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Faith Today

The key that unlocks the code

By Katharine Bird
NC News Service

The purpose of the 1983 Code of Canon Law — of church law generally — is to "enable the church to grow and develop," explained Father Donald Heintschel in an interview in Washington, D.C. The canon lawyer serves as associate general secretary of the U.S. Catholic Conference.

One way laws do that is by making it possible for new institutions to come into the church, Father Heintschel continued. For instance, diocesan pastoral councils developed following Vatican II with its emphasis on more active roles for all the people in the church. The 1983 code puts this into law by calling on bishops to establish councils "to consult with a wide variety of people."

Another function of church law is to organize the church, to spell out the relationships between the parish, the diocese, the national bishops' conferences and the universal church, Father Heintschel said.

Church law also aims at helping all the church's people to see where they fit into the Christian community. It tries to structure the church to be responsive to the real needs of people in real life situations, the canon lawyer said.

"My biggest concern is the pastoral-theological nature of canon law," added Father Heintschel, who speaks about church law with passionate assurance. In his varied church career, he has served as a pastor, a canon law professor and a part-time judge on a marriage tribunal. He also served for eight years as executive director and president of the Canon Law Society of America.

Asked why the church found it necessary to revise the 1917 Code of Canon Law, Father Heintschel turned to an analogy used by Father James Provost, executive coordinator of the Canon Law Society of America. Father Provost has compared canon law to a human skeleton.

The skeleton gives shape to the person, enabling the body to move about with ease. But, as a person ages, the body can become arthritic.

In canon law, much the same thing can happen, Father Heintschel said. Under the weight of seven volumes of authentic interpretations, the 1917 code grew less and less able to respond to the changes taking place in the church, especially following Vatican Council II, he explained.

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As Father Provost explained it, when Pope John XXIII called for a new code, "he saw it as a way of implementing in the practical life of the church the renewal he was inaugurating in the Catholic Church." Father Provost's book, "Code, Community, Ministry," was published in 1983 by the Canon Law Society and is in-

tended to help parish ministers explain the new code.

Vatican II's "major faith and theological reflection" was that the church is the people of God, Father Heintschel explained. In this renewed vision of the church, every baptized Christian is called to a role of service, to participate in the work of Christ.

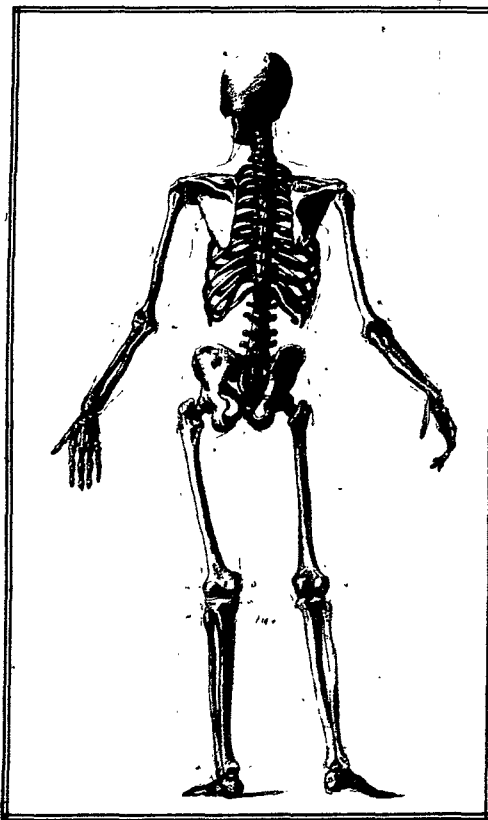
The new code, in the making for 24 years, takes that basic concept and translates it into canonical terms, Father Heintschel said. He added that Pope Paul VI insisted that the new code should come out of the teaching and faith experience of the church.

Asked to give an example of what is new in the 1983 code, Father Heintschel referred to what is popularly called the code's "Bill of Rights," Canons 208-231. But, he emphasized, these are "Christian rights, not human rights." They enumerate "the obligations and rights of Christians."

The first canon sets out "the principle of equality," he explained. Starting with the broadest category of Christians, it notes that everyone, by baptism, is equal. After establishing this point, the canon lawyer said, the code then becomes more specific in enumerating the differing roles clergy and Religious and laity play in the church because of their particular ministries.

The canonist concluded by observing that he would love to see the church find a way to update the 1983 code periodically. Perhaps, every 10 years or so, he suggested, the church could consult on a worldwide basis to see what changes are needed to meet altered circumstances.

(Ms. Bird is associate editor of Faith Today.)



The skeleton provides a framework for the body, supporting it and allowing it to move about with ease. And so it is with church law, Katharine Bird reports. The new Code of Canon Law is meant to give support to life among the church's people.

