

THE SECOND VATICAN COUNCIL  
AND THE POST-CONCILIAR REFORM  
OF CANON LAW IN THE PUBLICATIONS  
OF BISHOP WALENTY WÓJCIK

Mirosław Sitarz

Department of Public and Constitutional Church Law  
The John Paul II Catholic University of Lublin

**Summary:** As an active participant of the Second Vatican Council and a consultor of the Commission for the Revision of the Canon Code, Bishop Professor Walenty Wójcik greatly contributed to canonist science by writing commentaries, reviews and reports related to the subject of the Council. By writing reports on the Council, Wójcik made the content of the conciliar deliberations more accessible to the general public. Among the many topics that he raised, he analysed the issue of unduly long sessions of the Council, suggesting changes to the procedure. Importantly, he co-authored many proposals for revised canon law and submitted them for the Polish Episcopal Conference. He believed that the revision work must be founded on the new ideas of Vatican II. The presented article is an overview of his work related to the Council and the reform of canon law that took place as a result of it.

**Key words:** Commission for the Revision of the Canon Code, consultor, Deposit of Faith, canonist science, Council Fathers

Bishop Professor Walenty Wójcik wrote 63 works on the Second Vatican Council and the reform of canon law, published in such journals as „Prawo Kanoniczne”, „Zeszyty Naukowe KUL”, „Kościół i Prawo”, „Duszpasterz Polski za Granicą”, „Ateneum Kapłańskie”. He also authored a 100-page commentary to Book V of the Code of Canon Law „The Temporal Goods of the Church”, not to mention reviews of books and publications by Polish and foreign authors writing in a given subject area. Prior to our analysis, two facts of Bishop Wójcik’s life should be recalled as being of fundamental importance for any appraisal of his work. Firstly, he participated in Vatican II, and, secondly, he was a consultor of the Commission for the Revision of the Code of Canon Law for three subsequent 5-year terms. The fact that he was one of the Council Fathers is perceptible in all his publications, which are received not only as texts written by a professor, scholar and a discerning scientist, but also by an involved witness who is concerned about the correct legal order of the Church and a well-structured discussion of particular issues related to the Deposit of Faith.

---

PUBLICATIONS ON THE SECOND VATICAN COUNCIL

Bishop Walenty Wójcik took part in the first two sessions of the Council, lasting from 11 October to 8 December 1962 and from 29 September to 4 December 1963, respectively. All four sessions of Vatican II were attended by 3.058 Council Fathers, including 66 bishops from Poland. In the first session 16 diocesan and 9 auxiliary bishops from Poland took part, as well as one bishop residing in Rome, one abbot, and one superior general. The second session was attended by 9 diocesan and 19 auxiliary bishops, and 2 bishops residing in Rome and one abbot<sup>1</sup>.

Having spoken neither at the plenary session of the Council nor general congregations, he significantly contributed to the work of Vatican II. He co-authored many proposals submitted for the Polish Episcopal Conference, and put forward 9 written remarks by himself, the fact which few recall, often containing ready proposals as to draft documents on: liturgy<sup>2</sup>, the Revelation<sup>3</sup>, the Church<sup>4</sup>, ecumenism<sup>5</sup>, bishops and diocese management<sup>6</sup>. The remarks were included in the conciliar documents and published in *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II* by Typis Polyglottis Vaticanis in the years 1970–1980. Written vota, presented by the Council Fathers, had the same validity as verbal utterances. Upon analysis of the documentation it appears that the first session featured nearly as many of them as the papers presented.

The fact of being an eye-witness of the Council and, more importantly, an active participant of it is reflected in the works written by the Bishop himself. In his

---

<sup>1</sup> Z. Zieliński, *Watykański Sobór II*, in: *Encyklopedia Katolicka*, vol. XX, Towarzystwo Naukowe KUL, Lublin 2014, col. 285.

<sup>2</sup> *Animadversiones scripto exhibitae quoad capp. V–VIII schematis de s. Liturgia*, 78, in: *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II* [later quoted as AS], vol. I, periodus prima, pars II: *Congregaciones Generales X–XVIII*, Typis Polyglottis Vaticanis 1970, 764–765.

