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NAVIGATING COHESION IN CANON LAW: UNIFORMITY, PLURALITY AND THE MULTI- SOURCE LEGAL ORDER

Contents: Introduction; 1. Theoretical Framework of Legal Uniformity; 2. Evolution of Canon Law and Multicentrism; 3. Practical Case Studies; 4. Soft Law and Practical Decentralization; 5. Conclusions; Closing Remarks.

Introduction

Although the concept of the uniformity of law appears, at an intuitive level, to be relatively clear, its normative and functional meaning remains ambiguous within legal doctrine. On the one hand, it is regarded as a truism that the uniformity of law should be expressed not so much in the uniformity of the form of enacted normative acts as, above all, in the coherence of their content. Nonetheless, significant doctrinal questions remain about whether legal uniformity is found in identical norms or in consistent interpretation and application. In the context of a multi-level legal system (Tamanaha 2001, 151)—such as the canon law system without question—the uniformity of law thereby acquires a dimension extending beyond the confines of the system itself. It also raises questions of normative coordination

and the limits of interpretative autonomy of actors with law-making or law-applying authority¹.

At this point, a terminological clarification becomes necessary. Although the present article is devoted primarily to the problem of the uniformity of canon law, the analysis inevitably engages the more fundamental category of the unity of law. These notions must not be conflated. Uniformity denotes structural or regulatory homogeneity—the similarity or identity of normative solutions across the legal order. Unity, by contrast, refers to a deeper systemic and teleological coherence, which may subsist even in the absence of formal or structural uniformity. Particularly in a multicentric legal configuration, the absence of normative homogeneity does not automatically entail the dissolution of systemic unity; rather, it may require that unity be conceived in a manner irreducible to centralized control or formal consistency.

For this reason, these reflections argue that the uniformity of canon law should not be merely conceived as a structural or systemic feature grounded in centralized control, but rather as a teleological and ecclesial coherence rooted in the essence of the Church community. In conditions of normative multicentrism—understood as the co-existence of multiple decision-making centers, including legislative authorities explicitly provided for in the binding law of the Latin Church as well as those identifiable through a reconstructive analysis of the system's structure (Michowicz 2023, 83–98)—uniformity is not achieved by suppressing diversity in sources or authorities. Instead, it is maintained by orienting these diverse centers toward a shared

¹ While the concept of legal uniformity under conditions of multicentrism has been already discussed in secular legal scholarship (Liżewski 2019, 221–234), the present analysis seeks to explore its application within the canon legal order. The unique ecclesiological and hierarchical features of canon law, as well as its clear teleological orientation, require a distinct conceptualization of uniformity that cannot be fully captured by frameworks developed for secular systems. In this respect, the present study, while acknowledging the conceptual insights offered by Bartosz Liżewski, articulates a distinctly autonomous perspective, situated within the normative, pastoral, and sacramental horizons that uniquely characterize canon law.

common good and salvific horizon. Canon law thus manifests a model of normative integration distinct from paradigms of state law: a form of uniformity sustained by communion rather than by a centralized legislative monopoly (Cattaneo 2011, 65-248).

The defined scope of this inquiry gives rise to three interrelated foundational doubts. First, does the multicentric configuration of the canon legal order truly exclude systemic unity, or does it instead require that unity be conceived in a manner not reducible to structural or regulatory uniformity? In other words, should the unity of canon law be understood as formal normative homogeneity, or rather as teleological coherence rooted in hierarchical communion? Second, under conditions in which the legislator expressly institutes a plurality of norm-producing centers (cf. canon 22 CIC/1983), is it possible to attribute unity to canon law not as an immanent property of a closed normative system, but as the result of processes of coordination, interpretation, and reception within a shared ecclesial horizon? Third, in view of the enduring tension between unity and normative pluralism, would it be methodologically more adequate and conceptually precise to describe canon law as a dynamic legal order—within which unity is continually reconstructed in the practice of application—rather than as a static (?) legal system presupposing structural uniformity?

1. Theoretical Framework of Legal Uniformity

In contemporary canon-law discourse—including scholarship of international scope—the issue of the uniformity of law arises only sporadically and has not become the object of sustained theoretical reflection. Textbooks on canon law generally emphasize completeness, non-contradiction, and internal diversity, while the issue of uniformity remains marginal in scholarly discussion (Arroba Conde 1996; Sabbarese 2022; d'Arienzo 2025). It cannot be ruled out that reflection on the uniformity of a legal system under conditions of multicentrism is sometimes regarded as devoid of practical relevance, perhaps stemming from the conviction that the uniformity of the legal

system—understood in its classical sense—simply no longer exists in contemporary normative realities.

