

As Nov. 27 Nears, Bishops Face Canon Law Decisions

Washington (NC) — Significant decisions on several church law issues will face the U.S. bishops when they meet in Washington next Monday through Thursday.

Ten days after the meeting is over, the church's new Code of Canon Law takes effect, and the bishops must act before then if they wish to avoid several important changes in current U.S. church practice under the new law.

Their decisions on how many holy days of obligation U.S. Catholics should observe will probably receive the most publicity. The proposed agenda for the bishops' meeting includes a recommendation from their Committee for Canonical Affairs to retain the separate Mass obligation for only three feasts: Christmas, the Immaculate Conception and All Saints.

But the Committee for Canonical Affairs has also recommended immediate action by the bishops on four other issues raised by the new code, three of which will have direct impact on some segments of the American Catholic population.

The bishops' decisions can affect the age at which Catholic children will receive confirmation, the length of time a pastor may head a parish, and the time it takes for Catholics seeking marriage annulments to obtain a decision from a church court.

Only one legal issue before the assembly, concerning voting rights of auxiliary bishops on the statutes of the National Conference of Catholic Bishops, is primarily of internal concern to the NCCB, without direct impact on Catholic life.

Here is a summary of the legal situations facing the bishops, the proposed solutions, and their possible effects:

Confirmation:

Most U.S. Catholic children receive confirmation sometime during the adolescent years, but the new Code of Canon Law says that it shall be administered when children reach the age of discretion — normally about 7 — "unless the bishops' conference has decided on another age."

The proposal before the bishops is to continue current practices according to the custom in each diocese "until a national study on the age of confirmation might determine otherwise."

Present U.S. practice varies widely among dioceses and even among parishes within a diocese, but in most places children normally receive confirmation when they are in the later years of elementary school or in high school.

Recent NCCB surveys have indicated that high school confirmation is the most common practice in U.S. dioceses and that most bishops favor local option over a strict national age norm. They also revealed that most bishops consider grades 7-9, or around age 14, the best time for receiving confirmation.

While the new code establishes the age of discretion as the ordinary time in general law for confirmation, it places no restrictions on the ability of a bishops' conference to decide on a different age. The law does not modify the permission with any conditions that must first be met, as it

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does in many other cases in which it allows exceptions to the general law.

The proposal to maintain current customs on confirmation in the United States for the time being needs approval by two thirds of the conference membership in order to pass, but the decision does not require Vatican approval to take effect.

Sources expected the proposal to pass easily for two reasons. First, it is not a definitive decision but only a holding action, delaying any change until the matter has been studied thoroughly. Second, the alternative — an immediate change from current practice to confirming at age 7 — could lead to a great deal of confusion across the country. Immediate implementation would require a hasty restructuring of tens of thousands of religious education courses to prepare all those older children who have not yet been confirmed to receive the sacrament.

Pastor Tenure:

How long pastors can be appointed to lead parishes is another issue that the bishops will face as a result of the new Code of Canon Law.

Since the Second Vatican Council many U.S. bishops have instituted personnel policies, usually in consultation with the diocesan priests' senate, under which pastors can be appointed only for a fixed term of office — usually a five- or six-year term that can be renewed once. No statistics have been compiled on how many U.S. dioceses have limited tenure policies.

The new code says pastors are to be appointed for indefinite terms unless the bishops' conference provides otherwise. It says, however, that bishops may appoint pastors for limited periods of time if the bishops' conference votes to allow that option within its region.

Arguments can be made that each approach, in different ways, promotes pastoral effectiveness. Many bishops who have instituted limited tenure policies have expressed satisfaction over the way those policies work out.

A two-thirds vote by the conference membership is needed to allow bishops to continue or institute limited tenure policies in their own dioceses. Vatican approval of the decision is not required.

The past history of conference votes on local options indicates strongly that most of the country's bishops are willing to vote in favor of such options for the sake of their brother bishops who may want them, even if they themselves do not intend to make use of the option. That history, coupled with the fact that the limited tenure question has provoked no major public controversy, indicates that the proposal is likely to pass easily.

Diocesan Courts:

For more than a decade the U.S. bishops have led a campaign for more efficient marriage court procedures in

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the Catholic Church. Special procedural norms in effect in the United States since 1970 to ease the processing of marriage cases will end on Nov. 27 when the new Code of Canon Law takes effect. The new code sets less stringent court procedures than the old general law of the church did, but it does not go as far as the U.S. bishops had wanted nor as far as the special U.S. norms had allowed.

