

New Church Law

New Code Could Make Headlines

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 of 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

Pope John Paul II is expected to enact a new Code of Canon Law this winter, replacing the code of general church law that dates from 1917. In the months after the new code is issued, Catholics could be confronted with such headlines as:

- Holy days dropped in Catholic Church.
- Catholics can now join Masons.
- Law change lets Catholic permanent deacons marry.
- Lay preaching now allowed in Catholic churches.

The headlines could all be true if the pope does not make changes in the final draft of the code given him for his approval.

Although none of the examples cited is central to the overall revision of church law, they are interesting cases because they touch on areas of Catholic life where misunderstanding of the meaning or background of the new law could lead to confusion among Catholics about the nature of the new code.

Yes, for example, the new code in its final draft form,

drops from the general church law the obligation to assist at Mass on a number of feast days. This is but one case of the new code's broader project to reduce the obligations of general church law and leave more to local practice. (The old code listed 10 feast days of obligation, of which the United States was exempted from four by a special indult.)

But the change in general law on holy days of obligation may or may not make a difference in the United States or elsewhere. But it leaves up to national bishops' conferences to decide which Marian feast and which other feasts of obligation, if any, they will add or retain. Bishops' conferences can be expected to act cautiously in changing current local practice, so a wholesale dropping of holy days of obligation around the world does not seem likely.

Since many bishops' conferences around the world have already been operating under special indults from the Holy See to drop the Mass obligation for certain feasts or to transfer the observance to the nearest Sunday in their country, local practices already vary considerably. The thrust of the new law is not to get rid of holy days of obligation in the church, but to let such obligations be established locally, according to local pastoral needs, culture and religious feelings.

And yes, the law in the old code expressly forbidding Catholic membership in Masonic societies was dropped in the final draft of the new code, reflecting social changes since 1917 and attempting in the new law to reduce the number and severity of penalties in the church.

Masonry has had a long history of virulent anti-Catholicism, at least some of which still survives in various parts of the world. Just two years ago, the West German bishops forbade Catholics to join the Masons in their country. But most Masonic lodges in the United States and Masonic groups in a number of other countries today are no longer considered anti-Catholic.

In recent years, the old code's ban has been interpreted as applying only to membership in Masonic lodges that are anti-Catholic, following the norm of church law that restrictive laws are to be interpreted in their most restricted sense. In 1974, the Vatican sent a note to bishops' conferences formally confirming that approach.

The new code retains a ban on Catholic membership in organizations that are anti-Catholic, but no longer cites Masonry explicitly. With Masonry or any other association, the question of Catholic membership is to be judged on the basis of the character of the individual organization.

Instead of imposing automatic excommunication across the board, the new code calls only for appropriate penalties

for Catholic membership in anti-Catholic organizations. It suggests lesser penalties for members than for officers or promoters of such organizations.

One of the innovations in church practice in the final draft of the new code is the permission for married permanent deacons who are widowed to remarry. When Pope Paul VI re-established the permanent diaconate in 1972 and opened it to married men, one of the requirements was that a permanent deacon could not remarry if his wife died. A few dispensations to that rule have been given, but other widowed deacons have been advised to leave the diaconate if they wished to remarry.

The change in the law regarding remarriage of permanent deacons does not reflect any change in the law regarding priestly celibacy, nor does it reflect any change in the obligation of celibacy of permanent deacons who enter the diaconate as celibates. It reflects a view that the vocation of those who entered the permanent diaconate as married men does not include a call to celibacy.

Under the new code, laypersons may preach in churches under certain circumstances. This is also an innovation, since it generalizes the rather specific, limited permissions given for lay preaching in recent years. It is one of the practical extensions of the new code's (and Second Vatican Council's) emphasis on the participation of the laity in the church's mission of preaching and teaching.

Only a priest or deacon, however, may preach the homily, properly speaking. Since Catholics normally tend to think of the liturgical homily when they hear "preaching in the church," that reservation is a crucial one in understanding the meaning of the new code's allowance for lay preaching in church.

If there is a lesson to be drawn from examples noted here, it is that changes in the new code which may be startling at first are not so surprising when they are viewed in their fuller context.

The law changes from the 1917 code concerning Masons, for example, reflect historical development and are simply incorporations into the new code of current church practice.

The changes on holy days and lay preaching in the church are not as extensive, when properly qualified, as they might seem initially.

The permission for remarriage of permanent deacons follows 10 years of experience with the permanent diaconate and does not represent new thinking so much as a decision that a cautious initial rule regarding the married diaconate is not necessary.



Father Bruce Ritter

The predator at our door was about 30, a dark, lank, straight-haired, bleached-blond, bitter-faced woman. Her quarry, 17-year-old Richie, was safe inside.

"I want him," she raged. "He agreed to work for me."

