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Using the translation of the Code of Canon Law for use in England as a bishop's miter, Father Cunningham makes point at St. Thomas More workshop.

Diocesan Ministers Briefed As New Canon Law Nears

By Carmen J. Viglucci

The diocese was visited last week by a book salesman.

And a book promoter. A critic. A literary collaborator.

All one man.

And only one book -- "The Code of Canon Law," the first revision of the basic rules governing the church since early in the century and only the fourth version since Jesus Christ Himself.

The visitor was Father Richard Cunningham, who among "three pages" of accomplishments (as announced by the man who introduced him to Rochester, Father Robert O'Neill, diocesan official, is professor of canon law at St. John's Seminary, Boston. Father Cunningham was in Rochester to conduct a workshop on the revised code at three diocesan sites -- St. Thomas More in Rochester last Tuesday, St. Mary in Horseheads Thursday and St. Francis DeSales in Geneva Friday. He had previously done the same thing in cities across the nation from Anchorage to Washington, D.C.

In this diocese, he addressed those involved in ministry -- priests, perma-

nent deacons, pastoral assistants, principals.

He described the new code in many ways:

● "It is not the bad side of the Good News."

● "It is not an answer book."

● "It is not meant to be a sacred book. No one is going to walk holding it up in procession."

● "It is the Church's primary legislative document."

● "It is a down-to-earth workbook."

● "It is the general law of the universal Church."

But long before he got to such terse definitions, Father Cunningham, in true professorial style, gave some 300 listeners at St. Thomas More a rich historical and legal background to the revised code which becomes effective for Catholics around the world a week from Sunday.

Bishop Matthew H. Clark, in his welcoming talk at the workshop, touched on one of the sinews supporting Church regimentation -- "Law is a source of freedom."

And Father James Schwartz, director

Why Canon Law

"If your brother sins against you, go to him and show him his fault. But do it privately, just between yourselves. If he listens to you, you have won your brother back. But if he will not listen to you, take one or two other persons with you, so that 'every accusation may be upheld by the testimony of two or more witnesses,' as the Scripture says.

"And if he will not listen to them, then tell the whole thing to the church. Finally, if he will not listen to the church, treat him as though he were a pagan or a tax collector" -- Jesus Christ.

of the diocesan Ministry to Priests and one of the organizers of the workshop, alluded to those present as bringing "mutuality in ministry" nearer.

It was left to Father Cunningham to expound on such thoughts. He began by setting a foundation -- why is law necessary at all?

"It teaches us how to act out our rights with some degree of freedom," he said. He used the example of traffic laws which are necessary to create some degree of order so that drivers can reach their destinations, their goals.

Applied to religious life, he said that church regulations bring some degree of order to a parish which frees people to participate in the sacraments -- it frees a parishioner to bring his "child to the parish for baptism -- with some degree of surety that the baptism is authentic."

He expressed it in terms of divine law which gives us "some degree of order which in turn will free us to grow in the spirit."

Father Cunningham then described Church law from an historical aspect, saying that Catholics have had official canon law since the 12th Century, aiming "to promote order within the Church."

But, he pointed out, there is a uniqueness about canon law -- "It not only wants to promote order, it also wants to promote charity. The ultimate law is love."

Before 1200, obviously, there were laws -- "as soon as there are two people, law is needed." Thus, Father Cunningham said, the earliest communities had official regulations.

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Anti-Abortion ERA Change OK'd by Bishops

Washington (NC) -- A controversial proposal to add a new anti-abortion sentence to the Equal Rights Amendment has been endorsed by the U.S. Catholic Conference, public policy arm of the U.S. bishops.

Msgr. Daniel Hoye, USCC general secretary, urged members of Congress in a Nov. 8 letter to support the additional sentence, which reads, "Nothing in (the ERA) shall be construed to grant or secure any right relating to abortion or the funding thereof."

The letter came after a House subcommittee Nov. 7 rejected on a 4-2 vote the addition of the new sentence on abortion, sponsored by Rep. F. James Sensenbrenner Jr. (R-Wis.).

The ERA was expected to come to the full House for a vote as early as the week of Nov. 14.

The letter came as both the House Judiciary Committee and one of its subcommittees rejected the addition of the anti-abortion sentence, sponsored by Rep. F. James Sensenbrenner Jr. (R-Wis.). The full committee voted 19-12 against the addition Nov. 9 after its constitutional rights subcommittee two days earlier had rejected the proposal on a 4-2 vote.

"The Sensenbrenner amendment," said Msgr. Hoye in his brief letter, "underlines what is already apparent to

many supporters of women's rights -- namely that the equality of women has nothing to do with abortion."

The bishops as a body have taken no position on the ERA itself, although approximately two dozen bishops have endorsed the amendment on their own.

Father Edward M. Bryce, director of the bishops' Office for Pro-Life Activities, said the USCC's support for the Sensenbrenner amendment did not mean that the bishops would oppose the ERA if the new sentence is not added.

"The legislative intent of the Equal Rights Amendment may be clarified by debate on the House floor and other factors," he said in a statement, "and the bishops' conference will have to observe this process before determining whether (its position) will change."

He added, "In the meantime, confusion regarding the ERA's impact on abortion warrants support for the clarifying language proposed by Congressman Sensenbrenner."

Supporters of the ERA have characterized attempts to amend the measure as an effort to kill the ERA itself by confusing the basic issue of sexual equality. In addition to abortion, amendments to the ERA have been proposed on the issues of the draft and homosexuality.

Several Catholic supporters of the ERA, in a letter to House members a week before Msgr. Hoye's, said they believed ERA and abortion were "separate and distinct" issues and urged that the "clear language" of the ERA "not be compromised by amendments which dilute the fundamental principle of legal equality."

They cited research published in a 1980 article in the Jesuit weekly America and said no state ERA has yet been used to mandate abortion funding or broaden the abortion right in that state.

Among signers of the letter were representatives of the National Assembly of Religious Women, the National Coalition of American Nuns, the Sisters of Loretto, the Sisters of the Humility of Mary, and Catholics for the ERA.

Pro-life groups, on the other hand, have argued that there is "compelling evidence" that the ERA as currently worded would invalidate all restrictions on government funding of abortion.

In testimony at a House hearing Oct. 26, the executive director of the Chicago-based Americans United for Life, said a "specific abortion disclaimer or a rigidly drafted legislative history" is needed to keep ERA and abortion distinct."

The director, Paige C. Cunningham, said the ERA could "create another constitutional hook" on which the Supreme Court could hang abortion rights.

A 71-page legal analysis issued in October by the Congressional Research Service, an arm of the non-partisan Library of Congress, said the impact of the ERA on abortion laws would depend on the "standard of review" used by the federal courts to interpret the amendment's meaning.

The analysis said if the court applied what constitutional lawyers call "strict scrutiny," a classification based on pregnancy probably would be judged as prohibited by the ERA. But if a "rational basis" standard is used, the analysis said, pregnancy classifications probably would not be deemed to violate the ERA.

The decision by the bishops not to take a stand on the ERA was made in 1978 after their Ad Hoc Committee on Women in Church and Society sought to issue a statement backing the proposed amendment to the Constitution.

The key sentence of the ERA reads: "Equality of rights under the law shall not be denied or abridged on account of sex."