Such a position, however, does not appear fully persuasive. Considerations concerning the uniformity of the canon law system remain closely intertwined with fundamental questions of systemic coherence and the resolution of potential conflicts between the actions of various decision-making centers which—endowed with law-making or law-applying competences—operate within the same normative space. This problem acquires particular significance when one considers the diverse ways in which the attribute of legal uniformity is conceptualized in the relevant scholarly literature.

In the classical account, the uniformity of a legal system is often defined as a set of legal norms enacted by a single state, albeit through different public authorities (Baasch Andersen 2007, 9). Such uniformity effectively denotes the legislative monopoly of the state, understood as exclusivity in the creation of law. In relation to contemporary legal orders, however, the state serves merely as a point of reference for the analysis of intersystemic relations, particularly in the supranational context. This follows from the fact that domestic legal orders operate under conditions that require—especially at the stage of law application—due consideration of norms of international law and, in the case of Member States of the European Union, also of norms of EU law. Legal orders of this kind are described as multicentric, that is, as systems in which legal norms originate in more than one decision-making center, including centers external to the state (Buk-siński 2015, 11).

Transposing these observations to canon law, on the assumption that multicentricity constitutes an immanent and structurally “inherent” feature of that system (Michowicz 2023, 96), shifts the analytical focus toward the problem of the system’s internal uniformity. Such uniformity is closely linked to the degree of decentralization of public authority within the Church, and, more precisely, to the operability of the principle of subsidiarity. What is at issue, therefore, is the extent to which the supreme ecclesiastical legislator attributes law-making competences to hierarchically subordinate entities, as well as

to entities that do not fit directly within the hierarchical structure of the Church but nonetheless exercise a form of normative autonomy of a comparable nature (e.g. religious orders' chapters).

The internal uniformity of canon law must consider that the legislator incorporates norms shaped outside the Church system, serving extra-ecclesial objectives. This mechanism finds its normative foundation in the provision of canon 22 CIC/1983, under which the legislator conditions the reception of secular law upon its non-contradiction with divine law and its conformity with the binding canonical order. This means that the multicentrism of canon law possesses both an internal dimension (a plurality of law-making centers that are exclusively ecclesiastical) and an external dimension (a plurality of law-making centers that are not exclusively ecclesiastical²), which further justifies the need to examine the attribute of systemic uniformity from both perspectives.

The provision cited above simultaneously implies the existence of axiological and teleological uniformity within the legal system (in a state governed by the rule of law, this may also involve a specific socio-political ideology) (Lipari 2008, 21; Żmigrodzki 2011, 28). Axiological uniformity consists in the identification of a shared set of fundamental value assumptions through which the law expresses a defined catalogue of values subject to institutional protection. In the case of canon law, the system's axiological identity is shaped primarily by norms that are properly ecclesiastical—though subordinated to divine law—through the protection of the fundamental subjective rights of the faithful, through elements of properly understood representativeness, and through the principle of legality. Crucially, the axiological uniformity of the canonical order cannot be weakened when confronted with values expressed in particular or proper law, which—unlike in legal orders such as that of the European

² As a general rule, the reception of secular law occurs at the level of particular and proper legislation, and only rather rarely at the level of universal law. See more in KroczeK 2009, 169-174.

Union—constitutes a significant structural advantage of this system (Wróbel 2024, 220-221).

An integral element of the formal-structural uniformity of a legal system is also its teleological uniformity, understood as the convergence—or at least the non-contradiction—of the objectives pursued by public authority (Krygier 2007, 14; Copp 2019, 45-64). In this dimension, the achievement of uniformity depends primarily on legislative activity. In the context of the multicentric structure of canon law, however, teleological uniformity may be weakened, particularly in cases where the absence of precise procedural solutions leads to the enactment of norms that are formally permissible but axiologically or functionally controversial.

A particular difficulty in identifying teleological uniformity arises in the relationship between universal law and particular law, especially in areas regulating the administration of the sacraments to the faithful. While the universal legislator emphasizes the protection of sacramental order and the common good of the Church, including the necessity of avoiding scandal (canons 915–916 CIC/1983), norms of particular law and other guidelines—such as those inspired by *Amoris laetitia*—place emphasis on individual discernment of the faithful’s situation and their ecclesial integration (Paprocki 2022, 547-548). Although both normative levels appeal to a common overarching goal, differences in the prioritization of protected goods and the selection of means give rise to pronounced teleological tensions, which in turn make it difficult to assert the full uniformity of the system (v. infra).

In reflections on the uniformity of the canon law system under conditions of multicentrism, the concept of sociological uniformity also emerges, according to which the law in force is the product of the activity of competent actors who reflect the will of the global community of the faithful. However, this approach—which attributes to the law the character of a direct expression of the community’s will—raises significant methodological and axiological questions. The contemporary Church community—like the political communities of European states—is more accurately described as unity in

diversity, with processes of cultural and functional differentiation constituting a permanent feature. Under these conditions, the legislative activity of ecclesiastical lawmakers does not appear as a straightforward expression of a unified communal will, but rather as an effort to develop a normative compromise within a diversity of ecclesial communities (Örsy 1987, *passim*; Otaduy 1998, 37-87).

