

HAS ROMAN CATHOLICISM CHANGED?

AN OVERVIEW OF RECENT CANON LAW

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Antithesis, vol. 1, no. 2, 1990

SOME OBSERVERS SPEAK OF SIGNIFICANT REFORMS TAKING PLACE WITHIN ROMAN CATHOLICISM, BUT AN EVALUATION OF RECENT OFFICIAL PRONOUNCEMENTS SUGGESTS ANOTHER COURSE.

I. THE STARTING POINT: USE OF TERM "TRADITION" IN SCRIPTURE

Before discussing the new Catholic Church Law, I wish briefly to make my own presuppositions clear. I intend to examine the teachings and organizational structure of any church according to the divine revelation found in Holy Scripture. This approach can be briefly applied to the notion of "tradition." The word "tradition" (Gr. *paradosis*; Lat. *traditio*), in the New Testament, may refer to the act of "passing on" (delivery); or it may point to the content thereof -- that which was passed on (delivered). Usually, it has to do with the transmission of teachings or instructions. The Biblical use of the term does not in itself imply a valuation: the tradition can be divine or human, true or false.

A. TRADITION IN THE OT

The OT does not have a special word for "tradition." The activity itself however is described by many concepts. Genuine tradition grounded in acts or revelation of *Jahwe* ought to be passed on to the next generation. False tradition, based on man's wisdom, is attacked: "Walk ye not in the statutes of your fathers, neither observe their judgments... [but rather] walk in my statutes, and keep my judgments, and do them." (Ezek.20:18-19) Holding fast to the genuine "tradition" imparts life (Prov.4:13); it does not stifle (Prov.4:12).

B. TRADITION IN THE NT

1. Divine or Sound Tradition

In addition to using the term "tradition" in the sense of the *substance delivered*, the New Testament also uses the verb form "deliver," sometimes with the meaning "to surrender [something]." The passages may be divided between those pertaining to the positive transmissions, which are to be held fast, and those dealing with negative ones which are to be eschewed. Luke identifies the oral transmission of eyewitnesses as the source for his gospel account (Lk 1:2). Paul, too, expressly appeals to eyewitnesses to defend the transmitted account of the death and resurrection of Jesus which was consistent with Scripture (I Cor.15:3 ff). The Lord's Supper goes back to the divine transmission which was passed on by men (I Cor.11:23ff; cf. already v.2).

Along with the transmission of historical events is the transmission of special instructions of the Apostles, of the gospel, or of the faith as such. The resolutions of the Jerusalem counsel were transmitted to the congregations as firmly established teachings "to keep" (Acts 16:4). In 2

Thess.2:15 and 3:6 the traditions are to be held firm, which were passed on "whether by word or our epistle" (2:15). II Pet. 2:21 speaks of holy commands "*delivered* unto them." Defection from these commands is equated to a defection from the very faith itself. Parallel to this, Jude 3 admonishes "...that ye should earnestly contend for the faith which was once delivered unto the saints." In the NT, then, the positive sense of tradition as transmission encompasses the Scriptures (cf. 2 Tim.3:15 ff.), the gospel, and the faith as a whole as well as the particular historical accounts and instructions of the apostles, the latter being available to us only via the Scripture.

2. Human or False Traditions in NT

To the same extent that the NT portrays the gospel itself as tradition, it opposes other traditions which lay claim to divine authority. According to I Pet. 1:18, redemption is needed from precisely that vain manner of living "received by tradition from your fathers"! This judgment applies to all human traditions: "Beware lest any man spoil you through philosophy and vain deceit, after the tradition of men..." (Col.2:8)

Amidst all the variety of evangelists and teachers, Paul does not want anything to go astray from that which is written (I Cor. 4:6), for that would lead to one puffing himself up against another, whereas *that which was transmitted unites* (4:6-7).

Paul's dispute is especially with the Jewish traditions which are added to the Old Testament. Paul explicitly rejects these "traditions of the fathers" for which he himself was so zealous prior to his conversion to Christ (Gal.1:14). The polemic is found especially in the discussions between Jesus and the Scribes and Pharisees. (The Sadducees, for the most part, rejected the oral tradition along with the Old Testament.) In Mt.15:1ff and Mk 7:1ff., traditions are set in sharp contrast to the command and Word of God. To the extent that tradition is observed, the Word of God is made void (Mk 7:13). In this connection Jesus quotes Isaiah 29:13: "Well hath Isaiah prophesied of you hypocrites, as it is written, this people honoureth me with their lips, but their heart is far from me. Howbeit in vain do they worship me, teaching for doctrines the commandments of men.' For laying aside the commandment of God, ye hold the tradition of men..." (Mk.7:6-8)