Two areas in which the new code allows bishops' conferences to adopt procedural rules that are more flexible than the general law are:

- To permit diocesan bishops to entrust the first trial of marriage cases to a single judge instead of three in places where it is impossible to constitute the normal three-judge panel;

- To allow collegiate tribunals, that is, tribunals made up of more than one judge, to include one lay person among the judges.

Both provisions can be adopted by a two-thirds vote of the conference membership, without Vatican approval of the decision.

The strong, visible consensus of the U.S. bishops for more than a decade on the need to provide for speedy trial of marriage cases and to make the most effective use of the limited resources available for that work indicates that both proposals will pass easily.

Voting Power on NCCB Statutes:

Current statutes of the NCCB give auxiliary and other titular bishops "de jure" membership in the conference, including a vote on the formulation or amendment of NCCB statutes.

The new code also allows bishops' conferences to give auxiliary and other titular bishops voting membership in the conference, but it adds a provision that only diocesan and coadjutor bishops shall have a vote on the formulation or amendment of conference statutes.

Recommended to the bishops is a proposal to seek Vatican permission for the NCCB to retain the voting power of auxiliary and titular bishops on NCCB statutes.

The past record of the U.S. bishops in support of equal voting rights for all its members — particularly their protracted effort in the 1970s to retain a vote for retired bishops despite Vatican insistence to the contrary — suggests that this proposal will most likely receive the required two-thirds approval of the NCCB membership. Such a decision must also be approved by Rome, however, before it can take effect.

Fr. Louis Hohman

The Open W

Sharing Leaders Part II

Dear Readers,

We continue on shared leadership in parishes and councils in particular questions of vision.

For more than I have worked Jean Rodman Council Development covering at another altar of the diocese some of the that experienced sharing.

- One sets responsibilities councils as (1) development, (2) development, (3) growth in the. In regards to when it comes for a parish pastor and the more competent parish council after all are made up of have other vocations. We better if the purely gathering from the for use by the letting the necessary provisions? This to be a more effective way business.

In some way gestion is mo in the same se autocracy practical and gets things quickly and m

There are, considerable make shared better if not c first of these Holy Spirit i only to prof ligious and th The Holy "poured for hearts of all th and therefore every perso channel of the speaking to u in fact, seems that God has preference t himself throug ones." Beside factoring out when the or professionals cision-making simply factori element c experience and God which otherwise be, the discernm will.

- What is t this planning parish council leadership

Our Pilgrimage Church Holy Year 1983-84

By Father Robert F. McNamara

Thomas Martin became the first Catholic to settle in Lima — 1834. Within a few years three other Irish Catholics arrived: James Egan, Michael Coneen and John Brennan. John Brennan's house, which still stands, was the site in 1842 of the first Mass celebrated in the village. But it was only in 1848 that the local Catholics, now augmented by several other families, mostly from County Tipperary, acquired a small frame church of their own. There could be only one patron saint for a church in a town called Lima — St. Rose of Lima, Peru.

The St. Rose's Church that is a pilgrimage church this Holy Year dates from the 1870s. Bishop Bernard J. McQuaid of Rochester laid its cornerstone on Sept. 11, 1870 and dedicated the finished building three years later, next to where the original church stood. After Vatican II the Holy See authorized a number of changes in the Eucharistic liturgy. In conformity with these changes, the pastor removed the communion rail and installed a wooden altar facing the people. For the rest, however, St. Rose remains a practically

intact example of the "old style" Catholic church.

One of the most interesting pastors of St. Rose was Irish-born Father Simon FitzSimons, in charge from 1884 to 1912. A writer of articles and a novel, Father FitzSimons played a notable part in a noted "church and state" court case in the early 1900s. Even before the Sisters of St. Joseph arrived at St. Rose's School in 1875, the school had been incorporated into the public school system, the local school board paying the teachers' salaries. A revision of the state constitution in 1894 forbade this. Father FitzSimons fought the new rule with a law suit. He carried it up to the state Court of Appeals but lost out when the court declared that the religious habits of sisters were a "sectarian influence" not to be tolerated in a public school.

St. Rose's parish has produced two bishops. James Edward Quigley was a parishioner during his childhood. Later he became bishop of Buffalo (1896-1903) and archbishop of Chicago (1903-15). Joseph Lloyd Hogan was bishop of Rochester from 1969-1979,



St. Rose, Lima

when he retired because of poor health. The parking lot is behind the church, 1985 Lake Avenue. Larger pilgrimages may want to form there, and move up to

the front entrance in a devotional procession, led by a crossbearer. Please contact the rectory to set the time for your visit: (716) 624-1005.

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