



ARCC Light

ARCC celebrates twenty-five years: 1980-2005

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KÜNG, JADOT, CURRAN: A CELEBRATION!

A year ago ARCC established the "Hans Küng Rights of Catholics in the Church Award," and gave it to its namesake, Hans Küng. This year the recipient is Archbishop Jean Jadot, of Belgium, who was the Apostolic Delegate to the United States from

1973 until 1980—when he was removed by Pope John Paul II. Archbishop Jean Jadot was responsible for the appointment of 103 bishops and 13 archbishops, who were quickly known as (and denounced by conservative American Catholics as) the "Jadot boys."



The Award Citation notes that "Pope Paul VI was very much aware of the fact that previous Apostolic Delegates had been pawns in the hands of powerful king-maker American

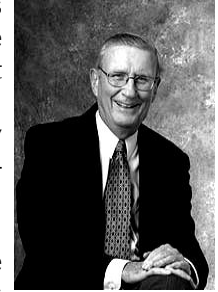


cardinals. Nor did Paul VI like the fact that most American bishops were, in his opinion, big businessmen more than they were pastors." Jadot's life in the U.S., however, was not a bed of roses, for he received a regular dose of mail demanding that he "get out of the United

States and go back to Belgium." Two American cardinals denounced him to Rome, so that he offered his resignation to Paul VI, who responded immediately by saying "No, you are doing just what I want you to do." However, as soon as John Paul II became pope he replaced Archbishop Jadot and relegated him to the lower rungs of the Curia, never to receive a cardinal's red hat, which had been given to all previous Apostolic Delegates to the U.S.

Because Archbishop Jadot's health is very poor, he will be represented at the Award Ceremony by his nephew Louis de Strycker, and a keynote address will be given by Father Charles E. Curran—of Catholic University of America fame. All U.S. Catholics over forty will well remember the public firing of Charlie Curran from Catholic University some

twenty years ago, instigated by furious conservative American cardinals (the same who denounced Jadot?) who got Rome to do their "dirty work" for them. Charlie has since then been happily teaching at Southern Methodist University.



When asked to give an address at the Jadot Award Ceremony, Charlie was delighted to honor his old friend, and he will speak on "Pilgrim People in a Pilgrim Church: Is There Hope for the Catholic Church?" In the spirit of openness and ecumenism espoused by Paul VI, Jadot, Curran and ARCC, the Award Ceremony with Father Curran's address will take place at Foundry Methodist Church, 1500 16th Street, NW, Washington, DC 20036 (Bill Clinton's church while he was president). This choice of venue will also protect Washington's Catholic institutions from the long arms of Rome, where the Cardinal who spearheaded the process to strip Charles Curran of his right to teach as a Catholic theologian is now - Pope Benedict XVI!

Join with us Friday night, November 17, 2006, to celebrate Archbishop Jean Jadot, and listen to and meet Charlie Curran (as well as the ARCC Board members). The Award ceremony will begin at 7:30 p.m., followed by Father Curran's address, a question and answer period, and an informal reception. The suggested donation at the door is \$10. All are welcome.

If you can't come in person, you can send in whatever donation you would like to make to ARCC or add to the Award Prize of \$1000 being given to the Jadot Nostra Aetate Chair being established at Louvain University in Belgium.

Leonard Swidler

BANISHED FOR LIFE?

One of the most serious, and, in a way, one of the most unnecessary, problems in the Catholic Church today is that of divorced and remarried Catholics being officially barred from reception of the Eucharist. The Eucharist is one of the core strengths of our religion, a total union with the Godhead that sustains us through many trials. It is also the outward sign of our union as Church, a community of those who share not only belief but also share each other's joys and burdens. It is the Bread of Life, given to the baptized to assist them in living truly Christian lives,

fulfilling their baptismal promises and being faithful to their many relationships and responsibilities.

And yet, fully one-half of Catholics who marry subsequently divorce—since Catholics share the same statistical success rates in marriages as the population as a whole—and are banished from the Eucharistic table if they dare to remarry, marked forever with a red “D” on their foreheads by a literal-minded Church whose laws are written by celibates in the name of God.

There is at present considerable discussion among scripture scholars and moral theologians as to exactly what Christ said and meant in those oft-cited passages in Matthew 5,32 and Mark 10, 9. Perhaps there are situations which break the bonds of marriage. Perhaps some marriages just die. Perhaps, with the increasing longevity in the West, it is not realistic or even fair to expect two people to remain in such an intimate relationship for 40, 50 or even 60 years.