In the Sermon on the Mount, Jesus uses particular examples to distinguish the law from the traditions of the elders (Mt.5:17-6:18). He doesn't heighten the obligations of the law, but only reminds them of it: Cursing, lusting for a woman (10th commandment), divorce except in the case of non chastity, hatred of one's enemies, etc. is already declared abhorrent in the Old Testament. The Pharisaical traditions do not clarify the Bible, but stand in direct contradiction to the Word of God whenever they lay claim to divine authority (Mk. 7). Surely there will always be certain circumstances relative to the various cultures where innovation is appropriate -- the time of the worship service, seating arrangements, etc. But these may never bind the conscience of all men, unless they are based upon the Bible. Stumbling against such innovations does not mean one stumbles against the eternal and universal doctrine of God. All opinions regarding how a Christian should live, if they lay claim to divine validity, may be tested and questioned in terms of the Bible. This also applies to the new Roman Catholic Church Law, which is the subject of the following discourse.

II. THE ESSENCE OF CATHOLIC LAW

Catholic law does not simply provide legal structuring of the church in the sense in which every organization in time subjects itself.

A. ROMAN CATHOLIC CHURCH LAW IN GENERAL

1. Claims to be "divine"

The Catholic Church law has a totally different character from that of protestants, even if the latter may be criticized in its own right. One dictionary defines church law as "law created by God and the church, for the church."

2. Reflects the essence of the church

Because of its divine character, church law in the Roman church is not an arbitrary factor, but rather reflects the essence of the church; indeed, it determines the essence of the church. The German conference of Bishops explained it like this: "Jesus Christ himself established the fundamental form of this order. The church is of divine origin. Its life flows from the Word of God, the sacraments. The guarantor of its unity is the seat of Peter. Bishops lead their dioceses as followers of the apostles in unity with the Pope. Church law is thus the way of life of the church, the expression of her unity and the thing which defines how to care for souls."

This perspective remains valid even in recent times as the quote shows, and has not been weakened by all the alleged reforms of the Roman Catholic Church in the last decades. In his introduction to the new church law, the chairman of the German Canon Law Translation Commission, Winfried Aymans, writes:

The church law grows, according to catholic understanding, out of the essence of the church itself. It is, according to the teaching of the second Vatican Council, the external side of a complex reality; it is at the same time the human expression of a manifold spiritual reality whose root is in God.

3. Mediates salvation

Catholic Church law, according to the Roman Catholic Church, goes back to God and the spiritual authority of the church. Thus, it has the character of mediating salvation. The above-cited lexicon says, "The salvation-mediating function of church law finds succinct expression in the old formula *Extra ecclesiam nulla salus* (outside the church there is no salvation), which in its original understanding referred to the visible, hierarchically constituted church. Its judicial ordinary power plays a decisive role in the redemptive work of Jesus Christ." Furthermore, "The church law is Holy Law on account of its divine origin and its function of mediating salvation; this was expressed in the early Christian terms for church law, for example *jus divinum, sacrum, poli, coeli* (divine, holy, heavenly justice)."

The jurisdiction of Catholic ecclesiastical law extends therefore far beyond the boundaries of the Catholic Church. Certain parts apply to all men, others to all baptized persons of whatever confession. "Catholic Church law is the law of the church united under the Pope as her visible head, which understands itself as the church of Jesus Christ; therefore, her judicial order applies fundamentally to all baptized persons.... Though the claim with respect to non-Catholic Christians generally cannot be enforced, yet it still has practical significance whenever the legal relation to non-Catholic Christians (e.g. the legitimacy of a marriage) is brought before the Catholic forum."

B. THE DISTINCTION BETWEEN DIVINE AND HUMAN JUSTICE IN CHURCH LAW

Since there is now a new version of the canon law, clearly not all aspects of it are immutable. In particular, a distinction must be made between divine and human law under the rubric of ecclesiastical law. "The purely ecclesiastical law, like all human law, may change in order to

adapt to changing circumstances. The divine law is unchangeable, though it should not be thought of as a fixed quantity. Just as there is progress (doctrinal development) in the course of understanding and unifying the stuff of revelation, so the church also grows in its understanding of positive divine law -- for example, the teaching regarding the papal primacy. This applies above all to the natural divine law." Herman Avenarius explains the distinction more precisely: Catholic canon law proceeds from the primacy of divine law (*ius divinum*). This is divided into two categories: the positive divine law (*ius divinum positivum*) as revealed in redemptive history, above all in the Scriptures; and natural law (*ius naturale*) based on God's natural revelation in the created order. The *ius divinum* is universal and valid at all times; it cannot be set aside by force, nor be altered. Under this category are included the 10 commandments, the ordinance of the sacraments... and the papal primacy.

