

# New Church Law

## Milestone Seen for Laity

(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 Fitteau

"The Emerging Layman" was the title of a book and the topic of innumerable articles and speeches in the years following the Second Vatican Council.

Now the new Code of Canon Law, incorporating into general church law the council's reforms, is expected to be published this winter by Pope John Paul II.

The approaching issuance of the new code is a convenient milestone to mark the progress of the laity in the church in the 20 years since Vatican II began. In the new code's pages are all the major legal landmarks of changed church thinking and practice regarding the laity.

A first point of interest is that "The Emerging Layman," if written today, would probably have to be called "The Emerging Layperson." Virtually all forms of sexual discrimination between laymen and laywomen that existed in the old Code of Canon Law, which dates from 1917, are eliminated in the new code.

As Father Donald E. Heintschel, a canon law expert and associate general secretary of the National Conference of Catholic Bishops-U.S. Catholic Conference summarized it, "In the code, sexist discrimination has been replaced by a discrimination based on ordination."

But the nature of discrimination based on ordination has changed noticeably, too.

An important backdrop to the role of laypersons in the new code is what another canonist, Jesuit Father Ladislav Orsy of Georgetown University, called the restriction on "the definition of cleric."

Exemplifying that basic change was the action by Pope Paul VI in 1972 when he suppressed clerical tonsure and the clerical orders of porter, exorcist, lector, acolyte and sub-deacon, making ordination to the diaconate the point of entry into the ranks of the clergy. Of those clerical orders suppressed, Pope Paul established two, lector and acolyte, as lay ministries. He also revitalized the order of deacon in its own right, reinstating the permanent diaconate and opening that ordained ministry to married men.

The more restrictive definition of a cleric, based on a sounder theology of the role of ordained ministry and the relation between pastoral responsibility and juridical authority in the church, was a legal breakthrough that allowed laypersons to do many things once restricted to priests, said Father Orsy.

Underlying that shift, said Father Heintschel, was a move away from the more legalistic concept of jurisdictional authority in the old code to one of "the power of governance."

That concept in the new code, he said, is based theologically on Vatican II's three-fold characterization of Christ as priest (leader of worship and sanctifier), prophet (proclaimer and teacher of the word) and king (ruler vested with juridical power).

Of course many of the changes in the new canon law code that affect the laity have been gradually incorporated into church practice in the years since Vatican II, so their inclusion in the new code is more a matter of integrating and solidifying the changes rather than introducing real innovations.

Here are some of the things that are open to laymen and laywomen in the new code which under the old code simply did not exist or were restricted — in general practice if not always strictly by law — to clergymen:

- At the parish level, laypersons may be members of the parish council and the parish financial council; members of a team ministry, headed by a priest, that is in charge of the pastoral care of a parish; or administrators of priestless parishes under the leadership of a neighboring priest (who is the actual pastor). They may be consulted by the bishop, if circumstances warrant, in the choice of a new pastor.

- At the diocesan level, laypersons may be members of the diocesan synod and its commissions, of the bishop's financial council and of the diocesan pastoral council. They may be consulted in the selection of bishops. A layperson can serve

as a diocesan chancellor or administrator of finances, or on the diocesan court as an auditor, assessor, defender of the bond, promoter of the faith or judge.

- At the provincial and regional levels, representatives of women Religious are to participate, and other laypersons may be asked to participate, in provincial and regional councils of bishops.

- In certain circumstances (that seem to apply chiefly if not solely to mission areas), with permission from the Holy See a bishop may appoint laypersons to administer baptism or serve as official

- Laypersons may teach in seminaries and on pontifical faculties and may be book censors for bishops. For the first time the right of laypersons to receive pontifical degrees and official church mandates to teach the sacred sciences is spelled out in general church law.

- In general, non-clerical religious orders and organizations of the lay apostolate have greater freedom than they did under the old code.

Such specifics in the final draft of the new code show the expansion of lay roles in the church at one level, but they do not capture the underlying spirit of the new code. That spirit is seen in a number of ways, among them:

- For the first time the fundamental equality of all the people of God by virtue of baptism is spelled out.