These are valid and important questions but many Catholics are not ready or inclined to ask them. They accept the teaching and ideal of the Church that marriage is lifelong and indissoluble. When their marriages fail, they are torn religiously as well as emotionally. And what of those Catholics who have long, happy, fruitful and fulfilling second or even third marriages after a failed first attempt? Are those successful unions not valid and sacramental? There is much sorrow and heartbreak among these faithful, believing Catholics who only want to be recognized as such and admitted to the Lord’s Table.

The saddest aspect of this entire problem is that often it is unnecessary. The truth is that, even under the strictest interpretation of theology and canon law, many of the marriage ceremonies performed in Catholic churches in the past and many performed today are not actually “signs” of truly sacramental, lifelong marriages.

There are Catholics estranged from the Church today because of misinformation or bad advice, sometimes given many years ago. For example, for over 90 years, American Catholics who married outside the Church were automatically excommunicated. However, that penalty was lifted over 20 years ago. Many of those marriages are now considered valid.

Some Catholics were told they could not be married in the Church because their intended spouse had been married before. But frequently parish priests did not investigate carefully if the previous marriage was valid in the eyes of the Church. The theology and canon law of marriage are extremely complex, and have become more complex under the new Code and with advancing knowledge of the human psyche. Marriage is only one of the many topics studied in the seminary, and some seminaries, often the ones producing the most priests right now, are extremely

traditional, even deliberately retrograde, in their outlook and training. Even with all the best intentions, most parish priests are not canon lawyers. If they are canon lawyers, they are probably working in the diocesan tribunal and not in a parish. A specialized matter often requires a specialist’s knowledge.

Sometimes family considerations or conflicts made it seem important that the ceremony be in another Church. It used to be difficult, if not impossible, to have joint-faith ceremonies for these circumstances. Such ceremonies and unions are seen differently now and can, if necessary, be quietly “normalized.” The attitude of the Catholic Church to interfaith marriages also used to require some disagreeableness for the non-Catholic spouse, including the signing of papers promising to raise children Catholic, etc. Many, understandably, balked at this and refused and the couple went elsewhere to wed. It might simply be useful to point out that most Catholic priests are now less bellicose and confrontational and usually solutions can be found to allow the Catholic partner to participate in the Sacraments while respecting the non-Catholic partner. There are too many other variations on these themes to be able to go into them. Anyone in this kind of situation should investigate further.

We have all seen many examples of people whose first, grandly formal, marriages lasted only a few years, or who even went through two short failed marriages and then settled down to a long, successful and satisfying marriage. How many of these friends or relatives have said of their first marriages: “we were too young,” “we had no idea what we were doing,” “all my friends were getting married and I got caught up in it: I was afraid to think too much,” “I found out I was pregnant and my parents said get married or get an abortion,” “I really didn’t know if I wanted children but he didn’t raise the question when we were dating, so I didn’t either,” “I thought I’d give it a try and I could always divorce if it didn’t work,” “I knew sometimes he couldn’t seem to help chasing other women, but I thought marriage would change him,” “well, he did drink a lot but he said he’d change for me,” “sometimes his temper worried me but he never hit me, just guys he thought were after me,” “yes, he was very moody but when he was happy he was so much fun that I thought the sad moods would go away once we married,” “I had no idea he had been in prison but it has haunted our lives,” “he hid from me all the different jobs he had lost and that he was already in bankruptcy,” “once we were married she just kept up her high-end shopping as if we didn’t have other expenses, like our house and the kids,” “she wasn’t even close to understanding the responsibilities and sacrifices of a marriage: what I thought was sweetness was really only childishness,” etc., etc., etc.

All of these very familiar laments are red flags indicating probable impediments or defects which could mean that

earlier marriage lacked the essentials of a valid Catholic marriage, as understood today.

Many older priests were trained under the 1917 or Pio-Benedictine Code of Canon Law, which was, in fact, the first codification of canon law applicable to the entire Church. It stated quite simply that "The primary end of marriage is the procreation and education of children; the secondary [end] is mutual support and a remedy for concupiscence." (Canon 1013, sec.1) This seems to describe a contract for a straightforward purpose.