2. Evolution of Canon Law and Multicentrism

The historical development of canon law confirms that normative plurality has long constituted a structural feature of the Church's juridical reality rather than a later deviation from an originally centralized model. In the early centuries, ecclesial norms did not yet form a system in the strict normative sense; they functioned primarily as instruments safeguarding the unity of the Christian community and were closely intertwined with moral, liturgical, and disciplinary concerns. The emergence of canonical collections, including the *Collectio Dionysiana*, represented early attempts at organizing dispersed conciliar and papal decisions into a more coherent body of norms. These collections did not eliminate diversity but introduced criteria of selection, hierarchy, and interpretation, thereby enabling an initial level of axiological and teleological integration (Berman 1983, 199-255).

A decisive step toward systemic coherence occurred in the twelfth century with Gratian's *Decretum*. By employing dialectical method and principles for resolving normative conflicts, Gratian transformed a largely cumulative tradition into an ordered legal discourse. Medieval developments culminating in the *Corpus Iuris Canonici* further reinforced this integrative tendency. Within the broader framework of the *ius commune*, diverse normative elements—customary law, papal legislation, conciliar decrees, and *ius divinum*—coexisted within a shared theological and institutional horizon. As emphasized in classical canonistic scholarship, unity was not derived from the identity of sources but from their ordered reference to a common salvific purpose (Ciprotti 1947, 37-45). In this context, multicentricity did not generate fragmentation; rather, through scholastic techniques

of harmonization and the principle of *reductio ad unum*, it became a mechanism of integration (Calasso 1954, 375–378; Michowicz 2023, 91).

Modern canonical doctrine further clarified this structural relationship between plurality and unity. Cassola, for example, underscored that the canonical order cannot be reduced to a monolithic legislative structure, since its coherence arises from hierarchical communion and shared ecclesial ends rather than from formal centralization alone (Cassola 1962, 112–118). Such reflections reveal that even before modern codification, canonists were aware that unity in the Church's law possesses a qualitative and teleological dimension exceeding mere normative uniformity.

The codifications of 1917 and 1983 marked a new phase characterized by intensified formal systematization and legislative concentration. The codification movement sought to enhance clarity, certainty, and accessibility of norms, thereby strengthening the structural dimension of unity. At the same time, the codes did not abolish the plurality of sources but reorganized them within a comprehensive normative framework (Álvarez de las Asturias 2011, 121–122). Particularly after the Second Vatican Council, canonical legislation more explicitly reflected an ecclesiology of communion, incorporating personalist and pastoral emphases while maintaining hierarchical order and juridical coherence (Örsy 1992, 56–58).

Taken together, this historical trajectory demonstrates that the coexistence of multiple normative sources—divine law, universal and particular legislation, custom, and authoritative interpretation—has never eliminated unity. Instead, it has consistently required mechanisms of coordination, reception, and hierarchical structuring. Multicentricity, therefore, should not be interpreted as a symptom of contemporary legal pluralism imposed from outside, but as a constitutive feature of the canonical order itself. Throughout its development, unity has been preserved not through the mechanical uniformity of regulatory techniques, but through shared axiology and hierarchical communion.

The above account illustrates the multi-source character of the canonical order, which constitutes a structural condition of its multicentrism, especially in scenarios where the legislator—including particular legislators—opts to receive norms of secular origin. Despite systemic and axiological limitations arising from the provisions of canon 22 CIC/1983, it cannot be assumed a priori that the multicentric structure of the system leads primarily to pluralism of law. Individual normative centers can indeed differentiate the interpretation and application of norms, adapting them to local, cultural and pastoral conditions, while simultaneously striving to maintain systemic coherence guaranteed by the supremacy of hierarchically established norms in the Code, understood as the primary normative act of the Latin Church³.

In this framework, the uniformity of canon law does not appear as a static condition, but as a dynamic process, involving the continuous harmonization of Christian values among multiple decision-making centers and the negotiation of coherence between the objectives of legal norms, considering both the needs of local communities and the good of the Church as a whole. The evolution of Church law thus reveals a dual dynamic: on the one hand, the historical consolidation of norms, leading from a collection of moral rules to systematic codifications; on the other, the contemporary multicentric pluralism, which does not abolish the uniformity of law but redefines it as a relational and functional category.

