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Question Box

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Because of the extremely varied nature of the questions which this column will be called upon to answer, no single editor has been chosen for the Question Box, but experts will be called upon as occasion demands.

QUESTION BOX

Question

May a member of the state legislature vote to extend the grounds for divorce in his state, because his political party favors this change in legislation and needs his vote?

Answer

This reason would not justify a Catholic legislator in favoring the new legislation even though he would have to suffer the loss of political favor and the chance of reelection. For, if the only reason for his vote is the advantage to himself or his party ensuing from the change, there is not sufficient reason to justify an act that would proximately aid a married person to divorce his spouse and contract another union. There might be reasons which would justify a vote in favor of a modification of the divorce laws—namely, if the final result would be fewer divorces. This might be verified in the case of legislation emanating from the federal legislative body, if by establishing uniform divorce laws there would be, on the whole, a more rigorous standard for divorce, even though in certain sections the grounds would be extended. Such a case could hardly occur in the state legislature.

Very Rev. Francis J. Connell,
C.S.S.R., S.J.D., S.T.D.
Dean, School of Sacred Theology
Catholic University of America

Question

At a meeting of our local Guild of Catholic Lawyers in preparation for our annual Red Mass it was announced by the moderator that members of the Guild who desired to receive Communion at our Mass at 11 a.m. might take non-alcoholic liquids such as coffee, milk or orange juice until one hour before Communion. This I did.

The Church near my office has a noon day Mass and I would frequently be able to attend and receive Communion if it were possible for me to take liquids until 11 o'clock. Will the former permission suffice or must I get a new permission?

Answer

A new permission of a confessor is needed since the first permission was given for a particular occasion. However, the new permission will suffice as long as the new situation exists.

The frequent reception of Holy Communion was first encouraged in modern times by Pope (now Saint) Pius X in his constitution "Sacra Tridentina Synodus" of December 20, 1905. But many were unable to receive Holy Communion as frequently as they wished because of their inability to comply with the law governing the Eucharistic Fast, which forbade the taking of any food, medicine or drink, even water, after midnight on the day of Communion.

There were, however, some particular exceptions from the general rule. Thus, a priest suffering from a duodenal ulcer could receive a special rescript from the Holy See allowing him to take some medicine or liquid nourishment before Mass; likewise lay persons suffering from diabetes could secure a rescript allowing the orange juice or other nourishment demanded after the insulin; war workers had certain privileges; servicemen who attended afternoon Masses celebrated by their chaplains had special privileges of a fast of four hours (now three hours) from solid foods and one hour from liquids; there were other concessions for night workers in certain circumstances. It is reported that in France in 1947 the bishops, basing their plea on the weakened condition of the people

after the War, secured from the Holy See an indult for their country mitigating the Eucharistic Fast for those receiving Holy Communion after 9 o'clock. Also, the general law of the Church did provide some concessions for the sick and the dying.

In 1953 Pope Pius XII, viewing the evils of the world in these days, decided the solution for the spiritual ills of the world would be the march of the faithful to the altar rail and thus he issued his constitution "Christus Dominus." The changes which the new law effects are far reaching: 1. Water no longer breaks the Eucharistic Fast and may be taken by anyone at any hour even up to the moment of Holy Communion. 2. The sick even if not confined to bed can on the prudent advice of a confessor take something in the form of beverage or true medicine. This does not hold for alcoholic beverages. 3. The faithful who are not ill may receive permission of a confessor to take non-alcoholic liquids such as coffee, tea, milk or orange juice up to one hour before Holy Communion for any of the following reasons: a. travel; b. extended labor prior to Holy Communion; c. late hour of Holy Communion (9 o'clock a.m. or later).

The word "permission" in this matter has the meaning "prudent counsel that the conditions of the new law are verified." The main purpose of Pope Pius XII in issuing the new constitution concerning the Eucharistic Fast was to encourage a more frequent reception of Holy Communion by allowing some concessions in particular cases. At the same time the Pope protected the reverence due to the Sacrament by entrusting priests with the responsibility of preventing any abuses or any too lenient private interpretation by individual lay persons. Thus each situation demands a judgment by a priest who is qualified to hear confessions even if he makes his judgment outside the confessional.

Once a priest has been informed of the

circumstances and has given you permission to make use of this new privilege to receive Holy Communion at a late hour after having taken liquids the permission will continue effective as long as the circumstances remain substantially unchanged.

Rev. Joseph F. Marbach, J.C.D.
Question Box Editor,
THE PRIEST

Question

Does not the requirement that lawyers seek permission for divorce action involve a breach of professional secrecy? Can a lawyer reveal even to a Bishop the confidential information provided by his client?

Answer

I would be the last to ask for any breach of professional secrecy. This is a basic duty of every lawyer and one which should be conscientiously fulfilled. However, it seems to me that there is no secret about the fact that someone is contemplating a divorce or separation. Ordinarily the matter has been shouted over the housetops. Moreover, the duty to secure permission for civil action rests first on the client; and if the client does so, there is no need for the lawyer to act at all. Finally, if the client refuses to seek the Bishop's approval and even insists that the lawyer should not do so, the lawyer could present the case in a form which would reveal nothing except his own part in the case. He could report that H, a husband, or W, a wife, were seeking his assistance, with a generalized statement of the circumstances which inclined him to accept the case. Certainly he would not reveal any secret of his clients by such a report. He would merely make known his own problem.

Bishop MacKenzie's reply to a question posed during question period following address reprinted on page 37.