



President's Column: Reformers take Heart

These are certainly difficult days on many fronts in this church of ours. The sex abuse scandal continues to unfold in many parts of the world, including Ireland, Belgium, Holland and Germany. It is nearly impossible to say how this will all end but I am confident we are in for some really tough times. The hierarchy of the church has yet to take the kind of responsibility that is clearly needed. Instead, they continue to obfuscate the issue with apologies that are not apologies, new policies that are not new policies, and investigations that will yield the same results as they have before, i.e., the problem is that secularism has eroded the moral fiber of the Roman Catholic Church. It can indeed be disheartening to watch all this happen. The voices for reform appear to be falling on deaf ears. On another front, the hierarchy is taking on a much more aggressive response to those who call for a variety of reforms. This is especially true in terms of the women's ordination advocates. Earlier this year, the Vatican placed the ordination of women on the same criminal level as the raping of children. It seems that every day we read of another attempt by the Vatican to rein all Catholics back in and to restore the church to pre-Vatican II conditions. It would make sense then, to some, to become distraught and conclude that church reform is just not possible.

It is useful to reflect on reforms that have occurred in the past and how they developed. St. Francis of Assisi was one individual who confronted a church that was corrupt and had lost touch with its calling to serve the poor. Nevertheless, he persevered and gathered together like-minded men and women to call the church to its mission. This small group had an extraordinary impact on the church of its time. His life story is one of determination and sacrifice that made a difference. We can look beyond church history to find similar figures who challenged seemingly immovable institutions. Dr. Martin Luther King, Jr. did not allow those who said overcoming Jim Crow would be impossible. Instead, with a steadfast spirit of non-violence, he brought together thousands of individuals to march and promote the cause of justice. Nelson Mandela came out of prison and overthrew a system of apartheid that was incredibly aggressive in its self preservation.

Lech Walesa took on a communist state that most thought would last for hundreds of years. We cannot

forget one Jesus of Nazareth, who challenged the religious hierarchy of his day. Starting with a small band of disciples, not only was a church founded but the religious institution itself was changed.

While we find ourselves in tough times in terms of reforms, we really should remember how far we have come. It is too easy to forget that much has changed in the last 45 years. Since Vatican II we have seen the opportunities for married men in the diaconate, which provided a resource for sacramental life, counsel, and homilies from a perspective of those with families and with various occupations. We have also witnessed expanded opportunities for the laity. Lay people have been invited into more liturgical roles-lectors, Eucharistic ministers, and liturgy planning. Frequently, I marvel at the sight of so many women taking part in these roles. In fact, it is very common to see the majority of liturgical lay ministers are women. The religious, women and men, have been moved out of their cloisters and into ministering to people in a vast array of services. The laity have been provided many more opportunities for input in pastoral and finance councils. These are all areas of change of which we can be proud. While the past decade has seen some erosion of reforms, it is important to recall that they can happen and they will in the future.

I, for one, believe that the behaviors of the hierarchy are signs of the times through which we can take heart. In history, when institutions were facing their most formidable foes, especially forces within their own midst, they became very aggressive. The Roman Empire was much more aggressive in its efforts to retain its power in the Fifth Century. The British government was consistently more forceful in its later years of colonial rule - including the American colonies. The South African government was adamant in its determination to preserve the system of apartheid. The southern communities were very aggressive in protecting the Jim Crow status quo. In every case, where an institution came under its most serious threat, it became more aggressive and sought to stifle every form of dissent. This, I am convinced is the situation in the church today. The hierarchy is clearly aware of the threat to its existence. Their actions reveal an institution in fear. The more aggressive it becomes, the more people will doubt their leadership. This is not the time to listen to the naysayers.

Thus, I urge all of us in ARCC and in all the reform organizations to take heart. This is the time to work together to promote the changes so desperately

needed. This is not the time to throw up our hands and hope that change will happen in some future generation. The seeds of change are in the air and we must seize this opportunity. It begins with education. By this, I mean informing as many people as we can that there are options. We must reach out to those who are seekers of a better way. This can only happen if we stay faithful to our core beliefs and trust that the Holy Spirit will guide us. The opportunity is now and we can make a difference. I am proud to be a part of this campaign for change and will tell anyone who will listen that we can overcome incredible obstacles. So, I ask all of the membership of ARCC to re-double your commitment to reform and to let us know what we can do to further empower you to make this church our own again. I welcome any ideas or suggestions from you that may improve how we can do better. Let people know that we are here and encourage them to become part of this noble effort.

