

New Church Law

Questions And Answers

(On Jan. 25, Pope John Paul II plans to issue the revised Code of Canon law. This article and another in next week's *Courier-Journal* will take a look at some of the questions Catholics are likely to ask about the new code.)

By Jerry Filteau
NC News Service

Q What is the Code of Canon Law?

A The Code of Canon Law is a systematically organized compilation of laws governing the Latin-Rite Roman Catholic Church around the world. There is a separate code of Oriental Canon Law governing all Catholics of the Eastern Rites, and the new code will not affect them for the most part. Each law in the code is called a canon, a stated principle or rule.

Q What is the new code?

A Before 1917 there was no single, unified code of laws governing all the Western Church, only various collections of laws and decrees and a body of generally accepted principles of interpretation. In 1917 the first unified code was issued.

In 1959, in the same speech in which he announced that he was convening the Second Vatican Council, Pope John XXIII announced the beginning of a project to revise the code, then 42 years old.

Because the council would influence the revision, the pontifical commission to revise the code was not actually established until 1963, after the council was begun, and did not begin the really substantive work of revision until the mid-60s, after the council was over.

During its 20 years, the commission engaged in the most extensive consultation process ever conducted in the Church. Successive "schemata" (drafts) were sent to all the world's bishops and numerous consultants for comments and further revisions.

Q Will the new code take effect immediately?

A Just how and when the new code will go into effect will be stated in the official decree of promulgation. When Pope Benedict XV promulgated the 1917 code, he decreed that a few canons would go into effect immediately but made the bulk of the code effective the following year.

Thus, Pope John Paul could put some parts of the code into effect immediately, but exactly what he will do is known only to the pope and perhaps a few of his closest advisers.

Q What happens in the time between promulgation and the new law taking effect?

A Generally speaking, nothing changes. Catholics will continue to live under current Church laws.

Some cases of confusion will almost surely arise. A prime example of this, and an important one for the

United States, concerns the American Procedural Norms, a special set of simplified procedures in use in Church tribunals for marriage cases since 1970. In 1975 the Holy See extended permission to use those norms "until the new order of matrimonial court procedure is promulgated for the Latin Church." U.S. Church officials frankly admit that opinion is divided whether this means that the special norms can be used until the new law goes into effect, or whether their use must end on Jan. 25 when the new code is announced, even if the new general procedures do not go into effect until several months later. They may have to ask the Vatican for a ruling on the question.

Q Will the new code make any difference to the ordinary Catholic?

A The new code will have practically no immediate effect on the everyday religious life of the average Catholic.

That, however, is not the whole story by any means. There are real innovations in the new code which may not affect the day-to-day life of the average Catholic immediately, but in the longer run they will have substantial effects on Church life.

To give but three examples: substantive human rights within the Church are for the first time explicitly recognized and protected, new procedures are established to protect those rights, and a number of laws in the old code that discriminated against women are changed to eliminate such discrimination.

On another level, the new code exhibits a very different attitude toward law and the role of law in Church life, an attitude which Church officials hope will gradually pervade Catholic life. The shift to a law system explicitly based on theological and pastoral principles is expected, over the long term, to evoke a new respect for law in the Catholic community without legalistic attitudes that existed before Vatican II.

Q I read somewhere that the new Code of Canon Law will let women preach in church. I also read it will let married deacons remarry if they are widowed. Are these things true?

A The question highlights one of the problems that Church officials (and journalists) face in trying to prepare for the new code. Yes, the final draft of the new code submitted last year to Pope John Paul II had provisions for lay men or women to preach in church under certain conditions (but not to preach the homily, strictly speaking). And yes, that same draft allows widowed permanent deacons to remarry without a special dispensation. But until the pope actually promulgates — officially publishes — the new code, which he plans to do Jan. 25, scarcely anyone dares predict precisely what it will say.

One can safely predict broad outlines of what the new code will say and do, but on very specific questions such as these, it is always possible that the pope will rewrite any given law, overruling the decisions of the papal commission that prepared the final draft. Just weeks before the code was to be promulgated Church sources were saying that it was not yet printed, and there were serious questions whether it would be distributed to the world's bishops before the promulgation date.

Q Will life in my parish or diocese be changed by the new code?

A Immediately, probably not. In the long run, yes. One important aspect of the new code is that, following Vatican II criteria, many areas of Church life which were once governed by detailed legislation from Rome are now governed at the world level by more general, flexible norms. More specific legislation, adapted to local circumstances and needs, is left at the local — primarily diocesan — level. Much of what happens under the new code depends on how well — or how badly — individual dioceses and parishes take up its opportunities for local development and implementation. It depends on how well Catholics respond to the challenges to them to participate more actively and fully in the Church's life and mission. No one would say the new code is perfect, but it is not the hook on which a failure of spirit on the local level should be hung.