Human law stands in contrast to the *ius divinum*, and in turn can be divided into the categories civil law (*ius civile*) and church law (*ius humanum ecclesiasticum*); it is in its essence changeable. Legislative authority for *ius humanum ecclesiasticum*, which is only binding for baptized persons, lies in the Pope for the church as a whole, and in the Bishop at the level of the diocese."

In any new edition of the canon law, the divine law may only be reformulated, while the human law may be completely changed. Still, the former pronouncements continue to have meaning: "the old, cancelled law lives on as to substance in the CIC, and continues to have significance for the ongoing interpretation of it."

One should bear in mind the history of this distinction. In the words of one Catholic canonist, "the distinction between *ius divinum* and *ius humanum* was not consciously recognized until the Reformation."

To the outsider, it may be difficult to distinguish between the divine and human law within the canon law. Even catholic professors of Canon Law have their disputes over this. This is equally true, however, for the doctrines of the catholic church. An infallible dogma is derived from a particular teaching via a complicated ranking process. In the German edition of the most important teachings of the Catholic Church, the attempt was made to divide the teachings into those that are "infallible" or unchangeable, and those that may be revised. His work recommends itself as a good complement to the study of canon law.

We summarize the characteristics of catholic canon law in the words of Erwin Fahlenbusch, a teacher of church symbols:

The Roman Catholic Church carries out its worship and its life in the world in disciplined fashion: its organization is judicially structured. The canon law (or Catholic Church law) consists of the totality of all rules (law statements; "canon," measure, standard) governing action and institutions of the church.... The necessity for such a law is, for the Roman Catholic Church, not deduced merely from the fact of being a social corporation, and needing, like every other society, binding rules. Rather it sees its possession of discipline as given along with its constitution and mission. In other words, the discipline of the church is redemptive-historically conditioned and is logically and materially prior to the standards necessary for any societal organization. It includes the rules needed for organization and protection, but goes beyond this in that it is essentially related to the mediation of salvation. Canonical law distinguishes itself from every other jurisprudence just as the Church is distinguished from every other community. It is the reflection of the Roman Catholic Church's understanding of its own nature."

III. THE NEW CATHOLIC CANON LAW OF 1983

A. CHURCH LAW AS PAPAL EXPRESSION

The church law derives its authority ultimately from the papal office of Peter, as is clear from the quotations above. Aymans writes in the context of presenting the gradual emergence of the new laws: "the works of reform initiated and assisted by the counsel; and its result in the form of the now promulgated Codex, were only issued forth by means of the authority of the Pope." This state of affairs stands forth clearly in the title of the new canon law: "Code of canon law, promulgated by the authority of Pope John Paul II" (translated from CIC 1984).

B. THE RELEVANCE OF THE CANON LAW

The new canon law of 1983 is a superb vehicle for ascertaining the current state of development of the Catholic Church. One who would engage in polemics with the Catholic Church law will not need to answer the objection that he is attacking outdated Catholic positions or trying to drag peripheral issues to the center stage. The church law of 1983 is:

Inspired by Vatican II, and claims to take up its reforms and put them into concrete form; a century-long work in our own time, and has brought about a flood of new literature commenting on the changes and suggesting practical applications; published by the authority of the current Pope; like all canon law, tied up with the essence of the catholic church as well as its notion of salvation. The relevance of the new church law will be even better understood if we look at its historical development.

C. HISTORICAL BACKGROUND OF THE NEW CANON LAW

Church law always played a big role in the history of the Roman Catholic Church. For centuries, however, it was scattered through many documents, and parts of it were buried within other writings and often only derivable from current practices. In 1917, after many years of effort, the countless scattered laws and determinations were gathered together in the large work "Codex Iuris Canonici", and this remained in force almost without change or correction until 1983. On Jan.25, 1959, anticipating the second Vatican Counsel (1962-65), Pope John XXIII announced a revision of the church law, which was to incorporate especially the changes of the (then) upcoming second Vatican Counsel. Numerous commissioners worked on it after the counsel. Pope John Paul II, who took office in 1978, gave the project substantial impetus. On Jan. 25, 1983, after long preparation, John Paul II released the new Catholic Law -- in Catholic terminology he "promulgated" the new law -- setting November 27, 1983 as the date it would come into force. Was it just a coincidence that Martin Luther's 500th birthday, solemnly celebrated by many protestant churches, fell in the same month?

