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CANON LAW *and* HEALTH

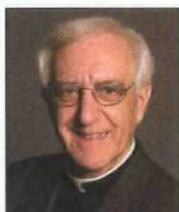
Editor's Note: Leaders of Catholic health care organizations differ from leaders of other-than-Catholic ones in that their work is bound by both civil law and the canon law of the Catholic Church. Because this is so, leaders of Catholic organizations should know something about canon law.

Toward this end, Health Progress offers its readers a series of columns on canon law. The column, which will be the work of different writers, will be under the general editorship of a well-known expert in the field, Fr. Francis G. Morrissey, OMI, PhD, JCD, professor of canon law, Saint Paul University, Ottawa, Ontario. This issue's column is by Fr. Paul Golden.

Is canon law a pastoral instrument?

Canon law is the collection of norms or rules that govern the external life of the Catholic Church. Canon law is indeed a pastoral instrument of the church.

The primary function of canon law is to structure the life of the church so that the church enjoys good order and peaceful harmony. Other purposes of canon law are to aid the church to achieve its goals; to give structure and organization to the church's values; to declare the rights and duties of all members of the church; to delineate the competency of those



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who exercise authority; to protect all rights through clear processes; and to educate the whole church about its values. All of these functions of canon law suggest a pastoral role.

In 1959, when Pope John XXIII announced his intention to convoke the Second Vatican Council, he also announced that the Code of Canon Law would be revised. However, he wisely stated that the revision of the church's law could only be started after the revision and updating of the church's theology, liturgy, and organization. In that

statement, he clarified the link between theology and law. Law is to translate the theology and beliefs of the church into the external norms, governance structures, juridical processes, and disciplines needed to govern the public order of the church. Canon law, therefore, is the practical expression of the church's understanding of itself.

Law in the church is at the service of the people. It gives order to the church's external life and ensures that the rights of the members are protected. It also ensures the unity of the church and clarifies how we are to live the life of the Spirit in harmony.

The pastoral dimension of canon law can be easily seen by reflecting on the ministry of those who specialize in this discipline. They are called canon lawyers or canonists. The majority of these men and women work in diocesan marriage courts, called tribunals. They assist people whose marriages have ended and who are seeking an annulment in order to be free to marry again in the church. Other canonists work in the various administrative offices of a diocese. Still others assist religious superiors with various questions affecting religious life. Finally, canon lawyers also teach in seminaries and other theological schools. All of these professionals are pastoral ministers, helping people follow the law of Christ and the norms promulgated by church authority.

Canon law is indeed a pastoral tool to ensure the spiritual well-being and salvation of the members of the church.

CARE MINISTRY

What is the relationship between canon law and moral theology?

Moral theology is the study of our free response to God's revelation of Himself to us in Christ. It is, first, a study of God, God's word, and the traditions of the church as understood through faith. It is also a study of the experiences, values, and norms that guide our response to this understanding of God.

Moral theology and canon law are both aspects of the life of the church. Moral theology deals with the internal life of the church's members. It asks whether an action that a person is contemplating is in accord with the will of God as expressed in the Scriptures and in the constant teaching of the church. Canon law deals with the external ordering of the church's life. It is a collection of norms and rules to ensure good order and proper discipline in the public life of the members of the church.

According to moral theology, an action taken is either a moral good, called virtue, or a moral evil, called sin. Depending on the gravity of the action, the sin can be serious (mortal) or less serious (venial). The moral teachings of the church oblige us in conscience.

Some laws of the church are derived directly from the teaching of Christ or from the teaching authority of the church. These laws will bind in conscience because they have been enacted to ensure conformity with the church's mission and purpose. Most norms of canon law do not oblige in conscience. There are, however, consequences or sanctions for not following the law. The law

itself specifies what these consequences might be. It might be that the act that is performed is not *valid*, that is, does not have any force in the church. Or the act could be *illicit*, not done according to the law. In other cases, failure to obey the law might result in an ecclesiastical penalty such as excommunication. The nature of the sanctions will help determine the importance of a law.

Sin is the result of failing to follow the church's moral laws. Sin is not one of the sanctions for disregarding canon law. The entire *Code of Canon Law for the Latin Church* uses the word "sin" only 12 times. Mostly, the term is used to describe the effect of a sacrament (Baptism or Penance remove sin) or the condition preventing the reception of a sacrament (a person who obstinately perseveres in manifesting grave sin is not to receive Eucharist or Anointing of the Sick).

While both are vital aspects of the life of the church, moral theology and canon law are quite distinct. ■

CHA's Canon Law Committee would be pleased to receive questions concerning canon law from association members and will try to reply to them. Questions should be addressed to Sr. Teresa Stanley, CCVI, PhD, senior director, Sponsor Services, Catholic Health Association, 4455 Woodson Road, St. Louis, MO, 63134; or tstanley@chausa.org.

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