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Review: 'Toward A Catholic Constitution'

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These elements of governance are not foreign to the church, much less antithetical to its mission or doctrine. The book points to many precedents and parallels in Catholic tradition. Some of them, conciliar structures, terms of office, and due process, for example, are already part of the church's Canon Law. They need to be applied more broadly and effectively.

Other elements, like separation of powers, equal access to positions of leadership, and the right to information, are less congenial to the present configuration and style of the church's government. But, and this is the book's real contribution, they are eminently worth debating.

Most of the book is not about the constitution, rather it gives philosophical and historical background to issues related to the church's governance. It ranges back and forth through the centuries of the church's life, offering hundreds of vignettes, episodes, and explanations. It is both interesting and provocative.

Leonard Swidler is a dreamer, and a Catholic Constitutional Convention will never happen (except perhaps in cyberspace!), but the issues he raises deserve wide discussion.

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JAMES A. CORIDEN

IV

Reading Leonard Swidler's *Toward a Catholic Constitution* evoked in me a complex set of reactions that reflect the various sites in which I live as a Catholic historical theologian. Contemplating my options for this commentary, I formulated three different openings. Unable to decide among them, I include all three under headings suggestive of the divergent perspectives that influenced my assessment of this book.

1. "Historical theologian with a penchant for details." My own love for historical theology came, in part, as an undergraduate reading one of Joseph Jungmann's accounts of liturgy. His meticulously detailed argument left a deep impression. I remember recognizing how Jungmann presented each detail to break open the richness of Catholic liturgical past and at the same time lay the groundwork for contemporary liturgical reforms. Leonard Swidler's *Toward a Catholic Constitution* seems to wish to use historical analysis in a similar fashion. The book offers an episodic historical account of a familiar narrative: "The Copernican Turn of Vatican II" with an eye toward institutional reform. This particular version has a decidedly Euro-American flavor in which one gets a foreshadowing of the Vatican II "miracle" in three

American prelates, John Carroll, John England, and John Ireland, the latter two Irish-born. Of these three, Swidler lavishes his most enthusiastic praise upon the prelate of the Carolinas and Georgia (1820-42), John England, the "Apostle of Democracy." England's creation of a diocesan constitution within the first decade of his episcopacy makes him, from Swidler's viewpoint, "the most outstanding bishop in American history" (140). Yet, I am disturbed by an enthusiasm that ignores certain problems such as the "apostle of democracy's" public defense of slavery. Even England's constitution, about which I have written (see Papers of the AAR Nineteenth Century Theology Group, 1991), receives from Swidler a more democratic character than the republican document deserves. "All the people" (122) did not elect lay representatives to the annual constitutional convention but only twenty-one year old baptized males. Swidler also omits any mention of England's unabashed defense of Tridentine Catholicism that serves as the constitution's opening article. The omission makes sense, given the book's decidedly dim view of Catholic formulation of doctrine. Yet knowing about these historical oversights makes me suspicious of other important details in the book's historical analysis. Unlike the complexity that I so loved in Jungmann's historical analysis, I find the book's use of historical documents analogous to the use of biblical proof texts to support a predetermined conclusion. Why have we forgotten the lessons taught by Jungmann and other historical theologians whose careful, detailed work undergirded the even more difficult task of church reform?

2. "Disenfranchised but engaged member of the Catholic *polis*." Can I confess a weariness with the two-party system in the United States? It is perhaps because I lose either way that I choose. Recovering from the November election, I was enjoying the ceasefire in the culture wars when I found myself immersed again in American political rhetoric applied to the two-party church. In Leonard Swidler's book, the cold, heartless, and ruthless conservative steps to center stage to face off with the concerned, caring and ultimately rational liberal. The rhetorical ploy forces a clear choice between the evil empire, i.e., the hierarchy, and the People of God (educated, liberal Catholics). In fact, Swidler notes that "the more educated the Catholics, the greater the likelihood of their being liberal, prerenewal and reform, more mature . . ." (96). Even as I recognize and struggle with the deep and difficult problems of triumphalism, juridicism, clericalism, sexism within the Roman Catholic Church, I remain unimpressed by the degree of maturity of the self-congratulatory "modern," "liberal" "individual" who knows what is best for everyone: to become a modern-liberal-individual. I find little to inspire me in a proposal to expand "preferential option for the poor" to a "preferential option for the unfree" (8).

