

# Canon, theology experts: Papal message the same

By Jerry Filteau  
Catholic News Service

WASHINGTON — U.S. specialists in theology and church law contacted by Catholic News Service did not regard the new church legislation issued by Pope John Paul II June 30 as surprising.

They rejected widespread media reports characterizing the action as a new Vatican crackdown, saying it is simply a formalization of what is already there in practice.

The legislation spells out as part of the general laws of the Latin and Eastern Catholic churches the requirement that Catholics must firmly accept and hold those church teachings which, even though not matters of divine faith, are set forth definitively by the pope or the college of bishops in the exercise of their teaching authority.

It also says that a just penalty can be imposed if someone obstinately continues to reject such definitive teaching and refuses to retract after being warned by the Holy See or his bishop or religious superior.

"What the pope has done is fill in a loophole" in the law, said Jesuit Father Francis A. Sullivan of Boston College, a leading theological authority on questions of church teaching authority.

Jesuit Father Ladislav Orsy, a theologian and canon lawyer who is a visiting professor at Georgetown University Law School, called the new legislation "a bridge" between the church's general law and the new regulations issued last year by the Vatican Congregation for the Doctrine of the Faith for the doctrinal examination of writings or opinions that appear opposed or dangerous to the faith.

Msgr. Frederick R. McManus, professor emeritus of canon law at The Catholic University of America, said if there was a surprise, it occurred nine years ago when the doctrinal congregation issued a new Profession of Faith with three new paragraphs attached to the traditional Nicene Creed.

The papal letter establishing the new legislation cites the three new paragraphs of the Profession of Faith and says the first, concerning divinely revealed truths of

faith, and the third, concerning authentic but nondefinitive church teaching, are already treated in the Code of Canon Law, which governs the Latin-rite Church, and the Code of Canons of the Eastern Churches, which governs the Catholic churches of the Eastern rites.

The point of the new legislation, the pope says, is to "fill the gap" by adding comparable language in the two law codes to cover the second paragraph — the need for Catholics to accept and hold those things definitively taught by the church which are not themselves a matter of faith but are necessary for the church to faithfully set forth and guard the faith.

The canon lawyers were agreed that it is unusual to make substantive changes in the church's universal laws. They said this was the first time since the codes were completely revised — the new Latin code in 1983 and the new Eastern code in 1990 — that either has been changed, apart from minor emendations to correct or clarify some point.

Ironically, the new legislation itself appears to be in need of correction. In both the Latin and Italian versions — the only two initially issued — the new language added to Canon 1436 of the Code of Canons of Eastern Churches says that appropriate penalties may be imposed on someone who "defends" a teaching that is proposed by church teaching authority to be held definitively. It should say such penalties may be imposed on someone who "rejects" or "denies" such definitive teaching.

The verb "defends" appears to have been intended to apply only to a subsequent clause — "or which has been condemned as erroneous." But as it is written, it also applies to those who defend teachings that ought to be upheld.

"Someone in the (Roman) Curia blinked" in proofreading the text, said Father Sullivan.

"It's clearly a mistake," said Father Orsy.

A commentary on the new legislation, issued by the two top officials of the Vatican doctrinal congregation, attracted more questions from those interviewed than the



CNS/Reuters

## Returning home

Karen Bobbs reacts to seeing her charred belongings after a brush fire burned through Mims, Fla., July 2. Homes have been destroyed and residents were forced to evacuate due to wildfires burning across Florida.

legislation itself.

Father Orsy said the form in which the commentary was issued makes it clear that it is not an official document of the congregation itself but only a letter from the officials who signed it — Cardinal Joseph Ratzinger, the congregation's prefect, and Archbishop Tarcisio Bertone, its secretary.

Among truths the two officials cited as examples of those to be held as definitively taught was the teaching of Pope Leo XI-II on the invalidity of Anglican orders.

Several expressed surprise at that reference in view of extensive ecumenical research done in recent years that has raised significant questions about the character of that teaching.

Another assertion in the commentary that provoked questions was the statement that "Whoever denies these (definitively taught) truths would be in a position of rejecting a truth of Catholic doctrine and would, therefore, no longer be in full communion with the Catholic Church."

Father Patrick J. Cogan, executive coordinator of the Canon Law Society of America, said his first question was whether that

remark was intended juridically — in which case he would take it to mean separated from the church — or theologically — as, for example, when it is said that someone in serious sin is not in full communion with the church, but no juridical separation is implied.

Father Orsy predicted a long period of development before the church would reach a clear, agreed understanding of many of the questions surrounding what constitutes definitive teaching as stated in the 1989 Profession of Faith and the new legislation.

## Apostolic letter targets 'hierarchy of truths' use

VATICAN CITY (CNS) — With his apostolic letter "To Defend the Faith," Pope John Paul II has reinforced the limits on dissent in the church.

The pope's unexpected document, issued June 30 along with an even stronger declaration by the Vatican's doctrinal congregation, was the latest step in a Vatican effort to invoke the church's official teaching authority on issues still being debated by the world's Catholics.

In the Vatican's view, some Catholics — and especially theologians — are using the church's concept of a "hierarchy of truths" to justify selective dissent, especially from teachings that have not been infallibly defined.

The latest documents take aim at this trend, stating that the "ordinary magisterium," or church teaching authority, can also propose definitive teachings that require firm acceptance by Catholics. The church's positions against women priests, euthanasia and fornication were listed as examples.

In effect, the documents seem to place dissenting Catholics outside the fold, if they repudiate teachings proposed as definitive truths of Catholic doctrine.

One striking aspect of the pope's letter was his stated reason for writing it: "To defend the faith of the Catholic Church against the errors that arise on the part of some faithful, especially those dedicated to the discipline of sacred theology."

He said it seemed "absolutely necessary" for him to formally insist on adherence to definitive church teachings and remind the faithful of the canonical penalties for those who refuse.

The debate over dissent and how much can be tolerated among Catholics has been closely tied to the related and complicated discussion about the three-fold distinction of church doctrines. These distinctions were included in a church profession of faith issued in 1989, and the pope referred to it in his apostolic letter.

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