

Eire Voters Expected to Abolish Law Giving Catholicism 'Special Position'

Dublin (RNS) — Unless the unexpected happens, voters in the Republic of Ireland will soon strike from their 1937 Constitution a section which gives recognition to the "special position" of the Roman Catholic Church as "the guardian of the faith professed by the great majority of the citizens."

Legislation passed by the Dail (parliament) on Oct. 26, paved the way for two referenda on Nov. 30 (or Dec. 6) — one favoring reducing the voting age to 18 years, and the other eliminating the "special position" clause of the national charter which has long been a subject of controversy.

Abolition of the clause — embodied in sub-section 2 of Article 44, along with other provisions dealing with a variety of church-related matters — was seen by proponents as of great importance in relation to the problem of bringing about peace between Catholics and Protestants in Northern Ireland.

They argue that sub-section 2 has been a cause of suspicion in the North among Protestant Unionists who regard it as a clear warning against linking themselves with a Catholic state. This distrust persists despite the fact that sub-section 3 of the same article declares that "the state also recognizes the Church of Ireland (Anglican), the Presbyterian Church in Ireland, the Methodist Church in Ireland, the Religious Society of Friends (Quakers) as well as the Jewish congregations and the other religious denominations existing in Ireland at the date of the com-

ing into operation of the constitution."

Deletion of this section is also being submitted to the Irish voters.

Early this year, a delegation of the British Labor Party discussed with Eire Prime Minister Jack Lynch the possibility of deleting it in the interest of better Catholic-Protestant relations in the North. (There is common agreement that Catholic-Protestant relations in Eire's 26 counties have been consistently peaceful and friendly throughout the 50 years of Irish independence.)

On top of this came the statement of Ireland's leading Catholic prelate — Cardinal William Conway, Archbishop of Armagh — that he "would not shed a tear" if the two clauses went.

Speaking in Dublin during a series of lectures on "The Church, the State and Religious Freedom," Jesuit Father Conn O'Donovan told his audience that Vatican II's declaration on religious freedom "should enable Irish Catholics to face with equanimity the possibility of changes which might make our constitution and law seem less generous toward Catholic beliefs than they have been."

Meanwhile, confidence in a favorable outcome of the referendum was seen strengthened by the fact that an informal "Committee on the Constitution," set up in 1966 to discuss reform of the charter, unanimously recommended deletion of the two Article 44 sub-sections. The com-

mittee was made up of members of the three groups represented in the Dail — Fianna Fail, Fine Gael and the Labor Party.

Other sections of Article 44 declare that freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen; that the state does not endow any religion nor impose any disabilities or make any discrimination on the ground of religious profession, belief or status.

Contrary to the general practice in other European countries (including several Communist nations), Eire does not endow religion or its ministry in any way. The following are some of the constitutional provisions designed to ensure Church-State separation:

Neither the Catholic nor any other Church has any legal personality, and parishes and bishoprics are not persons in civil law. This means that the churches of themselves cannot possess property or take legal proceedings. They must have recourse to the system of trustees.

There is no ministry for religious affairs. Not only does the state not subsidize the Churches, but neither does it recognize any right to levy taxes to provide for the needs of the clergy or to maintain religious buildings, as is the case in Spain, for example. In Ireland, the clergy get no assistance or salary from the state. The Churches' entire income comes from the voluntary offerings of their members.

Civil and religious calendars are not in agreement, nor are Catholic feasts like the Ascension and the Assumption public holidays as well as holy days of obligation. (There is, however, a long standing tradition that the Dail does not meet on holy days of obligation.)

There is a state censorship of books, but it does not look for guidance to the Church. No concordat exists between Ireland and the Vatican, none ever having been regarded as necessary.

Bishops and members of the clergy may occasionally speak out on political matters in which moral issues are involved, but the Churches take no direct part in politics. Clergymen do not sit in parliament, and the Churches remain neutral toward the political parties.

It is widely conceded that the growth of ecumenism has brought all denominations in the South of Ireland closer together, and no Church body has in any way spoken out against the proposed abolition of the two sub-sections of Article 44.

One grave impediment presented by the 1937 constitution is a section which prohibits divorce.

While talking to reporters in October, Prime Minister Lynch called this "a very difficult problem" that would have to be dealt with by the people.

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The 1966 Committee on the constitution acknowledged that the prohibition was "a source of embarrassment to those seeking to bring about better relations between North and South since the majority of the Northern population has divorce rights under the law applicable in that area."

The committee suggested a revised clause in the constitution that would read: "In the case of a person who was married in accordance with the rites of a religion, no law shall be enacted providing for the grant of a dissolution of that marriage on grounds other than those acceptable to that religion."

The divorce question is only one of the major issues involved in the quest for a North-South unification. Other matters of paramount concern judging by discussions currently taking place, revolve around the law barring the sale or distribution of contraceptives, the Catholic Church's stand on mixed marriages (long a thorn in the Protestant side), and the censorship laws.