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RECEIVING THE COUNCIL – A REVIEW

*Receiving the Council: Theological and Canonical Insights and Debates** (2009), a publication of Liturgical Press, Collegeville, MN, is a treasure-trove of information, insight and critique, not by someone with an axe to grind but someone with an obvious deep love and knowledge of the Church, its theology, and its law.

That the author, Ladislav Orsy, has spent a lifetime growing in knowledge and understanding of the theological and canonical aspects of the Church becomes obvious as one reads his book. That knowledge and understanding undergirds and underscores his critique of current Church structuring and legislation.

The critique begins with the outline of a particular theological reality, from which all Church legislation should flow, and which it should at all times serve. That reality is one of *communio*. "Through faith, we discover *communio* in the inner life of God, who is one God in three persons. In God, there is unity in diversity, or diversity in unity. In the church an organic unity exists among individual persons; they are bonded together. The one Spirit of Christ dwells in many and holds them together. This is the theological reality of *communio*. All external manifestations of unity, such as collegiality and subsidiarity, flow from it."

As Orsy indicates, if *communio* exists, the 'notes' of the Church (unity, sanctity, catholicity and apostolicity) will be present, will be evidence of the *communio*. Rather than launch into an immediate critique of canon law, he expands on the subject,

asking first a key question: "In the church, what are, and what should be, the external structures and norms to express, to promote, and to sustain the internal bond of *communio*?" It is in the light of that question that he enters into his critique.

All structure is meant to be at the service of the Church, so that the Church, in its entirety, may grow into the eschatological kingdom of God. Do our present structures serve that purpose well? Orsy makes evident, in clear and concise format, that there are significant shortcomings.

Episcopal conferences are a case in point. According to Orsy, the *Motu Proprio Apostolos Suos* (1998) "affirms episcopal collegiality whenever the bishops meet in ecumenical council or, though physically dispersed, their intentions and actions and actions converge into a joint operation." As he says, however, after quoting Article IV:1, "The rule could not be clearer: the Bishops can join their voices 'in conference' but the conference, as such, has no voice." Due to the requirement that all statements of episcopal conferences must be issued in absolute unanimity or approved by Rome, if even one of the bishops present fails to give assent, no statement has effect until it has been approved by Rome. A statement from a national conference of bishops, then, is not a statement of the conference unless it has either achieved complete unanimity or been approved by Rome - at which time it could be said to be a statement of Rome given locally, not a statement of the conference. And so, while it is theoretically possible for unanimity to be reached, the legislative text has de facto completely eviscerated the effectiveness of episcopal conferences, by making them purely branch offices under the direct tutelage of Rome.

If there is a point where Orsy deals with an issue in an inadequate way, I suggest this would be one. At one point in his book he states "When disciples meet for a sacred purpose in the name of Jesus, the result is not an accidental juxtaposition of individuals but a new manifestation of an organic life arising from the union of the members. Once they are united, they participate in a pre-existing power of the Spirit that makes their prayer more effective and their good work more pleasing to God." If this is true, then surely it is true whether or not canonical legitimacy is afforded to the meeting of bishop disciples gathered in episcopal conference. In this particular case, Orsy seems to equate legitimacy with effectiveness, yet elsewhere he makes clear that effectiveness has a life of its own, whether considered legitimate or not. The issue of how effectiveness can be recognized when legitimacy is not remains one to be explored.