However, in *Gaudium et spes* Vatican II described marriage as a covenant or partnership and included the phrase "the good of the spouses." This more "personalist" approach is reflected in the 1983 Code of Canon Law which begins the section on marriage by stating "The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life, is by its nature ordered toward the good of the spouses and the procreation and education of offspring; this covenant between baptized persons has been raised by Christ the Lord to the dignity of a sacrament." (Canon 1055, Sec. 1) And a little further "Marriage is brought about through the consent of the parties, . . . between persons who are capable according to law of giving consent; . . . All persons who are not prohibited by law can contract marriage." (Canons 1057 & 1058). There then follows a chapter on impediments to marriage and another on matrimonial consent. Chapter IV, canons 1095 through 1103, on consent are of particular importance today in evaluating the validity and thus the sacramentality of a marriage. The most pertinent of these areas for failed or questionable marriages are duress, mental reservation, lack of due discretion, lack of maturity, fraud or deceit, and invincible error.

This is a much more mature and developed, less mechanistic, and thus more realistic, view of marriage. It teaches that for a Catholic marriage to be valid, and therefore lifelong, sacramental, and indissoluble, it must be freely, openly and honestly entered into, with mature knowledge and understanding of the commitment being made, a total giving of oneself to the other and receiving of the gift of the other, open to the begetting and raising of children. The serious defects in the examples cited earlier become immediately apparent.

"I was pregnant" is a perfect example of mental duress, while "if it didn't work, I'd get a divorce" and "don't ask, don't tell" relating to having children are clear mental reservations: both are grounds for decrees of nullity.

"We were too young," "we had no idea what we were doing" and "all my friends were getting married" are examples of lack of due discretion as well as immaturity. The incipient alcoholic, the incipient batterer who is abnormally jealous, and the chronic skirt chaser who

becomes an adulterer, are examples of a different kind of lack of due discretion: these people have serious psychological illnesses which impair their judgment and their ability to make a lifelong commitment at the time of their marriages. The same would be true of the person with exaggerated mood swings, often an undiagnosed bipolar, or of anyone with a serious psychiatric disease. The person who deliberately hides a serious fact of his or her past, such as a prison record or repeated financial failures which will affect the future course of the marriage, is committing a fraud or deceit against the spouse: they are not "who" they claim to be in an important material aspect.

The reckless shopper and the babe in the woods demonstrate fundamental ignorance of what marriage entails, aside from being immature. One could cite many more examples of defects in consent which invalidate a marriage. Finally, lest anyone protest that many of these defects are the recent creations of modern society which is infatuated with psychology, it's useful to note that the principle that psychological illness invalidates consent is found in Gratian and many other ancient jurists. It is unfortunate that the Catholic Church somehow mislaid this insight for some years until the relatively recent development of knowledge in psychology.

Many Catholics currently in second marriages without an intervening annulment could obtain annulments in diocesan marriage tribunals, which are considerably faster and more user-friendly than in the past. Usually, the easiest way to begin is to go to one's parish priest who will have the forms to be filed with the tribunal and who hopefully will provide advice or even assistance filling them in. If for some reason, the parish priest is not approachable or doesn't have the forms, they can be obtained from the office of the diocese or from the tribunal itself.

It would be very helpful to consult with a canon lawyer on how to present one's case most effectively in this written presentation to the tribunal judges, since one usually does not appear before them in person, although in most dioceses, one is assigned an advocate before the tribunal.

A Church tribunal, like any court of law, is dependent on testimony and evidence. Sometimes it will not be possible to prove one's case. Since the other spouse is also asked to testify, if he or she refuses or lies, proof can become very difficult. Occasionally, a former spouse will threaten bodily harm if unfavorable facts are revealed, which makes the entire process unwise or impossible. Sometimes a person finds the prospect of digging everything up again so repellant or distressing that annulment becomes harmful. Many say that they have found the process therapeutic but that is not universal. No one should ever be forced to apply for an annulment.

If for whatever reason, a person cannot or will not apply for an annulment, or if the tribunal rules unfavorably, any Catholic can apply what is called the internal forum; that is, they can decide in their own informed conscience if their first marriage was valid or not. The right to marry is a right under natural law, which supercedes any ecclesiastical law. If you are in a situation in which your presumed marital status under Church law bars you from your natural right to marry and from your right as a Catholic to receive the sacraments, including the Eucharist, then it is your duty to try to become informed, think, meditate, take counsel if necessary and try to discern what is your true marital status before God and your conscience.

