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Can we avoid harm at the hands of churchmen?

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One sure way to lose your faith is to fail to distinguish between acts of the Church and the acts of churchmen.

Professor William Marra (RIP)

One day I sat thinking, almost in despair; a hand fell on my shoulder and a voice said reassuringly: cheer up, things could get worse. So I cheered up and, sure enough, things got worse

Attributed to James Hagerty

White House Press Secretary (1953-1961)

For what shall it profit a man, if he gain the whole world, and suffer the loss of his soul?

Mk 18:36

When the Saint Joseph Foundation was incorporated in 1984, many of us were distressed at the state of affairs in the Church. Now, thirty-four years later, could you find anyone who would argue that it has improved? In the greater ecclesiastical landscape that is now being painted, it is extremely worrisome how quickly the safeguards of the faith are being swept aside. The fear that we might be entering a darker period needs to defer to the actuality that we are truly in it. We can see all around us the confusion, despair and a sense of betrayal on the part of faithful Catholics, the great part of which was caused by those who have been entrusted with the formation and care of souls. I assume that it is not necessary to offer any documentation because most *Christifidelis* readers are very knowledgeable. For recent corroboration, see



Straws in the Wind in this and previous issues; and our burden is made worse by the increasing hostility of secular culture towards religion in general and Catholicism in particular.

Even in the best of times and despite all we might do to prevent it, we can suffer harm, both in the world and the Church. This article will review what the law says and suggest some options that might help in avoiding risks that are spiritually hazardous.

Legal remedies

Our experience has shown that whenever faithful Catholics claim that their rights have been violated, often the adverse party is the diocesan bishop. From the following, it looks like there are legal remedies available.

The Christian faithful can legitimately vindicate and defend the rights which they possess in the Church in the competent ecclesiastical forum according to the norm of law.

Can. 221 §1.

The object of a trial is: 1° the pursuit or vindication of the rights of physical or juridic persons, or the declaration of juridic facts.

Can. 1400 §1

Judgment of the following is reserved to the Roman Rota: 1° bishops in contentious matters

Can. 1405, §3

As we know from the previous issue, the law requires that those who cause harm by any act

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placed with malice or culpability must repair the damage. When we consider this in light of the above canons, one might think that anyone who has a reasonable case should find justice. Well, think again because there are a couple of things standing in the way. The first is the lengthy process and expense of going before the Rota and the second is the virtually total refusal in hierarchic circles to admit that a bishop could do anything wrong, let alone be held accountable.

I am not suggesting that we give up on the legal process. If you feel that you have been harmed by someone in authority, please contact the Saint Joseph Foundation. You will receive an evaluation based upon the specific circumstances of the situation. Even if a legal remedy is not immediately available, there are alternatives.

My own opinion is that legal remedies to harm done by Church authorities exist only on paper. Until we can make them real, we must use other tactics.

Protecting ourselves from harm

In our everyday lives, we are obviously at risk of harm from the forces of nature as well as human error or malice. We can protect ourselves by certain measures, like burglar alarms, strong locks, safety and fire prevention measures or storm cellars. If these means fail, we can protect ourselves from the economic consequences with insurance. Additionally, we can protect ourselves by avoiding risky situations or people to the extent that we can.

In the Church, things are different. I have not been able to find an insurance policy that protects me from spiritual loss arising from acts of ecclesiastical authorities and I doubt that anyone else has either. Instead, we can protect ourselves by seeing to it that our spiritual lives are in good order. To help prepare for or deal with the aftereffects of harmful actions, one source that I highly recommend is *Hurting in the Church* by Father Thomas Berg, published by Our Sunday Visitor. It is available at <https://www.amazon.com/Hurting-Church-Forward-Wounded-Catholics/dp/1681920441> for just \$10.84.

It is also prudent to avoid risks to the extent possible—and just how possible that may be is a key question.

Avoiding risk in the Church

Almost any human activity involves at least some level of risk. In the business and professional world, the method of dealing with it is called risk avoidance, which Black's Law Dictionary defines as:

A risk management technique taking steps to remove a hazard, engage in different activities or to end a certain exposure to risk.

In the "City of Man," risk avoidance is connected to things of the world, and damage is measured by worldly standards. On the other hand, in the "City of God" there is no way that harm can be measured by secular standards. As the Gospel of Saint Mark instructs us, one human soul is worth more than the whole world and everything in it. This reminds me of a sermon by the Rev. Billy Graham that I saw on television many years ago. Dr. Graham was preaching on the same passage from the Gospel and, to illustrate the worth of our souls, with a wry smile he told the congregation: "You who have sold out to the devil did so far too cheaply! You should have held out for a higher price. He knows how much your soul is worth. He would have paid it!" To put this in perspective, just imagine that the U.S. federal debt of some twenty trillion dollars was owed to you and remember that your soul is worth even more than that staggering sum. Therefore, as canon 1752 reminds us, the salvation of souls must always be the supreme law of the Church.

When we practice risk avoidance, we must exercise caution in doing so. We can see how this principle might be applied to two key aspects of our life in the Church.

