

Vatican Sleight-of-Hand

Strange that the Code of Canon Law has permitted female altar servers since 1983,
but the Vatican only discovered this fact in 1992

By now you have all heard that "The Vatican has approved the use of female altar servers" (Catholic News Service, April 13, 1994). Strictly speaking, the Vatican hasn't yet approved of them. On the other hand, it has approved of them for 11 years. Does that sound like doubletalk? It is. Vatican speak. Here are the facts:

In early April, a letter was "made available to Catholic News Service by informed sources at the Vatican." The letter was addressed to the presidents of episcopal conferences worldwide. It hadn't yet been sent to its intended recipients. It hadn't even been sent to the other offices of the Roman Curia. This didn't prevent CNS, the bishops' own news service, from prematurely revealing its contents.

The letter was from the prefect of the Congregation for Divine Worship and the Discipline [*sic*] of the Sacraments. It informed the conference presidents that a *dubium* (doubt) concerning Canon 230, §2 of the 1983 Code of Canon Law had been resolved on June 30, 1992 by the Pontifical Council for the Interpretation of Legislative Texts, and that Pope John Paul II had confirmed the decision on July 11, 1992 and ordered its promulgation.

The Canon reads: "Lay persons can fulfill the function of lector during liturgical actions by temporary deputation; likewise all lay persons can fulfill the functions of commentator or cantor or other functions, in accord with the norm of law." The doubt was whether the "other functions" which could be exercised by both male and female "lay persons" included service at the altar. The decision was "Affirmative, and according to instructions to be given by the Apostolic See."

The letter contained the instructions mandated by the decision, and informed the conference presidents that the decision will soon be published in the *Acta Apostolicae Sedis* (AAS), the Holy See's official publication for all legal texts.

Already, but not yet

Since no law or authentic interpretation of law is binding until promulgated in the AAS, the provision for altar girls is not yet in force. On the other hand, since an official interpre-

tation is supposed to tell us what the law itself actually means, the provision has been in force since the new Code was promulgated in 1983.

Hang on, there's one more piece to the puzzle. "In accord with the norm of law" can only mean two things: 1) in accord with the Code of Canon Law itself; or 2) in accord with some law other than the Code (in this case, liturgical law, which has the force of canon law). But here's where things get interesting (ah, Denmark, how sweet you smell). If it is the latter, then altar girls have never been permitted, since the Holy See has never permitted female altar servers in its almost 2,000 year history. And certainly all recent liturgical law (*Inaestimabile Donum*, the Instruction of the Roman Missal, etc.) have prohibited them.

But the former meaning—the one apparently espoused by the Vatican interpreters—is patent nonsense. "The norm of law" could only refer to the very canon in which this expression is contained. In which case every canon ought to contain this self-referential phrase: The canon would be saying, equivalently: "You can eat grapes or oranges or any other fruit which is in accord with this declaration."

So here's what happened while your shepherds were watching over you: an uninterrupted 2,000-year-old tradition was abolished. And not by any positive decree or declaration. No, in the corridors of the Vatican, by nameless experts and bureaucrats, a slight modification was made to the new Code. It was so vague and ambiguous that for *nine years*, no one realized that anything had happened.

In the words of the official Vatican spokesman, Joaquin Navarro-Valls, "it was the result of an interpretation of existing Church law and not a major innovation by the Church." If you are not shocked by that, please read it over again until you are. Two thousand years, wiped out by an interpretation! No public discussion. No consultation with those most affected.

Oh! Pardon me. That happened way back in 1983. You didn't notice? ■

—Joseph Fessio, SJ

Catholic World Report will offer further coverage of this controversy in the June issue.

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