

THE PUBLIC EMPLOYEE BEING A CATHOLIC UNDER THE LIGHT OF THE CODE OF CANON LAW

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Summary. The author analyzes the Canon 225, § 2 of the Code of Canon Law of 1983 and demonstrates how the public employee being a catholic can imbue and perfect the temporal orders with the spirit of the Gospel. The article is divided in three parts: 1) the role of the layman; 2) the work of the public employee being a catholic, and 3) some hypothetical situations in which the public employee being a catholic can act.

Key words: temporal orders, economical life, social life, the lay Christian faithful

INTRODUCTION

The real role of the laity, man and woman, is to imbue and perfect the social reality with the spirit of the Gospel. In fact, such healthy and holy behavior is a moral and juridical command of both the Second Vatican Council and the Code of Canon Law of 1983¹, however, it needs to be explicated, revealed step by step, in order to be part of the day to day of the layman. Unfortunately, 50 years after the *Vaticanum II*, there is still a tendency to view the good layman only in the person who performs determined activities within the Church, such as being a catechist, an extraordinary communion minister etc. According to the Second Vatican Council, the contrary is true, that is, that the good layman is the catholic who fully lives his or her secularity in the world.

Among laymen, there exists one specific type of worker who possesses an enormous responsibility in the society: the public employee being a catholic. But, not the common place public employee, as for instance, a typist or a doorman. The tremendous responsibility lies on the shoulders of those who have the power to legislate, to judge, to decide over the lives of people. The referred lay Christian faithful are lawyers, magistrates, deputies, diplomats, sheriffs, sena-

¹ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, 1–317 [later quoted as CIC]; English translation in: *The New Commentary of the Code of Canon Law*, ed. J.P. Beal, J.A. Coriden, T.J. Green, Paulist Press, New York–Mahwah 2000.

tors, prosecutors, and even mayors, governors and presidents. They are called the public employees, because they are paid by the Government.

The public employees mentioned in the above paragraph deal with a lot of situations and matters, such as, marriage, crimes, taxes, property, liberty etc. And all of these subjects are morally studied and developed by the so-called social doctrine of the Catholic Church. It is, then, expectable that the lay Christian faithful called to participate in public life, that is, a layman or a lay woman who exerts this relevant profession might acquire a deep knowledge of the ecclesiastical teaching on the various situations. Yet, this is not sufficient. This special layman is to imbue and perfect the social reality with the spirit of the Gospel (Canon 225, § 2 of CIC), on practicing the discretionary act, in other words, on exerting his or her very profession.

How to do it, if one dwells in a secular state, non-confessional country? According to the reality in Brazil and in most Roman-base law nations in Europe, this discretionary act gives certain space for the choice of the public employee. For example: someone requests the sheriff permission to have a gun with himself the whole time. This petition can be denied by the lay Christian faithful (in this case, the sheriff), under the argument that it is always dangerous to carry a weapon. The public employee being a catholic took into consideration Christian points of view and rushed up to the conclusion that in the case by him analyzed, the use of this weapon might produce more violence and, thus, be against life and, consequently, against the evangelical principles. It doesn't mean that the correct thing to do in all situations is to impede a citizen from porting a revolver.

It is always important to conciliate two principles: on one side, the secularity of the state, once the public employee being a catholic is not allowed to transform his profession into a Church pulpit and he or she is supposed to respect the civil law; and, on the other side, the canonical principle of the autonomy of the temporal realities, prescribed in Canon 227 of CIC, since there isn't the "catholic solution", being every layman absolutely free to obtain the best in a particular situation, without, of course, refusing to learn the catholic social doctrine and to, somehow, inculcate the Christian values through his public affairs.

The presented study is divided in three parts: 1) the role played by the layman in general, stressing his or her juridical and theological vocation; 2) the nature of the work developed by the public employee being a catholic, and 3) some hypothetical situations, in which the public employee being a catholic can give witness illuminated by the several possibilities of action towards the implementation of the Christian values, without offending the state law, that he is obliged to obey and to fulfill.

THE ROLE OF THE LAYMAN

The nature of Canon 225, § 2 of the Code of Canon Law of 1983

The Church legislator stipulates: “According to each one’s condition, they [the Laymen] 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 the same affairs and exercising secular functions” (Canon 225, § 2 of CIC). We could simply say that the canon now studied possesses a formally juridical nature, since it belongs to the Code of Canon Law. Thus, this canon is, at least, formally juridical. Some experts discuss, however, if it is materially juridical or moral, or even both. A. Marzoa, for instance, affirms that the canon conveys a moral duty or obligation, nevertheless, the right of the laity for the apostolate is juridical and *erga omnes*, that is, against all².

