

*Ecclesiastical laws and digital publication.*  
*The new frontiers of promulgation in Canon Law*  
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Technological evolution has redefined spaces and methods of communication also within the Catholic Church. The speed of information exchange, the possibility of reaching a large number of recipients and the absence of costs represent the advantages of online communication. The web in fact favors the rapid dissemination of documents, which are knowable by an indefinite number of recipients even without the use of printing. In this perspective, Catholic Church's approach is positive. In addition to encouraging the use of "instruments of social communication" (can. 822 § 1), the Magisterium creates a close connection between these instruments and the mission of proclaiming the Gospel to all peoples, between their use and the exercise of power of the pastors of Church, between communication and communion "towards which all true communication must tend".

The diffusion of Information and Communication Technology (ICT) involved also the publication of canon laws and it asks about the possibility of using the Internet as a way of promulgating the law. The characteristics of the network make it possible to know the text faster than the printed one and its diffusion does not meet space limits, since the published norm reaches every territory, thus becoming binding.

The promulgation of law was constantly the subject of reflection in relation to its juridical nature and its possible distinction from publication, from the *promulgatio legis* in Roman law and in Gratian's Decree, to the *publica promulgatio* in the Gregory IX's decretals, from the discipline of the pious-benedictine Code to the current one, through the teachings of the Second Vatican Council.

*Tametsi* Decree, approved on November 11<sup>th</sup> 1563, represents an important historical precedent about the connection between promulgation and publication. It constitutes a practical example of the difficulties arising from the uncertain methods of publication. Tridentine Fathers established that the Decree be published in the individual parishes, without prescribing which norm would be applied in case of omitted publication due to negligence, ignorance or error of the parish priest or the Bishop. It was therefore up to the diocesan Bishop to promulgate the *Tametsi* and he had the obligation to give it a mandate in all the parishes under his jurisdiction.

The use of the newest technologies for the promulgation of laws has helped to ignite the debate again. There are in fact several Internet sites promoted by the Catholic Church for a wider dissemination of legal texts: *www.delegumtextibus.va* is the website promoted by the Pontifical Council for Legislative Texts for the publication of Pope's acts, Pontifical Council's initiatives and other Dicasteries of the Roman Curia's ones; *www.vatican.va* is the Catholic Church's website and it collects Magisterium's interventions.

The possibility of getting to know the legislative texts more quickly, without waiting for the timing of publication in the press is one of advantages of promulgation through digital publication. The printed version of the official commentary of *Acta Apostolicae Sedis*, for promulgation of universal ecclesiastical laws, could therefore be replaced, or at least accompanied, by the digital version. In fact, sometimes the printed version of the AAS is disclosed long after the promulgation of a law, causing in some cases a time elapsing longer than that provided by the Legislator for the entry into force of ecclesiastical law (can. 8 § 1). The promulgation through the online publication would be an advantage for the dioceses of the mission lands, which could encounter difficulties in applying the legislative texts due to delays of printed text circulation.

The universal Legislator, on the other hand, grants greater freedom for particular laws, which "are promulgated in the manner determined by the legislator" (can. 8 § 2). It is not excluded that a diocesan Bishop or an Episcopal Conference may choose the promulgation through online publication to oblige their subjects, as in the case of the Belgian Episcopal Conference, whose website presents a section

dedicated to complementary legislation to the Code of Canon Law ([www.cathobel.be](http://www.cathobel.be)) and the US one, whose legislative texts can be found in a section of the official website ([www.usccb.org](http://www.usccb.org)).

The Italian Episcopal Conference has instead used digital promulgation for general Decree *Disposizioni per la tutela del diritto alla buona fama e alla riservatezza* (may 31<sup>th</sup> 2018). The article 36 in fact governs that “the promulgation of the Decree takes place with the publication of the relative promulgation decree of the President of the I.E.C. on the website of the Italian Episcopal Conference” ([www.chiesacattolica.it](http://www.chiesacattolica.it)).

The restrictions imposed by the Covid 19 pandemic have further favored the spread of instruments of digital communication. In this perspective, online promulgation could constitute a solution to the limits of canonical legislative governance, allowing the diffusion of legal texts, the relative knowledge and obligation.

The Internet as an instrument for the promulgation of ecclesiastical law brings up various problems that require a response from the Legislator. First of all, we must ask ourselves whether the characteristics of the law are satisfied through online promulgation. In particular, the question arises as to how the publication can actually be valid as notification to a community of a binding imperative order or is instead used only for dissemination purposes. Additional obstacles are represented by the reliability of the file published on the web and the overlapping of legislative texts that could confuse the faithful about the rule to which they are subject. The potential of the network could also cause more confusion. In fact, often websites report links that refer to other sites: in this way the potential recipient of a rule (individual faithful or community) may not understand which law to observe.

There are therefore several problems associated with the digital publication of the law. The needs caused by the coronavirus pandemic and the objective difficulties for communities not easily reachable from the printed media could lead the universal legislator to regulate the matter, as already done by various civil systems, to offer guarantees regarding the authenticity of the published document, its unchangeability and the certainty of publication time.