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PRESIDENT'S COLUMN: THE SHEEP AND THE SHEPHERD

Sometimes, we can learn more about the mindset of people by reading their bumper stickers than any survey might reveal. If someone is willing to affix something so permanent to their vehicle it must be rather important to them. One recent bumper sticker I came across read: "If you're not angry, you're not paying attention!" I can certainly see this point with respect to the Roman Catholic Church in recent years.

With the unfolding of the recent events in the Philadelphia Archdiocese in which the district attorney has filed formal charges against three priests and a teacher, we see that the clericalist culture continues to reign supreme at the expense of our most vulnerable. After the hierarchy had issued a statement that all of the credibly accused priests had been identified and removed, they were forced to remove 21 more from ministry. There is every reason to believe that the same practice of covering up of crimes in order to protect the institution continues throughout the church. Yet, the people in the pews continue to contribute their money to the diocesan campaigns, helping them to meet their goals. One has to conclude one of two things: either the pew people do not care about these grave offenses or they are completely unaware of them. In either event, it is certainly cause for concern.

Next November, the new Roman Missal will be imposed on English speaking Catholics. There is plenty of evidence that this is not a good translation and that the language is overly elevated and contains phrases that are theologically suspect. In spite of protests by many who are more than qualified to express them, the hierarchy has determined that we will be forced to accept this change. It will be interesting to see what the pew folks will do with this change. My expectation is that they will simply go along, not wanting to rock the boat. Even though this effrontery is in plain sight, the loyal few will not complain. They may not understand half of what they are saying in their prayers but they will say them nonetheless.

Sometimes, I think that the author of the Gospel of John used the metaphor of the Good Shepherd (John 10:14) as a way of warning us all about being sheep. How humorous this must have been to those who were actually shepherds as they listened to these words. In my home state of Montana, there are probably hundreds of thousands of sheep. I can tell you this much, they are not the brightest of animals. To many, I suppose it is easier just to stay and pay no attention to what's

happening around them. If we pay close attention to what John writes, we will realize that he's telling us that we need to pay attention to whether or not the words we follow are truly those of Jesus or just a hired hand or worse, those of the thief.

In the coming year, we at ARCC plan to develop workshops that we can put on the road. These workshops will be designed to stir up the sheep to help them discern if they are listening for the voice of Jesus. Is it the voice of Jesus that tells them that they are not able to run their own parish? Is it the voice of Jesus that tells lawyers to go after victims of sex abuse? The challenge is to show Catholics that they do have the right and the responsibility to discern the voice of Jesus. We are committed to do our part to bring that message to as many as we can and believe the workshops will go a long way to that end. I know that we can rely on your support in time, treasure, and talent to embark on this mission. Specifically, if you are able to sponsor a workshop in your area or know those who can, please let us know. If you want something specific to be included in the workshops, be sure to pass it on to us. We do value our members and are grateful for all that you can do to advance the rights of Catholics in the Church.

Yours in the peace of the Risen Lord,

Patrick B. Edgar, DPA, M.Div.

PREPARING FOR THE AMERICAN CATHOLIC COUNCIL—LOOKING BACK: ARCC'S WORK ON DEVELOPING A CATHOLIC CONSTITUTION

ARCC was founded almost exactly 31 years ago, in March 1980. Over the years, ARCC developed and issued a wide variety of documents, such as on dissent, parish rights, and the internal forum. The two most significant ones were the "Charter of Catholic Rights" – www.arcc-catholic-rights.net/arcc_charter.htm and "A Proposed Catholic Constitution" – www.arcc-catholic-rights.net/constitution.htm. Patrick Connor and Leonard Swidler served as Co-chairs for the Charter Committee, and editors of a book on the topic. The *Charter* was first issued October 25, 1983, and in 1994 Swidler and James Biechler were asked by the ARCC Board to begin the process of drawing up a *Proposed Catholic Constitution*. It went through many versions resulting from world-wide consultation and intense work by an ARCC Constitution Committee (Leonard Swidler, Chair, William Leahy, David and Carol Efrogmson, and Pamela Monaco), and a committee of European Catholic reform organizations.

The "current" version was approved by ARCC and the European Catholic reform organizations on September 19, 1998.

In the wake of the U.S. clergy sexual abuse scandal, an "International Movement for a Catholic Constitution" was launched in Boston by ARCC and joined by other Catholic reform organizations in the U.S. and Europe.

For over twenty-five years ARCC has focused on the issue of church governance. Leonard Swidler will chair a breakout session on "A Constitutional US Church" at the American Catholic Council.

To give some historical context we are re-publishing two columns by James E. Biechler that originally appeared in *ARCC Light* some fifteen years ago and were first posted on the Internet in 1999. Jim Biechler usually structured his columns around questions raised by readers. An emeritus professor of religion, Dr. Biechler was a long-time member of ARCC's Board of Directors and served as *ARCC Light* editor from 1995-2001. He also holds a licentiate in canon law and is a longtime member of the Canon Law Society of America. Except for some references to then current events, these columns are as relevant today as they were in the 1990s.