Writing about the nature of canon law in general, R.N. Starlino teaches that within the ecclesial law, “the notion of obligation prevails over the notion of right”³. Anyway, J. Manzanares sees in this canon the juridical regulation of the secularity apanage of the lay person⁴. J.M.D. Moreno views here the grounds of a secular manner of evangelizing, totally different from any attempt of clericalizing the lay man⁵.

The programmatic contents of Canon 225, § 2 of the Code of Canon Law of 1983

This canon, beyond no shadow of a doubt, represents – let’s say – a sort of “bylaw” of the layman, once, in this very norm, there are a lot of important questionings on the lay vocation, on his and her mission and its foundation, together with the expected activities of the laity towards transforming the world⁶. In fact, pretty well spoke D. Grings, a retired bishop in Brazil: “When somebody asks what the Church does for the common good, one ought to return the question to the layman”⁷.

Under the condition of citizens, the laymen are to act in the various situations of the modern world, however, as baptized persons, they have to intervene in these realities according to the will of God; being this *modus operandi* of the laymen an indispensable means for the supernatural elevation of the social order⁸.

² Á. Marzoa, *Apostolado laical individual*, “Ius Canonicum” 26 (1986), n. 52, 643.

³ R.N. Starlino, *Direito Eclesial: Instrumento da Justiça do Reino*, Paulinas, São Paulo 2004, 107.

⁴ J. Manzanares, *Vocacion y Mision de los Laicos*, in: *Atas da XI Jornada de Direito Canônico*, Fátima, Portugal 2003, 154.

⁵ J.M.D. Moreno, *Los fieles cristianos y los laicos*, in: *Derecho Canónico. I: El Derecho del Pueblo de Dios*, ed. M.M. Cortés Diéguez e J. San José Prisco, BAC, Madrid 2006, 180.

⁶ *Ibid.*, 57.

⁷ D. Grings, *A Ortopraxis na Igreja*, Santuário, Aparecida 2001, 60.

⁸ J.T.M. Agar, *El derecho de los laicos a la libertad em lo temporal*, “Ius Canonicum” 26 (1986), n. 52, 536.

But, what are the temporal affairs (*rerum temporalium*) prescribed in the canon? The Council Fathers said: “These denominated temporal affairs can be, basically, social, political and economical”⁹. Nonetheless, the Church makes it clear that the fulfillment of her mission is not connected to any particular culture, political system or ideological vision (GS 43). Such connection would be incompatible with the principle of freedom in secular affairs, legally established (Canon 227 of CIC).

Let us, then, take a rapid look on secular affairs as they are comprehended by the Council Fathers. In these spheres, the lay person, particularly the public employee being a catholic, is expected to render an authentic Christian contribution.

The economical and social life. The 3rd chapter of the Pastoral Constitution *Gaudium et spes* puts man in the center of the economical life (GS 63). The mentioned constitution emphasizes the power of the human being over nature, being this factor one of the characteristics of the present times. The economy is supposed to become an instrument to “better provide the necessities of the human family” (GS 63). With R. Mancini, we have to admit the harmfulness of the mediation that interprets money, power and profit as absolute categories¹⁰.

The Council denounces the profit spirit and the scorn for the poor people as the main calamities nowadays and immediately warns that the economical progress, if coordinated in a rational way, can indeed mitigate the social inequalities (GS 63).

The bishops assembled in the Second Vatican Council show that these enormous inequalities, mainly between the developed and the under developed countries, might put at risk peace in our planet (GS 63). J. Joblin advocates the thesis that the Church, thru this conciliar document, plays an important role in the condition of being the interlocutor of the peoples’ aspirations¹¹.

Related to man’s labor actions, the Council declares that human work is superior to the other elements of the economical life, because the mentioned elements pertain to the instrumental order (GS 67). By the way, the Council Fathers coined a definition for work: “Human labor which is expended in the production and exchange of goods or in the performance of economic services” (GS 67).

The political life. The transformations of society, explain the Council Fathers, have a vigorous impact on the political positions, for “such changes have a great influence on the life of the political community, especially regarding the rights and duties of all in the exercise of civil freedom” (GS 73).

⁹ Sacrosanctum Concilium Oecumenicum Vaticanum II, Constitutio Pastoralis de Ecclesia in mundo huius temporis *Gaudium et spes* (7.12.1965), AAS 58 (1966), 1025–1116 [later quoted as GS], n. 63 and 75.