The new catholic law applies to all Catholic Christians in the Latin Church. Many of the determinations claim validity for all baptized persons; many others, to all Catholics. Many of the provisions, however, apply only to the Latin, or Roman, Catholics, that is, not to the (mostly very small) orthodox churches that are attached to the Roman Catholic Church. The original intention of creating a church law applicable equally to all non-Latin churches within the fold of the Catholic Church failed. So to some extent, other provisions apply to these churches, mostly of orthodox heritage. In terms of numbers, however, these churches are insignificant.

D. DIFFERENCES BETWEEN THE ECCLESIASTICAL LAWS OF 1917 AND 1983

Both in structure and contents there are many differences between the laws as published in 1917 and 1983. Where the church law of 1917 was strongly modeled after the juridical structure of Roman law (*personae/res/actiones*, i.e. persons/things/actions) the new law is oriented more toward personal questions in accordance with Vatican II. After a long introduction, Book I starts with "General Norms." Book II follows with "The People of God." It is considerably more detailed than the first book and contains rights and duties of laymen and the important section on the clerics. It is here that the Roman Catholic ecclesiology (=theory of the church) is unfolded. In contrast, Book III on the "The Teaching Office of the Church" is very short! It is striking that this section also takes up the rules for Catholic schools and universities. The detailed book IV, "Office of Sanctifying in the Church", comprises, significantly, the entire sacramental ordinances. The other sections are V. "The Temporal Goods of the Church", VI. "Sanctions in the Church" VII. "Processes"; these three describe the entire judicial structure of the church along with its court system.

E. GENERAL REMARKS ON THE NEW CHURCH LAW

With the new church law, the Catholic Church reveals itself once again as a religion of law. Luther rightly spoke of the "Law of the Pope". The Mosaic law of the Old Testament had a divine origin that the new church law unjustly lays claim to. It distinguishes itself from the Catholic law in that it is short, comprehensive, and simple; for the most part it is expressed in principles and case examples which can then be applied to concrete situations. The Catholic church law is quite different. The 1,752 Canons along with subparagraphs treat everything from the church's right to exist to processing costs, from the Catholic university to confirmation certificates, excommunication to the sale of relics. In all of this nothing is left to chance; the terms are all precisely defined. Two examples will show the extent of attention to detail. The Bishop is instructed as follows: "Except for a serious and urgent reason he is not to be absent from his diocese on Christmas, during Holy Week, on Easter, Pentecost, or Corpus Christi." (Can 395.3)

The definition of an illegitimate child goes: "Children are presumed to be legitimate if they are born at least 180 days after the celebration of the marriage or within 300 days from the date when conjugal life was terminated" (Can 1138.2).

F. MOTION TOWARD THE BIBLE?

One hears promises of a departure in the direction of the Bible in the new law. Many passages do in fact have a new, evangelical ring to them. One reads of "justification by faith" (Apost. Const.15), "rebirth in Christ" (Can 208) and much more. But appearances are deceptive. The words are there, but they mean something quite different. A few examples may show this. The Bishops work together in a "collegial spirit", (Apost.Const.7,13,20) but their word has no further significance apart from approval by the Pope (ibid.,esp.13, 20). Ecumenicity is advocated (Apost.Const.22; Can 256.2; 383.3; 755.1), but attaches the condition "as this is understood by the church" (Can 383.3). They speak of "continual sanctification," (Can 210) but they mean thereby that the sanctification of believers takes place through the partaking of the sacrament (cf. Book IV "The Office of Sanctifying in the Church" on the sacraments; Can 834; 1253; & esp. 835.1). From modern Missiology, they get that the laity participates in the apostolate (Can 225.1), but at the same time strengthen the sacramental precedence of the clerics. They say the "gospel" ought to be proclaimed to all peoples (Can 211; 747.1; 757; 781ff.) but understand this entirely sacramentally and add "in regard to the whole church, the task of proclaiming the gospel

is principally entrusted to the Pope and college of Bishops" (Can 756.1). The task can then be delegated to the priests (Can 757).

G. ADVANCEMENTS IN THE NEW CHURCH LAW?

The new church law certainly contains a series of "advancements." However, they do not move in the direction of a loosening of catholic teaching in favor of a return to the Biblical foundation, but instead add yet more to the same system which has been growing through the centuries.

