

# THE MEANING OF EXCOMMUNICATION IN THE TRADITION OF THE CATHOLIC CHURCH

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It is good to be with your for the 33<sup>rd</sup> Annual Chesterton Conference of the American Chesterton Society. It is here at the University of Saint Mary of the Lake that I formally studied theology and here in the Main Chapel of Mundelein Seminary that I was ordained a deacon and a priest, so it is also good to be back at my *alma mater*, the locus of my theological education and entrance into the ordained ministry.

The letter from Richard Aleman inviting me to be the keynote speaker said that the theme of the 2014 conference would be the “democracy of the dead,” which is taken from Chesterton’s book, *Orthodoxy*. As Chesterton writes, “Tradition means giving votes to the most obscure of all classes, our ancestors.”

Now as someone who grew up on the south side of Chicago, I have to admit that the “democracy of the dead” and “giving votes to our ancestors” has a long tradition in the Windy City, but maybe not exactly in the same manner that Chesterton had in mind! After all, in a city whose favorite political slogan is “vote early and vote often,” it might be said that many of our civic officials have been more than willing to extend the right of suffrage to their ancestors now residing in our local cemeteries!

Reading a bit further into Chesterton’s explanation of the “democracy of the dead,” I see that he has something much more sublime in mind: “Tradition refuses to submit to the small and arrogant oligarchy of those who merely happen to be walking about. . . . Democracy tells us not to neglect a good man’s opinion, even if he is our groom; tradition tells us not to neglect a good man’s opinion, even if he is our father.”

Of course, Tradition, with a capital “T,” has an exalted place as one of the primary sources of our Catholic faith, along with Sacred Scripture, the Word of God. Thus it is that I wish to address in this keynote address a topic closely related to Tradition, namely, the meaning of Excommunication in the Tradition of the Catholic Church, since the primary purpose of excommunication is to preserve the integrity of the

Catholic community of faith, not only the faithful who are alive today, but also the faithful who have gone before us, and to respect those who are now participants in the “democracy of the dead.”

“Excommunication” is one of the most highly-charged and feared words connected with the Catholic faith. It is also one of the most misunderstood. Many people incorrectly believe that a person who has been excommunicated has been “kicked out” of the Catholic Church. They may also think that this is a permanent and irreversible punishment. The penalty may be viewed as harsh, lacking in charity, even un-Christian.

The topic of excommunication is very much on my mind as I recently felt it was my responsibility to declare that a woman in my diocese had incurred an automatic excommunication for attempting to be ordained a priest. A few weeks prior to this scheduled ceremony, I sent her a letter warning that the attempted sacred ordination of a woman is one of the more grave offenses reserved to the Congregation for the Doctrine of the Faith. According to canon 1378 of the Code of Canon Law, both the one who attempts to confer sacred ordination on a woman, and she who attempts to receive sacred ordination, incur an automatic excommunication reserved to the Apostolic See. This is because canon 1024 says that only a

baptized male can receive sacred ordination validly, thus, the attempted ordination of a female is invalid.

Pope John Paul II addressed this issue in an Apostolic Letter on May 22, 1994. Writing “in order that all doubt may be removed regarding a matter of great importance, a matter which pertains to the Church’s divine constitution itself,” the Holy Father declared that “the Church has no authority whatsoever to confer priestly ordination on women and that this judgment is to be definitively held by all the Church’s faithful.”

Prior to his election as Pope Benedict XVI, Cardinal Joseph Ratzinger, writing in 1995 as Prefect of the Congregation for the Doctrine of the Faith, issued a response to a proposed doubt about this teaching regarding the ordination of women, saying, “This teaching requires definitive assent, since, founded on the written Word of God, and from the beginning constantly preserved and applied in the Tradition of the Church, it has been set forth infallibly by the ordinary and universal Magisterium” [the teaching authority of the Catholic Church].

On May 21, 2010, Pope Benedict XVI promulgated the *Norms of the motu proprio “Sacramentorum sanctitatis tutela,”* Article 5 of which provides that the more grave delict of the attempted sacred ordination of a woman is

reserved to the Congregation for the Doctrine of the Faith and that both the one who attempts to confer sacred ordination on a woman and she who attempts to receive sacred ordination incur a *latae sententiae* excommunication reserved to the Apostolic See.