The Fire in the Thornbush Dialogue

Article 93. "Finally, I present the following courses of action and ask appropriate parties in the Diocese of Rochester to respond to them as fully as possible..." (Bishop Matthew H. Clark, "The Fire in the Thornbush," p. 10)

By Sister Mary Sullivan, RSM

At the conclusion of his Pastoral Letter on Women in the Church, Bishop Clark lists 16 courses of action which he asks responsible parties in the diocese to respond to "as fully as possible" so that the situation of women in the Church may be improved.

This year part of the work of the Diocesan Task Force on the Pastoral Letter on Women has been to make specific recommendations to the three consultative bodies of the diocese so that the courses of action which the Bishop has given to the diocese will be implemented as fully and as soon as possible. Some of the recommendations which the Task Force has made may be of interest to our local Church.

To the Diocesan Pastoral Council, the Task Force recommended:

That the Diocesan Pastoral Council devote one entire meeting or a major portion of a meeting during 1983-84 to a full discussion of the role of the laity, men and women, in teaching, sanctifying, and governing mission of the local Church, using local data and resource persons, i.e., men and women who are lay members of the local Church, and:

That the Diocesan Pastoral Council initiate under its own auspices a Scholarship Fund for lay Catholic women interested in pursuing graduate study in theology, scripture, ministry, or religious education in local graduate programs or in other graduate programs, for the purpose of eventually serving in some capacity within the Diocese of Rochester, and:

That the Diocesan Pastoral Council schedule during 1983-84 an oral report to its members concerning the work, documents, and conclusions of the National Conference of Catholic Bishops' Committee on Women in Church and Society and formulate appropriate related recommendations to Bishop Clark.

To the Diocesan Priests Council, the Task Force recommended:

That the Priests Council assume a strong leadership role in the discussion and implementation of "The Fire in the Thornbush" by contacting again every priest

of the diocese asking him to read or re-read the Pastoral Letter with a view to how he may personally hasten the day of its full implementation in our diocese, for the good of the whole Church, and:

That, as appropriate and as occasions arise, the Priests Council appoint to its own study committees and to diocesan committees, women who can contribute knowledgeably and understandingly to its own deliberations and to diocesan deliberations through committee work for which they have special expertise or perspective, and:

That the Priests Council urge their brother priests to consider the appropriateness — as scriptural readings on certain Sundays and feasts of Mary and women saints permit — of preaching homilies which deal with such topics as the priesthood of the laity and the place and contribution of women in the Church.

To the Diocesan Sisters Council, the Task Force recommended:

That the Sisters Council, as well as the Priests Council, request written reports concerning how diocesan seminarians, candidates for the permanent diaconate, and the priests of the diocese are now provided study of the rightful roles and dignity of women in the Church as part of their formation and continuing development, and:

That the Sisters Council offer to assist the Priests Council to formulate for the diocese a brief set of guidelines that will serve as a diocesan policy concerning the use of inclusive language in liturgical and other church-related communications.

These and other recommendations have been presented and are now being considered by the three diocesan consultative bodies. The purpose of the proposals is to enlist the help of diocesan groups in insuring that the courses of action Bishop Clark has outlined in Article 93 of "The Fire in the Thornbush" will become fuller realities for our Church community.

Sister Mary Sullivan, RSM, is chairperson of the Diocesan Task Force on the Pastoral Letter on Women.



ART PROGRAM — The Chili Art Group will meet on Thursday, Jan. 27 at the Chili Community Center, 4400 Buffalo Road, No. Chili. Artist John Peisly will demonstrate landscape oil painting. For more information call Maria Lovett, president, at 865-9116. Guests are welcome.

HOCKEY — Kodak Youth Clinic and Hockey Puck Giveaway, 10 a.m. to noon, Saturday, Feb. 5, Community War Memorial. Clinic is free and will feature on-the-ice instruction from Mike Keenan, Rochester Americans head coach, and Amerks team members. For more information call 724-1980. Advance registration is required and limited to the first 500. Admission is free to youngsters 16 years and under. For more information call 724-1980.

NFP SESSION — Sponsored by Natural Family Planning Education, 7:30-9 p.m., Friday, Jan. 28, at St.

Mary's School Library, 95 N. Main St., Canandaigua.

MUSIC — Christine Wondolowski, lecturer in music at Nazareth College, presents a selection of songs by Chopin, Ives, Ernst von Weber, Faure, and Richard Strauss, 3 p.m., Sunday, Jan. 23, Nazareth College Arts Center, 3 p.m., free.

TOUR — Of Memorial Art Gallery, 2 p.m., Sunday, Jan. 23. Free to members; free to non-members with gallery admission.

SENIOR MATINEES — "My Man Godfrey," starring William Powell and

Carole Lombard, 1:30 p.m., Thursday, Jan. 20, George Eastman House.

"SUNSHINE TOO" — The professional touring theater company of the National Technical Institute for the Deaf, will perform "Arlequino's Dream" for Nazareth Art Center's Children's Theater audiences at 11 a.m., Saturday Jan. 22 and 2 p.m., Sunday, Jan. 23 in the small auditorium of the Arts Center. Performances are recommended for children 4-10 years old. Tickets are \$1 and will go on sale one hour before performances. For further information contact the box office, 586-2420.

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