- There is an emphasis on the participation of all members of the church in its mission of spreading the Gospel.

- There is a stress on the rights as well as the duties of the layperson, and on interpretation of the hierarchical governance of the church primarily in terms of pastoral service rather than jurisdictional authority.

- The vocation of marriage and family life and the fundamental role of spouses in "the building up of the people of God" are emphasized.

- Active lay roles and ministries are recognized and spelled

out in the sacraments and divine worship, which are at the center of church life.

In the area of lay rights, Father James Provost, executive director of the Canon Law Society of America, cited as one of the important advances in the new code the legal protections given to lay employees of the church.

The code spells out their right to "a just family wage," gives canon law enforcement to protections granted in local civil law, and spells out the right to a contract, he said. It also cites their right to provisions for health care and some form of retirement security.

One good example of the difference in spirit between the old code and the new comes in the treatment of Catholic education.

In the old code the law portrays the parents' obligation as a largely passive one of surrendering the child to the clergy to be educated. In the new, parents have primary responsibility for education; laypersons are seen as having a proper role as teachers of the faith in their own right rather than as substitutes if there are not enough clergy; and the governance of Catholic education by priests and bishops is placed in a more pastoral context of service and fulfillment of pastoral responsibilities.

Such instances indicate the extent to which the old code's clerical, jurisdictional framework has been replaced in the new code by a pastoral, theological framework. But many canonists feel that this work is far from over.

There is no consistent principle that can be discerned in the new code to distinguish between new roles of the laity and offices still reserved to those who are ordained, said Father Heintschel.

He described the new code as having many "gray areas" because the church is in a transitional period, going from governance and ecclesiastical office that are not yet clearly defined.

"If we get a new definition of ecclesiastical office, that in turn will call for new reflection, new development, and further understanding," he said.

"That's going to be a long debate," commented Father Provost.

## Birthright Offering Training Session

Waterloo — Birthright of Seneca County is offering a training session from 7 to 8:30 p.m., Thursday, Nov. 18, at the old CCD room at St. Mary's school here. Telephone volunteers will be trained.

Birthright is a completely volunteer organization with an office in Seneca Falls. The "mission" work of the pro-life movement, it provides free pregnancy tests, counsels women with problem pregnancies and is a "big sister" to many throughout pregnancies and after.

Besides telephone volunteers, others are needed to counsel persons with problem pregnancies or to take someone into their homes. Further information is available from LaDonna Truax, 519-8013; Kathy Peters, 539-8006, or Dorothy Polzinetti, 568-9956. All are in the 518 area code.

## Arts Show

The annual Arts and Crafts Sale of St. Salome's Women's Club will be 9 a.m. to 4 p.m., Saturday, Nov. 13, at the school hall, 4280 Culver Road. Refreshments will be aailable.

## Business

### in Diocese

Mark H. Tuohy Jr. has been named national chairman for the annual fund drive at St. Bonaventure University. Father of seven and grand-father of six, Tuohy is corporate safety director for Eastman Kodak Co. in Rochester. He previously was public safety commissioner for Rochester and for almost 20 years a member of the Federal Bureau of Investigation.

## NOVEMBER'S ATTRACTIONS



**ANTIQUE SHOW AND SALE**  
Today thru Sunday,  
November 14th

**SANTA ARRIVES BY HELICOPTER**  
SATURDAY, NOV. 20  
9:30 A.M.



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for all the kids

### COMING SOON

COMING - Christmas Children's Party  
"SUPPER WITH SANTA"

Dates: Dec. 7, 8, 14, 15 Time: 6:00 PM

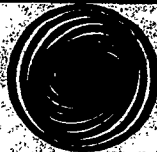
Ticket Prices: Children (under 12) \$3.50, Adult \$4.50

Price includes: Supper, Visit with Santa, Entertainment, Merry

Glen Puppet Show & Music by Miller, Dolan, & Mulligan

Giveaways - Coloring Book & Train Ride

\* Tickets Available at Mall Office



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