¹⁰ R. Mancini, *La laicità come metodo*, Cittadella Editrice, Assis 2009, 94.

¹¹ J. Joblin, *L’Église e la construction de la paix, L’étape de Gaudium et Spes*, “Gregorianum” 91/1 (2010), 152.

Following the magisterium of saint John XXIII, the Council Fathers affirm that the scope of the political society, that is, of the state, is to achieve the common good, which “embraces the sum of those conditions of the social life whereby men, families and associations more adequately and readily may attain their own perfection” (GS 74).

The bishops of the Council insist that the community and the authority are supported by human nature and, hence, “belong to the order designed by God” (GS 74). On thinking specifically of the lay persons, it is relevant to combine the sacramental and the social elements, “in virtue of the responsibility of the layman towards a new world, instigated by the sacrament, seeking, thus, better efficiency in transforming reality”¹².

The specifically political responsibility must be on the shoulders of the lay persons, who have the personal obligation to enlighten the political and social areas with the catholic moral principles, cooperating, even under the technical point of view, in favor of a genuinely humane economy and politics¹³.

THE WORK OF THE PUBLIC EMPLOYEE BEING A CATHOLIC

The public employee being a catholic of the high level in official administration, that is, those individuals, whose professional activities somehow interfere with the average persons’ life and are put into practice especially through the so called “discretionary act”, a juridical institute present in all Roman-base law nations.

As “public function”, in this article, we have to understand the roll of attributions that emanate from the civil power and are delegated to the public or government employees for developing the main state operations towards the common good¹⁴. Thus, there are certain activities that have to be executed in view of the state scope, which is always the common good of all citizens.

To accomplish the task of executing a good public service or activity, the population counts upon the thousands of public employees, most of them Catholics, especially in Europe and in Latin America. These government workers are: “the public agents bound to the public or civil administration, under a specific labor regulation”¹⁵.

What have in common a state governor, a prosecutor, a judge, an office director, a doorman and a typist? “The characteristic involving the mentioned workers as a whole is the fact that of all of them, to a certain extent, express the

¹² I.J. Kreutz, *A paróquia: lugar privilegiado da pastoral da Igreja*, Loyola, São Paulo 1989, 127.

¹³ R.L. Cifuentes, *Relações entre a Igreja e o Estado*, José Olympio, Rio de Janeiro 1989, 304.

¹⁴ De Plácido e Silva, *Função pública*, in: *Vocabulário Jurídico*, vol. I, Forense, Rio de Janeiro 1984, 331.

¹⁵ H.L. Meirelles, *Direito Administrativo*, Revista dos Tribunais, São Paulo 2006, 412. In Brazil and in many countries in Europe, the public employee labor rights are disciplined thru a specific law. A private worker is under the protection of a different law.

state power, embodied of an authority that they may exert solely because the state gave them the juridical empowerment, permitting their distinct activities in view of the public objectives”¹⁶.

In virtue of the “objective responsibility” principle, the state is obliged to satisfy or to compensate an eventual damage caused by the public employee against a citizen¹⁷. The purpose of this item of the article is to give some clues about the nature of the public work. However, the interest lays of course on the activities accomplished by those public employees who possess determined autonomy – although very restrict, let’s say – for they practice or execute the so called discretionary act.

In brief, what is a “discretionary act or power”? The answer is elaborated by Professor Pietro, when she explains the main activity of the public employee: “The government employee who may practice the discretionary act or power is allowed, in face of a concrete case, to appreciate the situation according to convenience and opportunity criteria”¹⁸.

“Convenience” and “opportunity” are, thus, the key-words to understand the discretionary act. The other type of administrative act, that is, the “ato vinculado”¹⁹ as we name it in Portuguese and in Spanish, corresponds to an action of the public employee in which the law dictates the only possible solution for the concrete case²⁰. For instance, if a student requests enrollment in a state school, the principal has just one alternative, once the mentioned student presents the necessary documentation: to accept the request²¹.

SOME HYPOTHETICAL SITUATIONS IN WHICH THE PUBLIC EMPLOYEE BEING A CATHOLIC CAN ACT

In this ultimate item of this article, we will analyze some hypothesis in which the public employee being a catholic, the lay persons (various careers, starting with the president), can imbue and perfect the order of temporal affairs with the spirit of the Gospel, according to Canon 225, § 2 of CIC, on practicing the discretionary act or power. There will be no evaluation of the merit of the discretionary act itself. The reader is called to come to his or her conclusions. There will be elements of the Church doctrine for each matter regulated by the discretionary act.

