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New Church Law

How It Developed

Pope John Paul II is expected to issue the new Code of Canon Law within a few months. It will replace the current code, or general law governing Latin-rite Catholics, which was issued in 1917. This is the first of a four-part series giving an overview of the new code and what it will mean to Catholics.

By Jerry Filteau
National Catholic News Service

On Jan. 25, 1958, Pope John XXIII announced two major decisions to convoke an ecumenical council of the Catholic Church and to revise the Code of Canon Law, the body of laws governing the Western Church.

The Second Vatican Council, which lasted from 1962 to 1965, marked a turning point for the Church in the modern world which has affected every area of Catholic life.

(A series on Vatican Council II begins today on Page 3.)

Because of the depth of changes in the Church that the council brought about, the revision of the Code of Canon Law was delayed until after the council.

Now, 17 years after the council ended, that work is in its final phase. Pope John Paul II is expected to promulgate the new code within the next few months.

Aside from a similar revision of the Code of Oriental Canon Law — the general laws governing all Catholics of the Eastern-rite Churches — the revision of the Latin-rite code is the last of the major postconciliar Church reforms to be completed.

The new code has to incorporate the other major reforms of the council: liturgical changes, changes in Church structures, and the development of new structures, changed understandings of the respective roles of laymen, priests, bishops and the pope in the Church, and a wide variety of other developments — all had to settle in before they could really be adequately codified in the form of permanent or quasi-permanent general laws for the Church around the world.

Many theologians and canon lawyers who have studied the revision process and the successive drafts of the new code have complained — at times with considerable vehemence — that numerous laws in the new code, and in fact the very structure of the code, do not adequately reflect Vatican II and postconciliar developments in the Church. In some cases, it has been argued that the new code marks a step backward from current thinking and practice.

"In it (the new code) different trends meet, at times conflict, and by natural necessity produce fruit in which there is much good, but which is still far from perfection. That is, it is a compromise," wrote Jesuit Father Ladislav Orsy, a noted American canonist.

"It will be out of date even before it is promulgated," said Father James Provost, executive coordinator of the Canon Law Society of America, last year in the national Catholic magazine *America*.

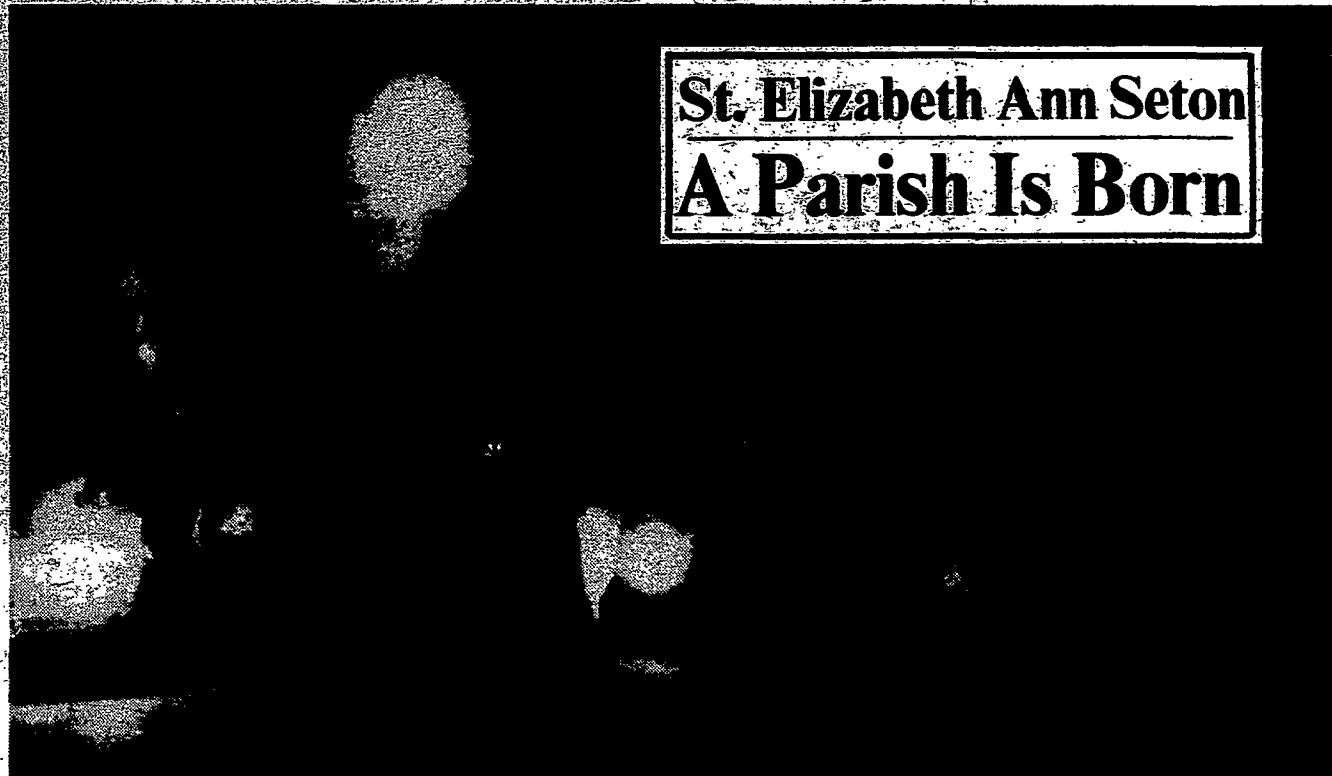
Despite such reservations, however, many have welcomed the completion of the new code. The CLSA and other individuals and groups have been urging a major educational process to familiarize American Catholics with the new laws.

