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Is excommunication losing its bite?

Robert McClory | Dec. 2, 2011 NCR Today

The proliferation of excommunications in recent years is sapping the energy out of that formerly most-feared weapon in the church's quiver. Once upon a time, excommunication was seen as a virtual death penalty to the soul of the unfortunate recipient. And in the Middle Ages, it could lead to a literal death sentence for the body as well.

But now the roaring lion appears to be morphing into little more than a mewing kitten.

During the last 50 years of the 20th century, the only excommunications most Catholics were aware of included the one pronounced against Jesuit Fr. Leonard Feeney, who insisted in 1953 that nobody, absolutely nobody, could attain salvation who was not a Catholic, and the one put on Archbishop Marcel Lefevre in 1988 for consecrating four new bishops without Vatican approval and starting his own schismatic church.

Nowadays accounts of new excommunications and their effects appear regularly in the news. The most recent concerns Franciscan Fr. Jerry Zawada, who participated in a Mass celebrated by a woman priest Nov. 19 at the School of the Americas. Then there are the implications of Maryknoll Fr. Roy Bourgeois' excommunication for assisting at a women's ordination. And of course, there's the case of Mercy Sr. Margaret McBride, who was excommunicated for permitting an abortion in order to save the life of a pregnant woman at a hospital in Phoenix. This attracted national attention in both secular and church media.

One of the traditional and expected effects of an excommunication sentence is the repudiation of the affected party by the full Catholic community; the guilty one is supposed to be shunned until he or she repents. But just the opposite is occurring in the three cases cited above. For the most part, the Catholic community has shown only support and solidarity. McBride, in fact, appeared along with 15 members of her order on the front page of the *NCR* (Nov. 25-Dec. 8) as she accepted a leadership award from the Call to Action organization Nov. 6 [1]. It's true her case had been resolved by then, but the award was based on what she had done in conscience and in the face of excommunication.

I believe the increased visibility of this penalty, at least in the United States, can be traced to the action of Lincoln, Neb., Bishop Fabian Bruskewitz in 1996, when he announced the excommunication of all Call to Action members in his diocese (along with Planned Parenthood and various Masonic-related organizations, including Job's Daughters and the Rainbow Girls).

This proclamation, without explanation, discussion or possibility of appeal, made the penalty look willful, arbitrary and in violation of the rights of the people affected. Several respected canon lawyers have repeatedly called into question the validity of Bruskewitz's action.

Nevertheless, the excommunication still stands after 15 years, despite numerous appeals by the CTA members to the bishops and to several congregations in the Vatican. Without allowing for due process, the Lincoln case put a spotlight on excommunication as practiced in the Catholic church and has undoubtedly caused more

harmful scandal itself than have any actions for which it's been imposed.

Meanwhile, troubled Catholics can find some consolation in the continuing efforts of theologians and canon lawyers to critique penalties like this that are reminiscent of the dead past. They can also take notice that the definition of excommunication itself has gone through a quiet assessment over the years. According to the Encyclopedia of Catholicism, a pronouncement of excommunication does not put one outside the church; he or she remains a Catholic.

Likewise, the pronouncement makes no judgment about the recipient's goodwill or standing before God. It would follow, I think, that when one is convinced on the basis of investigation and consultation that the action was invalid, he or she may in good conscience choose to continue to receive the sacraments -- where this is possible.

That doesn't take all the roar out of the old lion. But even at its worst today, this is not your great-great-grandfather's excommunication.

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