

New Church Law

Look Ahead A Generation

(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 the last 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

What will happen to the new Code of Canon Law after it is enacted?

It is expected that Pope John Paul II will issue the new code, which has been nearly 20 years in the making, this Winter. It will replace the 1917 code which has served as the general law of the Latin-rite Catholic Church for 65 years.

Will it be another 65 years before the general church law is revised again? Does the new code mark an end of the era of church reform following the Second Vatican Council, or is it merely another step along the path? How will the new code affect the pace or direction of reform? More basically, how will this new body of law interact with the living church, affecting it and being affected by it?

First, there is certain to be a period of a few years in which interpretations of what the code actually means are sorted out. Just as a special pontifical commission was established to provide authentic interpretation of the old code shortly after it was issued in 1917, so it is almost certain that Pope John Paul II will establish a similar commission for the new code. Its interpretations would be official and binding.

At a less official level, scholarly studies, seminars, workshops, and other forms of exchange of theory and experience will help develop consensus and refined understandings of the new law. The Canon Law Society of America has decided to form an advisory committee to give non-official but expert legal assistance in resolving practical questions that arise from the new code.

Secondly, as with the 1917 code, specific laws in the new code can be suppressed, changed, superceded or dispensed with by papal decree.

For appropriate pastoral reasons individual bishops may

dispense with observance of the general law in individual cases (although the likelihood of this is greatly decreased under the new code simply because the new code leaves so much more to particular legislation in the first place).

If a particular law causes severe difficulty in some nation or region of the world, the bishops of that area may seek an indult (permission) to be freed from observing it. If, for example, a proposed law requiring theologians to have a canonical mandate from the bishop to teach is enacted, and is interpreted as Americans fear it might be, it could threaten the civil accreditation of and public aid to U.S. Catholic colleges. One possible recourse in that event would be to seek an exemption from that law in the U.S. church.

The legislation of the 1917 code, issued at a time of relatively slow change in the world and even slower change in the church, had rather few general modifications in the first 40 years or so of its existence, but it was changed rapidly and substantially in the 1960s and 70s in the wake of the Second Vatican Council. Although the rapid, at times breathtaking pace of postconciliar institutional reform in the church has already slowed down and will almost certainly remain slower after enactment of the new code, scarcely anyone expects the new code to have the almost engraved-in-stone character of the 1917 code when it was enacted.

For one thing, it is generally acknowledged that the new code comes into being at a time when the church is still in a transitional stage. Beyond the sociological fact that major institutional reforms of Vatican II are still in rough form and need more than two decades to be refined and take root fully, there is the deeper theological principle — practically unheard of in 1917 but now virtually unquestioned — that the church as an institution is "semper reformanda," always in need of reform.

Even Pope John Paul II, despite his wide reputation as a conservative, in four years as pope has made a number of creative uses of new institutional structures in the church. He has given new prominence to the College of Cardinals, restoring to the college as a whole a more integral role as papal advisers on major matters of church administration and policy. He called the Dutch synod, the first particular synod of its kind. He neatly by-passed legal problems to return the Ukrainian Church in diaspora to a form of synodal rule and hierarchical continuity in conformity with its ecclesial tradition. On his election he indicated that he wanted to strengthen the role of the world Synod of Bishops. He upgraded the Vatican's department on family life and has indicated plans to make other changes in the church's central administration.

The new Code of Canon Law is intentionally flexible and leaves legislation on many things to particular law, so that many of the institutional changes still to come need not affect the code directly. They will take place outside or alongside the code. Nevertheless, almost certainly some changes will be made that directly suspend, alter or nullify laws in the code.

The new code will set relatively permanent laws and patterns, and the decisions of its drafters on controverted issues reflect affirmations of official positions — lessening hopes people may have had for change in those areas in the near future.

Yet, because of the generally more rapid pace of institutional change today, because of the still-transitional situation of the postconciliar church, and because of a different attitude in the church toward the changeableness of its laws, the legislation of the new code as a whole is likely to undergo more extensive modifications in the next two or three decades than the 1917 code did in its first three or four decades of existence.

It enters into church life as a framework of law that is workable and in many ways satisfactory and lasting, but not etched in stone.