Orsy clearly finds wanting the question of participation by laity in the decision-making of the Church. "In its Decree on the Apostolate of the Laity (*Apostolicam Actuositatem*), the Council

acknowledged the right of the laity to proclaim the Good News and to witness for Christ on the strength of their baptism, without any need 'to be mandated by the hierarchy.'" Yet, "after the council, a new provision in canon law (cf Canon 129) moved in the opposite direction. It excluded laypersons from significant decision-making processes where ecclesiastical 'jurisdiction' is in play." He gives as an example the fact the majority of participants at the Council of Florence were not 'in orders', therefore 'lay votes' had a real impact on the determinations concerning the reunion of the Eastern and Western churches. History, then, is not on the side of Canon 129. It is in discontinuity with the past, and needs to be redressed, so that the image Pius XI spoke of in 1939 may be healed: "The Church, the mystical Body of Christ, has become a monstrosity. The head is very large, but the body is shrunken."

By way of building an understanding of the operation of reception so that the whole body may be built up, Orsy makes clear that while theologians, bishops, in their diocese, in synodal gatherings (though here they have been reduced to a mere advisory capacity), or in Ecumenical Councils speak the voice of the Spirit as received by the Church, it is the whole Church, having received the anointing of the holy one, which is rendered indefectible. (LG 12) It is in this context that he outlines the movements in the integrated process that is reception, namely receiving the law, seeking understanding of it, judging the law (in conscience, determining the law's harmony or disharmony with the internal drive to serve God), deciding to act, and finally the action itself for which the law calls.

Unfortunately, the development of law from 1654 (when Pius IV forbade the publication of "any commentaries, glossaries, annotations, scholia, of interpretations of any kind concerning the Council's decrees") to what we have today does not recognize that process. Rather, despite a brief change following Vatican II, we have a kind of legal positivism, where the theological values behind the law are seldom if ever questioned and, because laity have been removed from any significant decision-making, the law itself never subjected to the discernment of people who must live with its practice.

Orsy also deals with an area of Church law which is of significant interest to academics, that of justice within the Church, especially regarding the Regulations for the Examination of Doctrine. In a brief but pointed set of questions and responses, he makes clear that the process outlined for the Congregation for the Doctrine of the Faith in no way meets the aspirations and expectations of the world for justice which serves and honors the dignity of human persons. Laying out six honored principles of modern jurisprudence, he shows how the Regulations fall short in each and every case, and concludes that the

Regulations not only do not respond to the demands of the present day, they are not in harmony with the mission of the Congregation which abides by them.

While it is understood that Canon Law develops, not every promulgation is a development, a move forward, per se. According to Orsy, some, such as the *Motu Proprio Ad Tuendam Fidem*, demonstrate a sufficient break with the explicit policy of Vatican Council II that they must be subjected to critical theological judgment in order to determine the doctrinal weight of the document. Indeed, as Orsy points out, Councils can and have corrected non-infallible teachings of previous popes. It behooves us, then, to allow time for, and for those competent to participate in, a complete assessment of such documents before moving to upgrade or downgrade the authority of their proclamation or claim.

Throughout this paper, it could appear that Ladislav Orsy is taking advantage of the one-sided nature of publication to vent his particular positions without the inconvenience of having to deal with people who may disagree. The inclusion in the book of a public debate between himself and then-Cardinal Ratzinger on the authority of ecclesiastical documents makes clear this is not the case. Orsy welcomed the debate, and recommends that, while no immediate response was warranted at the time, the debate should be taken up again. He admits, in what must surely be an understatement, that it will be both a difficult and a delicate task!

Finally, we are given to see that the Spirit is in the Church, continuously creating it, keeping the Word of God alive in the community, infusing energy, and healing the divided Church so it can be a visible sign of God's saving will. In this work, canon lawyers are in partnership with the whole Church, bringing their particular gifts, abilities and creative spirit to the service of that Church, laborers preparing the way of the Lord. As Orsy makes clear, "our aim is to search for better balances without damaging vital forces."

In a concluding passage, Orsy suggests the years 2012-2015, the fiftieth anniversary of the Council, be declared a time when the entire people, from the bishops to the last of the faithful (LG 12), recalls the memory of the "Sacred Council" (SC 1), studies its determinations, and exposes itself to the transforming light and force of the Spirit. In a statement typical of Orsy's hope, he assures us the Spirit of God will not fail to respond.

