

New Church Law

Center of Law Is Sacramental

(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 one in a series of articles by National Catholic News Service to give an overview of the new code and what it will mean to Catholics.)

By Jerry Filteau

The planned new Code of Canon Law "scrupulously protects and safeguards the administration of the sacraments which are the focal points of its rules," said Pope Paul VI in a 1970 speech.

Pope John Paul II is expected to issue the new code as early as this November and no later than next February.

Nearly a quarter of the whole code — more than 400 canons — is devoted exclusively to a treatment of the sacraments and worship. In addition, hundreds of other canons in the code allude directly to one of the sacraments or have a sacrament as a major frame of reference. For example:

- Membership in the church, upon which the direct applicability of the whole code depends, is through baptism.

- Much of the juridical authority in the church is derived from pastoral authority, which is hierarchical, so large portions of the code involve distinctions between those who are ordained and those who are not.

- In practice, the judicial system in the church, to which more than 300 canons are devoted, is involved chiefly in questions concerning the sacrament of matrimony.

Why do the sacraments have such a central role in church law that Pope Paul called them its "focal points?"

The answer lies in church teaching and a theology of the church and its law.

The church itself, said the Second Vatican Council, is "the universal sacrament of salvation." The seven sacraments are the center of the life of the church and its chief means of salvation.

The ordering of the church is sacramental, from initiation into church life through baptism, the Eucharist and confirmation, to graces for daily life through penance, the Eucharist and (for most members) matrimony, to special assistance in times of illness through anointing of the sick, to primary responsibility for the faith, worship, preaching and public order of the church through holy orders.

Canon law, the body of law that governs the way the church is ordered, is thus essentially sacramental:

Much of the whole 20-year project of the reform of the Code of Canon Law has been aimed at getting rid of the tone of legalism which deeply marked the old code so that a sense of the law as an instrument of salvation, charity, justice and community as well as order would come through in the revision.

The way in which the new code treats the administration of the sacraments is one of the clearest indications of this.

In its treatment of matrimony, for example, it stresses marriage as a covenant or commitment of the partners to a community of life and responsibility for each other, as opposed to the old code's emphasis on marriage as a legal contract.

"Like every other part of the code," said Msgr. Frederick McManus of the Catholic University of America, one of the country's best known canon lawyers and liturgists, "the canons on the sacraments incorporate the basic revisions of the Second Vatican Council."

Another major element of the revision, he said, is "the attempt to simplify, to make the code more pastoral." As an example, he noted that the formerly detailed, strict rules for a priest's jurisdiction to administer the sacrament of penance have been greatly simplified.

"But the most significant thing, theoretically," he said, "is that the sacraments have been situated within the treatment of the office of sanctifying of the church. In the old code, divine worship came almost as an afterthought . . . Now it starts with the liturgy, and then the sacraments as part of that."

He also said that the introduction of fundamental canons on each of the sacraments "reflect at least in a limited way" the developed theology of liturgy and the sacraments which is expressed more fully in the postconciliar liturgical reforms, although this might not be readily evident at first sight because of the necessary brevity of the canons.

Msgr. McManus, a consultant to the papal commission revising the code, said the pastoral orientation of the new code also is obscured, at first sight, by "what appear to be disproportions," such as the apparently inordinate amount of space devoted to rules for Mass stipends or indulgences, or to the record-keeping requirements for each of the sacraments.

But Mass stipends and indulgences are examples of "areas which have had disciplinary problems" in the church's practical, historical experience, he said, leading to treatment "at greater length" in the law than is merited by their intrinsic importance.

While record-keeping is "not central to the sacraments," it is an aspect of the sacraments that "lends itself to rule-making," he said.

A detailed, canon-by-canon comparison of the new code with the 1917 code would show a "radical development" in the treatment of the sacraments, he said, but from another perspective the new code is basically conservative — in part "because the development of liturgical law is largely outside the canons."

As an example, he said that the new code does not address the second major aspect of liturgical reform mandated by the

Second Vatican Council, liturgical inculturation or the adaptation of the rites of the sacraments to local cultures.