Theology and canon law recognize that an individual must ultimately follow the dictates of his or her own conscience. The new *Catechism of the Catholic Church*, written under the direct influence of the conservative John Paul II, defines conscience this way: "...man has in his heart a law inscribed by God. . . . His conscience is man's most secret core and his sanctuary. There he is alone with God whose voice echoes in his depths. . . . When he listens to his conscience, the prudent man can hear God speaking. . . . Conscience is the aboriginal Vicar of Christ." (Art. 6, secs. 1776-1778) Paragraph 16 of the Second Vatican Council's *Gaudium et spes* explains the importance of conscience: "In the depths of their conscience human beings detect a law which they do not make for themselves but which they must obey. Its voice always summons them to love and to do what is good and to shun what is evil. At the right moment it resounds in the secrecy of the heart: 'do this, avoid that.' The dignity of the human person lies in obeying it; and according to this law one will be judged (cf. Rm 2:14-16)." An informed conscience must be obeyed.

If one wishes to do some reading for an introduction to the annulment process and the internal forum, there are many short but helpful books written in the past 10-20 years for this purpose. A few that can be found in most libraries or bookstores are:

John T. Catoir, *Where do You Stand with the Church? The Dilemma of Divorced Catholics* (Alba, 1996)

Barry Brunzman, *New Hope for Divorced Catholics: A Concerned Pastor Offers Alternatives to Annulment* (Harper & Row, 1985)

Joseph P. Zwack, *Annulment: Your Chance to Remarry Within the Catholic Church* (Harper & Row, 1983)

Terence E. Tierney, *Annulment: Do You Have A Case?* (Alba, 1993)

Michael Smith Foster, *Annulment: The Wedding That Was* (Paulist Press, 1999)

Ronald T. Smith, *Annulment: A Step-by-Step Guide for Divorced Catholics* (ACTA, 1995)

Gerard S. Sloyan, *How Do I Know I'm Doing Right?* (Pflaum, 1976).

For those with more time and a scholarly bent, there is the very comprehensive *New Commentary on the Code of Canon Law* by Beal, Coriden and Green (Paulist Press, 2000) commissioned by the Canon Law Society of America. Finally, there is a detailed and excellent discussion of the internal forum, "Remarriage in the Church: Pastoral Solutions" by Robert Blair Kaiser on the ARCC site at http://arcc-catholic-rights.net/internal_forum.htm.

Many people find it helpful to enlist the aid of a sympathetic priest and go through the internal forum within the sacrament of reconciliation. That insures the absolute confidentiality of everything said and provides the grace and reassurance of the sacrament. Others may prefer to go through the process alone or with a trusted friend or advisor. However one chooses to approach the question, be assured that God accepts your effort and your obedience to what is revealed by your conscience. Finally, a priest or eucharistic minister is not supposed to refuse Communion to anyone presenting him or her self to receive. Occasionally, a pastor might privately ask a Catholic who has decided to return to Communion not to receive in his parish where he or she is well-known to avoid giving scandal. In that case, it is probably wiser to go to a neighboring parish. Again, everyone's conscience and best judgment must be respected.

Many, perhaps even a majority, of divorced and remarried Catholics are not truly banished from Communion for life and they should know that. If you or a friend are in this painful situation, use and spread the good news.

Christine M. Roussel

REVIEW OF *LOYAL DISSENT* BY CHARLES E. CURRAN

Father Curran's eagerly-awaited memoir is everything we wished –it is as honest, intelligent, straightforward and challenging as he is. "Loyal Dissent" is an ideal title, for it sums up Father Curran's attitude and his entire career. In reading this memoir one is immediately struck by his deep and abiding love for and loyalty to the Church and his lifelong commitment to service to it and the People of God.



For Curran, dissent is an honorable term and an honorable service to the Church. Loyal dissent is intended to be helpful and constructive to a Church always in need of correction and reform. Indeed, Curran adds a fifth mark to the four traditionally attributed to the Church: it is one, holy, Catholic, apostolic and sinful. (P. 19) Thus, Curran recognizes that his search for truth will be lifelong, just as the Church's pilgrimage toward complete understanding of the truth is eternal. He is a pilgrim, serving a pilgrim church.