This book, and the American Catholic Council scheduled for 2011, would be worthy preludes to such a happy event.

Ray Temmerman

**Receiving the Council* is available at Amazon both as paperback and for download in a Kindle edition.

ARCC BOARD MEETING, November 5-7, 2010
WASHINGTON THEOLOGICAL UNION,
WASHINGTON, D.C.

Minutes can be viewed at http://www.arcc-catholic-rights.net/minutes/ARCC_BOARD_MEETING_2010_1105.pdf

Update on the American Catholic Council

<http://americancatholiccouncil.org/>
From the October Newsletter:

ACC Response to the Archdiocese of Detroit

October 14, the Archdiocese of Detroit circulated an "advisory" discrediting the ACC. News of this action was published in the Detroit Free Press and circulated throughout the Archdiocese. Below is the response issued by the ACC National Planning Committee and sent to the paper as well as the Archdiocese:

For Immediate Release (10/24/2010)

The Archdiocese of Detroit has issued an "advisory" that the American Catholic Council (ACC) movement and its planned national gathering in Detroit for the weekend of Pentecost 2011 (June 10-12) are "not being conducted under the auspices of the Detroit archdiocese."

This is true: ACC was founded more than two years ago by a large group of Catholics who wanted to celebrate the important upcoming anniversaries of the Second Vatican Council and the historic Call to Action held in Detroit in 1976 and convened by United States Conference of Catholic Bishops and hosted by Detroit's Cardinal Dearden.

The advisory cautions all against cooperating with ACC, attending its listening sessions, or attending the Council in 2011. Prior to issuing the advisory, there was no attempt to talk or meet with ACC planners, despite our repeated invitations.

Perhaps most disconcerting are the charges that the gathering "distorts the true Spirit of Vatican II" and that "the goals proposed are largely in opposition to the teaching of the Second Vatican Council and the Holy Spirit, which (sic) inspired the Council."

We believe the Archdiocese has seriously misjudged ACC. We ask which of these themes (we identify them as the Motifs of the Spirit) are "misguided":

- * The importance of Baptism as the key sacrament calling all to conversion and all forms of ministry.
- * The primacy of a well-developed conscience in moral decision making.
- * Collegial and responsible decision making that respects the Holy Spirit in all of us.
- * The Church in the world, not above it.
- * Sincere and open-minded ecumenism and theological inquiry.
- * Enculturation of liturgy and prayer (e.g., vernacular language).

* Openness to all peoples: saints, sinners, women and men.

* Refocus on Sacred Scripture and the early Church history as models for individual and community life.

Our Church is suffering one of the largest crises in its 2000 year history. The Church is losing its moral authority in the wake of sexual, financial, and political crimes. Millions are leaving the Church around the world (more than 30 million in the US alone).

The Council planners believe that the Motifs of the Spirit offer significant guidance about ways to resolve this crisis. We are exercising our right and duty under Church Law to assemble, discuss, and offer recommendations "on matters which pertain to the good of the Church." (Canon 212.3) We are educating Catholics about the Second Vatican Council (the highest form of teaching authority in the Roman Church).

Through our national program of listening sessions, we are inviting Catholics to talk about the practical implications of these Motifs for their lives in the Church. And, we will celebrate Vatican II on June 10-12, 2011, at our Council.

We invite everyone to participate with us, including the Archbishop and the staff of the Archdiocese of Detroit. We also publicly request Archbishop Vigneron to meet with us to correct this grave misrepresentation (Canon 220) of the thousands of faithful Catholics who have participated in listening sessions all over the US.

SECULARIZATION: SOME HISTORICAL PERSPECTIVES

by Richard A. Lebrun

Along with Pope Benedict XVI, many Christians have recently expressed concern about what they perceive as the "secularization" of contemporary society. While not denying that some of the issues involved in the social and political changes underway today may have troublesome aspects for religious believers, this paper will argue that "secularization," when viewed in historical perspective, may not be as problematic for the future of Christianity (or religion in general) as some fear.