Echoing his predecessors, Pope Francis wrote last year in his apostolic exhortation, *Evangelii Gaudium* (The Joy of the Gospel), that the “reservation of the priesthood to males, as a sign of Christ the spouse who gives himself in the Eucharist, is not a question open to discussion.”

In order to avoid the declaration of this automatic penalty of excommunication, I urged her in accord with canon 1342 to reconsider and cancel her contemplated course of action, adding that if she did not desist from this course and proceeded as planned, she would be excommunicated automatically and only the Apostolic See would be able to remit this excommunication.

When in fact she went through with her attempt to be ordained a priest for “Roman Catholic Womenpriests Inc.” in a ceremony at the Abraham Lincoln Unitarian Universalist Congregation in Springfield on May 5, despite my letter urging her not to do so, I issued a decree declaring in accord with canons 1342 and 1720 of the *Code of Canon Law* that she had

incurred the censure of excommunication *latae sententiae* reserved to the Apostolic See and posted a notice on our diocesan website and in our diocesan newspaper advising the faithful of this fact.

In my notice I added that a schismatic group called “Holy Family Inclusive Catholic Community” was being formed and was planning to conduct liturgical services at the Congregational Church UCC in Jacksonville, Illinois.

The Christian faithful were cautioned that this attempted ordination and these purported “Masses” are invalid. Those who knowingly and intentionally participate in these schismatic activities also incur automatic excommunication in accord with canons 751 and 1364, with due regard for canons 1321-1324 of the *Code of Canon Law*.

The reactions to my declaration and notice were considerable, both positive from those who expressed appreciation for addressing this matter clearly, and negative from those who disagreed, misrepresented or simply misunderstood what excommunication is all about.

One critic, for example, wrote an opinion piece in a secular paper claiming that I had said that the “worst thing a Catholic can do is attend a worship service led by a woman” and that a person “does not have to

participate actively in this heretical worship to incur this extreme penalty: Attendance alone is sufficient.” In fact, I never said that the “worst thing a Catholic can do is attend a worship service led by a woman,” but I did note that automatic excommunication would be incurred by those “who knowingly and intentionally participate in these schismatic activities,” and cited the canons in the *Code of Canon Law* that provide for this penalty to be inapplicable or at least tempered in certain mitigating circumstances.

This critic correctly noted that murder, rape and other serious crimes are not grounds for automatic excommunication, but then erroneously concluded by saying, “So go ahead – kill your neighbor. While you may have to pay an earthly penalty, eternal salvation can still be achieved. But don’t walk into the wrong church, especially if you see a woman in the pulpit. Then the wrath of the organized church or mosque or temple will be visited upon you.”<sup>1</sup>

It is legitimate to ask why murder, rape and other serious offenses are not grounds for automatic excommunication. There are several aspects to the answer for this question. First, it was the desire of the Commission for the Revision of the Code of Canon Law after the Second Vatican Council to reduce the number of penalties in canon law. Second, automatic

penalties “were to be limited to the most notable ecclesiastical delicts.”<sup>2</sup> Third, while excommunication is not incurred automatically for murder, rape and other serious crimes, expiatory sanctions and other just penalties according to the gravity of the delict may be imposed in such cases after a finding of guilt in an ecclesiastical trial.<sup>3</sup> Fourth, censures such as excommunication are designed to urge the offender to cease committing the offensive behavior and must be lifted once the offender has repented and stopped offending. It could be that a person has committed a serious crime such as murder only once and has no intention of killing anyone else. In such a case, an expiatory penalty is warranted rather than a censure like excommunication. Fifth, it is possible to commit serious sins without being a heretic, schismatic or apostate. In such cases, the penalty is not excommunication but eternal punishment in hell, and the remedy for such grievous sins is repentance and a firm purpose of amendment with confession and absolution in the Sacrament of Penance.

Another article in a secular newspaper, this one purporting to be reporting a story rather than stating an opinion, bore the headline, “Woman Priest Defied Catholic Diocese” and claimed that this move “earned her an excommunication” from me.<sup>4</sup> In fact, she did not just defy

the Diocese of Springfield in Illinois, but the Catholic Church. I also did not excommunicate her, but simply declared that she had excommunicated herself.