3. Practical Case Studies

It is widely accepted in the doctrine that European Union law does not form part of the national law of member states but constitutes an autonomous legal order, distinct both from classical international

³ Authoritative doctrine does not consider the uniformity of law to be a supreme value, nor does it treat it as a constitutive element of the legal order (Mörsdorf 1964, 86-89; Corecco 1991, 47-52). It is generally held that uniformity remains a legal-technical category, rather than a structural principle (Hervada 1981, 112-118; Sobański 1992, 78-83).

law and from domestic legal systems⁴. This autonomy is primarily reflected in the principles of direct effect and the primacy of EU law. Although the Catholic Church is obviously not an institutional member of the European Union and has never ratified the accession treaties considered part of EU primary law, its organizational units—such as dioceses, parishes, religious institutes, or other ecclesiastical legal entities—are, by virtue of processing personal data of natural persons, classified as data controllers under Article 4 (7) of Regulation (EU) 2016/679 (GDPR) (Ganarin 2018, 11 and following).

As a result, these entities are legally bound by the GDPR *ex lege*, regardless of the existence or absence of internal ecclesiastical regulations on personal data protection (Kroczek and Skonieczny 2022, 116; 206). The binding force arises from the direct effect of EU law and the fact that these entities carry out activities within the material scope of the regulation on the territory of the European Union. It should be clarified that the Church's internal normative acts—usually promulgated by bishops' conferences—do not constitute a source of GDPR obligations; however, they serve an adaptive function,

⁴ The special status of European Union law was shaped by the European Court of Justice (now the Court of Justice of the European Union), whose jurisprudence was crucial in developing the doctrine of the autonomy of the Community legal order. Initially, the Court treated Community law as a form of international law. For instance, in the 5 February 1963 judgment in Case 26/62 *NV Algemene Transporten Expeditie Onderneming van Gend & Loos v. Netherlands Inland Revenue Administration*, the Court established the principle of direct effect but framed it within classical international law categories. Subsequent rulings redefined this perspective. In Case 6/64 *Flaminio Costa v. ENEL* (15 July 1964), the Court declared that the Treaty created a legal order integrated with, yet autonomous from, national legal systems, and thus national law could not override it. This position was reinforced in Case 14/68 *Walt Wilhelm and Others v. Bundeskartellamt* (13 February 1969), emphasizing Community law's independence from both international and national legal orders. These decisions laid the foundation for the doctrine of EU law autonomy, establishing its distinctiveness, primacy, and direct effect, and defining its special role in contemporary legal systems.

enabling the alignment of EU regulatory standards with the specific features of the canonical legal order⁵.

Of particular significance in this context is Article 91 of the GDPR, which provides the possibility for Churches and religious associations to maintain their own “comprehensive rules for the protection of personal data,” provided that these rules are aligned with the requirements of the Regulation and subject to the oversight of an independent authority. This provision does not establish a general derogation or exemption of Churches from the application of the GDPR; rather, it introduces a conditional exception, allowing ecclesiastical data protection systems to function as a *lex specialis* relative to EU law. In the absence of such internal regulations—or if they fail to meet GDPR standards—Article 91 does not apply, and the European Parliament and Council Regulation applies to the Catholic Church in full force, according to general principles. In practice, this means that if a bishops’ conference does not promulgate a general decree or specify detailed guidelines for implementing the GDPR in a given territory, the Regulation binds all ecclesiastical entities directly; supervision of personal data processing is carried out by the state data protection authority, and administrative sanctions and other legal measures are applied in accordance with EU and national law. The absence of ecclesiastical normative acts in this area does not exempt the Church from GDPR obligations, but results in the lack of an autonomous, that is an internal Church data protection system (Skonieczny 2018, 81; Ciechanowska and Szwed 2021, 35).

Moreover, under the canon law regime, the obligation to comply with the GDPR is further reinforced by canon 22 CIC/1983. This duty applies to ecclesiastical data controllers not only from a legal perspective but also in terms of pastoral and administrative responsibility, meaning that GDPR provisions bind Church superiors regardless

⁵ „Despite these borrowings from the GDPR, the decree under discussion remains part of the canon law system as an endogenous ecclesiastical statute. There is no reception of exogenous (EU) law here, nor its canonization” (KroczeK and Skonieczny 2022, 44).

of the normative activity of a given bishops' conference, with their applicability resting on the direct effect of EU law.

It is therefore accepted that the protection of personal data within the structures of the Catholic Church in Europe is simultaneously governed by EU regulations and internal norms adopted by bishops' conferences. However, the implementation of the GDPR exhibits significant territorial variation, particularly regarding the normative status of documents, the structure of supervisory bodies, and the degree of integration with canon law provisions. Comparative analysis of the frameworks adopted, for example, in Poland, Italy, Spain, and Germany, reveals distinct models of GDPR application within the Church.

In Poland, the Polish Bishops' Conference issued a general decree on the protection of personal data in March 2018, subsequently approved by the Holy See (KEP 2018a). This decree carries the weight of a particular law and applies to all ecclesiastical entities on Polish territory, including dioceses, parishes, religious institutes, Caritas, and ecclesiastical tribunals. The decree establishes an independent Church Data Protection Officer, vested with control and sanctioning powers, performing a function analogous to a supervisory authority under the GDPR (Art. 35). The Polish model is characterized by a high degree of integration with canon law, as evidenced by references to canons 220 and 455 CIC/1983 and by the appeal mechanisms, which include the possibility of recourse to the Holy See.

