

# Vatican Ecumenists Dejected over Document

Rome — Is the Vatican's latest statement on mixed marriages a legal breakthrough or an ecumenical setback?

Reaction to this question here, following Pope Paul's document on mixed marriages issued April 28 was simple: ecumenists were mildly dejected while canon lawyers were cautiously elated.

## News Analysis

The canonists view the document as a step forward because many more options are made available to the couple entering a mixed marriage. Fewer demands are made of the non-Catholic, while at the same time provisions are spelled out for the preservation of the faith of the Catholic party.

The Pope's apostolic letter issued on his own initiative, contained 17 norms which give diocesan bishops much of the power the Vatican used to have in deciding possible options on where and how a marriage ceremony between a Catholic and a non-Catholic can take place. The norms go into effect Oct. 1.

Among other things, they

put the entire burden for the raising of Catholic children upon the Catholic partner and no longer insist on a promise from the non-Catholic.

Marriage is also made possible before a non-Catholic minister in a non-Catholic church when serious reasons justify a special dispensation from the Bishop.

Comments ranged from a Methodist bishop's rejoicing that the Catholic Church is "moving in the right direction" to an Orthodox leader in India saying the document was "a definite going back" and an American rabbi stating that many Jews "will welcome the general atmosphere of liberalization."

The new document addresses itself to the danger to the faith of the Catholic party and sets down norms whereby that faith can be preserved. As such, it can hardly be judged an ecumenical document.

The statement of 1966 shifted the responsibility of raising the children as Catholics to the Catholic party. The Church was solicitous of the rights of the non-Catholic party.

A factor pointed out by canonists was that, if this is not intended as an ecumenical document, it is emphatically a firm statement defining the validity of marriage: that it be contracted in a public ceremony, that even if the Catholic pastor does not officiate, he be involved in pastoral care prior to the wedding and in the years to come.

The insistence of the Church on a priest and two witnesses for validity of a marriage was set down by the Council of Trent. In those turbulent times, secret or clandestine marriages were common, an event in which two people merely came together, exchanged their promises without witnesses and considered themselves married. That there was no proof of such a marriage only created confusion.

For simple good order, the Church standardized the procedure (defined as the canonical or legal form) for any marriage to be valid: that it be witnessed by a priest and two other people.

In the new mixed marriage document, the Church does not relinquish the "good order,"

for the pastor is involved from the initial preparation to the final recording of the valid marriage.

The only change in procedure is that the Church now recognizes that any "public ceremony" fulfills the same purpose as its previous demand of the canonical form.

Hence, while some may have thought this document was ecumenical, the Church was only restating a former contention: the Church wants knowledge of the marriage of a Catholic and wants to assure itself of the opportunity to preserve the Catholic religion in the family.

Pope Paul, in the preamble to the document's 17 norms, stated:

"Mixed marriages . . . do not, except in some cases, help in reestablishing unity among Christians."

He further observed that the practice of religion is made more difficult in a mixed marriage, that a division is created within the family, and that Christian worship and the education of the children become problem areas.

Even though he added that the Church does not make arrangements that the right to marry be upheld, he spoke of the difficulties encountered in a mixed marriage and concluded: "For these reasons, the Church, conscious of her duty, discourages . . . mixed marriages."

Bishop John Wesley Lord, president of the Council of Bishops of the 10.9-million-member United Methodist Church, said in Washington:

"I rejoice in the liberalizing of the former stand of the Roman Catholic Church as revealed in the papal document. I think the Church is moving in the right direction."

Rabbi Marc H. Tanenbaum, director of interreligious affairs of the American Jewish Committee, contacted in New York, said:

"From the viewpoint of Jewish religious perspective, we strongly identify with the position of the Catholic Church on mixed marriages. We do not encourage mixed marriages for a variety of psychological, social and religious reasons."



Crosses of Death

Crosses are laid on the surface of London's Trafalgar Square to usher in Christian Aid Week in Britain. They indicate the number of people dying in the world every hour from hunger. An inter-religious group placed the crosses every 10 seconds, since statistics show that's how often someone dies of hunger. A goal of \$2.4 million is sought in the drive. (RNS)

## Rhodesia Churches Resist Land Act

Salisbury — (RNS) — In response to the challenge of Christian Churches in Rhodesia, the government of Prime Minister Ian Smith has issued an eight-page pamphlet explaining, "in simple terms," its controversial Land Tenure Act.

