and counsel, the prescript of can. 212 § 3: “According to the knowledge, competence, and prestige which they possess, they have the right and even at times the duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church and to make their opinion known to the rest of the Christian faithful, without prejudice to the integrity of faith and morals, with reverence toward their pastors, and attentive to common advantage and the dignity of persons.”<sup>79</sup> A specific, evangelizing profile was given to this legal statement by the Pontifical Council for Social Communications in its instruction “Aetatis Novae” as early as 1992: “Partly—states the Commission—this is a matter of maintaining and enhancing the Church’s credibility and effectiveness. But, more fundamentally, it is one of the ways of realizing in a concrete manner the Church’s character as communion.”<sup>80</sup> And in

<sup>77</sup> “Synodality is not so much an event or a slogan as a style and a way of being by which the Church lives out her mission in the world.” Synod of Bishops, *For a Synodal Church*, 1.3.

<sup>78</sup> CIC, cann. 208–223.

<sup>79</sup> CIC, can. 212 § 3. In a recent commentary, Prof. Rüdiger Althaus has interestingly identified the addressees and purpose of the standard of can. 212 § 3: “[Adressaten]: (–) *scientia*: hier ist an Wissenschaftler und Fachexperten zu denken, die über ein gediegenes fachliches Wissen verfügen, u.a. auch im anthropologischen, administrativen, ökonomischen, handwerklichen oder technischen Bereich; (–) *competentia*: eine besondere fachliche oder sachliche Zuständigkeit, mit der sie Verantwortung tragen; (–) *praestantia*: eine herausragende Stellung, z.B. der Inhaber eines leitenden Kirchenamtes (Pfarrer oder Dechant), Sprecher eines Pfarrpastoralrates, Leitung einer Tageseinrichtung für Kinder, die für Personen oder Personengruppen besondere Verantwortung tragen. [...] [Zwecke]: Solche Beratungen sollen dem Wohl der Kirche (*bonum Ecclesiae*) dienen. Der damit eröffnete, weite Horizont umfasst zwei Dimensionen: (–) kirchenimmanente Ziele wie die Seelsorge einschließlich innerkirchliche Strukturen; (–) Sendung der Kirche in der und in die Welt, um die Gesellschaft mehr und mehr mit der Botschaft des Evangeliums zu durchdringen (LG Art. 37 Abs. 4).” Rüdiger Althaus, “Kommentar zum c. 212,” in *Münsterischer Kommentar zum Codex Iuris Canonici* (Essen: Ludgerus Verlag, Lfg. Januar 2022), 212/1–3.

<sup>80</sup> Pontifical Council for Social Communications, “Pastoral Instruction on Social Communications *Aetatis Novae*” (February 22, 1992), n. 10, [https://www.vatican.va/roman\\_curia/pontifical\\_councils/pccs/documents/rc\\_pc\\_pccs\\_doc\\_22021992\\_aetatis\\_en.html](https://www.vatican.va/roman_curia/pontifical_councils/pccs/documents/rc_pc_pccs_doc_22021992_aetatis_en.html), accessed February 14, 2023. In the next issue opening chapter: “Media at the service of a new evangelization”

*Ethics and Communications* (2000), the same Commission recommends Church wide activities for communication training.<sup>81</sup> The purpose of these activities is clear: “Pastors should encourage use of media to spread the Gospel (cf. Code of Canon Law, Canon 822.1).”<sup>82</sup>

Finally, it seems expedient and useful to affirm the theses of Prof. Wilhelm Rees, recently formulated in a study with the somewhat provocative title: “Präsent oder digital? Lässt Kirchenrecht eine Digitalisierung in der pastoralen Praxis zu?” [Present or Digital. Does Ecclesiastical Law Allow Digitization in Pastoral Practice?].<sup>83</sup> It is fitting to subscribe to the three conclusions of this eminent canonist, to add one more of my own at the end.