¹⁶ A.B. Mello, *Apontamentos sobre agentes e órgãos públicos*, Editora Revista dos Tribunais, São Paulo 1987, 4.

¹⁷ *Ibidem*, 6.

¹⁸ M.S.Z. Pietro, *Direito Administrativo*, Atlas S.A., São Paulo 2010, 212.

¹⁹ An act strictly bound to the law commandment.

²⁰ Pietro, *Direito Administrativo*, 212.

²¹ A.B. Mello, *Prestação de Serviços Públicos e Administração Indireta*, Editora Revista dos Tribunais, São Paulo 1987, 97.

The public employee being a catholic: a president. Discretionary Act: “to promulgate a law”. Subject: “authorization for the marriage of persons of the same sex”

The Pastoral Constitution teaches that the institute of matrimony is destined for the procreation and education of children, thus “Thus a man and a woman, who by their compact of conjugal love ‘are no longer two, but one flesh’ (Matt. 19:ff), render mutual help and service to each other through an intimate union of their persons and of their actions” (GS 48).

The canonical legislator, on defining matrimony, confirming the Council doctrine, determines that it is a covenant celebrated between one man and one woman (*vir et mulier*), “ordered to the well-being of the spouses and to the procreation and upbringing of children” (Canon 1055, § 1 of CIC).

The Congregation for the Doctrine of the Faith insists that matrimony or marriage is not a common union between two human-beings, but there only exists a true matrimony between two persons of different sexes: male and female²². The document is emphatically clear: “In those situations where homosexual unions have been legally recognized or have been given the legal status and rights belonging to marriage, clear and emphatic opposition is a duty. One must refrain from any kind of formal cooperation in the enactment or application of such gravely unjust laws and, as far as possible, from material cooperation on the level of their application. In this area, everyone can exercise the right to conscientious objection”²³.

The Catechism of the Catholic Church synthesizes the Ecclesiastical Magisterium, by saying that “the intimate community of life and love which constitutes the married state has been established by the Creator and endowed by him with its own proper laws [...]. God himself is the author of marriage. The vocation to marriage is written in the very nature of man and woman as they came from the hand of the Creator”²⁴.

Finally, the Congregation for the Doctrine of the Faith warns that “in no way can other forms of cohabitation be placed on the same level as marriage, nor can they receive legal recognition as such”²⁵.

The public employee being a catholic: a judge. Discretionary Act: “a judicial sentence”. Subject: “the extradition of a foreigner”

The Catholic Church always contemplated on the face of the immigrant the image of Jesus: “I was a stranger and you made me welcome.” (Matt. 25:35).

²² Congregation for the Doctrine of the Faith, *Considerations regarding proposals to give legal recognition to unions between homosexual persons* (31.07.2003), AAS 96 (2004), 41–49, n. 2.

²³ *Ibidem*, n. 5.

²⁴ *Catechismus Catholicae Ecclesiae*, Libreria Editrice Vaticana, Città del Vaticano 1997 [later quoted as CCE], n. 1603.

²⁵ Congregation for the Doctrine of the Faith, *Doctrinal Note on some questions the participation of Catholics in Political Life* (24.11.2002), AAS 96 (2004), 359–370, n. 4.

The Council stresses that the immigration process transforms man's life (GS 6) and asks Christians to be aware of this process (GS 65–66). In fact, the Holy Church teaches that all the problems involving unemployment greatly affect the immigrants or foreigners, putting them out of society, producing negative consequences in the personalities of these persons²⁶.

According to catholic social doctrine, “institutions in host countries must keep careful watch to prevent the spread of the temptation to exploit foreign laborers, denying them the same rights enjoyed by nationals, rights that are to be guaranteed to all without discrimination”²⁷.

The welcoming of foreigners is really an object of ecclesial solicitude. The Church legislator recommends the parish-pastors to be especially diligent in seeking those who are exiled from their homeland (Canon 529, § 1 of CIC). The Pontifical Council for the Pastoral Care of Migrants and Itinerant People calls attention to the fact that the lack of economical and financial equilibrium is the main cause of migratory movements: “The Magisterium has likewise always denounced social and economic imbalances that are, for the most part, the cause of migration, the dangers of an uncontrolled globalization in which migrants are more the victims than the protagonists of their migration, and the serious problem of irregular immigration, especially when the migrant is an object of trafficking and exploitation by criminal organizations”²⁸. The more affluent nations must receive the foreigner, who is always looking for security, as well as for the goods that cannot be encountered in the country where the foreigner lived (CCE 2241).

