

Excommunication not as final as it was before Vatican II

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the church; public desecration of the Eucharist; a physical attack on the pope; a priest absolving an accomplice in that priest's own grave act against the church; the celebration of Communion or granting of absolution by someone who has not been ordained; direct violation of the seal of confession; procuring, or aiding in the procurement, of an abortion.

The church recognizes two distinct types of excommunication. *Latae sententiae* is a Latin term meaning a penalty that is inflicted by the law itself immediately upon commission of the offense — without any public action by church authorities. The other type is public excommunication, in which a bishop or higher official issues a formal decree.

To be subject to the penalty of excommunication, the offender must be fully aware that he or she is violating church law. For this reason, some Catholic women who have abortions may not be subject to excommunication.

"A lot of women would say, in conscience, that they can't go forth and bring another child into the world. But that person may not be aware she's breaking the laws of the church," observed Father Sebastian A. Falcone, president of St. Bernard's Institute, 1100 S. Goodman St., Rochester.

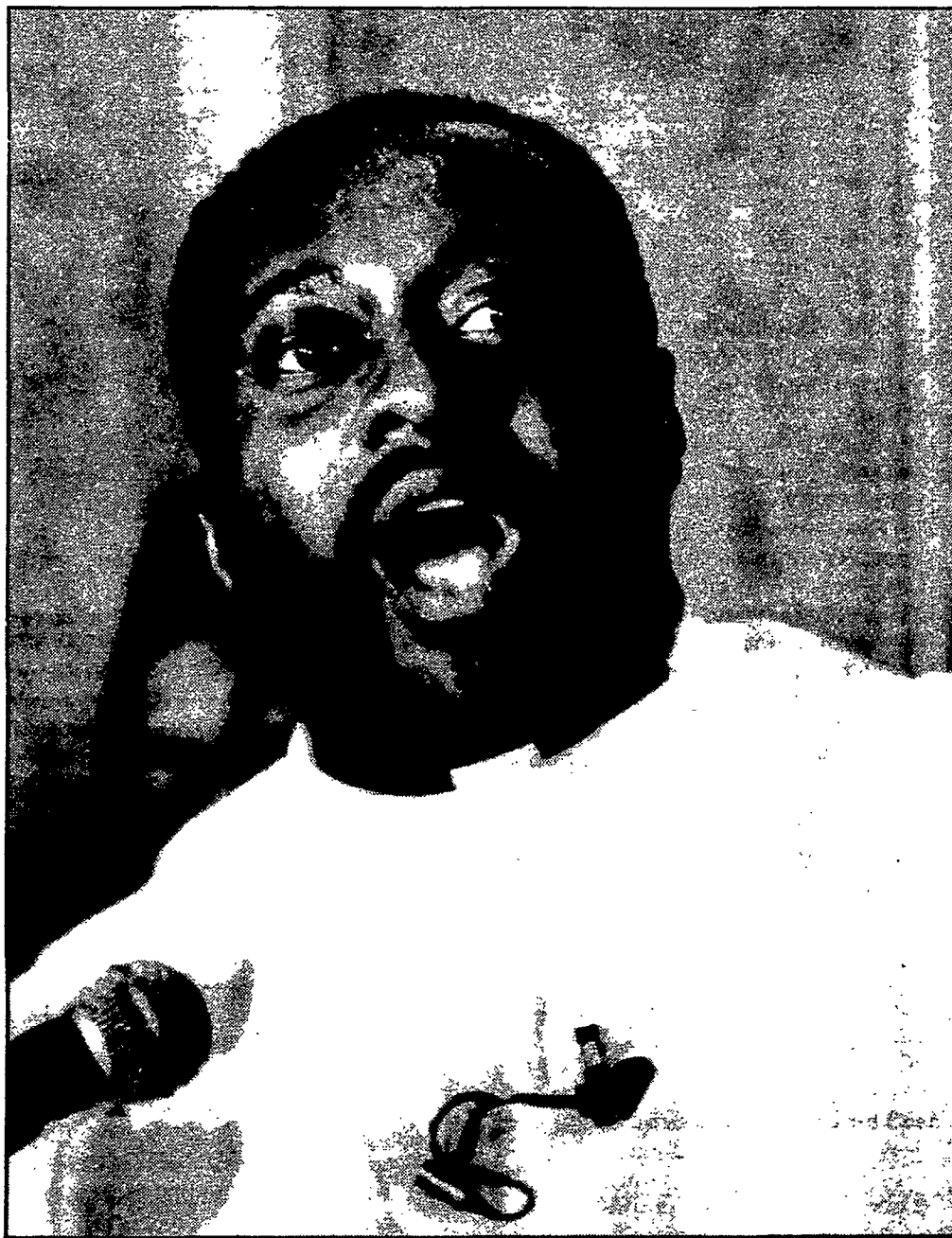
On the other hand, Catholics who can influence masses of people to act against church laws are much more likely targets for excommunication.

