

# New Church Law

## The Place Of Women

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

By Jerry Filteau

In the Catholic Church one of the hottest topics of debate in the past decade, particularly in the U.S., has been the rights of women.

In an address to the Catholic Theological Society of America in 1981, Father Philip Murnion, director of the U.S. bishops' Parish Project, said the issue challenges "the integrity and unity of the church." He listed it among five major challenges to church life today.

An ad hoc committee of the U.S. bishops in dialogue with representatives of the Rochester-based Women's Ordination Conference concluded in an interim report in 1981 that the alienation of women in the church is a serious pastoral problem with important implications for the church.

Women make some substantial advances, but still have a long way to go towards full equality in the new Code of Canon Law which Pope John Paul II is expected to enact this winter.

As far as women's rights advocates are concerned, at the heart of both the old code and the new is the exclusion of women from ordained ministry.

In a hierarchical church in which pastoral office is the basis of juridical and administrative authority, the exclusion of women from ordination is, by that very fact, an exclusion of women from all key posts of authority in the church. "Only clergy," says the final draft of the new code, "can

receive offices for whose exercise there is required the power of order or the power of ecclesiastical government connected to sacred order."

The church's exclusion of those who are not ordained from pastoral authority can be viewed as applying especially to women, since only women are excluded as a class from ordination, or as not really applying to women as such, but rather to all laypersons, whether men or women.

"There is parity between lay men and lay women in general" in the new code, said Dominican Sister Lucy Vazquez, a canon lawyer and the Orlando, Fla., diocesan vicar for religious. "They have gotten away from the blatant discrimination in the old code."

"With the exception of ordination, there is an equality," said Sister Rose of Lima McDermott, SSJ, assistant vicar for religious of the Archdiocese of Philadelphia, who wrote her doctoral thesis in canon law on the role of women in church law.

Here are some areas in which the final draft of the new code ends long-standing legal discriminations against women:

- In the old code, the husband had priority in determining legal domicile of the wife; in the new code, husband and wife are treated equally.
- Place of origin of children under the old code depends primarily on the father's domicile. Under the new code, it is the domicile of the mother that counts first.
- In the old code, when one party to the marriage was of the Latin Rite and the other belonged to an Eastern Rite, children automatically belonged to the rite of the father. The wife could switch to the husband's rite if she wished to, but not vice versa. In the new code, either party can switch to the rite of the other. The children can be baptized into either rite chosen by the parents.
- In the old code, women could not be diocesan chancellors. They could not be auditors, assessors, defenders of the bond, promoters of the faith or judges on diocesan courts. They could not be members of diocesan synods or their commissions. They could not belong to the financial administrative council of a diocese or be professors or board members of a seminary. In the new code, all those positions are open to women.
- Religious orders of women were treated quite differently from orders of men in the old code. In a number of areas where men's orders could act autonomously, women's orders needed direct approval or oversight from the local bishop or Rome. Their treatment in the new code, however, is substantially the same, save in areas directly related to the clerical status of religious orders of priests.

• Gone from the new code are special requirements in the old law for the questioning of women before marriage or entry into religious orders.

On the other hand, there remain some notable areas in the new code in which women are not given parity with men, even in cases in which the holding of office is not intrinsically linked to ordination. Among these are:

- Women may not be formally installed in the lay ministries of lector and acolyte, which are open to laymen.
- Women may not serve the priest at the altar for Mass, even on a one-time or ad hoc basis, although laymen may do so.

Sister Vazquez said she suspected that the reason for the continued exclusion of women from some forms of lay ministry related to liturgical functions is that traditionally these ministries "have been seen as leading to orders."

The reason for the exclusion is "emotional, not scholarly," said Sister McDermott, who also linked it, on the practical level, to "the ordination problematic."

Sister McDermott said that many laws of the old code which are viewed now as discriminating against women treated women protectively. These reflected "socio-cultural constructs" in which women were treated by society at large as needing special protection and being unable to take on public responsibility on their own, she said.

The old code's treatment of women religious, she said, also reflected a long history of misunderstanding of the role of nuns in the active apostolate, and it tended instead to set the model of the cloistered, meditative community as the norm for women religious.

Sister Vazquez cited several points at which she said the final draft of the new code takes "a tremendous step forward" in avoiding discrimination against women.

