New church law: The place of women in the church

By Jerry Filteau

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In the Catholic Church one of the hottest topics of debate in the past decade, particularly in the U.S. church, has been the rights of women.

In an address to the Catholic Theological Society of America in 1981, Father Philip Mumion, director of the Institute of Canon Law, which Pope John Paul II installed in March, argued that the exclusion of women from all the key posts of authority in the church. "Only clergy," says the final draft of the new code, "are the ministers of the temple."

The church's exclusion of those who are not ordained from pastoral authority can be viewed as applying especially to women, since only women are excluded as a class from ordination, or as not really applying to women as such, but rather to all laypersons, whether men or women.

"There is parity between lay men and lay women in general," in the new code, said Msgr. McManus, a consultant to the papal commission revising the code, said the pastoral orientation of the new code also is obscured, at first sight, by "what appear to be legal discriminations against women;" "there is an equalization of church's practical, historical experience, he said, leading to, but not vice versa. In the new code, either party can switch to the rite of the other. The children can be baptized into either rite chosen by the parents.

Seems Obscured

In the old code, the husband had priority in determining the domicile of the mother that counts first. In the new code, either party can be aware of the enactment of the new code "unless he is told about it.

If that assessment is accurate, it indicates that the new code will fulfill one of the goals of the reform stated by Pope Paul VI—that "the juridical will no longer appear to dominate every area of the church's life. It will appear rather as but one facet of that life.

Father Orsy noted improvements in the new code's treatment of the sacraments in several broad areas. The regulations governing the administration of the sacraments are simpler and more pastorally oriented, and they leave "much greater room for custom" at the local level, he said. There is much greater emphasis on education and preparation for the reception of the sacraments, he said. He, therefore, added, this is done not by rigid new laws, but by express permission to bishops or bishops' conferences to provide for such preparation and to establish norms for it.

Many dioceses in the United States have already established such norms for preparation for marriage and for the reception of the Eucharist, the Eucharist and the anointing of the sick in their own liturgical books. He said.

Next week: Women in the new code.