So why did I issue this public notice and declaration? Prior to her ceremony of attempted “ordination,” my statement sought to address the erroneous claims being made in the secular media to publicize this event.<sup>5</sup>

Indeed, the website for “Roman Catholic Women Priests,” has this Statement on Apostolic Succession: “The ordinations of Roman Catholic Womenpriests are valid because of our apostolic succession within the Roman Catholic Church. The principal consecrating Roman Catholic male bishops who ordained our first women bishops are bishops with apostolic succession within the Roman Catholic Church. Therefore, our bishops validly ordain deacons, priests and bishops. Consequently, all qualified candidates, including baptized ministers and priests from other Christian traditions, who are presented to our bishops for ordination, are ordained by the laying on of hands in apostolic succession in the Roman Catholic Church.”<sup>6</sup> These assertions about apostolic succession and the validity of “Women Priests” are, of course, false.

The woman who attempted ordination has also begun offering “Masses” at her “Inclusive Catholic Community” in Jacksonville, Illinois, in my diocese.<sup>7</sup> I thought as shepherd of this local Church that I should warn my flock that this person had in fact incurred an automatic excommunication and that her “ordination” and these “Masses” are invalid, hence I issued my declaration. This seems to have been helpful, as attendance at these services is reportedly low.<sup>8</sup>

While I do not wish to generate publicity for these people, neither do I think it prudent to remain silent in light of their false and misleading statements.

So let’s look more closely at what excommunication is all about. According to canon 1331, §1, an excommunicated person is forbidden:

- (1) to have any ministerial participation in celebrating the Eucharistic Sacrifice or in any other ceremonies whatsoever of public worship;
- (2) to celebrate the sacraments and sacramentals and to receive the sacraments;
- (3) to discharge any ecclesiastical offices, ministries or functions whatsoever, or to place acts of governance.

If the excommunication has been declared, which I did in this case, canon 1331, §2 provides that the guilty party:

- (1) wishing to act against the prescriptions of §1, n. 1 [that is, to have any ministerial participation in celebrating the Eucharistic Sacrifice or in any other ceremonies whatsoever of public worship], is to be prevented from doing so or the liturgical action is to stop unless a serious cause intervenes;
- (2) invalidly places acts of governance which are only illicit in accord with the norms of §1, n. 3;
- (3) is forbidden to enjoy privileges formerly granted;
- (4) cannot validly acquire a dignity, office or other function in the Church;
- (5) cannot appropriate the revenues from any dignity, office, function or pension in the Church.

In his book, *Excommunication and the Catholic Church*, Dr. Edward Peters sets the record straight and answers a variety of questions about the ecclesiastical sanction known as “excommunication.” He points out that “*excommunication* literally means ‘out of full communion’ with the Catholic

Church. Because excommunication can be imposed only on a Catholic (that is, one who is in full communion with the Church according to canon 205), excommunication deprives one of the fullness of the communion that he or she previously enjoyed. . . . Excommunication does not mean that one is no longer a Christian (because Christian baptism imprints an indelible character on the soul) or no longer a Catholic . . . Catholics who are in full communion with the Church are striving to live according to the teachings of Christ and to follow His will in all things.”<sup>9</sup> Catholics who are in the full communion of the Church are also united to the communion of saints, those whom Chesterton called the “democracy of the dead.”

During the revision of canon law which took several years to complete following the conclusion of the Second Vatican Council in 1965 and which culminated in the publication of the revised *Code of Canon Law* in 1983, there were many voices, including some bishops and canon lawyers, who were calling for the complete abolition of all penalties in canon law. Ideally, it was thought, everyone would conform to the law voluntarily out of love for Christ and His Church. Realistically, however, not everyone conforms easily to the ideal. Thus, while coercive penalties were retained as necessary for maintaining proper order in any society, one

of the ten principles for the revision of the *Code of Canon Law* was that penalties should be kept to a minimum.

Excommunication belongs to the genus of sanctions known as censures, in contrast to expiatory penalties. Expiatory penalties (canon 1336) punish the offender for a prescribed time or an indefinite time and seek to remedy the damage or injustice done to societal values by the offense and to deter others from engaging in similar wrongdoing. In contrast, censures are considered to be “medicinal penalties” (canon 1312, §1, 1<sup>o</sup>), which means that they seek to persuade the offender to cease the wrongful behavior and reintegrate the person into the life of the ecclesial community. As such, censures are lifted when the offender “withdraws from contumacy,” i.e., from engaging in the wrongful behavior and making suitable reparation for damages, if necessary (see canons 1347 and 1358).