Given the startling absence in this text of theologies like those of U.S. Hispanics, Africans, Asians that challenge the hegemonic anthropology of the autonomous self of American culture, I am tempted to conclude that the unfree are educated American and European Catholics since their sources and concerns are granted a preferential option by Swidler. I realize that in the two-party world constructed by this text my refusal to join the constitutional cause means I must be in alliance with the evil empire. Yet, neither the nostalgic anger of the Catholic traditionalists nor the therapeutic banality of late-twentieth-century liberalism wins my commitment—hence my disenfranchisement by and from both “parties.” How do we get beyond the conservative/liberal split that marginalizes those who are on neither side? Or are we bound for schism, leaving those in the chasm between the two parties with an impossible choice?

3. “Pious Catholic. “ A story. Feast of the Assumption 1996. My ordinary, territorial parish, in a marginal neighborhood, Dayton, Ohio. Our pastor, Father Jim Schutte began by recalling for us the arduous search for bodies at the bottom of the Atlantic lost in the crash of the TWA flight 800 and in mass graves of Bosnia. Promising to end on a happier note, he conjured images of grieving families hoping for even a remnant of that bodily presence of someone they had loved. These acts of heroic divers and stalwart peacekeepers together with the families welcoming their loved ones home for the final time, he noted, are profound acts of hope and of love in the face of overwhelming evil. He reminded all those present that the church, in a way analogous to those families, proclaims our frail bodies to be sacred even in death. By claiming such a privilege for Mary only a decade after the carnage of death camps, frontlines, and mushroom clouds, he noted, the church’s teaching served as a daring act of hope and of love—a daring declaration that death will not triumph. Even our broken bodies will be brought into God’s healing presence of love. Our whole selves will be brought home, and once again embraced by the One who loves us.

So I cannot agree with Leonard Swidler who says the church’s infallible doctrine, “the ‘Bodily Assumption of Mary into Heaven,’ that [it] clearly does not *centrally* contribute to the understanding of human life” (71). I will readily admit along with Swidler that the lack of “historical [scriptural] evidence” (71) crashes against the limits of my post-Enlightenment-formed mind, but then quite frankly so does the Incarnation. I even agree that the label “infallible” is problematic. Yet, that “Catholic thing” much greater than myself tenaciously clings to the Incarnation in all its implication including a mother, *Theotókos*, God-bearer. She, the first disciple, witnesses to the importance not only of Christ’s crucified and resurrected body but of the disciple’s

body the Christ-bearer, who dies with Christ only to live with him. To let go of the Assumption is somehow to let go of something profoundly true about our humanity that appears in that peculiar site, the Catholic analogical imagination. My further question is what else Swidler is willing to forego to make this Catholicism more compatible with a vision of humanity divorced from the Incarnation?

While I have three beginnings in these remarks: as historian, dislocated advocate of reform, and Catholic parishioner, I have no ending. I have no alternative to offer for a community many of whose members find so much of the church's life at the very least disappointing and even intolerable but still find liberal individualism and a social contract theory of church to be another dead end. A part of me wishes that I could be as enthusiastic as Swidler for a constitution, a rationalizing of the church's structure, a solution to our problems of sexism, clericalism, and authoritarianism. My Southern Baptist friends remind me, however, that democracy may not always work in the favor of those whom Swidler assumes will triumph. Given the liberal's deep suspicion of institutional life, I am not at all surprised that the "conservatives" who value institutionalized traditions dominate in many governing bodies. In fact, given the historical narrative that Swidler presents in this text, I am quite frankly left wondering why he remains so committed to this project? What does he identify as "Catholic" that he wishes to constitutionalize?

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AUTHOR'S RESPONSE: A DIALOGUE "TOWARD A CATHOLIC CONSTITUTION"

I am extremely grateful to the editors of *Horizons* and the four colleagues who have taken the time to read and reflect on my proposal for a Catholic Constitution. I have been greatly encouraged by the extremely positive responses of Professors Conroy, Modras, and Coriden, and challenged by the comments of Professor Mize. *Gratias ago vobis!*

I would like to turn first to the "challenges" of Sandra Yocum Mize's reflections on my book. I find Mize's analysis of my discussion of Bishop John England something of a puzzle. I devoted several pages to England insofar as his work was pertinent to the subject of my book, that is, a Constitution for the Catholic Church. Of course, I did not wish to write another biography of Bishop England, and so naturally many aspects of his life and work were left untouched. Hence, I believe Mize chooses the wrong verb when she writes that Swidler "ignores certain problems such as": England's defense of slavery, the fact