One was the decision to open some judgeships on church courts, which were opened for laymen by Pope Paul VI in the early 1970s to lay women as well. Another she cited is the possibility for either laymen or women to serve as the church's official witness to the sacrament of matrimony.

She cited those cases as ones traditionally interpreted as priestly functions. Under what must have been a strong pressure because of that linkage to exclude women, the drafters of the new code made a deliberate choice not to discriminate, she said.

"As much as we struggle for women in the church, I think we have to point out the many positive things we see here, the positive efforts of legislators to eradicate discrimination," said Sister Vazquez.

Sarah Child



All in the Family

### Tomato Jelly ... It's The Berries

Answering a knock on the door this week I discovered Yvonne, our neighbor, holding a small paper plate containing four crackers topped with what looked like raspberry jelly.

"You've got to try this," she said, trying to keep a straight face. Wondering what the joke was, I immediately sampled one of the tidbits. I had been right. It was raspberry jelly. Wasn't it?

Laughing, she handed me

### Advent Retreat Scheduled

An Advent retreat for men and women has been scheduled for Friday through Sunday, Dec. 10-12, at Notre Dame Retreat House in Canandaigua. Expected offering is \$45, and reservations must be made by Nov. 29.

For further information write: Notre Dame Retreat House, PO Box 342, Canandaigua, N.Y. 14424; or call 394-5700.

a recipe card from Chick, another of our neighbors, a native New Englander who from time to time shares tips on crafts, cooking and a lot of other things.

This time it was how to make "Green Tomato Jelly." "It can't be," I protested, and proceeded to demolish the rest of the crackers while reading through the items and discovering the key ingredient here is Jello.

Heavy frosts have taken care of our tomatoes but on the chance someone may have some ripening slowly in the basement or can find green tomatoes at the Public Market, we'll print it. You can always put the recipe away and try it next year.

#### Chick's Green Tomato Jelly

Blend enough green tomatoes to produce two cups. Place ground tomatoes in saucepan and add 1 cup of sugar. Bring to a boil using slow heat and simmer 20 minutes, stirring with a wooden spoon.

Remove from heat and add one small package of dry Jello (try strawberry, raspberry or blackberry). Stir and mix well. Cool and place in jars. Makes 1 pint. Refrigerate. Enjoy and pass on.

## K of C Planning Penfield Council

A new Knights of Columbus council will be established in the Town of Penfield.

Membership is open to all Catholic men 18 and older who wish to share in the works of the Knights.

### Health Course Offered

"Cardiovascular Nursing: Review and Up-date" and "Intermediate EKG Interpretation," two one-day continuing education courses for nurses, sponsored by Health Professional Resources, are being offered from 8:30 a.m. to 5 p.m., on Thursday, Nov. 11, and Friday, Nov. 12, at the Treadway Inn, 8204 Park Road, Batavia. Fee for each course is \$65 and includes cost for instruction, course

materials, handouts, and refreshment break and luncheon.

Nurses in these courses receive continuing education unit credits through the Pennsylvania Nurses Association. The PNA is accredited by the Eastern Regional Accrediting Committee of the American Nurses Association. For more information call toll free 1 (800) 526-7843, and ask for extension 128.

Tuesday, Nov. 9, at St. Joseph's School, 39 Gebhardt Road. Further information is available from Larry Oberlies (586-2702), Ray Mulvehill (377-5758) or Mark Schiller (377-2388).

Some of the better-known local councils are the School

of the Holy Childhood, St. Joseph's Villa, Camp Good Days and Special Times, Monroe Developmental Center and St. Joseph's House of Hospitality. Town councils are active in Rochester, Greece, Webster, Irondequoit, East Rochester, Fairport, Spencerport and Caledonia.

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**THOUGHTS TO CONSIDER**

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**Why is there such an emphasis on death and grief today?**

There have been great advances in medical science which have removed death from the daily lives of most Americans. Because of this we are generally unfamiliar with death and grief. We are fortunate that our experience with death has lessened, but nevertheless it's important to learn about the things we can do to help ourselves and friends. Making wills and understanding how to help our grieving friends will help us cope better when the stress of a death comes into our lives. Avoiding death by ignoring it, by not making wills or by not going to funerals or visitations is a denial of reality!

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