Attending Mass

If you were marooned on an uninhabited island or placed in some other milieu — like North Korea — where contact with the Church was impossible, you could get to heaven even without access to the Mass or ministers of the sacraments; but I cannot imagine a faithful Catholic who would choose to be in circumstances where they were not bound by canon 1247

On Sundays and other holy days of obligation, the faithful are obliged to participate in the Mass. Moreover, they are to abstain from those works and affairs which hinder the worship to be rendered to God, the joy proper to the Lord's day, or the suitable relaxation of mind and body.

Sadly, there are some faithful Catholics who find themselves in a similar dilemma. While not physically isolated, they must search far and wide beyond their parish churches to find places where they can fulfill their obligation to attend Mass and receive the sacraments without being scandalized.

I have heard from many faithful Catholics who find it extremely burdensome to fulfill their obligation to attend Mass at their parish church. Some have found another diocesan parish. Others attend Masses celebrated in the Extraordinary Form, Divine Liturgy at an Eastern Catholic Church or parochial communities of the Ordinariate of the Chair of Peter. If they cannot find an alternative within a reasonable distance, are

there any alternatives? Canon 1248, §2 provides some guidance.

If participation in the eucharistic celebration becomes impossible because of the absence of a sacred minister or for another grave cause, it is strongly recommended that the faithful take part in a liturgy of the word if such a liturgy is celebrated in a parish church or other sacred place according to the prescripts of the diocesan bishop or that they devote themselves to prayer for a suitable time alone, as a family, or, as the occasion permits, in groups of families.

Note that the law does not distinguish between physical and moral impossibility. The latter has been defined as follows:

*A moral impossibility is a difficulty that allows the physical fulfillment of an obligation but renders it extremely burdensome. (See F. Roberti – P. Palazzini, *Dizionario di teologia morale*, I Roma, 1968)*

Based on the accepted standards of interpretation expressed in canons 16 - 19, we can safely presume that it includes both. Beyond that, all I can do here is to urge anyone who believes that it is morally impossible to attend Mass on a Sunday or other holy day to pray fervently and seek the best spiritual direction available.

Reception of the sacraments

Canon 1248 applies only to attendance at Mass; not the reception of the sacraments, so we need to turn to canon 844, §2.

Whenever necessity requires it or true spiritual advantage suggests it, and provided that danger of error or of indifferentism is avoided, the Christian faithful for whom it is physically or morally impossible to approach a Catholic minister are permitted to receive the sacraments of penance, Eucharist, and anointing of the sick from non-Catholic ministers in whose Churches these sacraments are valid.

Unlike canon 1248, canon 844 does mention moral impossibility; but it does not specify those non-Catholic Churches with valid sacraments. In North America by far the most numerous are the Eastern Orthodox; but their law does not allow their ministers to admit Catholics, so we should not approach them without permission from the competent Orthodox authority. There are also the Old Catholic and Polish National Catholics, although their parishes are few and far between compared to the Eastern Orthodox. Some of them have become very liberal and ordain women, so caution should be exercised.

The Society of St. Pius X (SSPX) surely has valid sacraments and is within the Catholic Church, albeit in a canonically irregular status. Furthermore, Pope Francis has extended indefinitely the Year of Mercy mandate that allows Society priests to hear the confessions of and grant absolution to all Catholics. As far as receiving the Eucharist from priests of the SSPX, we can refer to the venerable *Regulae iuris* (Rule of law) of Boniface VIII:

Cui licet quod est plus, licet utique quod est minus. (He who may do the greater may do the less.) Reg. 53 R.I in VI°

In application, if a Catholic may receive the Eucharist from a minister who is not in communion with the Church (greater), one could receive "irregular" minister (less).

The Foundation will continue to seek out lawful solutions for Catholics in these difficult situations.

Community

Immediately after death we face individual judgment by Christ. Even though we will have to account for our own sins, the Church has provided communities, usually called parishes, to assist us in working out our salvation. *The Catechism of the Catholic Church* teaches us that the parish "is the place where all the faithful can be gathered together for the Sunday celebration of the Eucharist. The parish initiates the Christian people into the ordinary expression of the liturgical life: it gathers them together in this celebration; it teaches Christ's saving doctrine; it practices the charity of the Lord in good works and brotherly love" (No. 2179). The law also not only permits but encourages members of the faithful to form associations. In these very difficult times, I would argue that it is sometimes necessary to form associations to perform some functions that should in better circumstances would be performed by their parishes. These associations cannot replace parishes. However, they can deliver a significant degree of fellowship and spiritual support.

The Foundation has assisted many good Catholics in the formation of private associations at the grass-roots level. It is my impression that there are fewer of them at a time when they are needed more than ever. For example, at one time Catholics United for the Faith (CUF) had a large network of local chapters in North America and elsewhere in the English-speaking world. Regrettably, over the past ten years that network declined; but there are still some out there. Now that CUF and the Saint Joseph Foundation are affiliated, the work of rebuilding can begin.