1. The Development of the papacy

The best example of this advancement is the position of the papacy. In the course of the centuries, the papacy was enlarged ever further. The relation of the Pope to the assembly of Bishops, the counsel, was always an essential point of contention. Finally, the changes reached the point that only the Pope could call a counsel to meet -- yet the counsel in meeting still could infallibly decide doctrinal issues and stood with equal rights vis-a-vis the Pope. After this, the next step could be taken in the 19th century: in 1870, declarations "ex cathedra" of the Pope were declared to be infallible. The Pope pushed this dogma through the counsel, using methods that were not always transparent, as catholic historian August Bernhard Hasler showed. Nevertheless, this doctrine remained largely theoretical after the initial test of strength, either because the Pope and counsel were united on the current questions, or as the case may be, no *ex cathedra* decisions were needed. Only after 80 years could the papacy seize hold of the next step: *the application of the dogma of papal infallibility*. The Pope, without a counsel meeting and without being able to refer to the slightest precedent in known church tradition, declared *the dogma of the ascension of Mary*.

After this "step of progress" in the empowerment of the Pope, the next step could be prepared: the juridical disempowerment of the counsel. For until now the counsel had equal rights with the Pope and could itself make infallible decisions.

2. The Disempowering of the Counsel by the Papacy

This disempowering of the counsels was silently and secretly completed by the new Catholic Church law (esp. Can 749.2).

In this matter the beautiful word "collegiality" must not delude, as already remarked above. The tension is evident in Can 333.2, which develops the unlimited power of the Pope over the church as described in Can 333.1. "The Roman Pontiff, in fulfilling the office of the supreme pastor of the church is always united with the other Bishops and with the universal church; however, he has the right, according to the needs of the church, to determine the manner, either personal or collegial, of exercising this function."

The Pope, according to this paragraph, works "collegially" only as long as he desires to do so. An appeal to a counsel against the Pope is forbidden (Can 1372). The counsel "together with its head, and never without its head, is also the subject of supreme and full power over the universal church" (Can 336). Thus, decrees of the counsel are only valid with the agreement of the Pope (Can 341.1)!

THE EXPANSION OF PAPAL POWER IN MODERN TIMES

Papal Dogma 1870: Pope is infallible like the counsel

Dogma on Mary 1950: Pope is infallible without the counsel

Church Law of 1983: Pope is lord over counsel

3. Church Law as New Papal Law?

The whole church law appeals to the authority of the Pope (Apost.Const. 13,30). Again and again his supreme authority is established. He is the highest judge, who himself cannot be brought before the court (Can 1404-1405); without him, no counsel can reach decisions or even meet (Can 336-341); he is infallible in his doctrinal decisions (Can 749.1; cf.2). Can 331 says, The Bishop of the Church of Rome, in whom resides the office given in a special way by the Lord to Peter, first of the Apostles and to be transmitted to his successors, is head of the college of Bishops, the Vicar of Christ and Pastor of the universal Church on earth; therefore, in virtue of his office he enjoys supreme, full, immediate and universal ordinary power in the church, which he can always freely exercise.

To be sure, the title "Vicar of Christ" was used before, but is now for the first time anchored in church law. Canons 330-336 very much strengthen the papal office, it being up to him "to determine the manner, either personal or collegial, of exercising this function." The talk about the college of Bishops is only a formality, since both counsel and synod are disenfranchised.

The authority of the Pope, which could scarcely increase any further, is further documented in other quotes:

There is neither appeal nor recourse against a decision or decree of the Roman Pontiff. (Can 333.3)

The Roman Pontiff is the supreme judge of the entire Catholic world; he tries cases either personally or through the ordinary tribunals...(Can 1442)

The students are to be so formed that, imbued with the love for the Church of Christ, they are devoted with a humble and filial love to the Roman Pontiff, the successor of Peter, and are attached to their own Bishop as his trustworthy co-workers... (Can 245.2)

Clerics are bound by a special obligation to show reverence and obedience to the Supreme Pontiff and to their own ordinary (Can 273).

As regards the universal Church the duty of proclaiming the gospel has been especially entrusted to the Roman Pontiff and to the college of Bishops (Can 756.1).

Generally, one gets the impression that the new church law is in reality a papal law. In all important chapters the absolute precedence of the Pope is stressed before anything else, whether the subject matter is the care of souls, evangelization, and the property of the church, judgments, or legislation of the church. All the functions of the church are actually only carried out as commissioned by and in representation of the Pope, and from this derive their authority. (Can 204.2 leadership of the people of God; 377.1-3 appointment of Bishops; 782.1 direction of missions; 1256 authority over all goods; 1273 administration of ecclesiastical goods; etc.)