In Italy, by contrast, the Italian Bishops' Conference amended in 2018 a general decree on personal data protection originally promulgated in 1999. The new document is primarily advisory and informational in nature, rather than sanctioning (CEI 2018). While the decree applies to all ecclesiastical entities, supervision of its implementation remains largely decentralized and dependent on individual dioceses. The Data Protection Coordinator serves in an advisory and supportive capacity, lacking autonomous sanctioning powers or the independence comparable to the Polish Church Data Protection Officer (Art. 15). Integration with canon law focuses mainly on the protection

of sensitive data, particularly that related to sacraments and parish registers (Arts. 8–11).

A similar model has been adopted in Spain, where in 2018 the Spanish Bishops' Conference, through a general decree, established data protection delegates at both national and diocesan levels (CEE 2018). According to the relevant provisions, integration with the canon law system is moderate, and in practice, the primary reference point remains EU and national law (Otaduy 2019, 495–496). Supervision of data processing is carried out in cooperation between Church delegates and the state data protection authority (Art. 38 in conjunction with Art. 35).

A different model has developed in Germany, where personal data protection in the Catholic (and also Protestant) Church is regulated by the *Kirchliches Datenschutzgesetz*, which operates in parallel with the GDPR (DBK 2017a). This act constitutes autonomous Church law, binding all ecclesiastical entities and providing for the appointment of independent supervisory bodies with extensive control and sanctioning powers. This results in limited possibilities for integrating the two autonomous legal orders and, in practice, adheres primarily to the standards of German civil law and EU law⁶.

Comparative analysis thus highlights substantial differences between the models regarding: (a) the rank and binding force of normative acts; (b) the structure and independence of supervisory bodies; (c) the degree of integration with canon law; and (d) the practical method of enforcement. These differences stem both from divergent legal traditions and from distinct models of the relationship between canon law and secular law (Church and state). Poland represents an integrative model, Italy and Spain represent hybrid models, while Germany follows a procedural-administrative model (Skonieczny 2018, 77).

These solutions demonstrate that, despite the uniform applicability of the GDPR as EU law with direct effect, bishops' conferences shape

⁶ An examination of the Italian, German, and Polish models in comparative perspective in Kroczyk and Skonieczny 2022, 113.

the framework for its application in particular Churches in a highly differentiated manner. Consequently, the normative uniformity of EU law coexists with a pluralism of application models within the multicentric structure of canon law.

4. Soft Law and Practical Decentralization

If law is defined as the set of norms established or recognized by the ecclesiastical legislator as binding, this opens the space for reflection on the feature of uniformity in the canon law system, particularly in the context of incorporating normative acts and other law-making instruments for which the universal ecclesiastical legislator is neither the sole nor direct author. This issue concerns especially the binding force of sources of law proper to particular Churches and their place and rank within the structure of the canon law system. It should be noted that from the catalog of canon law sources, one cannot a priori exclude documents that do not constitute enacted law in the strict sense (Bertotto 2022, 254-255), yet exert so-called normative “soft binding” effects (soft law), which constitute a significant element of the Church’s legislative practice. These are collections of normative or quasi-normative acts that do not possess the binding force characteristic of hard law but exert a real influence on shaping the organizational policy (or, as earlier authors would say, ecclesiastical discipline) of the Church community⁷. In this sense, the integrative function of soft law is revealed primarily in its capacity to fill gaps between general and abstract norms and the pastoral and administrative practice of the Church. Soft law allows for such specification without recourse to formal normative acts, promoting legal unity

⁷ Soft law within the canon law order takes the form, inter alia, of instructions, directories, pastoral guidelines, apostolic letters of a non-normative character, documents issued by the dicasteries of the Roman Curia, as well as recommendations adopted by bishops’ conferences. Although such acts do not always meet the formal criteria of sources of law within the meaning of canon 7 CIC/1983, they nevertheless play a significant role in the process of concretizing and harmonizing the application of norms of both universal and particular law (Mostacci 2008, 23 and following).

while simultaneously accommodating diverse local conditions⁸. Accordingly, soft law strengthens the practical unity of the canonical legal order without undermining the principles of subsidiarity and the autonomy of particular Churches. The integrative character of soft law is also evident in the relationship between the normative and axiological orders. Soft law documents frequently refer explicitly to values, theological principles, and pastoral goals that are not always directly expressed in the norms contained in the Code. In this way, soft law functions as a bridge between the legal norm and its underlying rationale, enhancing coherence and facilitating interpretation.