They have stressed that the code's publication provides a major opportunity for Church authorities to help people understand the nature and meaning of Church law and its role in Church life.

Many Church lawyers also have emphasized the opportunity that a new general Church law provides for making positive changes in local Church law and practice.

Cardinal John Krol of Philadelphia recently predicted that Pope John Paul II will issue the new law soon — at the

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St. Elizabeth Ann Seton A Parish Is Born

Photo by Terrance J. Brennan

A torchlight parade preceded the dedication of the new church of St. Elizabeth Ann parish in Hamlin on Sept. 27. Other photos, Page 6.

Medical Profession, Press Criticized by Nathanson

By John Dash

Disunity within the ranks of pro-lifers and the over-politicization of the question of when life begins were the principal causes for the downfall of the Helms proposal this year. That is the assessment of Dr. Bernard Nathanson, the abortionist turned pro-lifer, in Rochester last week to speak at the invitation of Rochester Area Right to Life and People Concerned for Life.

The Helms measure originally was a legal definition of the start of life as the moment of conception, in Dr. Nathanson's judgment, an absolutely necessary piece of legislation.

"We are defining the moment of death," he said. "We have to do the same on the other end. There are no Bar Mitzvahs in the womb," he said, dismissing arguments that the fetus becomes a human person during the period of gestation.

The Helms legislation was the object of extraordinary political scrambling and rewriting this year.

In addition, he said, the pro-life movement was divided on support for it. The U.S. bishops, for example, publicly announced support for another piece of legislation, the Hatch Amendment, which would have allowed the federal and state governments to enact abortion legislation, the more restrictive prevailing in cases of dispute.

Speaking at a press conference, Dr. Nathanson



Photo by John Dash

DR. NATHANSON

also had sharp words for the national news media and for members of his own profession.

"The medical profession has discredited itself," and doctors practice a "heartless, depersonalized medicine," he said, largely because of the economics involved.

Anti-abortion legislation, he said, would increase the time a doctor would have to give to counseling a pregnant patient. As things stand now, he said, once a

pregnancy is confirmed all a doctor has to do is inform the patient of where the nearest abortion clinic is.

But Dr. Nathanson saves his sharpest barbs for the national press, a profession which has "trashed its responsibilities," when it comes to reporting "incendiary issues" such as abortion.

He has written a book, "The Abortion Papers,"

Inside the *Abortion Mentality*, to be published within the next few months. That book, he said, is a "close study" of coverage given to the abortion issue during the past 15 years. By and large, he said, the national press has demonstrated a "nakedly pro-abortion stance."

Abortion is not the only question to receive partial treatment, he said. He considers the issues of school prayer, busing, and the like, also not to have received thorough and impartial coverage.

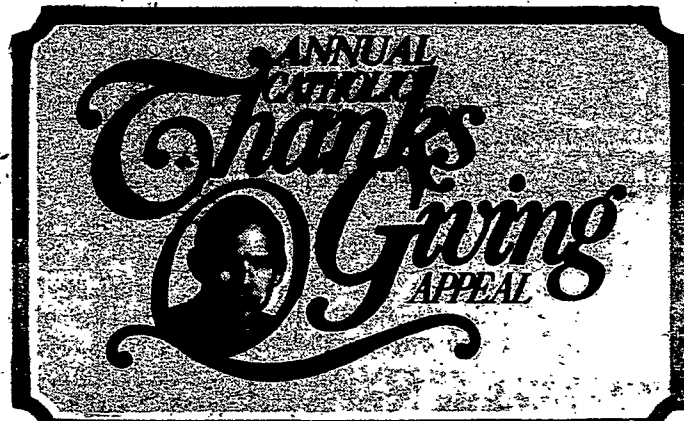
At his news conference, Dr. Nathanson suggested two solutions. The first is to survey the press on its coverage of such questions, and then for the public to take dissatisfaction with such coverage to those in the press.

The second, "most far-reaching solution," however, is "the establishment of a public newspaper system on

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For the Record . . .

It was incorrectly reported in last week's *Courier-Journal* that the diocese's share of any money exceeding a parish's goal in the Bishop's Thanks Giving Appeal was frozen in an escrow account for three years. Actually, the diocese's 20 percent share of such coverage will be allocated over the next three years for programs serving the needs of people.



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