Pope emeritus, Benedict XVI, in the encyclical *Caritas in veritate*, reports to the problem of migration, asserting that we are facing a social phenomenon of epoch-making proportions, “that requires bold, forward-looking policies of international cooperation if it is to be handled effectively”²⁹.

The public employee being a catholic: a deputy. Discretionary Act: “to make a law”. Subject: “Democratic usage of the urban soil”

The Council Fathers teach that property contributes in favor of personality affirmation, being relevant the access of individuals and the society for the dominion of exterior goods (GS 71). In fact, property confers to each human being the necessary extension of personal and family autonomy and has to be considered as a continuation of human liberty (GS 71). Nevertheless, the Council

²⁶ Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, Paulinas, São Paulo 2005, n. 289.

²⁷ *Ibidem*, n. 298.

²⁸ Pontifical Council for Pastoral Care of Migrants and Itinerant People, *Instruction Erga Migrantes Caritas Christi* (3.05.2004), AAS 96 (2004), 762–822, n. 29b.

²⁹ Benedictus PP. XVI, Litterae encyclicae *Episcopis presbyteris et diaconis, viris et mulieribus consecratis, christifidelibus laicis atque bonae voluntatis hominibus, de humana integra progressionem in caritate veritateque Caritas in veritate* (29.06.2009), AAS 101 (2009), 641–709 [later quoted as CV], n. 62.

warns that the use of private property does not impede public property, being illicit the abuse of private property (GS 71).

Besides, any transfer of ownership of the private property, executed by the state, demands a righteous indemnification (compensation) in favor of the citizen (GS 71).

The Brazilian bishops, for example, speak of the serious problem around real state speculation. Let us listen to them: "Real state speculation, increasing the soil price, worsens the housing situation in Brazil and shows clearly that there are housing areas unequally divided among the various social groups"³⁰.

The public employee being a catholic: a public lawyer. Discretionary Act: a bill of complaint (petition). Subject: the interests of a poor person

The Second Vatican Council teaches that the spirit of poverty and the theological virtue of charity are "the glory and the witness of the Church of Christ" and mourns for nations that "have an abundance of wealth, whereas others are deprived of the necessities of life and are tormented with hunger, disease, and every kind of misery" (GS 88).

The phrase said by Jesus: "You have the poor with you always, but you will not always have me" (Matt. 26:11) does not mean an antagonism between adoring the Lord and serving the poor, but it is totally coherent to the Christian realism, "while appreciating on the one hand the praiseworthy efforts being made to defeat poverty, is cautious on the other hand regarding ideological positions and Messianistic beliefs that sustain the illusion that it is possible to eliminate the problem of poverty completely from this world"³¹.

The Catechism of the Catholic Church exhorts the faithful to renounce the richness, explaining that such a behavior is "obligatory of entrance into the Kingdom of Heaven" (CCE 2544). The care for the poor and the fight for righteousness constitute acts of conversion in the quotidian life (CCE 1435).

In Brazil, the 8th economy of the World, but a country with millions of poor people, due to the social injustice, the bishops, discussing the starvation problem, said that "on distributing the fruits of the earth, the neediest one has to be firstly contemplated"³². In 1999, focusing the unemployment in Brazil, the bishops affirmed that the catholics are to look at the poor brother or sister "with tenderness," making themselves the voice of those who are deprived of the essential and necessary goods³³.

³⁰ National Conference of the Bishops of Brazil [later quoted as CNBB], *Solo Urbano e Ação Pastoral* (Urban soil and pastoral action), Paulinas, São Paulo 1982, n. 16.

³¹ Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, n. 183.

³² CNBB, *Campanha da Fraternidade*, Fórmula Gráfica Editora, Brasília 1985, n. 64.

³³ Idem, *Campanha da Fraternidade*, Salesiana Dom Bosco, São Paulo 1999, n. 191.

**The public employee being a catholic: a senator. Periodical evaluation of taxes.
Subject: the adequate of some taxes**

The Council teaches that the righteous tax must not be concealed. So wrote the Council Fathers, arguing in favor of the necessity of overcoming an individualistic ethics: “Many in various places even make light of social laws and precepts, and do not hesitate to resort to various frauds and deceptions in avoiding just taxes or other debts due to society” (GS 30).

Tax revenues and public spending take on crucial economic importance for every civil and political community and the correct payment of taxes is a part of the duty of solidarity³⁴.