In this context, particular significance attaches to Pope Francis' 2016 apostolic exhortation *Amoris laetitia*, especially Chapter VIII, "Accompany, discern, and integrate what is fragile," which has become the subject of intensive theological and pastoral reflection as well as varied reception at the level of particular Churches. This document, not being a normative act in the strict sense, leaves a wide margin for interpretation and space for pastoral application by bishops' conferences and single diocesan bishops. From a theoretical-legal perspective, *Amoris laetitia* should be classified as a document of the ordinary Magisterium of the Church with a predominantly pastoral character. It does not establish norms universally binding under canon 7 CIC/1983, but rather formulates pastoral principles, criteria, and guidance whose concrete application is largely left to local pastoral discernment.

Bishops' conferences, acting under the competencies defined in canon 455 CIC/1983, in seeking to implement Pope Francis' guidance, for the most part did not use the instrument of general decrees. Instead, they issued documents in the form of guidelines, pastoral orientations, or doctrinal interpretations. The normative force of these documents was typically limited and dependent on the positions of individual diocesan bishops. A particularly notable

⁸ Soft law performs an integrative function in the vertical dimension, linking the universal law of the Church with particular law and with the administrative practice of individual particular Churches (Mostacci 2008, 161).

example of the reception of *Amoris lætitia* is the document issued by the bishops of the Buenos Aires region, which adopted a hermeneutic emphasizing a process of personal and pastoral discernment, carried out primarily in the *forum internum*, considering the degree of subjective moral responsibility of the individual (CEA 2016)⁹. In certain situations, after prolonged spiritual accompaniment and in the absence of full subjective culpability, it allows for the possibility of divorced persons living in new civil unions to access the sacraments. This interpretation was recognized by Pope Francis as an authentic interpretation of Chapter VIII of the exhortation, granting it special interpretive authority, though it does not transform it into a universally binding norm (Otaduy 2017, 182-183).

In some Western European Churches, such as those in Germany and Belgium, the reception of *Amoris lætitia* has been marked by a clear emphasis on integrating persons living in so-called “irregular situations” into the life of the Church (respectively: DBK 2017b; CEB 2017). The bishops of these countries consistently rejected any automatism, both in excluding from and in admitting to the sacraments, stressing the importance of conscience formed in dialogue with a pastor and the necessity of individual discernment. In pastoral practice, this approach allows—under certain conditions—for the possibility of arriving at a decision to receive the Eucharist, while at the same time upholding the Church’s teaching on the indissolubility of marriage and its objective moral norms.

By contrast, the reception of *Amoris lætitia* in Poland is characterized by marked interpretative restraint. The Polish document primarily emphasized the need for pastoral accompaniment, discernment, and deeper formation of conscience, while avoiding explicit indications—still less norms—concerning the admission of divorced persons living in new unions to the sacraments of Reconciliation and the Eucharist (KEP 2018b). The Polish bishops’ document interpreted

⁹ This document was endorsed by the authority of Pope Francis in a letter dated 5 September 2016 (AAS 108: 1071–1074), which conferred upon it a particular magisterial significance, though certainly not a legally normative one.

Chapter VIII of the exhortation within a hermeneutic of continuity with the prior teaching of the Magisterium, particularly John Paul II's exhortation *Familiaris consortio*, which in practice entails maintaining the traditional sacramental discipline. The prevailing approach thus underscores the normative clarity of the rule and avoids interpretations that might suggest its modification.

The differentiated reception of Chapter VIII of *Amoris Laetitia* therefore demonstrates that the document was conceived not as a uniform code of conduct, but as an impetus for reflection and, above all, pastoral discernment. The plurality of solutions observed in particular Churches generally falls within the limits of permissible decentralization of ecclesial structures. At the same time, it raises theoretical-legal questions concerning the unity (and also uniformity) of pastoral practice, the relationship between objective norms and the subjective moral responsibility of pastors and the faithful concerned, and the limits of uniformity of canon-law norms under conditions of normative multicentrism.

Another illustration of the issues analyzed here is provided by the diversity of local legal regulations governing the preparation and modification of baptismal records in connection with adoption, pursuant to canon 877, §3 CIC/1983. An analysis of documents issued by the Polish Bishops' Conference and by the United States Conference of Catholic Bishops reveals both convergences and significant differences (respectively: KEP 2018c; USCCB 2000). The common objective of both sets of regulations is to ensure the proper entry in baptismal registers of adopted children, while safeguarding the confidentiality of data concerning biological parents. Both Conferences indicated that baptismal certificates issued after an adoption should disclose only the data of the adoptive parents and the child's new name, which constitutes a practical application of the principles of privacy protection and the integrity of sacramental records.

