

1983 code focuses on human rights, justice

Father Kevin McKenna

When Pope John XXIII in 1959 announced that he was summoning all the bishops and convening an Ecumenical Council, he also announced his desire to revise the church's internal law, published in 1917.

His successor, Pope Paul VI, wisely decided to postpone the revision until after the Second Vatican Council was concluded, in the hopes that the law would be revitalized by the insights of the Council.

It would be Pope John Paul II, on January 25, 1983, who would finally promulgate a revised code. This new legislation was the result of much consultation and revision by bishops, legal scholars and faculty members of universities of canon law throughout the world.

As the 21st anniversary of its promulgation approaches, the time may be ripe for reflection on its impact on church life and practice.

When mention is made of "canon law" or "canon lawyers," what comes to mind almost immediately and automatically to the Catholic is "annulment." This is probably to be expected, since the annulment process is where most Catholics come in contact with church lawyers and church legal procedures. But canon law has made an impact on many other venues within the church as well.

One of the welcomed developments of the Second Vatican Council was its emphasis on "rights" and more specifically on basic human rights. For the first time in its long history, the Catholic Church attempted to put into legislative form these rights in its new code. Flowing naturally from Pope John Paul II's continued insistence upon proper respect for the dignity of the human person, it was quite natural to expect human rights to be highlighted in the new legislation.

The recent crisis in the Catholic Church over sexual misconduct by clergy emphatically reinforced a need for both civil and canon law arenas to work together to ensure that the rights of all parties involved in such situations are properly respected.

In addition to recourse to the civil jurisdiction, those who make alle-

gations of sexual abuse are encouraged to exercise their right to bring such a situation to the ecclesiastical authorities for the express purpose of initiating a process that will lead to healing, reconciliation and a just resolution of the harm that has been suffered. Those accused also have rights including advocacy and a just judicial procedure.

From the beginning, the law has been intended to express the church's compassion and sense of justice. In 1983, while immersed in canonical studies in Rome, I was privileged to attend a ceremony held in February 1983, in the Hall of Benediction, located over the Vatican Basilica. Pope John Paul II "presented" to the church the revised Code of Canon Law, which would become universal law for the Roman Catholic Church the following November.

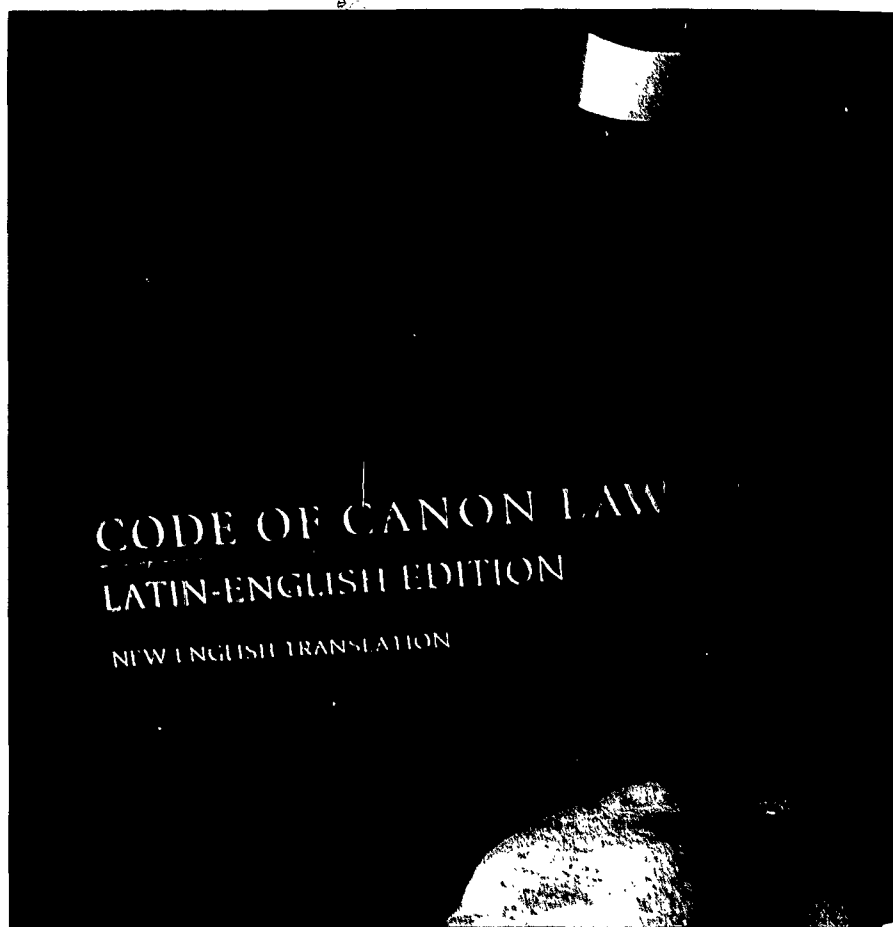
He spoke of the law's importance and place in the lives of the people of God: "In serving the cause of justice, the law must be always more and better inspired by the law-commandment of charity, being enlivened and vitalized by it. Animated by charity and ordered to justice, the law is alive!"

Canon law in the church has often been derided as the "dark side" of the good news of the Gospel. Some clergy, as well as lay people, dislike any kind of rules within the church as arbitrary and antiquated. Yet it will always be necessary that any community, even a Christian one, have some characteristic structure and some explicit regulations.

At the same time, this legal system must be undergirded with a healthy respect for the ability of mature people to make responsible decisions as they attempt to respond in their own lives to the call of Jesus to live the Gospel message.

Hopefully, our church legislation will always follow the admonition of the last canon: "the salvation of souls ... is always the supreme law."

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and integrity of the sacraments, he said. The section for each sacrament begins with a theological canon explaining the nature of the sacrament and why it's important, then goes into the details of how the sacrament should be administered. If Catholics were to read or reflect on these canons, Father McKenna said, they might begin to understand why things are done in certain ways.

One of the significant changes in the 1983 code was the expanded role of the laity, Father McKenna said. For the first time, the revised code included a canon allowing bishops to entrust pastoral care of a particular parish community to a lay person in the event of a priest shortage, provided that a priest serves as moderator of the parish's sacramental needs. This addition, Canon 517, Paragraph 2, paved the way for the pastoral administrators utilized by several diocesan parishes today.

Consultative bodies, another addition to the code, have changed the way in which local parishes operate. Canon 536 allows bishops to establish in each parish a pastoral council presided over by the pastor and comprising representative lay members of the parish.

"Parish councils, priest councils

either weren't in existence or did not have very much authority" before promulgation of the new code, Father McKenna said. "You will (now) find canons that address the nature and function of these councils."

The revised code includes a section titled "The Obligations and Rights of All the Christian Faithful," intended to safeguard and define the rights of each person in the church. Father Condon said this section recognizes that all the baptized share a certain level of communion, and discusses the obligations and rights of parishioners to make known their needs and desires to their pastors, to obtain a Christian education, to promote social justice and to assist the poor.

These rights and obligations come as a surprise to many Catholics, said Father Pius Pathmarajah, a judge on the diocesan Tribunal and sacramental minister at St. Mary's Parish in Bath and St. Gabriel's Parish in Hammondsport. Father Pathmarajah and Renato Aonan, the diocesan Tribunal's defender of the bond, recently gave a presentation at St. Mary's on canon law. The event was open to the public, and the presenters fielded questions from those in attendance.

"The laity has a place in the church," Father Pathmarajah said. "They were all surprised to hear that. They didn't know the canon law was also for them."