In the first place, it can be suggested that "secularization" can, to a large extent, be characterized as a modern "Christian" problem. Historically, world-wide, most societies have not exhibited a clear differentiation between "religion" and society, politics, and economics. If we reflect on the patterns of life in the societies of the ancient Near East, the early Roman Republic, the so-called "primitive" societies that Europeans encountered in Africa, the Americas, the South Pacific (including Australia and New Zealand), and most Islamic societies (until relatively recently, at least), "religion" was not something distinct from other aspects of life. In the world in which Christianity was born, the Roman Empire had developed a strategy of incorporating the gods of conquered areas into the pantheon of the gods honoured by the Roman state. Of course the Jews, with their strict monotheism, were

an anomaly in this pattern. In practice, however, the Jews had won accommodation within the Roman state, and the early Christians were at first perceived and treated as Jews.

Both Jesus and his disciples proclaimed that His kingdom was not of this world, and the first generations of Christians did their best to reassure the Roman state that they respected its authority (which Paul described as being from God) and that, rather than posing any threat, they were loyal and exemplary citizens. Christians, however, refused to worship the Roman gods or the deified Roman emperors, and because they also tended to be secretive about their worship services, they were regarded with suspicion by other citizens of the Empire and periodically persecuted by the imperial authorities.

Nevertheless, despite the persecutions, by the early fourth century Christians were becoming an increasingly large and important minority (perhaps 10% of the population) and a political problem for the Empire. The issue for the emperor was how to incorporate the Christian community and its leaders, its bishops, into existing structures. The emperor Constantine undertook to resolve the problem by moving to a policy of toleration for all. However the so-called "Constantinian Revolution" soon went beyond this accommodation to a policy of state support for the Christian Church. On the assumption that proper worship of God (or the gods) was necessary for the success and prosperity of the Empire, Constantine and his successors began treating the Christian Church and its clergy as the Roman state had treated the state-supported pagan priesthood in the past.

For better or for worse, the Church accepted this new relationship with the secular power, and soon Augustine, the great bishop of Hippo whose writings would have enormous influence for centuries, crafted a Scriptural justification for enlisting the coercive power of the state for the enforcement of religious uniformity. In his exegesis of Luke 14:16-23, a parable about the rich man whose friends decline to attend his wedding feast and who instructs his servants to search the by-ways for strangers, and "compel them to come in," (in context no more than what was required to overcome their natural hesitancy on being unexpectedly invited to a banquet with their social superiors), Augustine stretched this to a justification of the use of state coercion to suppress his heterodox opponents, compelling them all to accept his own brand of orthodoxy. "Compel them to come in" would be the fundamental text of Christian intolerance for centuries. The corruptive effects of this church-state alliance led eventually to all kinds of abuses: the persecution of heretics, of Jews, the Inquisition, the toleration of slavery, and the rape of cultures in lands conquered by the "Catholic" states of Europe. It was only with the Vatican's "Memory and Reconciliation: The Church and the Faults of the Past" statement (December 1999) that there was official recognition and apology for these crucial errors of doctrine and praxis.

Even before Constantine, the Church had developed successful institutions for the social support of its members (care for the poor, widows, orphans, the sick, etc.). Within a generation of Constantine, the Empire had made Christianity its official religion, granted privileges to its clergy, incorporated its clergy into its structures, and revised many of its laws to reflect Christian moral standards. With the collapse of the Empire in the West, the bishops and clergy naturally, and perhaps inevitably, took over many of the roles that had previously been the responsibility of the state. For example, successive bishops of Rome (the popes) exercised leadership in defending the city against the barbarian invasions, and in time were recognized as the rulers of the area of what eventually became known as the papal states. Increasingly, as well, the Church provided "justice" through the development of a system of church courts that came to exercise jurisdiction over such matters as marriage, inheritance, and other domestic issues as well as the discipline of its clergy.

This intermingling of civic and religious affairs continued in the centuries that followed, and was confirmed under the rule of Charlemagne, the Frankish king who consciously undertook to re-establish the order of the Roman Empire in Western Europe. Crowned Holy Roman Emperor by the pope in the year 800. Charlemagne assumed responsibility for good order in both "church" and "state," and named and used bishops as instruments of rule over his far-flung empire. Popes and bishops readily accepted the support of the Carolingian state in their efforts to Christianize a still largely "barbarian" Western Europe, and to convert the still pagan Slavs of eastern Europe.