The differences between these regulations are procedural and substantive in scope. The American document focuses primarily on the content of entries in baptismal registers, specifying in detail which information is to be recorded for adopted children, whether

baptized before or after adoption (I. a–g). It does not, however, provide detailed procedures for submitting requests or for linking ecclesiastical records with civil documentation. By contrast, the Polish decree adopts a comprehensive approach: it addresses both the standardization of entries in baptismal registers and the full administrative procedure, including formal applications by adoptive parents, the role of the diocesan ordinary, requirements concerning civil documents, and the rules governing the issuance of new or amended baptismal certificates (n. 2 and 7). The Polish decree also regulates issues of confidentiality and the storage of information in parish and diocesan archives.

Although the differences identified above stem from distinct legal and pastoral contexts, both regulations nevertheless implement the objective set by the universal legislator in canon 877, §3 CIC/1983, namely ensuring the coherence of baptismal records of adopted children, the protection of personal data, and the uniformity of pastoral practice within the framework of particular canon law.

5. Conclusions

The foregoing analysis demonstrates that the question of unity in canon law cannot be adequately addressed by reference to structural uniformity alone¹⁰. Canon law constitutes not merely a technically organized body of norms, but a juridical expression of the Church's life as a *communio*. Its coherence must therefore be understood in light of its theological foundations and institutional mission, rather than exclusively through formal criteria of logical consistency or merely dogmatic assumptions. This teleological understanding of uniformity does not dissolve the conceptual distinction between unity and uniformity, but reinterprets uniformity within the horizon of unity.

¹⁰ Again, as it appears, uniformity refers to formal, structural, and technical consistency of norms across a legal system, presuming identical rules in all units. Unity, by contrast, emphasizes coherence of goals, principles, and values, allowing diverse local norms to work together toward a shared purpose, thus enabling a multicentric yet coherent canonical order.

The historical development of canonical legislation reveals that plurality of normative sources has long been a structural feature of the Church's juridical reality. The coexistence of universal and particular legislation, episcopal authority, synodal decision-making, and soft-law instruments does not represent an anomaly, but reflects the ecclesiological configuration of a hierarchical and internally differentiated community. Multicentricity, in this sense, is not a deviation from unity but one of the conditions under which unity is expressed. Consequently, multicentricity does not entail the exclusion of unity, but precludes its reduction to structural or regulatory uniformity. This analysis demonstrates that the coexistence of multiple normative centers may constitute one of the structural conditions for expressing ecclesial unity.

The contemporary examples analyzed above demonstrate that diversity of regulatory responses does not necessarily undermine the coherence of canon law. Rather, unity emerges through processes of interpretation, coordination, and reception, by which diverse normative initiatives are situated within a common ecclesial horizon. The decisive factor is not the identity of regulatory techniques, but their orientation toward the Church's salvific and pastoral mission. In this respect, sufficient theoretical and normative grounds exist for attributing unity to a multicentric canonical structure, provided that such unity is anchored in shared principles, hierarchical communion, and the primacy of the *evangelization understood as a norma missionis Ecclesiae*. Thus, in canon law order uniformity should not be treated merely as a methodological assumption, but may also be observed of its practical functioning¹¹ (differently Zirk-Sadowski 1998, 14).

Furthermore, unity in canon law thus appears as graduated and context-sensitive. It is most stable at the level of fundamental principles rooted in divine and natural law; it becomes more differentiated in particular legislation shaped by local circumstances; and it remains pastorally flexible in concrete application. Such differentiation does

¹¹ In fact, what is noticeable in canon law is the lack of uniformity.

not imply fragmentation, so long as the various normative centers operate within the framework of hierarchical communion and remain responsive to the integrative role of universal authority.

Accordingly, the unity of canon law should be understood as teleological and ecclesial coherence. It consists in the capacity of the Church's juridical structures to harmonize diverse normative expressions in view of a shared purpose, rather than in the mechanical reproduction of identical norms across all contexts. It may therefore be concluded that multicentricity therefore neither abolishes unity nor relativizes it absolutely; instead, it transforms the manner in which unity is realized within the Church's normative life.

For this reason, the opposition between "legal system" and "legal order" proves less decisive than the conceptual framework within which unity is interpreted. Canon law may legitimately be described in systemic terms, provided that system is not equated with exhaustive structural uniformity. Within a legal system, uniformity is primarily a methodological assumption, based on the logical coherence of norms and serving an idealizing function that enables the application of classical systemic principles such as hierarchy and chronology. By contrast, a legal order treats law as a social and institutional phenomenon—it encompasses not only formally binding norms but also the ways they are applied, interpreted, and respected. From this perspective, uniformity is an empirical feature, although may be absent in practice, as evidenced, for example, by the existence of so-called "dead law"¹². In short: a legal system idealizes the coherence of norms, while a legal order presents law in its actual functioning,

¹² An example of *lex mortua* within the law currently in force for the Latin Church is the provision set out in canon 1272 CIC/1983 concerning ecclesiastical benefices. This provision is no longer applied, as it produces no practical normative effects and, a fortiori, does not serve as a point of reference for administrative decision-making. Moreover, in countries such as France, Belgium, or Canada, the institution of the benefice *sic et simpliciter* either never existed in practice or the advantages associated with it lost their binding force as a result of falling into desuetude (Schouppe 2013, 66).

often fragmented and inconsistent, though still operational. Exactly as canon law does.