<sup>3</sup> *Animadversiones scripto exhibitae quoad schema de fontibus revelationis*, 55, in: AS, vol. I, periodus prima, pars III: *Congregaciones Generales XIX–XXX*, Typis Polyglottis Vaticanis 1971, 368.

<sup>4</sup> *Animadversiones scripto exhibitae quoad schema de De Ecclesia*, 81, in: AS, vol. I, periodus prima, pars IV: *Congregaciones Generales XXX–XXXVI*, Typis Polyglottis Vaticanis 1971, 596–597.

<sup>5</sup> *Animadversiones scripto exhibitae quoad cap. I schematis de Oecumenismo*, 32, in: AS, vol. II, periodus secunda, pars IV: *Congregaciones Generales LXXIV–LXXIX. Sessio publica III*, Typis Polyglottis Vaticanis 1973, 140–141; *Animadversiones scripto exhibitae circa schema de oecumenismo in genere*, 37, in: AS, vol. II, periodus secunda, pars V: *Congregaciones Generales LXV–LXXIII*, Typis Polyglottis Vaticanis 1973, 829.

<sup>6</sup> *Animadversiones scripto exhibitae quoad cap. I schematis de episcopis ac de dioecesum regimine*, 31, in: AS, vol. II, periodus secunda, pars IV: *Congregaciones Generales LIX–LXIV*, Typis Polyglottis Vaticanis 1972, 697; *Animadversiones scripto exhibitae quoad cap. II schematis de episcopis ac de dioecesum regimine*, 62, in: AS, vol. II, periodus secunda, pars V: *Congregaciones Generales LXV–LXXIII*, Typis Polyglottis Vaticanis 1973, 169; *Animadversiones scripto exhibitae quoad cap. III schematis de episcopis ac de dioecesum regimine*, 59, in: AS, vol. II, periodus secunda, pars V: *Congregaciones Generales LXV–LXXIII*, Typis Polyglottis Vaticanis 1973, 346; *Animadversiones scripto exhibitae quoad cap. IV schematis de episcopis ac de dioecesum regimine*, 33, in: AS, vol. II, periodus secunda, pars V: *Congregaciones Generales LXV–LXXIII*, Typis Polyglottis Vaticanis 1973, 389.

modesty, he did not mention his personal involvement in this great work – all he did in this respect was mention the names of Polish priests who took part in the Council.

The Second Vatican Council, as Wójcik himself wrote, was several times as large as the greatest parliaments of the world. Each session was attended by over two thousand Council Fathers, excluding auditors, experts and representatives of Churches and religious communities that had been invited. The procedure that was modelled upon that of Vatican I was not perfect. It came under the criticism of many Council Fathers, hence Bishop Wójcik undertook to write a series of articles on an improved formula of ecumenical councils in the context of Vatican II. Among the publications that deserve particular attention, four articles are worth mentioning, printed in the journal “*Prawo Kanoniczne*”, offering comparative analysis of previous ecumenical councils in terms of organization and procedure. These are: 1) *Organisational and procedural issues of the First Session of the Second Vatican Council (Zagadnienia organizacyjne i proceduralne podczas I sesji Soboru Watykańskiego II)*<sup>7</sup>; 2) *Improvements in the organization and procedure during the Second Session of the Second Vatican Council (Ulepszenia organizacji i procedury podczas II sesji Soboru Watykańskiego II)*<sup>8</sup>; 3) *Organisational and procedural problems during the Third Session of the Second Vatican Council (Problemy organizacji i procedury podczas III sesji Soboru Watykańskiego II)*<sup>9</sup>; 4) *Development of organization and procedure during the Fourth Session of the Second Vatican Council (Rozwój organizacji i procedury podczas IV sesji Soboru Watykańskiego II)*<sup>10</sup>.

