



Pastor's Notes for February 17, 2019: **Excommunication**

A topic that has headlined many Catholic news sites and blogs, as well as having been on the minds of countless faithful here in the United States, is that of the recent legislation in the State of New York which takes away all restrictions on abortion and, even more disturbingly, directly denies the right of personhood to unborn children. As horrible as this legislation seems to be, it is only compounded by the fact that it was celebrated in a government building with jubilation, cheers, and applause, and as if that were not enough, the executive officer who signed it into law, Governor Andrew Cuomo, professes to be a Catholic. The great scandal of this action has been felt by many, and it continues its insidious effect in other states, not the least of which was the State of Virginia, who has now proposed similar legislation. Of course, people who have been fighting for the pro-life cause since that fateful day when the Supreme Court ruled in *Roe v. Wade* that somehow our Constitution provided a right to kill the baby in a woman's womb, under the guise of privacy and women's rights, are now being vindicated from the charge that they were overreacting. Back then, abortion was touted as a liberation for women everywhere, and they shout slogans such as, "My body, my choice!" We, however, note, the tragic irony that the human being that dies as a result of her choice, is in fact not her body, being biologically and personally distinct, albeit dependent upon her. We ask ourselves, "How did we get here?" I can only point to the classic analogy of a frog boiling in water. If this present legislation were to have been introduced in 1973, these legislators might have faced jail time for crimes against humanity. But now that we have been allowed to soak in the gradually heated water of the culture of death, this latest atrocity is touted as something to celebrate, as if we were just in a nice warm hot tub, enjoying life. No one need pay attention that the hot tub is full of the blood of unborn babies.

The question that then arises in regards to those who profess to be among our number as Catholic Christians, and yet support such heinous atrocities that would make even the judges at Nuremberg blush, is, "What can be done?" Is this not the right time for the exercise of the worst penalty the Church can offer, excommunication, which is essentially the casting out into the outer darkness where there is wailing and grinding of teeth? Many people have asked me this, especially in my role as a canon lawyer in the Church. The answer is somewhat complex, in that we have lost the proper sense of what an excommunication is and at the same time lost our resolve to utilize penalties. This lack of resolve tragically resulted in the current clergy sex abuse crisis, which was not merely a scandal of priests doing bad things, but rather the scandal of bishops doing nothing about it, not even following the canon law the Church had provided as a remedy for that scandal. But to the issue at hand, there is a process and procedure for declaring or issuing a decree of excommunication. Many people, like those bishops mentioned above, had an erroneous understanding that law and penalties had no place in the Christian community. But these naïve concepts overlooked the very Scriptures and words of Jesus himself. We read in the Gospel of Matthew 18:15-17, "*If your brother sins against you, go and tell him his fault between you and him alone. If he listens to you, you have won over your brother. If he does not listen, take one or two others along with you, so that 'every fact may be established on the testimony of two or three witnesses.' If he refuses to listen to them, tell the church. If he refuses to listen even to the church, then treat him as you would a Gentile or a tax collector.*" Here we see clear Biblical evidence from the very words of Jesus of the penalty of excommunication and the process to arrive at the application of this penalty.

In the canon law of the Church (CIC '83) this process and penalty is clearly laid out, just waiting for a bishop to apply it. Now, there are various opinions about which canon to utilize. There is a canon that establishes an automatic excommunication for anyone who procures a direct abortion. However, this would not apply to a politician, as they are only remotely the cause of any abortion that might take place under this law. But this is not the only canon that can be used. It could be argued that Governor Cuomo, who professes the Catholic faith, by his long-time advocacy for abortion and his obstinate refusal to repent of this advocacy, violates a basic tenet of the faith, placing him in the category that Canon 1364 §1 treats: "... *an apostate from the faith, a heretic, or a schismatic incurs a latae sententiae excommunication.*" From §2, "If contumacy of long duration or the gravity of scandal demands it, other penalties can be added...." Secondly, Canon 1369 clearly states, "*A person who in a public show or speech, in published writing, or in other uses of the instruments of social communication, utters blasphemy, gravely injures good morals, expresses insults, or excites hatred or contempt against religion or the Church is to be punished with a just penalty.*" While these matters require a juridical process with the right to defense and the need of evidence to render a definitive sentence, I believe that the bishops of the Church would once again be remiss in their sacred duty as shepherds of the flock entrusted to them if justice were not pursued in this instance. The salvation of souls is always the goal of the law of the Church, and repentance and conversion are the ultimate aim. Let us pray that Governor Cuomo and any other person who supports such legislation who would call himself or herself Catholic would repent from the culture of death and embrace the fullness of the faith, leading to life.

Sincerely in Christ Jesus,

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Pastor and Rector