Closing Remarks

The foregoing analysis leads to the conclusion that the uniformity of canon law should not be understood as the mechanical identity of normative solutions across all levels of ecclesiastical governance. Rather, it consists in the capacity of the canonical order to coordinate diverse normative expressions in view of a common end. Multicentricity does not relativize uniformity in a purely structural sense; instead, it requires continuous teleological alignment between different decision-making centers. Uniformity is therefore preserved not through uniform regulation, but through the convergence of purposes, especially where universal law, particular law, and pastoral practice intersect.

In this sense, the law of the ecclesial community appears less as a closed and static system of norms and more as a dynamic legal order, in which the uniformity of law is constantly reconstructed at the intersection of universal and particular law, hard and soft norms, “general legislative decisions” and local practices of implementation (including pastoral practice) (Baura 2013, 160). Multicentricity therefore does not constitute a threat to the identity of canon law; rather, it is one of the fundamental mechanisms of its adaptive resilience.

There are therefore strong reasons to affirm that the uniformity of the canon law system is subordinate to its “natural” normative order: it constitutes a structurally immanent feature, rather than a methodological and dogmatic postulate imposed to organize norms within the context of persistent ecclesial-normative diversity. Canon law is not uniform because it is a system; it is systematized to preserve unity amid lasting pluralism. It is precisely within this “tension” between unity and multiplicity that canon law reveals its distinctive character as the law of a community, and not merely the law of an institution.

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Abstract

The problem addressed: Canon law operates within a framework of normative multicentrism, understood as the coexistence of multiple law-making and law-applying authorities in the Church, including universal and particular legislators, bishops' conferences, the Magisterium, and the reception of secular norms (notably European Union data protection law). This situation raises fundamental questions about the meaning and scope of legal uniformity in the canonical order.

The aim of the research conducted: The article aims to demonstrate that uniformity in canon law is not an absolute or purely formal value, but a functional and relational category. It serves legal certainty, equality of the faithful, and the preservation of a shared ecclesial axiology and teleology, especially the principle of *salus animarum*.

Methods: The study employs doctrinal, historical, and comparative methods. It reconstructs the development of the canonical legal order from early normative pluralism to modern codification and analyzes the relationships between various normative centers.

The results of the research: The analysis shows that multicentrism is an immanent and structurally inherent feature of canon law. Uniformity does not imply identity of norms or practices, but a dynamic process of interpretative integration grounded in common values.

The conclusions drawn from the research: The concept of a "canonical legal order" more accurately describes canon law than that of a strictly uniform legal system, as it captures unity through functional coherence rather than formal homogeneity.

Keywords: canon law; legal uniformity; normative multicentrism; sources of law; legal order

MAPA SPÓJNOŚCI PRAWA KANONICZNEGO. O TYM, JAK JEGO JEDNOLITOŚĆ I WIELOŹRÓDŁOWOŚĆ WSPÓLISTNIEJĄ W PRAKTYCE

Abstrakt

Tło i uzasadnienie podjętego tematu: Prawo kanoniczne funkcjonuje w warunkach multicytryczności normatywnej, obejmującej współlistnienie prawa powszechnego, partykularnego, aktów konferencji biskupów, Magisterium oraz recepcję norm prawa świeckiego (m.in. unijnego prawa ochrony danych). Rodzi to pytanie o charakter jednolitości prawa w Kościele.

Główny cel badań: Celem artykułu jest wykazanie, że jednolitość prawa kanonicznego ma charakter funkcjonalny, a nie absolutny. Służy ona zapewnieniu pewności prawa, równości wiernych oraz zachowaniu wspólnej aksjologii i teleologii, wyrażonej w zasadzie *salus animarum*.

Zastosowane metody: Zastosowano metody: dogmatyczną, historycznoprawną i porównawczą, rekonstruując ewolucję porządku kanonicznego od pluralizmu normatywnego po kodyfikację oraz analizując relacje między różnymi ośrodkami normotwórczymi.

Kluczowe wyniki: Ustalono, że multicytryczność jest cechą immanentną prawa kanonicznego. Jednolitość nie oznacza tożsamości norm, lecz dynamiczny proces interpretacyjnej integracji wokół wspólnych wartości.

Najważniejsze wnioski: Adekwatniejszą kategorią opisu niż „jednolity system prawa kanonicznego” jest „porządek prawny”, integrujący różnorodne źródła w oparciu o wspólną aksjologię i cel Kościoła.

Słowa kluczowe: prawo kanoniczne, jednolitość prawa, multicytryzm, źródła prawa, porządek prawny