Properly understood in this way as a medicinal penalty, excommunication certainly does not expel the person from the Catholic Church, but simply forbids the excommunicated person from engaging in certain activities (listed in canon 1331) in the life of the Church until the offender reforms and ceases from the offense. Once this happens, the

person is to be restored to the fullness of participation in the life of the Church. Although the remission of the censure pertains to the competent authority to determine whether the person has actually withdrawn from contumacy, in a sense the offender holds in his or her own hand the key to the release from the censure. If the wrongful behavior ceases and any necessary reparation or restitution is made, the excommunication will be lifted; if not, it continues.

Thus, some people may be excommunicated for only a short time. For others, the excommunication may never be lifted if they do not repent and change their ways. Church history over the past two millennia provides many examples of both, some of them described in the book by Dr. Peters. For example, King Henry VIII was excommunicated for defying the Pope and declaring himself to be head of the church of England (today called the Anglican Church, except in the United States, where it is known as the Episcopal Church due to the desire of the American revolutionaries to disassociate themselves from identity with England). Henry VIII never “withdrew from contumacy” and hence died excommunicated. In contrast, the racist segregationist Leander Perez was excommunicated by New Orleans Archbishop Joseph Rummel in 1962, but since Perez repented

before his death in 1969, he died as a Catholic in good standing with the Church. This is the outcome that the Church seeks and fervently desires.

Dr. Peters concludes that “the primary purpose behind excommunication is the personal reform of the offender. When excommunication works, it honors all these ends and accomplishes all these goals. When it does not work, it is probably the result of the individual’s hardening of the heart against the grace of conversion that, more than anything else, the Church wishes to accomplish.”<sup>10</sup>

Seen in this way, a censure such as excommunication is not at all vindictive, but may be seen as a sort of “tough love,” just as loving parents discipline their children to teach them the difference between right and wrong. In fact, it would be most unloving to allow people to persist in their wrongdoing without pointing out the fault. Jesus spoke about fraternal correction (Matthew 18:15-17) and St. Paul wrote that “love is the fulfillment of the law” (Romans 13:10). My own Episcopal motto reflects this: *Lex Cordis Caritas*, that is, the Law of the Heart is Love.

As expressed in the very last paragraph of the *Code of Canon Law*, the ultimate aim of canon law is the “salvation of souls.”<sup>11</sup> In this context, excommunication is rightly understood as a loving remedy provided by

the Church for those who have strayed from the truth, so that all the Christian faithful may be formed into the one holy, Catholic and apostolic Church as the loving Bride of Christ (Ephesians 5:22-33).

May God give us this grace. Amen.

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<sup>1</sup> Steve Hochstadt, "Praying with Women," [http://www.myjournalcourier.com/news/editorial-home\\_top-opinion/50041915/Praying-with-women#.U9r23VIg-03](http://www.myjournalcourier.com/news/editorial-home_top-opinion/50041915/Praying-with-women#.U9r23VIg-03), July 29, 2014.

<sup>2</sup> Cf. Canon Law Society of America, *New Commentary on the Code of Canon Law* (New York: Paulist Press, 2000), p. 1531.

<sup>3</sup> See canons 1397 and 1399.

<sup>4</sup> Patrick Yeagle, "Woman Priest Defies Catholic Diocese," <http://illinoistimes.com/article-14204-woman-priest-defies-catholic-diocese.html>, July 17, 2014.

<sup>5</sup> "Local woman to be ordained as Catholic priest," *State Journal-Register*, April 12, 2014.

<sup>6</sup> <http://romancatholicwomenpriests.org/ordained.htm>.

<sup>7</sup> See "New 'inclusive' church planning Masses," *thetelegraph.com*, June 10, 2014.

<sup>8</sup> See "Mass attendance low, leaders not discouraged," *myjournalcourier.com*, July 10, 2014.

<sup>9</sup> Edward Peters, J.D., J.C.D., *Excommunication and the Catholic Church*, (West Chester, Pennsylvania: Ascension Press, 2006, pp. 4-5.

<sup>10</sup> Peters, *Excommunication and the Catholic Church*, p. 53.

<sup>11</sup> Canon 1752, "In cases of transfer, the prescriptions of can. 1747 are to be applied, with due regard for canonical equity and having before one's eyes the salvation of souls, which is always the supreme law of the Church." *Code of Canon Law*, Latin-English edition (Washington, D.C.: Canon Law Society of America, 1983).