"The situation is much more severe when leading others against the teachings of the church," Father Falcone said.

In 1991, for example, eight pro-life groups petitioned Pope John Paul II to excommunicate New York Gov. Mario Cuomo and 26 other public figures. The petition sought Cuomo's excommunication due to his enforcement of laws that permit abortion, in spite of his publicly declared personal opposition to abortion.

In prior eras, excommunications served to shape whole segments of church history. The Lutheran Church emerged in 1521 as a byproduct of Pope Leo X's move to excommunicate Martin Luther over doctrinal differences. Five centuries prior to that, excommunications played a part in the "Great Schism" of 1054.

At that time Pope Leo IX sent Cardinal Humbert to Constantinople (now known as Istanbul, Turkey) to reprimand Michael Cerularius, who was using the title of ecumenical patriarch. Cerularius and Humbert excommuni-



File photo
Father George A. Stallings Jr., was excommunicated in February, 1990.

cated each other, prompting the split in Christianity that separated Catholic from Orthodox. Not until after Vatican II were these differences resolved, with both groups moving to rescind excommunications against each other.

The most recent public excommunication occurred in 1989, following a series of events that began when Father George A. Stallings Jr., a black priest from Washington, D.C., was suspended from his duties after establishing a black parish — known as the Imani Temple — without obtaining permission.

Stallings, who since has been made an archbishop in the African-American Catholic Congregation that grew out of that first parish, incurred automatic excommunication in February, 1990, when he said his congregation would be "independent from Rome."

Priests in the Diocese of Rochester indicate that modern standards for excommunication are frequently misunderstood.

"Most people would still perceive it as meaning you're thrown out of the church; rejected," said Father William Donnelly, parochial vicar at St. Mary's Church, 95 N. Main St., Canandaigua.

On the other hand, Father McKenna noted, "Some people are surprised that the church still has penalties like this in its legal system, since we haven't seen much attention given to excommunication since Vatican II."

To alleviate the confusion, Father Donnelly offered an interesting solution. "I think (excommunication) should go away for 50 years so we can get back to the original understanding of it," he remarked.

According to the Revised Code of

Canon Law, those who have been excommunicated are forbidden: "1) to have any ministerial participation in celebrating the Eucharist Sacrifice or in any other ceremonies whatsoever of public worship; 2) to celebrate the sacraments and sacramentals and to receive the sacraments; and 3) to discharge any ecclesiastical offices, ministries or functions whatsoever, or to place acts of governance."

Excommunication separates an individual from two types of "communion" — both the Eucharist and association with others in the church. If the excommunicant comes to repent his action, however, the sentence may be lifted.

An excommunication that was imposed by public declaration must be similarly lifted by a public authority in the church. Someone who was excommunicated by law immediately upon committing an act — such as obtaining an abortion — may simply be absolved by a priest in the sacrament of reconciliation. In either case, the individual is at that point welcomed back into the "communion" of the church.

Since Vatican II, the emphasis with respect to excommunication has been for church authorities to be less severe and more forgiving. This is a radical departure from the early centuries of Christianity, when church officials sometimes turned over those who had been excommunicated for execution by the civil authorities.

"In the old canon law there was more emphasis on separation and the strong desire by the church to avoid association with this person," explained Father Kevin McKenna. "There was quite a bit of discussion when the Code of Canon Law was revised. Now there's a new spirit of administering lesser penalties and having much more conversation going on."

That spirit echoes St. Paul's words in 2 Corinthians 2:6-7. "Punishment by the majority is enough for such a person ... on the contrary you should forgive and encourage him instead, or else the person may be overwhelmed by excessive pain," he wrote.

Father Falcone believes that the more relaxed approach is necessary in this day and age.

"People don't buckle under the pressure anymore about whether they belong or don't belong to the church. (Excommunication) isn't so all-encompassing, since there are so many other religions available if you are thrown out of the Catholic Church," said Father Falcone. "And people no longer have to rely on the church to keep contact with you as a public official, or as someone in business or commerce."

Father Thomas J. Green, associate professor for Canon Law at Catholic University of America, alluded to the same point in a 1975 essay.

"From a practical point of view, it seems that more work has to be done in order to come to grips with contemporary socio-cultural changes and their effect on the attitudes of Roman Catholics vis-a-vis penal law," Father Green wrote. "Former socio-religious pressures to remain within the Church are frequently absent. The boundaries between the various churches are more fluid. There seems to be a significant phenomenon of 'non-acceptance of law' among increasing numbers of Catholics and not simply the young."

But since repentance is more often produced by faith than by fear, Father Falcone favors the revised approach. "In the long run it's good," he said. "You should accept religion because you want to."



File photo
Members of the congregation respond to Father Stallings' sermon during the July 2, 1989 service inaugurating his new church, the Imani Temple. The black priest from Washington, D.C. incurred automatic excommunication in February, 1990, when he said his congregation would be "independent from Rome."