If the new code is quite different from the old code, it is not because it changes current law substantially, but rather because it codifies into general law changes already made since the council.

For this reason, along with the fact that much of the law chiefly affects the way priests and bishops are required to carry out their responsibilities, "the new code on the whole will not touch very much the life of the ordinary Catholic," said another American canonist, Jesuit Father Ladislav Orsy of Georgetown University.

He said the average Catholic might notice changes "in some smaller way, for example when he wants to get married," but in general would scarcely be aware of the enactment of the new code "unless he is told about it."

If that assessment is accurate, it indicates that the new code will fulfill one of the goals of the reform stated by Pope Paul VI — that "the juridical will no longer appear to dominate every area of the Church's life. It will appear rather as but one facet of that life."

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"CHARLIE SCHIANO CARES"

My opponents remain silent or evasive on these issues that are draining your paycheck. I am vocal and specific on these issues as I am on all issues that impact your well-being.

I have spoken out numerous times, in particular at the Public Service Commission Hearing on October 14, in regard to RG&E rate increases. I expressed grave concern regarding the fact that the Federal Regulatory Commission report of August 1982 clearly reveals that the Ginna Nuclear Power Plant failure was caused by RG&E's ineffective quality control. As such, my position is that the owners (shareholders) of this utility should bear the burden of sustaining the approximately \$20 million loss rather than allowing RG&E to pass such losses directly on to us; the consumers, through utility rates that are already outrageous.

In addition, you will indirectly pay a greater share of that \$20 million loss because such utilities as the Monroe County Pure Waters use enormous quantities of electricity. The increased cost to them will be passed on to you eventually through higher Pure Waters bills.

As your legislator, I will submit legislation in the State Senate to specifically protect your interest against PSC regulations that allow such a charge back to you; after all, the Ginna Plant will be with us for some time.

One of the most neglected populations of handicapped people is the individual who lives at home with his or her parents. This population is growing due to the state's program of not institutionalizing those people who are mentally and/or physically impaired. However, Gov. Carey has cut the meager resources providing some help to the parents of these individuals. The result is that 82 families in Monroe County are now "at risk" of having to demand full-time institutionalization of their son or daughter. Such an action will cost the taxpayers \$57,000 per year, per person (current Medicaid rate). The total cost to the taxpayers will be over \$4.6 million for these 82 people.

As your legislator, I will support a COST SAVING to you of \$4.2 million, by seeking adequate funds for community

service and alternatives for these people (such as respite and homemaker service) at a cost of about \$4,000 per family or less than \$400,000 per year for these 82 families. Such low cost options will keep these children in a superior environment — that of the love and care of their families.

I am appalled by the fact that millions of dollars in community stores funds have been accumulating in the state-operated psychiatric and developmental centers. The original intent of these funds was to provide recreational opportunities to the people living in those state facilities. This intent has not been carried out by the state employees entrusted with those funds. Instead of benefiting the clients, the money has been invested in certificates of deposit; the proceeds of which are funding golf courses and parties for a select group of state employees (in one case, a Picasso painting for a facility director). Such practices MUST STOP immediately. At a time when state tax money is so tight that the funding levels for people in institutions is not sufficient to care for their needs, it is grossly irresponsible for the patients of these facilities to be denied recreational opportunities when a small select few use their funds to "LIVE IT UP."

As your legislator, I will demand that this abuse be immediately halted; that the state controller's office audit these accounts; that new committees, with client advocates participating, be established. Budgets will be set up to carry out the original intent of these funds and the controller's office will monitor the expenditures. Furthermore, some of the schemes used to raise the money that flows into the community stores account need to be re-evaluated as to their appropriateness.

Yes, I am running as a CONSERVATIVE, but Conservative to me means — "If the private sector can do it better and at less cost, then it should do it; however, if the public sector must get involved, then the taxpayer deserves to get the MOST for his tax dollar." Government participation would not be expensive if it were effectively managed.

SCHIANO — HE GETS THINGS DONE!

*Paid for by the Committee to Elect Lonesome Charlie to the State Senate.