In these articles, Bishop Wójcik presented both the origin and the course of the Council, remarking: „The lack of uniformity of information was visible in some parts of the study. As sources were used printed materials published by Typis Polyglottis Vaticanis in 1962 and handed to the Council participants: *Ordo Concilii Oecumenici Vaticani II celebrandi*, 52 pages, *Methodus servanda et preces recitandae in Concilio Oecumenico Vaticano II*, 38 pages, *Commissioni conciliari*, 96 pages, *Res in suffragatione agendae*, 30 pages, and other printed matter, such as lists of candidates for Commission members, Council Fathers, monthly agendas, etc. Also, more than 40 bulletins of the Polish Council Press Service were used”<sup>11</sup>. Information on other sources, on the basis of which he characterized the work of the Council, was supplemented in other articles:

We become familiar with particular changes in greater detail in *Ordo Concilii Oecumenici Vaticani II celebrandi, editio altera recognita*, Typis Polyglottis Vaticanis 1963. The current structure of the conciliar hierarchy and those called upon to participate is available in the lists *Commissioni conciliari, II edizione*, and *Elenco dei Padri conciliari*. The agenda of the public sessions that opened and closed the Second Session is provided by special printed materials of the *Typis Polyglottis*, entitled: *Methodus servanda et preces recitando*<sup>12</sup>.

<sup>7</sup> „*Prawo Kanoniczne*” 5 (1962), no. 1–2, 47–81.

<sup>8</sup> „*Prawo Kanoniczne*” 7 (1964), no. 1–2, 355–372.

<sup>9</sup> „*Prawo Kanoniczne*” 8 (1965), no. 2, 129–150.

<sup>10</sup> „*Prawo Kanoniczne*” 9 (1966), no. 3–4, 309–337.

<sup>11</sup> W. Wójcik, *Zagadnienia organizacyjne i proceduralne podczas I sesji*, 49.

<sup>12</sup> Idem, *Ulepszenia organizacji i procedury podczas II sesji*, 357.

The day after the encyclical *Ad Petri Cathedram* was promulgated on 25 June 1959<sup>13</sup>, in which the Pope John XXIII announced the convocation of the Council, the first plenary session of the Preparatory Commission was held. By virtue of motu proprio *Superno Dei nutu* of 5 June 1960<sup>14</sup>, 10 conciliar Commissions<sup>15</sup>, 2 secretariats and one Central Commission were created. The novelty, as Bishop Wójcik indicated, was the establishment of the Secretariat for Modern Means of Dissemination of Human Thought and the creation of the Secretariat for the Unity of Christians, the task of the latter (in co-operation with the Preparatory Theological Commission) being to draft a document plan on the sources of the revelation (*De fontibus revelationis*), in order to „agree on different aspects of the way this fundamental issue is interpreted”<sup>16</sup>. He also explained that the preparatory commissions were not equipped with any jurisdiction and their task as to merely edit document plans<sup>17</sup>. As regards the participants, Bishop Wójcik remarked that „it is becoming norm that bishops are participants of the Council by law while others by privilege”. At the same time, he indicated the ecclesiastical significance of consecrated life due to the right to a full participation in the Council granted to the superiors of clerical religious congregations<sup>18</sup>. During the second session, the Council drew attention to the lay auditors, whose admission to the conference hall was innovative in its own right, in his opinion<sup>19</sup>.

What calls for special attention in the publications of Bishop Wójcik is his analysis of the course of the sessions due to the dissatisfaction of the Council Fathers, visible especially during the first and second session, about the prolonged deliberations. The risk of sessions being protracted was very real and indeed strongly visible, especially in the first two sessions. The goals and agenda of the Council, the wealth of ideas and freedom of expression on a given subject caused the sessions to drag out, therefore changes became necessary:

Only when the discussion was no longer productive, and more and more speakers were turning up, the Pope authorised the Presidium to address to those present a questions whether they thought the issue had been resolved. A positive reply of the ordinary majority enabled the presidium to end the discussion. This instrument was used several times. The participants would always welcome this decision of the presidium and were in favour of the submitted motion nearly with one voice [unani-

<sup>13</sup> Ioannes Paulus PP. XXIII, Litterae encyclicae de veritate, unitate et pace caritatis afflatus provehendis *Ad Petri Cathedram* (25.06.1959), AAS 51 (1959), 497–531.