A QUESTION OF RIGHTS A CONSTITUTION FOR THE CATHOLIC CHURCH

By James E. Biechler

I am hearing more and more about ARCC's idea that the Catholic Church should call a "constitutional convention" by the turn of the century. What would be the point of that? The Church is one of the world's oldest institutions and I can't see what good some kind of constitutional revision could do. Sounds like more chaos and trouble to me.

—G. C., Durham, NC

Perhaps you are too young to remember the enthusiasm and dynamism which characterized the Church's life during the Second Vatican Council in the early 60's. Every day brought fresh ideas and vigor to our liturgy, to our teaching and discussions. That experience made it very clear—the Church is most alive when it is in council. Then it is most true to its nature as the community of those seeking God's truth and justice.

From its very beginning the Church had a "conciliar" constitution. The scriptures tell us that the apostles themselves met in council and not without some disagreement about the issues. The problem with councils is that the Holy Spirit seems to be too active then. This is disconcerting in the corridors of power. Entrenched bureaucrats do not appreciate the "meddling" of those coming in from "beyond the beltway" bringing their own non-Roman insights and experience. Rome has always looked down its nose at the "rudes," the country folk who lack the elegance and style of the highly trained Vatican official. Most of these functionaries have no experience with ordinary people, they have little appreciation of the problems of ordinary Catholics who have to work hard to make a living and raise their

children. The bishops and pastors of the world have had more such experience and it for this reason that they must meet together in council, even more frequently in this rapidly changing world, if the Church is going to be at all effective in its mission.

I recently read the published statement of a Chicago priest who said, "I would encourage us to take off the eyeglasses of denial and to acknowledge that the church is dying...." Walbert Buhlman, the Capuchin missionary, in his book *With Eyes to See: Church and World in the Third Millennium* (Orbis, 1991) blames the Roman Curia for stifling the vision of Vatican II and creating a climate of repression in the Church. We need something analogous to a constitutional convention to redefine the relationships between the people and the Church's leaders. We need a constitutional convention to establish lines of responsibility and accountability. Under the present law no one in the leadership is accountable to the People of God. And the people have no real legal recourse in matters which concern them in the Church.

As I write this response to your question, South Africa is in the midst of its first democratic election. No one who saw the news media footage could fail to be impressed by the overwhelming emotional response of the people to their first vote for those who would be their leaders. The first two babies born in South Africa on election day were named "Freedom" and "Happiness." When did you ever vote for anyone who would represent you in the Church? When did you ever have anything to say about your leaders? When is our day of "Freedom" and "Happiness" to dawn in the Church?

May I repeat. From the beginning the Church had a "conciliar" constitution. That constitution has been "canonized" out of existence, mostly by modern papal absolutism, even though papal pretensions to absolutism existed before modern times. The medieval conciliar movement generated an impressive theological and juridical elaboration of the Church's conciliar constitution. The movement was "defined" out of existence by an absolutist papacy supported by other absolutist monarchs and princes. The democratic and participative heritage of the conciliar movement passed to the secular order and gave theoretical foundation to modern European and American constitutional and parliamentary government. Conciliar government has its foundation in the vision of the Gospel, in the biblical teaching on conscience, freedom, personhood, rights in justice, and the claims of truth.

Perhaps you have trouble with the term "constitutional convention." Maybe you would be happier with the notion of "Vatican III for the Third Millennium," a General Council whose primary task it would be to restructure lines of governance and accountability in the Church. By whatever term it might be called, I don't see how any thinking Catholic can doubt that we desperately need something like a constitutional convention to halt the malaise now afflicting the Church. We need a constitutional

convention and a conciliar understanding of the Church if true and living community is to develop.

In his recent "Directory on the Priesthood" Pope John Paul II speaks about the false idea of community which denies the distinction between clergy and laity. From his lofty eminence it may seem that when the clergy-laity distinction is emphasized we have living community. In a hierarchical society the view of community always looks satisfying from the top. Things have a different aspect when the eyes must always be turned upward. In true community our eyes should be turned not upward or downward but horizontally toward our sisters and brothers, all equal before God.

A QUESTION OF RIGHTS PETRINE MONARCHY OR CHRISTIAN EQUALITY?

By James E. Biechler

I was just about to write you concerning your last column dealing with a possible constitution for the Catholic Church. I was going to suggest that such a constitution really is not necessary; the church has survived very well without one. But now that the pope has come out with his pulpit-thumping "definitive" decree condemning the very idea of the ordination of women I need no further convincing that such monarchical absolutism needs some kind of check. But just what kind of constitution would make sense?

—B. Q., Phoenix, AZ

As I mentioned in my last column, the church had a "conciliar" constitution from the very beginning. The earliest account of the church's beginnings is found in the Acts of the Apostles. There we learn that the disciples made decisions "conciliarly." Confronted with the need to replace the dead Judas Iscariot, the disciples acted and decided as a group. Why didn't Peter, the so-called first "pope," simply appoint a replacement, the way the pope does today when a bishop resigns or dies? And when the burning question arose as to whether Gentile converts had to observe the Mosaic law, the matter was not resolved by an "infallible" decree from Peter. A "conciliar" approach, not without actual opposition to Peter, finally resolved the issue. Major decisions about doctrine or discipline in the first centuries of the church's life were made by synods or councils.

