COLUMNISTS

Church should choose 'medicine of mercy'

essays in theology

BY FATHER RICHARD P. MCBRIEN

In his opening address to the Second Vatican Council, Pope John XXIII spoke with confidence about the intrinsic power of truth.

"At the outset of the Second Vatican Council, it is evident, as always, that the truth of the Lord will remain forever," he said. "We see, as one age succeeds another, that the opinions of human beings follow one another and exclude each other. And often errors vanish as quickly as they arise, like fog before the sun.

"The Church has always opposed these errors," the pope continued. "Frequently she has condemned them with the greatest severity. Nowadays, however, the Spouse of Christ prefers to make use of the medicine of mercy rather than that of severity. She considers that she meets the needs of the present day by demonstrating the validity of her teaching rather than by condemnations."

There is little doubt what Pope John XXIII would have thought of the recent excommunication of the 72-year-old Sri Lankan theologian, Father Tissa Belasuriya, a member of the Oblates of Mary Immaculate. It would have struck John XXIII as exactly the wrong way to deal with error.

The excommunication of Father Belasuriya may well have been the most "severe" act of this lengthy pontificate. Why did it happen?

The Vatican appealed to Canon 1364 of the revised Code of Canon Law as justification. The canon calls for automatic excommunication for heresy, apostasy, or schism.

But formal heresy only occurs when there is a knowing, deliberate, and persistent denial of a dogma (infallible teaching) of the church.

Catholics of goodwill – even members of the hierarchy – can, and do, differ among themselves about whether a particular teaching (for example, the prohibition against women's ordination) is, in fact, an infallible dogma, and about whether a particular member of the church has, in fact, formally denied that dogma.

Because such facts are almost never self-evident, it is highly inappropriate for the church to impose penalties – indeed, the most extreme of penalties – without some intervening process, in which the accused party has the opportunity to confront his or her accusers, to have access to all pertinent documents, and to have others to assist in the defense.

Father Belasuriya asked for due process, but it was denied. The Vatican cited Canon 1364, which provides for an automatic penalty, without due process.

Now we can see why canon lawyers expressed serious reservations about the last-minute tampering with Canon 1364 in the 1983 revision of the Code of Canon Law. Those who had been entrusted by three popes with the enormous task of revising the code had completed their work thinking that their recommendations had been accepted, including the recommendation that the penalty for heresy should be imposed only after a process, not automatically.

Defenders of the excommunication argue that it is the pope's responsibility to protect the faith and to insure that Catholic identity is not compromised in the name of ecumenical or interfaith progress.

Even if one were to accept a worst-case scenario and acknowledge that some of Father Belasuriya's theological views are, in fact, incompatible with the dogmatic teachings of the church, the Vatican had other ways of achieving a pastoral remedy.

For example, in the case of Jacques Pohier, a French Dominican theologian, the Vatican forbade him to write, preach, or give lectures without specific authorization. But he remained a Catholic in good standing.

In the case of Hans Kung, the world-famous Swiss theologian, the Vatican revoked his theological license to teach as a Catholic theologian in a Catholic faculty of theology. But he remained a Catholic in good standing.

In the case of Charles Curran, the American moral theologian, the Vatican declared him, like Kung, ineligible to teach Catholic theology in a Catholic faculty of theology. But he remained a Catholic in good standing.

In the case of Leonardo Boff, the Brazilian theologian, the Vatican forbade him to teach, lecture, or publish for a year. But he remained a Catholic in good standing (although he later resigned from the Franciscans and from the priesthood).

Why, then, such a harsh penalty directed at the very person of Tissa Belasuriya – a theologian who, before the excommunication, was known to only a handful of Catholics outside of his region?

It is a mystifying act, particularly one that comes so close to the end of a pontificate that, in spite of its firm and unyielding opposition to all forms of theological dissent, has never imposed so severe a penalty on a theologian.

Why Father Belasuriya? Why this Third World theologian of color? Why this 72-year-old Oblate of Mary Immaculate?

Why not the "medicine of mercy rather than that of severity"?

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'Conscience' at deepest level leaves us alone with God

the moral life

BY PATRICIA SCHOELLES, SSJ

Back in December I wrote a column that caused a great furor. At least it provoked two extreme reactions among those who wrote to me. Some people thought it was right on target; others thought I had all but forsaken human decency itself!

Part of the reaction arose from my use of this phrase: "Catholics increasingly look to their own consciences ... ." I think that people hear different things when they encounter the word "conscience."

For some, conscience seems to refer to what we all know as a common human experience: Despite good moral reasons to the contrary, we rationalize the "easy choice" that lets us do what we want for purely selfish reasons. We've all done that, and we know the experience well. Despite sound moral teachings and principles, in spite of what we know to be "doing the right thing," we rationalize our choice and take the selfish route for reasons that are ultimately frivolous.

That's a pretty basic human phenomenon, and we've all "been there, done that" regarding obligations to God, to other people, to society and the common good, even to ourselves.

If it's that experience that comes to mind when we hear the word "conscience," it is natural that we would object to it. But that really isn't what I and other moral theologians are referring to when we encourage Catholics and others to "look to their own consciences." In fact, what we intend by this phrase is something more akin to this: When we face important decisions , we enter into a process of honestly trying to do the right thing.

This process involves reverence for the principles and values involved, reverence for the teachings of our church, respect for information we learn about the matter, respect for insights from our life experience and into the other people involved. It means taking into account the unique and particular circumstances that surround the decision we are trying to make.

Obviously, we need to be alert to the tendencies we have to "take the easy way out" and to give undue weight to our own advantage as we form the judgment. But "looking to our conscience" in the sense I intend it means moving to the very deepest levels of who we are: the place where we stand alone with God, where the decision we will make becomes part of this most important relationship in our life: our relationship with God.

In one of the most beautiful passages ever written in any church document, the church defines conscience ("Church in the Modern World," Vatican II). It is this definition that I had in mind when I wrote the controversial column. Think about it; if you have a chance, read it aloud (translated from the Latin here):

Deep within our conscience we discover a law which we have not laid upon ourselves but which we must obey. Its voice ever calling us to love and to do what is good and to avoid evil sounds in our hearts at the right moment ... For we have in our heart a law inscribed by God. ... Our conscience is our most secret core and our sanctuary. There we are alone with God whose voice echoes in our depths.

I am firmly convinced that the struggle for Catholics today is to find a way to be faithful to God at this deepest, most interior level – the level of conscience, and conscience defined in this way. Today's Catholics need an interior, intentional foundation for our relationship with God that incorporates the decisions that are part of our lives. This is part of the reason why conscience has become such a prominent category in religious thinking today.

This is illustrated by noting the titles chosen by the great theologian Bernard Haring for a morals textbook written in the 1950s and then revised in the 1980s. The title he chose for the original work in the '50s was *The Law of Christ*. But by the 1980s he chose a new title for the revision: *Free and Faithful in Christ*.

These two titles demonstrate what happened in the way many Catholics experienced the quest for God over the course of those 30 years. In the 1950s more of us found observance of the law to be the most satisfactory way of expressing our faithfulness to God. But by the 1980s, this same faithfulness was better expressed by trying to exercise our freedom in faithful ways. Thus the theology of conscience became more prominent in our thinking and teaching about the life of faith.

We need not assume that "law" provides the only good category for describing a life lived well for God. We need not assume, either, that "conscience" designates an easy way out for those who seek to avoid the law. Why not try adopting a deeper vision of what "conscience" actually means in the context of trying to live in a way that is "free and faithful in Christ"?

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