<sup>14</sup> Ioannes PP. XXIII, Litterae apostolicae motu proprio datae *Superno Dei nutu* Commissiones Concilio Vaticano Secundo apparando instituuntur (5.06.1960), AAS 52 (1960), 433–437.

<sup>15</sup> 1) *Commissio theologica, cuius erit quaestiones ad Scripturam Sanctam, Sacram Traditionem, fidem moresque spectantes perpendere et pervestigare*; 2) *Commissio de Episcopis et de dioeceseon regimine*; 3) *Commissio de disciplina cleri et populi christiani*; 4) *Commissio de Religiosis*; 5) *Commissio de disciplina Sacramentorum*; 6) *Commissio de Sacra Liturgia*; 7) *Commissio de Studiis et Seminariis*; 8) *Commissio de Ecclesiis orientalibus*; 9) *Commissio de Missionibus*; 10) *Commissio de apostolatu laicorum in omnibus quae ad actionem catholicam, religiosam atque socialem, spectant*.

<sup>16</sup> W. Wójcik, *Zagadnienia organizacyjne i proceduralne podczas I sesji*, 51, 72.

<sup>17</sup> Ibid, 52.

<sup>18</sup> Ibid, 61.

<sup>19</sup> W. Wójcik, *Ulepszenia organizacji i procedury podczas II sesji*, 361.

mously – M.S.]. This proves that idea that the middle ground was found between the full freedom to speak and waste of time, detrimental especially to a gathering of this kind<sup>20</sup>.

However, the possibility to submit vota in the written form was still emphasized, which was supported by the figures suggesting that written remarks were twice as numerous as the verbal remarks, and their quality was improved. It can be supposed that the disciplinary restriction connected with limited time for an address caused some of the Fathers to plan to submit their remarks in writing early enough, so they worked on them well and without undue haste. However, the opposite was true as well, since – according to Bishop Wójcik – „in comparison with the first session, those addresses were better prepared and contributed more to the elucidation of the issues in focus”<sup>21</sup>. As a participant of the Council, he attempted to recapitulate the second session, saying:

A significant organisational improvement would be the reconstruction of the leadership of the Council. One speaks of a college of moderators that would direct the work of general congregations and the Coordination Commission that is in charge of the work done by conciliar commissions and the transformation of the presidium council into a supervisory authority. Another important step was also to appoint lay auditors and create a committee for the press. When the improved procedure was appraised, a greater freedom of discussion, both inside and outside of the hall, was mentioned [...]. More collegialism [collegiality – M.S.] was being noticed in the work of the Council, and parliamentary practices that were transplanted into the domain of the conciliar work – as much as it was possible due to a different character of this ecclesiastical institution [...]. Many bishops realized, especially towards the end of the second session, that the improved organization and procedure is not good enough. There were loopholes in the legal norms [...], and the very discussion was proceeding too slowly. There were too many addresses that contributed little of nothing to a project under discussion, yet touched upon issues loosely related to it. As a result of the obligation to register an address to be delivered, 3 days before the presentation, similarly to the first session, the speakers’ addresses were more like monologues as there were too few dialogues or polemical passages in them<sup>22</sup>.

During the third session, lasting from 14 September to 21 November 1964, new participants of the Council were appointed. Also, auditors and pastors were invited to take part<sup>23</sup>. In the course of this session one could notice increased speed but the quality and depth of the discussion remained unaffected; the freedom of expression was respected, too. In this session, just like before, dissatisfied voices were heard. If prolonged discussion was the subject of earlier complaints, in the third and most intensive session

restrictions on verbal addresses and the hasty termination of discussion of individual schemes, made one think of the possibility of ending the Council during the 3 session [...]. No wonder that the eye-catching, hasty „flipping” through schemes and suggestions that the session would be closed at the end of October found its expression in the press already in the first weeks of the sessions, causing warnings to be voiced by the Conciliar Fathers. Restrictions placed on public addresses were criticized. The announcement of the fourth forthcoming session was applauded.

<sup>20</sup> Idem, *Zagadnienia organizacyjne i proceduralne podczas I sesji*, 67.

<sup>21</sup> Idem, *Ulepszenia organizacji i procedury podczas II sesji*, 369.

<sup>22</sup> Idem, 371.