Regarding these laws, Catholic Bishop Peter Birch of Ossory has this to say: "Our mistake was to approach the matter in a Puritan and negative frame of mind. I am violently opposed to

those who make money out of pornography . . . but equally I feel that as people become better educated and more sophisticated they should be treated as much more able than at present to make their own decisions."

On the issue of contraceptives, Dr. Conn McCluskey of Dungannon, County Tyrone, one of the pioneers of the civil rights movement in Ulster, wrote in *The Cross*, a monthly magazine published by the Passionist Fathers: "I suppose it is natural that in a predominantly Catholic state contraception has been looked at askance, especially by the older people. But since many youngsters are apparently now resorting to artificial means of limiting their families, the whole matter should be looked at again."

These are questions which beg to be resolved if the "New Ireland" now being talked about is to become a reality. Another is the matter of mixed, as opposed to denominational, schools which continues to be widely debated both in the North and the South.

A leading Jesuit sociologist, Father Michael MacGreil, declared that "the sooner we scrap purely denominational schools (branded by critics as breeding places of religious intolerance) the sooner will our youth learn to grow together as real and understanding Christians."

Our Parish COUNCIL by Bernard Lyons

"If somebody tries to give me a Kiss of Peace — I'll clobber 'em!"

You laugh, because of the out-of-joint emotions expressed.

Sober reflection will also make us aware that the sentiments of the statement are only a little exaggerated and typical of many people's feelings.

Before the changes in the liturgy, the Sign of Peace for most of the laity was something they saw in a news film from the Vatican or at a Solemn High Mass.

To have the Kiss, handshake or other expression of peace and fellowship articulated through-out a congregation is not a simple matter of wishing it so or asking that it be so.

I have experienced the Kiss of Peace beautifully exchanged at liturgies where the group of us were gathered around the altar.

I have seen, too, the nervous hesitation of those new to the Sign of Peace, and I have seen people draw back at the very thought of it.

Many of the persons who view the Sign of Peace as an awkward, self-conscious act also see the Mass as a private devotion rather than a communal celebration of Christ's sacrifice for us.

The Sign of Peace can not be considered as ritual alone, but must be viewed as symbolizing some inner sense of community.

Courier-Journal

Year of Renewal

When I go into a church (here meaning the building) and see the people scattered about and enclosed in their own "territories" and few people receiving Communion, I know immediately that the Church is weak in that community.

Face-to-face contact, active committees, concern for others, involvement in the issues of the community, and a true collegial spirit among priests, religious and laity are all necessary steps to the articulate expression of a Sign of Peace.

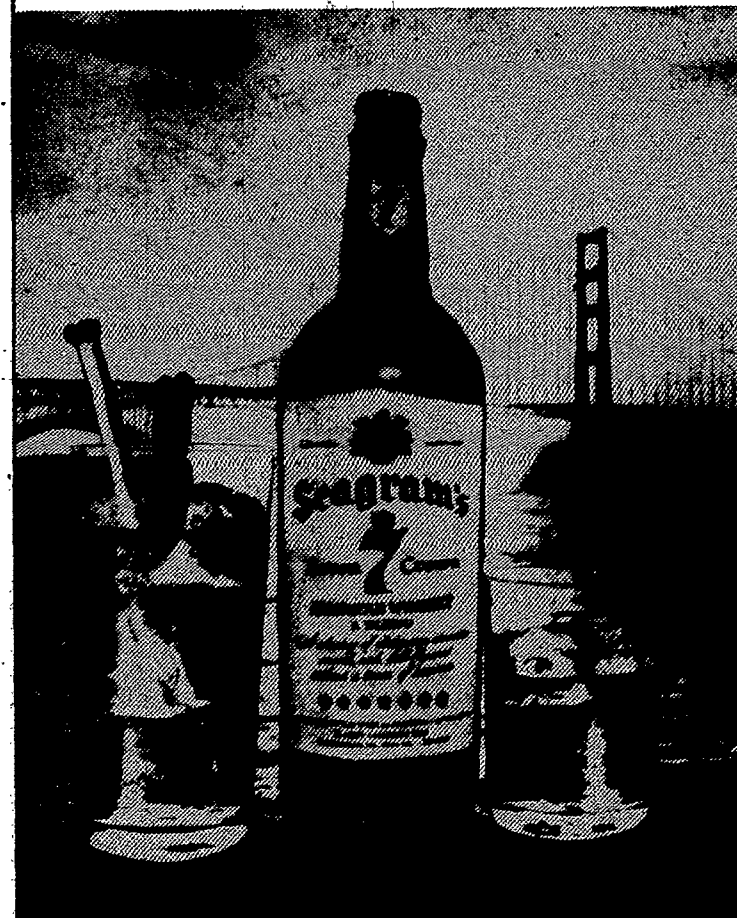
In other words, if a parish council is doing its job, one place where it will "show up" will be in this Sign of Peace.

An additional facet of concern about the Sign of Peace is the church architecture.

No one today would choose a location with static furniture to give a party, and it must be admitted, if you watch carefully, that the pews and straight aisles of most of our churches act as barriers between people and groups of people.

The Sign of Peace can be a beautiful moment when it becomes a living symbol of your parish council's efforts to build Christian community.

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