

New Church Law

Decentralized Authority Makes Gains

(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

When the bishops of the world met for the Second Vatican Council in the early 1960s, one of the major concerns they expressed was that of decentralizing power and authority in the church.

The 1967 World Synod of Bishops listed decentralization based on the principle of subsidiarity — that decisions should normally be made at the lowest appropriate level of authority — as one of 10 guiding principles that should govern the revision of the Code of Canon Law.

Decentralization, one of the new code's most notable features, can be seen in the new code's legislation governing new church structures such as the Synod of Bishops, national bishops' conferences, diocesan pastoral councils and priests' councils and parish councils.

It is also seen, perhaps most significantly, in the almost innumerable points where the old code established concrete universal laws but the new code does not legislate at all, legislates only broad norms leaving the details to particular law, or makes explicit allowance for local exceptions to the general law.

To give but a few examples:

- The old code prescribed for universal observance, besides Sundays, 10 holy days of obligation (of which the U.S. church was excused from four by an 1885 indult); the new code requires universal observance of Sundays and only two holy days — Christmas and a major Marian feast to be

determined by the bishops' conference — and leaves the decision on any additional feast days of obligation up to bishops' conferences. U.S. church discipline may or may not change, but the decision on that will be up to the U.S. bishops, not to Rome.

- Similarly, the old code's detailed laws on days of penitence are reduced, and bishops' conferences are given great freedom to determine alternatives to fast and abstinence as forms of penitence.

- Detailed rules of jurisdiction for priests to hear confessions are virtually eliminated, so that in ordinary circumstances any priest can hear confessions anywhere without special permission.

- Forty detailed laws in the old code on cemeteries and Christian burial are reduced in the new code to 14 laws, of which several are not restrictive prescriptions but options or statements that local law is to govern.

- Criminal penalties under the old law are substantially reduced in severity and in number, and fewer censures require recourse to Rome for their removal.

- Provisions in the new code give bishops' conferences or individual bishops greater leeway to meet special pastoral needs. In areas where priests are lacking, for example, permission may be obtained for lay persons to administer baptism or witness marriages. Although only a priest may be pastor of a parish, bishops facing a shortage of priests may assign laypersons to may areas of parish ministry that do not require ordination, including the administration of a priestless parish.

One way the reduction in general church legislation can be seen quickly is by a simple comparison of numbers.

The 1917 code had 2,414 canons (individual laws), but the final draft of the new code submitted to the pope had 1,776 canons.

Of those 1,776 nearly 100 are devoted just to new structures of the church, such as consultative organs and administrative procedural law, which are an integral part of the institutional decentralization of the church.

A number of other canons in the new code are not strict legislation as such, but rather in the form of theological statements about sacraments, or persons, or institutions in the church, in the form of exhortation or recommendation rather than legal requirement, or in the form of setting broad norms for particular legislation or for implementing variations from the general law.

If those aspects of the new law are excluded, what remains in the new code will not substantially change most church practice, despite considerable differences from the old code. The major achievement of the new code is not innovative legislation, but the integration of general church law of the many church reforms made by bits and pieces since Vatican II.

In addition to the overall tendency to reduce the number of individual universal laws and strict detail of application, the establishment of consultative structures is another major aspect of the decentralization that the new code exhibits.

Structures incorporated into the new code that were absent in the old would include parish councils, diocesan priests' councils and diocesan pastoral councils, national conferences of bishops and the World Synod of Bishops.

Aside from national bishops' conferences, however, it is notable that these other structures are strictly consultative. They do not have a deliberative (decision-making) vote.

The theory behind the consultative bodies in the new code is to "bring a broader wisdom to bear on the resolution of practical problems," said Father Thomas Green of the Catholic University of America, one of the leading U.S. experts on the revision of the code.

But, he added, "there is still a tendency to monarchical authority. It still focuses on one person... We are not a church involved in corporate decision-making."

One of the key exceptions to that, he noted, was in the law governing religious orders. The new code gives greater autonomy to religious orders to govern themselves, and the highest authority of the order resides in a general chapter, a body of representatives of the order's members.

Bishops' conferences represent another exception, but they remain in a kind of tension — on the one hand having to look to the Holy See for approval or confirmation of major decisions, and on the other hand being carefully restricted from interfering with the authority of the individual bishop in his own diocese. As the new code was being developed, a number of ideas for bishops' conferences establishing national norms for various aspects of church governance were rejected in favor of the autonomy of each bishop in his own diocese.