4. Catholic Criticism of the New Papal Rights

Criticism from the pens of learned Catholics also shows how much the new Catholic church law is a further expansion of papal preeminence. The paper "Diakonia" dedicated an issue (May 1986) to the theme "The Bishop." The Catholic canonist Knut Walf concluded that the post-conciliar development did not deliver what the council had promised with the term *collegiality*. He writes:

The new "Codex Iuris Canonici" of 1983 may present an invincible obstacle in the way of reducing tensions between the Primate and Episcopacy in the foreseeable future. It cannot too

often be repeated: the new Codex does not breathe the spirit of collegiality in its legal, constitutional sections. Rather, it petrifies the papal standing of primacy in a way that is foreign even to the 1917 codex.

As examples, Walf cites the following:

the "shift in accent to the greater position of power of the Pope" in Can 331, "in which this power of the Pope in the church, but especially also within the college of Bishops, is newly defined in a way that cannot be exceeded, in contrast to which Walf refers to the "modest formulation of the earlier codex."

the arrogation of the title "Vicar of Christ" in Can 333

taking over the title used in the Roman Empire for the emperor, "principatus" in Can 333.1 and the implied enlargement from juridical power over the entire church to "ordinary" power, which stretches out over "all particular churches and all groupings of churches" (Can 333.1).

the relativising of the ecumenical councils. According to Walf, "the council is systematically and by law pinned into a dead corner." While the old church law handled Pope and council, each with equal rights, in their own sections, in the new church law the differences are erased. The council is constituted in the section on the Pope, and the collegiality of the Bishops may be brought to order by mail and by other previously unheard-of methods, always under the leadership of the Pope.

Similar criticism of the new preeminence of the Pope with respect to the council has been published by numerous other catholic authors. The international "Concilium Foundation" devoted an entire issue of its journal "Concilium", which appears in seven languages, to the meaning of the ecumenical council. The Italian canonist Giorgio Feliciani criticizes in his contribution the commission which prepared the determinations on the college of Bishops on the grounds that the central role of the council was abandoned without offering any justification. American professor of Theology, Joseph Komochak, showed that the new church law distorted the determinations of Second Vatican in favor of a new papal rule. He fears that the Bishops will, in the end, be relegated to "yes-men" for the Pope, no longer having any of their own authority.

Further criticisms include the Pope's string of new titles ("Vicar of Christ") while, at the same time, a list of similar titles for the council easily fall by the wayside.

But the Foundation sees in all this a development that has been underway for a longer time, a development leading to a "neutralization of the ecumenical council." The council "is no longer defined as its own legal institution independent of the primate. On the contrary, there is now the danger that the council will be absorbed by the papal primate."

Naturally, I do not intend to save the ecumenical council. All this is only to make clear the following:

If there is any sort of "progress" in the new new Catholic Church law, then it is "progress" in a very definite direction. No progress is to be discovered in the direction of opening up the simple Biblical truths or toward evangelical teaching. Instead, we find a further expansion of papal power; an expansion that is falling upon sharp criticism even within the Catholic Church and which is seen as a break with catholic tradition.

H. EXAMPLES OF THE RETENTION OF CATHOLIC TEACHINGS IN THE NEW CHURCH LAW

Several further examples should show that the Catholic Church in its new Church Law has kept practically all the teachings and practices which Protestants criticize and which cannot be

reconciled to the Bible; indeed to an extent the church has sharpened them. A refutation of the specific teachings from a Biblical perspective is omitted here, since this is already done in the worthy books by Uhlmann and Buhne as well as other writings.

1. Veneration of Mary and the Saints

The salvation of souls is under the protection of Mary (Apost.Const. 31). Seminarians are to foster especially "devotion to Blessed Virgin Mary", the rosary and other exercises (Can 246.3), which are a means for their sanctification (Can 276.5). The people of God should "cultivate a special devotion to the Virgin Mother of God, model and protector of all consecrated life, including the Marian rosary" (Can 663.4). *Relics are to be found in every fixed altar in all churches* (Can 1237.2), holy images, even if in "moderate number," are to be set up (Can 1188), and should furthermore be venerated as a means of sanctification (Can 1186-1190; cf also can 663.4).

2. Baptismal Regeneration

Baptismal regeneration is firmly anchored by law. Through baptism men are born again and come into the church (Can 11, 96, 11, 112, 204, 205, 217, 787.2; 849ff). "*Baptism, the gate to the sacraments, necessary for salvation in fact or at least in intention, by which men and women are freed from their sins, are reborn as children of God and, configured to Christ by an indelible character...*" (Can 849).

3. Through Confirmation the Holy Ghost is received

Receiving the Holy Spirit by means of confirmation remains intact: "The sacrament of confirmation impresses a character and by it the baptized, continuing on the path of Christian initiation, are enriched by the gift of the Holy Spirit and bound more perfectly to the Church..." (Can 879).