<sup>23</sup> W. Wójcik, *Problemy organizacji i procedury podczas III sesji*, 136–137.

Rumours circulated among the members of the public that the pressure to shorten the sessions was caused by a desire to avoid reforms through imposing the main body of work upon the post-conciliar commissions<sup>24</sup>.

Here, the post-conciliar commissions must be mentioned. In the opinion of the Council Fathers, their role was to continue the work commenced during the Council now within commissions or councils, whose task would be to develop, further specify and implement the postulates put forward by Vatican II. In Wójcik's opinion, they would be modelled upon the Council for the Execution of the Constitution on the Sacred Liturgy (*Consilium ad exsequitionem constitutionem de sacra liturgia*), brought to life by Pope Paul VI on 25 January 1964<sup>25</sup>. This was not the only commission to be created in the time of the Council and continue its work afterwards. Earlier, i.e. on 28 March 1963, the so-called Codification Commission was appointed, that is the Pontifical Commission for the Revision of the Code of Canon Law (*Pontificia Commissio Codici Iuris Canonici Recognoscendo*). Undoubtedly, the reform of canon law was linked closely with the Second Vatican Council, a claim which becomes even more pronounced and justified in the light of Pope Paul VI's encyclical *Ecclesiam suam* of 6 August 1964. The Roman Pontiff concluded:

It will be for the Council, naturally, to decide what reforms are to be introduced into the Church's legislation and discipline. The post-conciliar committees, or commissions – especially the Commission for the Revision of the Code of Canon Law, which has already been set up – will concern themselves with the task of formulating in concrete terms the recommendations of the Ecumenical Synod<sup>26</sup>.

Therefore, the reconstruction of canon law was certain. The scope of the reform was yet to be decided. This was dealt with during the Council, as Bishop Wójcik recounted:

During the second session of the Council, the first meeting [of the Commission for the Revision of the Code of Canon Law – M.S.] was held with a goal of determining guidelines for codification work. At the time [...], the following matters were considered: 1) whether to redact two codes, one for the Latin Church and the other for the Eastern Church, or just one for the Universal Church, 2) or in case of two codes whether it was sufficient to amend the existing code of 1918 or to draft a completely new code, 3) where the instructions for amendments would come from. [...] Prevailing were opinions supporting the creation of two codes, replacement of the existing code with an entirely new code, and doing a survey among bishops worldwide concerning the postulated reforms<sup>27</sup>.

In summary, we may observe that the written remarks that the bishop attached to the Council model documents and the articles concerning the proceedings of the

<sup>24</sup> W. Wójcik, *Problemy organizacji i procedury podczas III sesji*, 143–144.

<sup>25</sup> Paulus PP. VI, *Litterae apostolicae motu proprio datae decernitur ut praescripta quaedam Constitutionis de Sacra Liturgia a Concilio Oecumenico Vaticano II probate vigere incipient Sacram Liturgiam* (25.01.1964), AAS 56 (1964), 139–144. See: W. Wójcik, *Problemy organizacji i procedury podczas III sesji*, 138.

<sup>26</sup> Paulus PP. VI, *Litterae encyclicae quibus viis Catholicam Ecclesiam in presaenti munus suum exsequi oporteat Ecclesiam suam* (6.08.1964), AAS 56 (1964), 628.

<sup>27</sup> W. Wójcik, *Problemy organizacji i procedury podczas III sesji*, 139.

Council in its particular sessions, published directly after their finished, were not the only forms of his activity during the Council. In a sense, Bishop Walenty was an on-the-spot commentator of the events taking place at the St. Peter's Basilica, since he gave interviews for Vatican Radio, feeding the Polish faithful with the news of the course and directions of the Council proceedings. The letters in which he gave an account of the Council were read out in Higher Seminary in Sandomierz (Poland). After his return to Rome, he gave many lectures on the subjects raised at the Council and the work on the canon law reform.

#### PUBLICATIONS ON THE POST-COUNCIL REFORM OF CANON LAW

In his publications on the post-conciliar reform of canon law, Bishop Wójcik described the creation of particular bodies to deal with the Code and the result of their work.