1. Digitalization promotes the priesthood of all the baptized, since digital preaching formats presuppose “teamwork”; the faithful can thus more easily contribute and realize their responsibility in the Church, which they accepted with their baptism and confirmation.
2. In the area of social communication media, ecumenical cooperation is becoming indispensable; it can and should be consistently expanded, as should interreligious dialogue.
3. The time has come to adapt the existing canonical norms to the requirements of the Church’s evangelizing mission in the digital age; the new regulations should affirm personal freedom, after all, the pastors-legislators of the Church cannot abstract from the fact that the media are gifts of God.<sup>84</sup>
4. The promotion of communication of the members of the People of God in the media and the accompanying media education/formation of a broad spectrum of the faithful (clergy, religious, lay catechists, those involved in ecclesial movements and associations, etc.) and, above all, the creation of an ecclesiastical community in the media. The response to the challenges of the “digital

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a proclamation appears: “Today’s evangelization ought to well up from the Church’s active, sympathetic presence within the world of communications,” n. 11.

<sup>81</sup> “The Church would be well served if more of those who hold offices and perform functions in her name received communication training. This is true not only of seminarians, persons in formation in religious communities, and young lay Catholics, but Church personnel generally. Provided the media are ‘neutral, open and honest,’ they offer well-prepared Christians ‘a frontline missionary role’ and it is important that the latter be ‘well-trained and supported.’ Pastors also should offer their people guidance regarding media and their sometimes discordant and even destructive messages (cf. Canon 822.2, 3). Pontifical Council for Social Communications, *Ethics and Communications* (June 4, 2000), n. 26, [https://www.vatican.va/roman\\_curia/pontifical\\_councils/pccs/documents/rc\\_pc\\_pccs\\_doc\\_20000530\\_ethics-communications\\_en.html](https://www.vatican.va/roman_curia/pontifical_councils/pccs/documents/rc_pc_pccs_doc_20000530_ethics-communications_en.html), accessed February 14, 2023. Cf. Pontifical Council for Social Communications, *The Church and Internet* (February 22, 2002), n. 6, [https://www.vatican.va/roman\\_curia/pontifical\\_councils/pccs/documents/rc\\_pc\\_pccs\\_doc\\_20020228\\_church-internet\\_en.html](https://www.vatican.va/roman_curia/pontifical_councils/pccs/documents/rc_pc_pccs_doc_20020228_church-internet_en.html), accessed February 14, 2023.

<sup>82</sup> Pontifical Council for Social Communications, n. 26.

<sup>83</sup> Wilhelm Rees, “Präsent oder digital? Lässt Kirchenrecht eine Digitalisierung in der pastoralen Praxis zu?” in *Digitalisierung—Religion—Gesellschaft*, 199–218.

<sup>84</sup> Rees, “Präsent oder digital?,” 212–213.

age” is nowadays an urgent duty and, at the same time, a great responsibility for the shepherds of the Church.

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The digital environment is now part of the everyday experience of many people. This observation gave Pope Benedict XVI the impetus to outline in his *Message for the 47th World Communications Day* (2013) a programmatic thought so relevant today, which can be put as follows: Social networks as a new “agora” is an important space for evangelization.<sup>85</sup> May the papal words, to which the pastors of the Church, addressees of the prescripts of can. 822 CIC, should carefully listen to, summarize the above reflections. “Social networks, as well as being a means of evangelization, can also be a factor in human development. [...] In the digital world there are social networks which offer our contemporaries opportunities for prayer, meditation and sharing the word of God. But these networks can also open the door to other dimensions of faith. [...] In our effort to make the Gospel present in the digital world, we can invite people to come together for prayer or liturgical celebrations in specific places such as churches and chapels. There should be no lack of coherence or unity in the expression of our faith and witness to the Gospel in whatever reality we are called to live, whether physical or digital. When we are present to others, in any way at all, we are called to make known the love of God to the furthest ends of the earth.”<sup>86</sup>

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<sup>85</sup> Benedict XVI, “Message for the 47th World Communications Day” (January 24, 2023), [https://www.vatican.va/content/benedict-xvi/en/messages/communications/documents/hf\\_ben-xvi\\_mes\\_20130124\\_47th-world-communications-day.html](https://www.vatican.va/content/benedict-xvi/en/messages/communications/documents/hf_ben-xvi_mes_20130124_47th-world-communications-day.html), accessed February 14, 2023.