While the new code goes a long way toward decentralizing church authority in comparison with the old code, said Father Green, one of its deficiencies is that the decisional power of bishops "is not adequately circumscribed."

He described the new code as showing a fear of "hampering the exercise of authority." As an example, he noted that the old code required a bishop to consult a pastor in the appointment of an assistant to the pastor, while the new code recommends it but does not require it.

The new code places an emphasis on "the basic rights of believers to be involved in the life of the church," but does not yet provide adequate institutions to fulfill that, he said.

One of the standard criticisms of the old code was that it was too centralized, with everything centered in Rome.

While the new code has moved considerably away from that, one of its problems is that "it may be too bishop-oriented," said Father Green.



Garibaldi Symposium

Giulio di Lorenzo, consul general of Italy in New York City, left, and Nazareth College President Robert A. Kidera examine a bronze statue of Italian patriot Giuseppe Garibaldi prior to di Lorenzo's appearance at a recent Garibaldi Symposium sponsored by the college's Casa Italiana. The consul general read comments prepared especially for the occasion by Italy's Prime Minister Giovanni Spadolini. Other speakers at the symposium commemorating the 100th anniversary of Garibaldi's death were Professor Raymond Grew of the University of Michigan and Professor Salvatore Saladino of Queens College, City University of New York.

Musicians Meeting Scheduled

The first of a series of regional meetings of pastoral musicians of the diocese will take place from 7:30 to 9:30 p.m., Monday, Nov. 29, at St. Catherine of Siena Church in Ithaca, it was announced by John Kubiniec, music consultant to the diocesan Liturgy Office. The purpose of the meeting is to present to the musicians the various services available to them through the Liturgy Office and to discuss programs being planned. Discussion

will be offered on the parishes' music programs. An additional feature will be a display of current books, periodicals and music. Anyone wishing further information should contact the Liturgy Office at (716) 328-3210.

Fr. Louis J. Hohman

The Open Window



The Matter Of Private Revelations

I never cease to be amazed by the numbers of people who are totally fascinated by miraculous shrines and alleged appearances of Mary and the Saints in various places. Not too long ago we had the business of the tabernacle veil in Pennsylvania which has apparently (if you'll pardon the expression) faded out of sight. Most recently a full page ad was placed in our Rochester papers relative to a shrine of Mary in Long Island which was supposed to have been associated with miraculous events and at least one appearance of the Blessed Virgin Mary. Large numbers of people inquired about said vision and shrine and we had it checked out, discovered that the Diocese of Brooklyn had thoroughly investigated it and found it to be not worthy of acceptance as a place of devotion. Perhaps to say it was fraudulent is to speak too strongly but the fact is, the events alleged to have taken place there were not verifiable.

Which brings us into the whole question of private

revelation. We have to repeat in season and out of season that private revelations may or may not be true or verifiable. But even if they are true and even if they are verifiable there is no necessity for anyone except the one who received them to accept them.

This is a rule that the Church has followed down through the centuries and it is a proven one. We are not required to accept a revelation which was made to a private individual and if we have good reasons, in all humility, to reject the phenomenon or simply not deal with it, that is our privilege.

Sometimes as in the case of the major appearance of Mary it would be imprudent and something less than humble to reject them out of hand. But even then one would not be required to have devotion to that particular shrine or that particular appearance.

Devotion to Mary goes far deeper and is far more beautiful than the acceptance of a simple historical fact that she appeared in a particular place. It interests me that at least in the major shrines,

the message is always the same as the message of the gospels: Repent — reform your lives — the Kingdom of God is at hand. When that message is the heart of an appearance then the message has an importance far beyond the fact of the appearance. The searching out of wonders and miracles was something which Jesus in His day tended to deplore not from the point of view of helping those who were in need but from the point of view of people seeking the spectacular and the unusual rather than the substance of His teaching.

Carillon Dedication Scheduled

Bishop Matthew H. Clark will preside at a Mass celebrating the feast of Christ the King, and dedicating a carillon in the memory of Father Michael Biondi, CSB, 12:15 p.m., Sunday, Nov. 21 at Christ the King Church.

Father Biondi, a Basilian priest, was an associate pastor at the church. Father Biondi died Aug. 26, 1980.

The members of the Rosary Guild will host a reception in the school hall following the Mass.

Santa at Zoo

Santa Claus will visit with children 10 a.m. to 5 p.m., Nov. 27 and 28 at the Seneca Park Zoo. In addition the Zoo Bazaar '82 Holiday Sale will be conducted at the facility gift shop.