In the "dark age" that followed the division of the Carolingian realm among Charlemagne's heirs and as a consequence of new attacks and invasions by the Vikings, Hungarians, and Saracens, the Church as well as the successor states to Charlemagne's empire nearly disintegrated. When order was gradually re-established more or less from the bottom up through the evolution of "feudal" arrangements that combined personal, governmental, and proprietary relationships, churchmen found themselves deeply enmeshed in all of this, with bishops not only being named by secular rulers but being "invested" with the symbols of their office by these same authorities. The great "Investiture Controversy" (1075-1122) triggered by Pope Gregory VII's attempt to prohibit such investitures was at least partially successful in re-establishing more autonomy for the Church. The Gregorian Reform movement associated with this pope's name led in time to an enormous growth in the institution of the papacy itself and to what some historians have labeled a kind of "papal monarchy" over Christendom during the High Middle Ages. The development of Canon Law and an elaborate system of Church courts (and a system of papal taxation to finance this system), as well as the extensive use of papal legates, extended ecclesiastical and papal authority over many aspects of European life.

On the secular side, the Investiture Controversy also helped prevent the German Holy Roman Emperors from re-establishing anything like the European-wide authority that Charlemagne had enjoyed or even developing effective central political authority over their German lands. Elsewhere, in countries like France and England, what had developed as "feudal monarchies" gradually evolved into "national monarchies." As these monarchies undertook the "recovery" of governmental functions that had come to be exercised by the Church in the centuries since Constantine, they inevitably encountered opposition from churchmen who resisted this process. This tension is exemplified in the famous clash (1296-1303) between King Philip the Fair of France and Pope Boniface VIII over extending the government's taxing powers over clergymen and the Church. In historical perspective, this process of "recovery" by the state of what are properly governmental functions was one important factor in what we now recognize and characterize as "secularization."

The Church's capacity for resisting this development was much weakened by its own internal crises. Papal authority was seriously weakened by the so-called "Babylonian Captivity" of the papacy in Avignon in southern France from 1305 to 1378, the subsequent Great Schism (1378-1418) which saw two and then three rival popes claiming the papal office, and the Conciliar Movement that eventually helped bring the Schism to an end. But in ending the Schism, this movement also attempted, at the Council of Constance (1414-1418), to substitute a "revolutionary" theory of church government by councils as an alternative to "papal monarchy." When Pope Martin V sought to implement some of the reforms demanded by the Council of Constance by negotiating a series of concordats with individual states, the interests of the secular rulers had to be accorded recognition. And when Pope Eugenius IV finally triumphed over the Council of Basel (1431-1449), he did so only by granting concessions to the rulers to win their support. In short, the popes defeated the Conciliar Movement at the price of sharing their authority over the Church with secular rulers. The unity of the Church was preserved and the attempted "constitutional revolution" of the conciliarists defeated, but a long step had been taken towards the national churches of the Protestant Reformation. In France, which would remain Catholic in the sixteenth century, this sharing of authority was institutionalized by the Concordat of Bologna of 1516, a deal that ensured the king the right to select bishops and archbishops, and the pope a steady income from the French faithful.

The secular state's recovery of governmental functions was subsequently favoured by the development of royal "absolutism" by strong monarchs like King Louis XIV in France, a pattern that was soon copied by other European kings. In the eighteenth century, even Church "reform" (e.g., the re-organization and consolidation of religious congregations of men and women) was firmly under

the control of the Catholic monarchs. In Austria, to cite what is perhaps the most telling example, Emperor Joseph II carried out a wholesale reform of ecclesiastical institutions in the lands under his control despite strong but ineffectual opposition from the papacy. And in France, on the eve of the Revolution, symptomatically, the "grievance lists" of all three estates looked to the coming Estates-General (rather than to Rome) for reform of the Church.