<sup>86</sup> Benedict XVI, “Message for the 47th World Communications Day.”

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Andrzej Pastwa

## L'environnement numérique comme espace d'activité évangélisatrice Une nouvelle dimension des obligations découlant des dispositions can. 822 du Code de droit canonique

### Résumé

Les énonciations papales contemporaines se caractérisent par une approche ecclésiale affirmée – active et optimiste, bien que consciente des dangers et non dénuée d'esprit critique – des opportunités/défis de l'«ère numérique». Si l'on suit ces indications, qui sont gonflées de la préoccupation de l'efficacité de la mission évangélisatrice dans les nouvelles réalités/contextes socio-(technologiques)-culturels, et que l'on garde en même temps à l'esprit la règle selon laquelle la pratique juridique de l'Église doit prendre en compte les conditions actuelles de l'existence humaine, il devient clair que cet horizon des «signes des temps», esquissé avec autorité, lance un défi aux sciences théologiques, y compris la canonologie. En ce qui concerne cette dernière, abstraction faite du besoin souvent urgent de changements/ajustements législatifs (étant donné la spécificité des diverses régions du monde – surtout au niveau du droit particulier), le rôle des experts dans la présentation d'une interprétation renouvelée, adéquate *hic et nunc* de certains canons essentiels du Code de droit canonique reste inestimable. On peut soutenir que parmi ces canons figurent les dispositions du can. 822. D'où la tentative, dans cet article, de délimiter le contenu de la problématique en deux temps – selon les étapes de recherche annoncées dans le titre : (1) L'environnement numérique comme espace indispensable à l'activité évangélisatrice ; (2) La nouvelle dimension des devoirs des bergers de l'Église imposée par le can. 822 §§ 1–3.

Mots-clés : «signes des temps», communication et communauté à «l'ère numérique», éléments juridiques de la prédication de la Parole, tâches des bergers-législateurs de l'Église, rangement et interprétation du «nouvel espace de vie», optimisation de la mission évangélisatrice de l'Église

Andrzej Pastwa

## L'ambiente digitale come spazio per le attività di evangelizzazione Una nuova dimensione degli obblighi derivanti dalle disposizioni del can. 822 del codice di procedura penale

### Sommario

Gli enunciati papali contemporanei sono caratterizzati da un approccio ecclesiale assertivo – attivo e ottimista, pur consapevole delle minacce e non acritico – verso le opportunità/sfide dell' "era digitale". Se seguiamo queste indicazioni, piene di preoccupazione per l'efficacia della missione evangelizzatrice nei nuovi contesti/realità socio-(tecnologico-)culturali, e teniamo presente allo stesso tempo la regola secondo cui la prassi giuridica della Chiesa deve tenere conto delle attuali condizioni dell'esistenza umana, diventa chiaro che questo orizzonte autorevolmente delineato dei "segni dei tempi" pone una sfida alle scienze teologiche, compreso la scienza canonistica. Quanto a quest'ultima – a parte la necessità, spesso urgente, di apportare modifiche/



aggiustamenti legislativi (tenendo conto delle specificità delle varie regioni del mondo, soprattutto a livello di diritto particolare), resta prezioso il ruolo strumentale degli esperti nel presentare una rinnovata e adeguata interpretazione *hic et nunc* di alcuni canoni chiave del *Codice di Diritto Canonico*. Si può sostenere che tra questi rientrano le disposizioni del can. 822. Pertanto, questo articolo tenta di delineare il merito della problematica in due tappe, secondo le fasi di ricerca annunciate nel titolo: (1) L'ambiente digitale come spazio indispensabile per le attività di evangelizzazione; (2) Una nuova dimensione dei compiti dei pastori della Chiesa imposta dalle disposizioni del can. 822 §§ 1–3.

Parole chiave: “segni dei tempi”, comunicazione e comunità nell’“era digitale”, elementi giuridici della predicazione della Parola, compiti dei pastori-legislatori ecclesiali, ordinamento e interpretazione del “nuovo spazio della vita”, aggiornamento della missione evangelizzatrice della Chiesa