Jesus does not consider illegitimate the tax paid to Caesar (Marc 12:13–17). Beyond no shade of doubt, the temporal power, that is, the state, has the right to obtain what belongs to itself: the tax³⁵. Truly, the Christian has the civic and religious obligation of paying the taxes due to the state (Rom. 13:7).

In order to illustrate the importance of tax, observe the admonition made by the diocesan bishop for the Catholics to succor the Church in her needs (Canon 1261, § 2 of CIC). Nonetheless, the Brazilian bishops show the urgency of a fiscal reformation, to guarantee the implementation of the social justice³⁶. Benedict XVI refers to fiscal subsidiarity, “allowing citizens to decide how to allocate a portion of the taxes they pay to the state” (CV 60).

CONCLUSION

The laymen are present in the world under the condition of citizens. They are not different from the other members of society, save for their endeavor to make life an authentic apostolate, mainly on exerting the secular affairs, like the professional activity of the public employees, studied in this article.

What the Church wills for the laymen and for all the faithful is a holy behavior day to day, which corresponds to perfection in charity. Truly, for those who emanate the discretionary acts herein analyzed, to be a saint makes all the difference. These sisters and brothers are to act according to a legitimate spirit of secularity, rejecting the “secularism”, for this one denies the interference of religion into the temporal realities.

The public employee being a catholic has the obligation (a juridical commandment) to reflect on the teachings of the Holy Church, before they practice the discretionary act. There is not the “catholic solution” in this area, however,

³⁴ Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, n. 355.

³⁵ *Ibidem*, n. 379.

³⁶ CNBB, *Exigências Evangélicas e Éticas de superação da miséria e da fome* (Evangelical and Ethical Demands to overcome misery and starvation), Paulinas, São Paulo 2002, n. 53.

the emanation of the discretionary acts represents a great opportunity to imbue (to permeate) and to perfect the temporal order of things with the spirit of the Gospel. This statement seems to be pretty clear and understandable.

Thus, in our point of view, the contents of the discretionary act can never be object of the Ecclesiastical Magisterium, save in the situations concerning just one possible choice, as in the case of abortion, for example. Yet, the Canon 225, § 2 of CIC, commands that the laymen – the public employee being a catholic in our case – feed themselves with the ecclesiastical doctrine, especially the social doctrine.

It is not important to know “how” the public employees will act in the concrete situation, because, the “method” is related to freedom in the secular affairs, guaranteed by Canon 227 of CIC. On the other hand, it is really important – and this is the so called *mens legislatoris* – to stimulate the responsibility of the public employee being a catholic.

Canon 225, § 2 of CIC, in fact, as we realized, constitutes a juridical norm focusing directly the secular activities of the laymen. So, this secularity, besides being an attribute of the laity, is equally a genuine gift of God. Thus, the Hierarchy does not possess the right to limit the liberty of the laymen in the temporal order. It is a right *erga omnes*, that is, against everyone.

Other relevant conclusion we can take from the analysis of this article relates to the fact that the laymen do their apostolic tasks not as *longa manus* of the Hierarchy, but in the baptismal condition of members of the Church founded by Jesus.

The humanization of society is an essential question for the Catholics. This way, the public employees, based upon the civil law and the Church teachings, inspired by Canon 225, § 2 of CIC, through the discretionary acts, must evangelize the various human communities, imbuing and perfecting the temporal affairs with the spirit of the Gospel.

The fulfillment of Canon 225, § 2 of CIC, is extremely necessary in terms of the very identity of the laymen, since the Church, in the light of the Second Vatican Council, expects that common women and men be “pastoral agents” in political society, and not mainly in the intra-ecclesial organisms.

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PRACOWNIK SEKTORA PUBLICZNEGO BĘDĄCY KATOLIKIEM
WEDŁUG KODEKSU PRAWA KANONICZNEGO

Streszczenie. Autor analizuje kan. 225 § 2 Kodeksu Prawa Kanonicznego z 1983 r. i ukazuje, w jaki sposób pracownik sektora publicznego będący katolikiem może przenikać i udoskonalać duchem ewangelicznym porządek doczesny. Artykuł składa się z trzech części: 1) znaczenie wiernego świeckiego; 2) praca urzędnika państwowego i 3) sytuacje, w których może znaleźć się pracownik sektora publicznego będący katolikiem.

Słowa kluczowe: porządek doczesny, życie ekonomiczne, życie społeczne, wierni chrześcijanie świeccy