With a view to revising the Code in line with the resolutions passed at Vatican II, Pope John XXIII instituted the Cardinal Committee consisting of 29 cardinals on 28 March 1963. On 17 November 1963, Pope Paul VI appointed further 12 cardinals from outside of Rome, and in 1969 he enlarged the Committee to 66. On 26 April 1964, the first list of 70 consultors was announced, including 22 archbishops and bishops, 47 diocesan and religious priests and one lay person. Starting from 1966, the episcopal conference was allowed to submit canon consultors from its area. In 1969, the Committee counted 125 consultors, having Cardinal Stefan Wyszyński among them since the very beginning. By request of the Polish Episcopal Conference, the following were appointed as consultors: Rev. Prof. Józef Rybczyk, Dean of Canon Law Faculty of the Catholic University of Lublin, for the *De Sacramentis* Group, and Bishop Walenty Wójcik for the *Iure Patrimoniali Ecclesiae* Group<sup>28</sup>.

The first session of the Cardinal Committee took place on 12 November 1963 (still during the Council), in which it was postulated that separate codes for the Western Church and Eastern Church be promulgated, for both of which a common basic code would serve as an introduction, applicable for the whole Church. It was also posited that a schedule for the activities of the Committee be set up as well as for its organs that would work in parallel to do the revision work. Also, three preparatory teams were instituted with Fathers D. Faltin, A. Sabattani and J. Rousseau.

The ceremonial commencement of the Committee's work began on 20 November 1965. In this session, on 25 November 1965 the results of the four preparatory groups' efforts were evaluated, guidelines for future work specified, and 16 groups were established (*coetus studiorum*) with a task of revising particular books, parts or sections of the Code. Upon the termination of the Council

---

<sup>28</sup> B. Filipiak, Dean of the Roman Rota was also appointed as such.

some episcopal conferences (in France, Spain, the USA) also set up committees for the revision of the Code, recruiting their members from among local canonists. In Poland such a committee was established on 14 April 1966, consisting of 11 bishops (including Bishop Wójcik) and 70 diocesan and religious priests, led by Bishop Piotr Kałwa, and divided into 9 working groups. The effects of the Polish committee's work, which included proposed amendments to the current Code, were submitted to the secretariat of the Committee in Vatican by the committee's leader in March of 1968.

Bishop Wójcik examined papal addresses and those of the Episcopal Synod on the law reform, and he made them available to the Polish faithful in a synthetic and comprehensive way. Reporting on Pope Paul VI's speech from 20 November 1966, he wrote to the Committee members:

Pope has outlined a framework for the revision work, and this distinguishes ecclesiastical legislation from secular law-making. He has reminded us of the immutable principles of Divine Law, of the Church understood as a non-egalitarian community of the faithful, i.e. resting upon the primacy of the Roman Pontiff, the authority of bishops, presbyters and deacons, and of the role fulfilled by the laity who do not have the right of governance in the Church, etc. He added that these norms served as the basis for human positive law, laid down by the Apostles and their successors, concluding that this right resides in human conscience as it reflects the will of Christ and is necessary in the Church, which is a visible community. This right is in conformity with human dignity and is issued by a hierarchy that has an *ex officio* responsibility for the whole Church. He stressed the necessity that human law of the Church respect constant changes in society, hence the revision work must be founded on the new ideas of Vatican II, the latter being wisely used for the pastoral challenges of today.

Analyzing Pope Paul VI's address for the 50th anniversary of the Code (25 May 1968), Wójcik followed the Pope by stressing

the necessity to support the common good, defend human rights and Christian dignity [...]. The role of a canonical law is to activate the person, uplift him, support and protect, strengthen his attitude full of openness to the working of Holy Spirit [...], reconcile equality with inequality within the Church, subordination-mystery with the religious character of the hierarchy [...]. This reconciliation of apparently contradictory notions and mutually exclusive standpoints is characteristic of canon law. By accepting the theological foundations it regulates the legal order of the supernatural yet visible community, grounded in temporality<sup>29</sup>.