The process of "differentiation" between the institutions of the state and the Church (to use a more neutral term than "secularization") was enormously accelerated by the French Revolution. The abolition of "privilege" and the establishment of "equality before the law" took away the privileged status of clergymen. The Civil Constitution of the Clergy, which was the revolutionary National Assembly's attempt to transfer the monarchy's authority over the Church to itself, to associate the Church with the Revolution, and to reform the Church according to its own lights, failed disastrously when almost all the bishops and about half of the parish clergy refused to cooperate. The subsequent schism within the French Church, the association of the Church with the cause of the Counter-Revolution, and the persecution of the "non-juring" clergy and then the Constitutional Church by the Jacobin dictatorship during the Terror came close to destroying Christianity in France. As well, the wars associated with the Revolution in France and Napoleon's rule spread the ideas and the institutional changes introduced in France to much of Western Europe.

Some of these changes were temporarily reversed but also stabilized by the Concordat that Napoleon negotiated with the papacy in 1801. Disliking separation of Church and State (which had been the situation in France since 1795), Napoleon believed that religion must be in the hands of the state so that the government could be assured of systematic surveillance over it. By the Concordat, the state was accorded the right to name the bishops and the pope's right to institute them canonically was assured; the Church agreed not seek recovery of its confiscated property; salaries for bishops and parish priests would be paid by the state; and the practice of religion would be subject to whatever police regulations were required for public order. Despite his objections to the "organic articles" embodying these regulations that Napoleon attached to the Concordat, the pope acquiesced for the sake of ending the schism and the restoration of Catholicism in France. The restored Church was at first almost obsequious in its praise, but there were soon tensions over the Emperor's mistreatment of Pius VII and his growing despotism. The heritage of both the Revolution's attack on the Church and Napoleon's re-imposition of control over the Church has troubled church-state relations in France right down to the present day.

In the immediate post-1815 situation, the restored Bourbon monarchy regarded the Church as a powerful support for its rule and it was generally believed on both sides that union of Church and state would make

France safe for both. The monarchy retained the Concordat of 1801, which served to maintain the government's control of the Church, while the Church (i.e., the pope and the French bishops) supported the Bourbons loyally as a safeguard against the possible recurrence of the Revolution and accepted the Concordat as a necessary condition for the support of the state. It was an arrangement whereby the Church's authority and activities received government sanction and financial support. Churchmen and zealous Catholic laymen sought and to a considerable extent succeeded in having the government legislate enforcement of the moral teachings of the Church. However, this program of Church intervention in the formulation of public policy was denounced as "clericalism" by many, especially those who still treasured the liberal heritage of the Enlightenment and Revolution, and inevitably provoked an "anti-clerical" response. Tensions and conflicts between the two traditions plagued French politics all through the nineteenth century, culminating in the Third Republic's unilateral abrogation of the Concordat in 1905 and the legal separation of church and state. So if the Restoration period saw an attempt to halt and even reverse the trend, in the long run it was the lay state and "secularization" that triumphed in France, and eventually in most European countries.

Another major force pushing in the same direction has been the development of modern industrial economies, which have tended to involve the state in such areas as health care, social welfare, pensions, etc. (areas that had once been left to families and the church). Modern economies require a high level of general education. From at least the mid-nineteenth century, in modern nation states (like France, England, Germany, the United States, and, in turn, countries in other parts of the world, including Latin America), governments have taken responsibility for the provision of free compulsory primary education. Similar evolution can be observed in health care and the provision of pensions. These developments were not intended to "take things away from God" as churchmen in traditionally Catholic countries often complained.

It has taken a long time for the Church to recognize these developments and to reconcile itself to them. In Canada, for example, the so-called "Quiet Revolution" in the province of Quebec in the 1960s saw the dismantling of an elaborate system whereby the Quebec Church, in collaboration with the provincial government, had operated educational institutions from the primary through post-secondary levels, hospitals, orphanages, and other social institutions. In this case, the leaders of the Church in Quebec quietly accepted the "secularization" of social institutions in the province, and thereby avoided the kind of "anti-clerical" backlash that opposition to developments of this kind had provoked in an earlier period and in other countries.