Father Curran has published several books (a bibliography is conveniently included at the end of the book) and his ideas and contributions to contemporary moral theology are clearly set forth in them and in numerous articles. What is of particular interest to this historian is that here Curran shows us the development of his thought and the situations and circumstances which willy nilly turned this scholarly and obedient priest into the icon of latter twentieth-century Catholic independence of thought and resistance to Roman theological micromanagement. Other books, such as *Christian Morality Today*, (Fides, 1966) will show more fully his early attempts in the renewal of moral theology to reconcile traditional Catholic teaching with the demands of modern life, and *Faithful Dissent* (Sheed and Ward, 1986) will spell out and document his "controversy" (his term) with the Congregation for the Doctrine of the Faith much more completely, but this book, *Loyal Dissent*, is the whole package as it happened (to the best of his recollection) from beginning to present. It explains how Curran arrived at each of the intellectual positions that landed him in hot water with ecclesiastical authorities. I was particularly struck by Curran's utter lack of bitterness or spite against those who have persecuted him, his personal and professional openness and humility, and his quiet and consistent sticking to his positions. His humility and lack of rancor stand in stark contrast to the pettiness of much of the American hierarchy in the events described.

For these reasons, and because Curran is a priest and teacher who cannot pass up an opportunity to teach, *Loyal Dissent* is not a light read. It is clear and well-written in Curran's usual "what you see is what you get" style, but it does require concentration and attention, especially in the chapters in which he discusses the development of theology in the past fifty years and his moral theology. The results, however, are more than worth the effort.

That is not to say that this memoir is a drudge to read. Father Curran's sense of humor, which he admits has been a saving grace throughout his life, surfaces frequently and sometimes unexpectedly. The following passage leads one to wonder if he is an undercover deadpan comedian or a consummate straight man in theological robes.

In the midst of a discussion of his teaching method at CUA, he quotes the chorus of an "ode" written by one of his seminar groups and passed on to their successors:

Now working on the Charlie papers
Working on the Charlie course
Reading those Charlie books and getting
That mental Charlie horse.
Now that it's all over, though,
There's one thing more to say:
Given a chance to do it all again --
NO WAY!

To which he adds, presumably with a straight face, "Beneath the levity, I think they appreciated what they got out of the course, despite all the work involved." (P. 88)



On a more serious note, Curran's book is, needless to say, a joy and a veritable goldmine for Catholics of ARCC's persuasion. His clearly-written expositions and theological explanations of what are actually the principles undergirding the Catholic reform movement are varied and extremely useful. Also, while maintaining traditional Catholic theology, Curran draws clear distinctions between revealed "truths" and moral teachings deduced from those truths, from reason and from natural law. He accepts and has a healthy respect for the unknown, the changing, the culture- or time-bound, the relative and the evolving. To quote just one passage:

The hierarchical magisterium has changed its teaching on usury, slavery, the ends of marriage, religious freedom, democracy, human rights, the right of the defendant not to incriminate himself, and capital punishment. I have appealed to catholicity and mediation, and to the pilgrim nature of the church, in my criticism of the hierarchical magisterium's claim to absolute certitude on specific moral teachings. Thus the Catholic theological tradition at its best can criticize official church teaching when it fails to recognize the implications of its own theological tradition. (P. 195)

A failure to recognize and accept these factors is why the hierarchy and especially John Paul II's CDF reacted so strongly to Father Curran's insistence on the right and even the duty to examine and sometimes question non-infallible teachings of the Church. In fact, for Curran, questioning sacred cows is sometimes a virtue. Without examination and the tension of differing views -- of leaders, of believers, and of scholars -- there is no progress. There must be room for disagreement within the Church to maintain its vitality.

As Father Curran says in his final chapter, "As essential as structural reform is for the Catholic Church, it will not solve all our problems. . . . Here we all need the three gifts of wisdom, courage and patience." (P. 250)

And we need interesting and challenging books such as this.
Christine M. Roussel

ARCC *Light* is published by the Association for the Rights of Catholics in the Church. For membership information, contact ARCC, 3150 Newgate Drive, Florissant, MO 63033, send email to arcc@arccsites.org, or visit our website, <http://arccsites.org/>. Suggested dues are \$25.00 per year, and include a subscription to *ARCC Light* and a copy of ARCC's *Charter of Catholic Rights*. Editor: Christine M. Roussel, PhD, rsvpcmr@juno.com Layout and Design: Ingrid H. Shafer, PhD, Email: ihs@ionet.net

Friday, November 17th at 7:30p.m.
The Association for the Rights of Catholics in the Church
presents the 2006
"Hans Küng Rights of Catholics in the Church Award"
to
Archbishop Jean Jadot
Former Apostolic Delegate to the U.S.
represented by his nephew Louis de Strycker
Father Charles Curran
will make the presentation address:
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Foundry United Methodist Church
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Donation \$10.00