A third notable point about the future of the new code — and by far its most important aspect for its impact on Catholic Church life through the rest of the 1980s and very likely beyond — is the opportunity it provides for local church policy, legislation and adaptation. The new code represents a major shift in focus, from Rome to the basic community of the local church headed by the bishop.

One of Canada's most noted canon lawyers, Oblate Father Francis Morrissey of St. Paul University in Ottawa, addressed that issue in a major speech at the 1981 joint convention of the Canon Law Society of America and the Canadian Canon Law Society.

While noting the major importance of particular legislation in church life when the new code is adopted, he also warned sharply against "jumping the gun" by legislating too quickly or extensively.

"Each episcopal conference," he said, "will have to see to it that steps are taken to implement the legislation gradually and intelligently. Our efforts for the next few years should be centered almost exclusively on preparing the decisions that episcopal conferences will have to make."

"Once a general overall policy has been agreed upon, only then will it be time to turn toward ecclesiastical provinces and particular dioceses for councils and synods. The attempt to implement too much too quickly might have the same consequences as did the piecemeal implementation of the conciliar decrees and the postconciliar liturgical 'changes' with little preparation on the part of the clergy or laity for the reception of such innovations."

Father Morrissey cautioned against impatience, saying it is unreasonable "to expect the new code to exert any manifest and direct influence on the life and thinking of the members of the church as a whole for at least a generation."

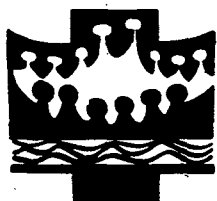
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Insights In Liturgy

By Michele Driscoll



Advent: Waiting In Faith

Waiting... waiting for the bus on a wintry morning, waiting for the traffic signal to change, waiting for the next available teller at the bank, waiting in a supermarket checkout lane, or in the dentist's "waiting room." We spend countless minutes that stretch to hours in this "impatient" waiting; time we often see as wasted, to be gotten through as quickly as possible.

Waiting, however, has another dimension. The farmer watches attentively as the rains and sunlight nourish the growing crop until the harvest. A vine-dresser sees the grapes swell on the branches as picking time nears. A potter pays careful attention to the clay forms drying on the shelf or being fired in the kiln. Parents know the daily growth of their children, noting the first smile and first steps, watching the stumbling and the moving ahead. An elderly person senses the numbering of earthly days and waits

patiently for their close. For all these people, the passing of time is itself a fruitful experience to savor, to treasure. Like the bridesmaids of Luke's gospel, they watch in expectation and readiness, even when the exact day and hour are unknown. Their vigilant, faithful waiting, their hopes and dreams point to the sacredness of time. "By waiting and by calm you shall be saved, in quiet and in trust your strength lies." (Is. 30:15)

The season of Advent provides an opportunity to reflect on the joys of expectant, faithful waiting. Even as the time of pregnancy passes, a mother cares for her unborn child, noticing each movement, imagining what this new child will be like, even speaking to this still-hidden little person. Mary of Nazareth knew this experience as she awaited the birth of her son. In her greeting to Elizabeth Mary sings with unbounded joy of the greatness of the Lord. Her song speaks with hope for the future, God's mercy from generation to

generation revealed as the humble are lifted high and the hungry satisfied with good things. Like the season of Advent, Mary held within her the hope and promise of Christ's presence.

Advent's time of waiting can be endured like the lines in a supermarket, or it can be treasured. As we watch in faith for Christ's presence now and in the final days, may our waiting be prayerful, patient and full of hope. Like Paul, may we find the promise of the Father fulfilled in Jesus:

"For he has made known to us in all wisdom and insight the mystery of his will, according to his purpose which he set forth in Christ as a plan for the fullness of time, to unite all things to him, things in heaven and things in earth..." (Eph. 1:9-10)

Chili Art Group Christmas Special

Walter Taylor, founder of the Bully Hill Winery, will be the guest and featured artist at the Christmas meeting of the Chili Art Group, Dec. 9.

He is a self-taught artist and works in pen-and-ink, oils and watercolor. On Nov. 30, Taylor opened an exhibition at the Smithsonian Institution in Washington, D.C., with artwork on the nation's space program.

Further information is available from Maria Lovett at 865-9116.

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