4. The Eucharist

Moreover, the Eucharist is the central point in the congregation of the faithful (Can 528.2) and is a literal sacrifice (Can 897, 904). The faithful should venerate the Eucharistic element "*worshiping it with supreme adoration*" (Can 898). The Eucharist may never be celebrated with other churches (Can 908). Priests must celebrate it daily (Can 276.2; 719.2).

5. Excommunication and Schism

Even if "excommunication as punishment" is restricted to fewer cases than in 1917, they are still heavy-handed enough. Exercising physical force against the Pope (Can 1370) leads to automatic excommunication as does abortion (Can 1398), but especially "*offenses against religion and the unity of the church*" (Book VI, Part II, Title I). Under this rubric is included the "apostate", i.e. one who has totally repudiated the catholic faith as a whole (Can 1364, 751, 194.1, 694.1); the "heretic," who obstinately doubts certain catholic truths (Can 751, 1364); and the "schismatic" (Can 751, 1364). "Schism is the refusal of submission to the Roman Pontiff or to communion with the members of the church subject to him" (Can 751). To be counted as a schismatic it suffices, therefore, to fail to subordinate oneself to the Pope. Whoever, in addition doubts, Catholic teachings is at the same time a heretic and will easily become an apostate, one who has fallen. So that the notion of "separated brothers" (Can 825.2) as well as other expressions in referring to other Christian churches does not really indicate a change at all.

6. Marriage Issues

The rules regarding the invalidity and annulment of marriages are shocking. A marriage with an unbaptized person is plain and simple invalid (Can 1086); the same for impotence (Can 1084). An unconsummated marriage can be annulled by the Pope (Can 1142). Can 1143-1150, especially 1146 deals with the possibility of divorce from an unbaptized partner. A marriage with an unbaptized person who cannot live out the marriage due to imprisonment or persecution can be annulled even if the partner has in the meantime become baptized (Can 1149).

There is such a thing as a secret marriage (Can 1130-1133). The definition of legitimate children already cited above then presumably leaves it to guesswork whether children "born at least 180 days after the celebration of the marriage or within 300 days from the date when conjugal life was terminated" should count as legitimate!?

7. Indulgences and Penance

The subject of indulgences has an entire chapter dedicated to it. (Book IV, chapter IV; Can 992-997). "*An indulgence is a remission before God of the temporal punishment for sin the guilt of which is already forgiven, which a properly disposed member of the Christian faithful obtains under certain and definite conditions with the help of the Church which, as the minister of redemption, dispenses and applies authoritatively the treasury of the satisfactions of Christ and the saints*" (Can 992).

It is clear that the subject of indulgences again divides the spirits. While the Bible only knows one single forgiveness in Jesus Christ, which cancels guilt and satisfies the sentence of eternal punishment, the Catholic Church distinguishes between the canceling of sin through absolution after the confessional, and the remission of punishment achieved through satisfactions, indulgences, and time in purgatory. *With this, the finished redemptive work of Jesus Christ is placed in question*, in that it is only half-accepted. The atonement of the cross and the prayer for forgiveness does not, for the Catholic Church, also bring about the remission of punishment! Reconciliation is also tied to confession in the confessional (Can 964.2). The sacrament of penance is moreover the only way to forgiveness. "Individual and integral confession and absolution constitute the only ordinary way by which the faithful person who is aware of serious sin is reconciled with God and with the Church." (Can 960). Sin is directed not just to God, but against the church as well (Can 959,960). But this is arrogance!

I. CONCLUSION

One need merely read the new Catholic Church Law to realize where it has defected from the Bible. In the last pages only sections from the new church law have been presented, nothing from other writings. The Catholic Church is cast as always it has been; the writings are only friendlier and more collegial. To know the new Catholic Church law is enough to know that there is no possibility for ecumenical fellowship for any believer in the Biblical sense of that word. How many people who think they may remain in the Catholic Church haven't long since earned excommunication according to the canon? The protestant state Bishop Eduard Lohse should have read the church law carefully before recognizing the title of Pope and addressing the same as "brother in Christ."

The new Catholic Church law can therefore be a good help in discussions between Catholics and non-Catholics, to show that in its kernel the Catholic Church has not changed. Having reviewed the arguments for the relevance of the church law in section III, one need only examine a copy of the church law in order to become convinced of the state of things in terms of black and white.

Particularly the paragraph on indulgences (Can 992) with its teaching that forgiveness through Christ does not provide redemption from retributive punishment, along with the paragraphs on

the Pope (Can 331,333) would provide an outstanding springboard for presenting the Biblical gospel.