He also described the ways in which individual problems were solved by consultors. He claimed that consultors tend to reach a certain degree of balance between the past and the new, that the constituted law

will bridge the gap between canon law and pastoral work, but also widen the gap between canon law and secular legislations, that it gives hope that the new Code will be more compact, clearer and shorter – in line with the postulates. This will create an opportunity for creative activity and further development of ecclesiastical law.

Reporting on the work of the Episcopal Synod in 1967, he wrote:

---

<sup>29</sup> W. Wójcik, *Rozwój organizacji i procedury podczas IV sesji*, 328.

The Code must have a legal character (it must not be a collection of incentives and teachings or an anthology of conciliar texts), it should recognize the scope of law and conscience, it should contain norms of adjustment in pastoral work, encompass special powers, recently granted to bishops; it should use the subsidiarity principle in the Church, safeguard the rights of the person, straighten up the procedure in terms of its protection of subjective rights, respect the principle of territoriality, reform penal law and introduce a systematic arrangement of the legal matter<sup>30</sup>.

Although Bishop Wójcik himself was a member of the Committee dealing with the temporal goods of the Church, in his publications he described the procedures used by the individual groups in their work, progress made in relation to particular models, and analyzed most of their drafts, providing his own commentary.

The first working group to finish their work was the one drafting the fundamental law of the Church *Lex Ecclesiae Fundamentalis*. The bill was to be a sort of bridge between theology and law, between the invisible and visible parts of the Church, between the Church and other religious and secular communities.

*Lex Fundamentalis* is a new and original creation in the history of canon law codification. It is founded upon the doctrine of the Second Vatican Council and the latest outcomes in theological and law research; it contains the principles of Divine Natural Law and positive law, scattered throughout the Code as well as in the promulgated parts of the law for the Eastern Churches, and finally basic organisational norms of the Church. It demonstrates to the faithful and all people what the Church is and what it desires to achieve for every person and whole society.

The model document was disseminated through the relator W. Oncline to bishops and scientific centres featuring a request for feedback, and it was presented to bishops who took part in the Episcopal Synod. However, the draft Constitution was rejected by the Synod in 1971 and never entered into force due to criticism of canonists of Boulogne, Heidelberg and Pampluna.

Bishop Wójcik made references to the work of the other groups that focused on: General Norms – *Normae generales*, Institutes of Perfection – *De institutis perfectionis*, The Laity and associations of the faithful – *De laicis deque fidelium associationibus*, Marriage – *De matrimonio*, Penal Law – *De iure poenali*. Wójcik's remarks concerning the model documents are especially worthwhile – prepared by the group in charge of administrative procedure (*De procedura administrativa*) and Church public law.

The group working on administrative procedure proposed a new, original part of the Code that would constitute a counterpart of secular codes of administrative procedure. The part will consider the conciliar postulates regarding protection of subjective rights of natural and moral persons. This will increase the rule of law within the Church and promote caution while issuing administrative acts. This model document also envisaged a possibility of recourse not only to the Holy See but also a council of three bishops instituted permanently by the local episcopal conference.

---

<sup>30</sup> page 326. See: "Communicationes" 1 (1969), 38–100.

In 1972, Prof. Wójcik evaluated the work of the individual working groups. He concluded that „they use healthy pragmatism and draw on the experiences of they dicasteries of the Roman Curia. They apply the main legal ideas of the Second Vatican Council”. Wójcik also warned that

the revision of the Code does not constitute a break-up with the current norms, but rather their confrontation with new rules, development and updating to cater for the demands of people of today. One must not demand, however, that institutions of secular law be transferred to the Code, since the Church in its nature is different from the temporal communities.

He also expressed his hope that

the 50 years of the post-Council canonist science should be taken into account, as well as progress in the analogical areas of secular law, sociology, psychology, etc., norms will be redacted in a closer relationship with today's theology and will be more open towards the needs of pastoral care.

Wójcik encouraged broad and free discussion, so that the work is as perfect as possible and „follow from the whole Church and serve efficiently the whole People of God.”

Bishop Wójcik appreciated by Pope John Paul II for his work on the revision of the Code of Canon Law. On the 50th anniversary of his priesthood, the Pope presented him with a copy of the new Code of Canon Law (upon which he had worked)<sup>31</sup>.