Still another factor influencing the "secularization" of modern societies is the changing nature and composition of these societies. Increasingly, in the

nineteenth, twentieth and twenty-first centuries, patterns of colonization, emigration, immigration, and floods of refugees worldwide, have been creating multi-ethnic, multi-cultural, multi-religious societies. In effect, demographic forces have added their weight to the Enlightenment's ideal of toleration. In modern societies, for the sake of peace, order, and stability, governments have tended to become "secular" institutions, imposing one set of laws on all citizens, without regard for the particular religious beliefs of various groups of citizens.

In September 2005, for example, in Canada in the province of Ontario (the largest, most populous province in the country), there was an important announcement by the provincial premier, Dalton McGuinty, that he would move quickly "to ban all religious arbitration in the Province." Why did he do this? The background to this announcement is that since 1991, under provincial legislation (called the Arbitration Act), disputes over such matters as child custody, property division following divorce, and spousal and child support payments could be settled by "faith-based" arbitration committees, provided both parties agreed to use the procedure and the arbitrators' decisions did not violate Canadian law. The act had been put in place to meet demands by "first nations" (aboriginal groups) and some religious groups that they be allowed to handle disputes of this kind in ways that were more in accord with the values of these various groups than the common law had been. (In Canada, a large percentage of prison populations are of aboriginal origin, much larger than would be warranted by their numbers in the population, and governments have been seeking ways to ameliorate this situation. In the province of Manitoba in recent years, to take another example, some cases involving relatively minor offences by young natives can now be referred to so-called "healing circles," a traditional aboriginal way of handling conflicts in their communities.)

In Ontario, in 2004, the year preceding the premier's announcement, there had been fierce public debate over demands by some Muslim groups to use the provincial Arbitration Act as a way of expanding "sharia" law over Muslims in family matters. Fundamentalist Muslims were advancing the idea, but many other groups, including the Canadian Council of Muslim Women, were resolutely opposed. The issue was becoming quite volatile, and some of these Muslim women had even received death threats by fundamentalist Muslim men over their position.

With the Ontario premier's announcement, the Aboriginal, Christian, and Jewish tribunals allowed under the 1991 Arbitration Act will disappear. As the premier said in his announcement, "There will be one law for all Ontarians." Some groups will undoubtedly be disappointed, but it seems to me that the premier's decision was wise and even necessary in the context of the multi-ethnic, multi-religious character of modern Ontario society. I would argue as well that in this first decade of the twenty-first century, increasingly, all the world is Ontario.

I believe that it can also be argued that the concept (and to a certain extent the reality) of a world in which there can or should be "one law for all" is in fact largely the heritage and achievement of Christianity. As Jean-Marie Cardinal Lustiger, Archbishop of Paris from 1981 to February of 2005, put it in an article published in the American journal *First Things* in October 1997, "it has been more and more widely recognized that liberty, equality, and fraternity are, in fact, among the fruits borne by the biblical and Christian tradition." Many of the texts of the Second Vatican Council could be used to demonstrate the same point. If this is the case, perhaps "secularization" (or the trend towards a "neutral" society and state in which all inhabitants are treated with equal dignity) is less a threat to Christianity than it is its culmination in the modern world.

If you are interested in obtaining a DVD of Bishop Geoffrey Robinson's presentation on "Confronting Power and Sex in the Catholic Church" (he was recently banned from a Catholic University in Canada), please send a request to ARCC, 3150 Newgate, Florissant MO, 63033 with a suggested contribution of \$10.00. 100% of your contribution will be used to support ARCC's work to bring about a more accountable structure in the Church)

The questions today revolve about how Christians (and their churches) should act in pluralist societies. Whether Christians are in a majority or in a minority, they should certainly be free to try to influence the mores and laws of the larger society towards acknowledgment of their values, but in ways that recognize the dignity and freedom of other citizens and groups in society, and their right to do the same thing. The era of "Christendom"—when Christianity, instead of functioning as an invitation to moral heroism addressed to the individual, attempted to maintain itself by imposition from on high under a system of unified church and state—has long past. In our time, Christians and the Church have no viable option but to offer to the modern world the witness of holiness of life and loving service to others..

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