II. IMPORTANT SECTIONS OF THE NEW CHURCH LAW.

The following list indicates the more important paragraphs of the new canon law with an abbreviated indication of contents. The most important issues are marked with an asterisk; naturally there is some subjectivity here. The list is designed to be a help for self-study. It can also help to prepare for conversations with Catholics. I suggest marking the key places in a copy of the canon law and also taking a copy of the list along. One might begin with passages which prove that the Catholic conversational partner has long ago defected from the position represented by the church law. In other cases, the best approach may be to start with the subject of the growing power of the Pope. Passages dealing with salvation and the forgiveness of sins are especially good for setting forth, by way of contrast, the Biblical message, perhaps using the epistle to the Romans.

204.1

The faithful = those baptized

204.2

Pope governs the church

210

Sanctification

*212.1

Obedience to leaders as "representatives of Christ"

*218

Freedom of inquiry if respect for Magisterium (not Bible) observed

223.2

Ecclesiastical authority regulates rights of faithful

245.2

Seminarians to be obediently devoted to Pope

246.1

Eucharist the center of life of the seminary

246.3

Devotion to Mary and rosary advocated

*273

Clerics obey Pope and Bishop

276.3

Clerics to fulfill liturgy of hours every day

*276.5

Devotion to Mary a means of sanctification

277.1

Celibacy

*330

Pope + Bishops = Peter + apostles

*331

Power of the Pope; Vicar of Christ

*333.1

Pope's ordinary power over all particular churches

*333.2

Pope leads church by himself or with Bishops

334

All offices carry out their tasks in name of Pope

*336

College of Bishops is never without Pope

*341.1

Decrees of ecumenical council only obligatory if approved by Pope

337.1

Bishops in place of the apostles

400

Bishops to venerate the tombs of Peter and Paul

528.1

Eucharist the center of the "assembly of faithful"

*663.4

Veneration of Mary and the rosary

*749.1

Infallibility of papal teaching office

*749.2

Ecumenical council only infallible in connection with Pope

*750

Scripture and tradition

*751

Heresy, apostasy, and schism

*752

Not heartfelt belief, but obedience

825.1

Publication of Bible only with papal approval

825.1

Publication of Bible only with "appropriate annotations"

834.1

Sanctification through holy liturgy

847

How to consecrate holy oils

*849

Baptism frees from sin

*879

Confirmation brings the gift of the Holy Spirit

*897

Eucharist contains Christ and is a sacrifice!

*898

Eucharist to be worshiped with supreme adoration

*899.2

Priests act "in the person of Christ"

*901

Mass for the dead

*904

The Eucharistic sacrifice is work of redemption

932.2

Sacrifice to be performed on a dedicated or blessed altar

947-51

Rules for accepting payments for masses

*959

Sacrament of penance

*959

Reconciliation with God and the Church

*960

Confession only way of reconciliation

964

Confession normally using confessional stall only

978

Father confessor is judge and healer

981

Acts of penance

*992-6

Indulgences

*1084

Marriage with non-baptized invalid!

*1149

Divorce possible if partner becomes imprisoned

*1186

Sanctification through veneration of Mary

1187

Veneration of saints

1188

Sacred images in moderation

1190

Relics

1235-39

Altars

*1237.2

Every fixed altar erected over relics

1251

Abstain from meat on Fridays

1251

Everyone to fast on Ash Wednesday and Good Friday

*1256

Supreme authority of Pope with respect to ownership of all goods

1264

Payments for favors and administrations of sacraments

*1273

Pope the ruler of all church goods
1365
Forbidden participation in others' services
1367
Automatic excommunication for misuse of eucharistic elements
1370
Automatic excommunication for physical force against Pope
*1371
Penalty for teaching contrary to any doctrine condemned by Pope or ecumenical counsel
*1372
No appeal to ecumenical counsel or Bishops' college against Pope
1388.1
Automatic excommunication for breach of confessional privacy
*1398
Automatic excommunication for abortion
*1404
Pope can be judged by no court
*1442
Pope the highest judge

*We are pleased to introduce Dr. Thomas Schirmacher to the English-speaking world. Dr. Schirmacher is, among many activities, engaged as editor-in-chief of the German theological journal *Bibel und Gemeinde* (Waldbronn, W.Germany) and teaches ethics and missiology at the *Theologischer Fernunterricht* (Theological Education by Extension) in Bonn/Altenkirchen. The larger version of this article may be ordered from him at:*

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Shorter articles, written by Dr.Schirmacher at the time of the first and second editions of the canon law are:

"Das neue katholische Kirchenrecht", 1.Auflage, Licht und Leben (1984)9 198-200

"Das neue katholische Kirchenrecht", 2.überarbeitete Auflage, Gemeinde Konkret 3 (1985), 16