Walenty Wójcik also published articles on the post-conciliar executive acts of the Holy See, and after the promulgation of the Code of Canon Law he analyzed the reformed canon institutions, such as: presbyteral council, pastoral council, parish, or institutions using the reformed law on bishop nominations, canon law interpretations, and institutions concerning the relations between canon law and secular law, especially those institutions of law which the general legislator canonised in the Code of Canon Law of 1983<sup>32</sup>.

## CONCLUSIONS

Summing up the above analysis of Bishop Wójciks's publications on the Second Vatican Council and the reform of canon law it must be concluded that:

1. He was an outstanding scholar and a keen observer of legislative processes and their active participant.

---

<sup>31</sup> The copy of the Code features Pope's signature, saying: „To dear Bishop Walenty on his Gold Jubilee of Priesthood with a brotherly blessing, John Paul II, 27 April 1989”; A. Kończak, *Walenty Wójcik – biskup i profesor*, „*Studia Sandomierskie*” vol. VI (1990-1996), 376.

<sup>32</sup> *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, 1–317; Polish translation: *Kodeks Prawa Kanonicznego*, Pallottinum, Poznań 1984.

2. His publications have greatly contributed to law and Polish canonist science. They are characterised by profound knowledge of the subject, a wide range of scientific tools as well as clarity of interpretation and explanation.
3. He had an excellent command of research methods, especially the historic-legal and dogmatic-legal methods.
4. The bishop demonstrates a thorough knowledge of canon and secular law.
5. He is to be regarded as one of the greatest Polish canonists of the 20th century.

#### REFERENCES

- Kończak, Adam. 1990–1996. „Walenty Wójcik – biskup i profesor.” *Studia Sandomierskie* 6: 357–378.
- Wójcik, Walenty. 1962. „Zagadnienia organizacyjne i proceduralne podczas I sesji Soboru Watykańskiego II”. *Prawo Kanoniczne* 1–2:47–81.
- Wójcik, Walenty. 1964. „Ulepszenia organizacji i procedury podczas II sesji Soboru Watykańskiego II”. *Prawo Kanoniczne* 1–2:355–372.
- Wójcik, Walenty. 1965. „Problemy organizacji i procedury podczas III sesji Soboru Watykańskiego II”. *Prawo Kanoniczne* 2:129–150.
- Wójcik, Walenty. 1966. „Rozwój organizacji i procedury podczas IV sesji Soboru Watykańskiego II”. *Prawo Kanoniczne* 3–4:309–337.
- Zieliński, Zygmunt. 2014. „Watykański Sobór II”. In: Encyklopedia Katolicka, vol. XX, edited by Edward Gigilewicz. Lublin: Towarzystwo Naukowe KUL, 280–290.

#### SOBÓR WATYKAŃSKI II I POSOBOROWA REFORMA PRAWA KANONICZNEGO W PUBLIKACJACH BISKUPA WALENTEGO WÓJCIKA

**Streszczenie.** Jako aktywny uczestnik Soboru Watykańskiego II i konsultor Komisji ds. Rewizji Kodeksu Prawa Kanonicznego, biskup profesor Walenty Wójcik znacznie przyczynił się do rozwoju kanonistyki, pisząc komentarze, recenzje i uwagi do Soboru. Poprzez pisemne uwagi do Soboru, Wójcik, korzystanie z prac soborowych uczynił bardziej dostępnymi dla ogółu społeczeństwa. Wśród wielu tematów, które podniósł, analizował problem nadmiernie długich sesji Soboru, sugerując zmiany w procedurze. Istotne jest, że był on współautorem wielu propozycji dotyczących rewizji prawa kanonicznego, przedłożonych Konferencji Episkopatu Polski. Uważał, że w pracy rewizyjnej należy oprzeć się na nowych ideach *Vaticanum II*. Prezentowany artykuł zawiera przegląd jego prac związanych z Soborem i reformą prawa kanonicznego, która była efektem tych prac.

**Słowa kluczowe:** Komisji ds. Rewizji Kodeksu Prawa Kanonicznego, konsultor, depozyt wiary, kanonistyka, Ojcowie soborowi