

Marriage and the Church

By Father John S. Kennedy

There is much merit in a book by Morris L. West and Robert Francis, "Scandal in the Assembly" (Morrow, \$4.95), which is subtitled "a bill of complaints and a proposal for reform in the matrimonial laws and tribunals of the Roman Catholic Church." But there is also much about the book to annoy and alienate even the most sympathetic reader.

It is shrill. It is cranky. It is pompous. It is written in some of the flossiest prose to numb the ear since quill pens went out of style. It is weakened by lapses of tone and taste at some of the most critical junctures of its argument. And it is distinctly behind the times in some vital respects.

Its attack is aimed at Church law regarding marriage, and the Church courts before which marriage cases come for adjudication.

Its objection to the law is that, as it stands, it does not take into fully proper consideration what constitutes Christian marriage, and who is capable of Christian marriage. In both instances, the purview and provisions of the law are held to be too narrow and too rigid.

The authors contend, for example, that man's nature is better understood all the time, thanks to the results of scientific inquiry. Man's capacity, and incapacity, physically, emotionally, spiritually can now be more fully and exactly determined, and this knowledge the Church should use in decisions concerning the actuality and validity of marriage.

As for the courts, there are many complaints. One is that they place the law and the institution far beyond and above the human person, favoring the first over the second. Another has to do with offenses to human dignity in court procedure. Still another is directed at the unconscionably lengthy delays to which petitioners are subjected.

The authors rightly find fault with the poorly staffed tribunals of some dioceses, the virtual inactivity of too many, the runaround that good people are subjected to as a result. They do not note the fact (certainly unknown to them when they wrote) that the Canon Law Society of America has made a survey which bears out their

contentions, and the further fact that the American bishops have been apprised of the findings, were deeply troubled by them, and initiated action to correct the situation.

Moreover, in response to the initiative of the American bishops, the Holy See has authorized for this country, a set of changes going far toward correcting conditions which West and Francis score. The operation of these changes will be closely watched, and it may be that their permanent and universal application will ensue.

But the authors will not be content with reform of this sort. They advocate the total abolition of tribunals, the Roman Rota included. They propose a primary discretion for confessors in what, rather loosely, they call obvious cases. And they suggest that doubtful or disputed cases be referred, in each diocese, to a pastoral group, comprising "clergy and married Christian laity competent in medicine, law, and domestic relations," this group to have the authority to hear the cases and recommend a decision to the bishop.

They also declare for a far-reaching simplification of the canon law concerning marriage, its framing to be done with full

consultation of the laity, especially "commissions of laymen, expert in the secular disciplines," such as physical medicine, psychiatry, sociology, law.

The authors essay a fast run-down of history, to show that the Church's teaching and law on marriage have changed over the centuries.

With a flourish of trumpets, they introduce a series of snippets from more or less ancient documents. This section is poorly done. The documentation is fragmentary, the comment on the documents inept, the argumentation based on them arbitrary. Scholars could perhaps make a better case for the author's conclusions than our two writers do. But what West and Francis have set down is more glancingly suggestive than solidly convincing.

One could wish that the authors had confined themselves to their stated purpose and that they had rigorously avoided pretentious rhetoric. "We wot of" is an example of the archaisms to which they incline (and, incidentally, our dictionary indicates that the archaism "wot" is used of the first and third persons singular only). Also regrettable is their resort to burlesque, as well as their ill-considered humor.

CDC Sponsors Pornography Talk

Charles H. Keating Jr. of Cincinnati, a member of the President's Commission on Pornography, will speak in Rochester on Tuesday, Oct. 20, under the sponsorship of the local Citizens for a Decent Community.

Bishop Hogan will introduce Keating at the annual CDC dinner, scheduled for the Party House, Beahan Road.

Michael Macaluso Jr., CDC chairman, said Keating, an attorney, is among a minority of the President's commission which is attempting to block publication of the commission's report, which, according to preliminary and unofficial statements issued to date, recom-

mends relaxation of laws on obscenity and pornography.

Those opposing some of the commission's conclusions feel there should be further and more widespread study of the situation.

Last week Bishop Hogan expressed support for CDC objectives. In a letter to Macaluso the Bishop wrote that he wished to give support to "any united effort to stem obscenity and pornography."

Macaluso said he hoped the Bishop's action would bring many more people "into the fold" of CDC, and that members of Protestant clergy and leaders of the Jewish community would join.



RIGHT REVEREND EDWARD T. O'MEARA
NATIONAL DIRECTOR

Money Hang-Up

In my travels as National Director of the Propagation of the Faith I am often confronted with, what I call, the "Money Hang-up." People do not seem to realize that there are many other ways—just as needed and important, if not more so—to help the missions besides money.

Perhaps the greatest contribution to the Church's missionary life is the flesh and blood of our sons and daughters. And believe me, the zeal and dedication of today's missionaries and future missionaries are certainly evidence of the Spirit alive and active in the Church today. I wish I could broadcast on national television the personal interviews with United States missionaries home to visit. Their energy is inexhaustible, and their greatest enthusiasm is to get back to their mission!

A short two hundred years ago, the United States itself was a foreign mission; today we can be proud to have over 8500 Americans overseas in missionary service. This always raises the question: shouldn't we be concerned with the problems at home before getting involved with other countries' problems?

I think we have to take care of our problems in the inner city, in poor rural America, and the problems of the socially oppressed. But for the life of me, I cannot see why meeting our responsibilities at home has to be the reason why we stop being "catholic" and cut off sharing with the rest of the world.

Let's face it—there is no other Catholic community like ours in the United States. Most of us are middle class or upper middle class Americans. We have our domestic difficulties, social unrest, and the rising cost of living to contend with, but in comparison to the real poverty, hunger and underdevelopment of the rest of the world, we are really blessed! This Catholic community in this affluent country just can't get so concerned about these real pressing problems at home to the point of writing off the work of the Church in the rest of the world. Yes, more than money, every Catholic can give the power of his love, prayers, awareness, witness and concern. But again, what about the money?

On the one hand I can praise the generosity of our American Catholics: last year the United States Catholics gathered over \$17 million for the missions through the Society for the Propagation of the Faith. But on the other hand that averages out to only \$.35 a Catholic. And in that catholic-dimension, the universal Church has some 136,000 missionaries who depend on the Propagation of the Faith's yearly support.

The money hang-up? Let's remember this: if a person is working, the best thing his employer can give him is a paycheck. In fact, there is no adequate substitute. If there are missionaries in the Congo, Brazil, or Viet Nam, the best way we have, in our affluency, of getting something to their material needs is this commonplace way of financial contributions.

If the really catholic-minded Christians in the U.S. could show others that the Church and its world mission is worthwhile, if we can love it, pray for it, contribute our flesh and blood; then the money hang-up would not be a hang-up at all, but a truly genuine expression of a truly catholic-Christian commitment to today's world.

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