The five Catholic bishops and representatives of 11 other churches have denounced Rhodesia's new constitution with its supplementary Land Tenure Act as irreconcilable with the Christian faith. The Dutch Reformed Church did not join in their statement.

The Act divides the country into two areas of approximately equal size — one for the 250,000 whites, the other for the nearly 5 million blacks — and forbids "occupation" of one area by members of the other race.

In a recent joint declaration, church leaders stated flatly that they would not register as required to own or occupy land in both racial areas.

The government pamphlet explains the rationale of the Land Tenure Act. The reason for

granting such wide powers to the government is "to enable it to clear up islands of African occupation which lie within the European area, but which are quite unrelated to the actual work of religious missions."

The government minister of lands, the pamphlet continues, has pointed out that mission institutions, which are to be established for the benefit of Africans who are not working in the European area, will be encouraged to develop in the African area, rather than on missionary land in the European area.

This move is "in conformity with the government policy of bolstering the development of the African area," the pamphlet states.

The pamphlet points out that unless a Church registers as a voluntary association, it will be classified as either African or European, "for purposes of the Land Tenure Act." This, presumably, would mean that the Church could not then operate in both areas.

## Top Court Keeps Lid on Smut Mail

Washington, D.C. — (RNS) — The Supreme Court has upheld the constitutionality of a 1967 postal law that permits any private citizen to stop mail order companies from sending advertisements he considers "erotically arousing or sexually provocative."

The law was challenged by a number of mail order houses in the Los Angeles area, including some that specialize in the sale of erotic material and sexual paraphernalia.

They charged that the law violated First Amendment rights to communicate, and that orders to strike individuals from their mailing lists would be prohibitively expensive. The removal of each name costs about \$5, they stated.

Writing of a unanimous court, Chief Justice Warren E. Burger said the citizen's right "to be left alone outweighs the law's inconvenience and expense to the mailers."

## Supreme Court Ruling Upholds Church Tax Law

Washington — (NC) — In a decision that affects church-state relations in every state in the nation, the Supreme Court refused here to strike down a New York law exempting church-owned property from taxation.

The 7-1 majority opinion upholding the New York law was written by Chief Justice Warren E. Burger. Justice William O. Douglas, the sole dissenter, based his objection to the decision on the belief that tax exemption is the first step to state establishment of religion.

The test case was brought to the court by Frederick Walz, a Bronx, N.Y., lawyer who owns a parcel of land—22 by 29 feet — on Staten Island that is taxed \$5.24 a year.

Burger said Congress from its earliest days had viewed the religion clauses of the Constitution as authorizing statutory real estate tax exemption to religious bodies.

He declared: "Nothing in this national attitude toward religious tolerance and two centuries of uninterrupted freedom from taxation has given the remotest sign of leading to an established church or religion and on the contrary it has operated affirmatively to help guarantee the free exercise of all forms of religious beliefs."

Several months ago, a New York City official said religious institutions there own \$692 million worth of property. Taxes on it would have brought in \$36 million.

Douglas said the present involvement of government in religion as typified in tax exemption may seem inconsequential but "it is, I fear a long step down the establishment path."

Burger rejected Douglas' "establishment" fears. He said if tax exemption is the first step, "the second step has been long in coming."

## For Religious Leaders: A Sigh of Relief

New York — (RNS) — The nation's major religious bodies expressed a solidarity of agreement with the recent U.S. Supreme Court decision upholding tax exemptions for church property used for religious purposes.

They may have also breathed a collective sigh of relief as possible taxes on literally billions of dollars worth of property hung in the balance.

While the issue was not seriously in doubt—all 50 states presently recognize the tax exemption principle — the fact that the high Court decided to consider the issue caused some wonderment and consternation.

In Washington, Bishop Joseph L. Bernardin, general secretary of the U.S. Catholic Conference, said in a statement that the Supreme Court decision "affirmed a view of benevolent neutrality toward religion" and he characterized this as "the historic American attitude

which permits religious exercise without governmental interference."

The National Council of Churches, which includes 33 Protestant and Orthodox bodies, withheld formal comment on the decision until a further study of the ruling can be made.

However, Dean M. Kelley, head of the NCC office on governmental relations, said the agency is pleased with the decision.

Like the U.S. Catholic Conference and the Synagogue Council of America, the NCC was publicly opposed to any change in the tax exemption provisions now in effect.

### PAKISTAN CHURCH

Karachi — (RNS) — The United Methodist Church of Pakistan, which has 41,000 members, voted here to join Anglicans and Presbyterians in a new "Church of Pakistan."