The biblical tradition, especially the New Testament, teaches that human beings are equal before God, that they have a solemn responsibility in conscience to exercise their divinely given freedom for the welfare of the world and its humanity. These biblical principles exercised a profound influence in Western history and are at the root of the development of democracy and constitutional government. Throughout the Middle Ages, political bodies within the church—monasteries, dioceses, universities, religious orders—in varying degrees embodied the principles which Western democracies took over and refined. How ironic that secular governments and institutions are now seen to be the

protectors of our God-given liberty and equality, while in the church the people are voiceless, ruled by an absolute monarch using the weapons of secrecy, suspension, and excommunication.

Many in the church are calling for the adoption of a constitution in which the fundamental principles of Christian freedom and equality are made institutionally operative and are given institutionalized protection. Christian equality requires that people have a voice in the determination of matters affecting them and that these same Christians are given community protection when exercising their rights. The Second Vatican Council affirmed the principles of lay participation in ecclesiastical affairs, of lay initiative in the church's mission, of freedom of conscience in religious affairs, of episcopal collegiality and of equality of all before God. While some of these ideals are recognized in the post-conciliar Code of Canon Law, procedures which might effectively defend these ideals were not made available. The rights of lay person and cleric alike are, for the most part, mere assertions without actionable substance. Bishops and priests, unless they have special friends in high places, are as much at the mercy of Vatican power as are lay people. Lay people can do little or nothing when their bishop or pastor unilaterally pursues a plan of action at odds with their Christian convictions. Almost every day ARCC hears horror stories detailing the violations of rights in the church. Our regret is that little or nothing can be done as we witness the massive hemorrhaging occurring in the church under the present pope.

The Second Vatican Council produced a splendid series of documents expressing Gospel truths for our time. Institutional structures embodying those ideals were only partially established by the time of Paul VI's death. Since that time the Vatican curia enjoys unconditional papal approbation for the anti-conciliar position which it manifested from day one of the council. The non-reception of Vatican II by the curia, its consistent retreat from and reversal of conciliar positions, its non-collegial treatment of bishops, its hardline, doctrinaire treatment of theologians and its heavy-handed approach toward Third World inculturation of the Gospel message, all give urgency to the call for constitutional protection of our faith and its institutional expression.

What happens when a pope tells the Catholic world, not that he refuses to change the law about the ordination of males only, but that God has eternally decreed that the church has no authority in this matter, and that Catholics are therefore forbidden to discuss it or even think it possible? The pope is requiring Catholics to make a judgment about God for which there is no basis in revelation. He is asking us to do something pretentious and therefore immoral. When a pope demands that the universal church act in a way that is antithetical to human nature, affronting all who enjoy the divine gift of

reason and intellect, he should be made to answer to the universal church. The conciliar constitution of the church demands this accountability.

ARCC's call for the adoption of a Catholic constitution is not the first initiative toward a formalized Catholic constitution. The reform of canon law after Vatican II envisioned a *Lex Fundamentalis Ecclesiae*, a fundamental law of the church, in essence a constitution, reflecting the conciliar reforms. Not surprisingly, that approach was abandoned and the revised code was very much like its predecessor. A formal constitution would have to establish structures of representation, collegiality, broad-based participation in decision-making, and due process. It would have to guarantee freedom of conscience and intellectual freedom; it would set limits on terms of office, provide for the election of church officials, and outline structures of accountability. It would give a more prominent role to councils and synods in overseeing the church's mission.

The call for a formalized constitution for the church comes from the deep experience and anguish of Catholics, both lay persons and clerics, who love their church and cannot remain voiceless as church officials employ fascist maneuvers to buttress the untenable claims of Petrine monarchy while the local Christian community sees the church erode before its eyes.

UPDATE ON THE AMERICAN CATHOLIC COUNCIL <http://americancatholiccouncil.org/>

Visit the site and sign up for a variety of online activities, including a Virtual Listening Assembly (a survey). No password is required to access the survey; however, if you are not already a member of ACC's social network (ACC Assemblies Community Network) you will be prompted to SIGN-UP. The survey itself is anonymous. To learn more about the Assemblies Community Network (ACN) see the down-loadable information at the "JOIN NOW" box on the left column of the ACC HOME PAGE. If you have difficulties, email: administrator@talkingthewalk.net.

We are happy that two members of our Board – Dr. Caridad Inda, CHN, and Prof. Len Swidler, are Breakout Sessions presenters. Caridad and Sr. Chris Schenk will deal with "Creating Nonviolent Responses to Common Abuses of Authority in the U.S. Church."

ARCC *Light* is published by the Association for the Rights of Catholics in the Church. For membership information, contact ARCC, 3150 Newgate Drive, Florissant, MO 63033, send email to ARCC@ARCCsites.org, or visit our website, www.arcc-catholic-rights.net/. Suggested donations are \$25.00 per year. Editors: Ingrid H. Shafer, PhD (ih@ionet.net) and Richard Lebrun, Ph.D.