Our security people were not polite. "He doesn't want to go with you," one said curtly. The bitter-faced woman turned to leave, malevolence incarnate.

Richie, a really good kid, had arrived at UNDER 21 a few days earlier begging food and Pampers for his 18-month-old baby—abandoned by her junkie mother and being cared for by him in a cheap Times Square hotel. The room rent was being paid by six prostitutes who had taken pity on the homeless and incompetent young father.

"Jaime's hungry," Richie said. "She doesn't eat too often. I haven't either." We quickly provided Pampers for the baby and food for both.

"We can't go home," he told us. "My stepfather doesn't want anything to do with us. We've been on the street for about a year, usually with some friends. I rip people off to get money to feed her. Sometimes I have to hustle Johns." The beautiful baby squirmed in his arms. "She's a good baby; she doesn't cry at all when I hold her...."

Richie and Jaime stayed on with us at UNDER 21, and our staff began the difficult and sensitive process of trying to help a young street kid get his life back in order.

Richie's brief history—a runaway at 14—gave us an all-too-familiar glimpse into that netherworld of Times Square: the smoking hell beneath the bright lights and glitter and crowds.

"I didn't like ripping people off," he said. "I never hurt anybody. I didn't like hustling Johns either. Last month this woman offered me \$500 to, to...." (he flushed and dropped his head) "to have sex with her on stage in front of a lot of people. It's pretty bad you have to look happy when you do it. At least you can't see the customers though—the lights are too bright. But I'm afraid of her," Richie said. "She wants me to work for her some more."

There are a couple hundred other kids who really needed us this week.

Laurie, 13—a classic middle-class runaway from a

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THE PREDATORS

classic middle-class family—was picked off by a Times Square pimp last week and raped and brutalized before finally being put out on the street to make some money. Early Monday morning, Laurie had the wit and the courage to escape and come to UNDER 21.

Beth, originally from Houston, came in last night, tired, cynical, desperate—older inside her mind and heart than any of us will ever get. She's 17, now, has been a prostitute since 15. You might say she came by it naturally. You see, her mother—a prostitute—was killed by her pimp. (The apple doesn't fall far from the tree.)

"Seventeen-year-old Richie arrived at UNDER 21 begging food and Pampers for his 18-month-old baby."

Sometimes people write me very concerned about the traces of anger or sadness that occasionally appear in my talks and in my letters. Although I try pretty hard to control these feelings, I'm not always successful. It's their faces. Kid's faces are supposed to be happy and open and excited and alive. Their eyes should be filled with trust and innocence.

My kids' faces are worn and cold; their eyes filled with fear. Richie and Laurie and Beth know the chances are downright excellent that they will not make it. I mean they will die. Quite young, deformed and made ugly by an industry that caters to our pleasures. Society (that's us) has been unable—or unwilling—to protect these kids or punish their exploiters. Meanwhile, quite literally outside our doors roam—and wait—the predators, the pimps—and a bitter-faced woman.

"He knows the chances are excellent that he will not make it—he will die."

It's very hard to be true to the dangers and suffering my kids face every day and always be upbeat. Sometimes it's only the certain conviction that God loves these kids infinitely more than we do—even when they stand condemned by their own hearts—that makes it possible for me to meet tomorrow and next week and next month the hundreds of other kids who will come to our UNDER 21 Centers. And, sometimes, a letter from a friend on my mailing list makes me feel really great—like this one from a mother in Ohio:

October 14th

Dear Father Bruce,

I just wanted you to know that the letters you send not

only elicit a contribution from us, but have a profound effect on our family life. We have a 16-year-old boy, the youngest of six, who definitely marches to his own drum. He has been reading your letters ever since you preached at our Church a year or so ago. He asks to see the letters and, I think, sees himself reflected in many of the situations you describe. His rebellions and experiments are tempering and he is developing into a very nice young man, although frequently headstrong. Your letters have made him realize, I think, that running from your problems never solves them; and that, although we may not be perfect, he does have a very intact, loving home.

Thanks for all your help. We pray God will give you the energy and fortitude to continue your ministry.

Cordially

What a great letter! Boy, I needed that.

The only reason these kids have any chance at all is because our UNDER 21 Centers are here when they need a place to come, to run to—a place where they can be safe from the pimps and predators and Johns. They're good kids. You shouldn't think they're not. It would be wrong for you to think they're not good kids. Most of them are simply trying to survive in a world totally hostile to kids.

We are here for them because of you. Almost all of the money we need to help these kids comes from people like yourself who care about children. As winter approaches we need your prayers and financial help more than ever. Please pray for us, we pray for you.

These kids do need a place to come to, to run to—a place where they can be safe from the predators. Enclosed is my contribution of \$ _____

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NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____

ZIP: _____ AP _____ (WA)

Please send this coupon with your donation to:

COVENANT HOUSE
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Because the street is NO PLACE FOR A CHILD