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Editorial Comment

Edward T. Fagan

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EDITORIAL COMMENT

The current issue of THE CATHOLIC LAWYER features the third installment of an in-depth study of homosexuality and marriage by Reverend John Rogg Schmidt. The first installment appeared in 19 CATHOLIC LAWYER 84 (1973). The second installment appeared in 19 CATHOLIC LAWYER 169 (1973).

In the first installment Father Schmidt established that the internal personality structure, as distinguished from overt behavior, is what he designates as homo-psychosexual inversion. The positive aspect of such inverts is that they are exclusively or predominantly sexually aroused by members of their own sex. It is a condition of disposition, not necessarily of overt activity.

This genuine homo-psychosexual personality may as a consequence of such disposition be adverse to the marital hetero-psychosexual encounter and lack the capacity to sustain the matrimonial consortium aside from and independent of the issue of impotence in coitus. In essence, such personality consists in the state, of varying degrees, of deviation of the natural sex instinct and inclination from its natural sex subject—a withdrawal and alienation from heterosexual love and of concomitant psychosexual conversion to the same sex.

In view of this personality, Father Schmidt argued that mere ability to consummate the marriage and actual consummation should not make such marriage final and irrevocable. The question should be, has such a personality the capacity to consummate the marital union which embraces the entirety of life and living on an enduring basis?

In the second installment, Father Schmidt described “personality” as the sum total of behavior patterns in view of which the individual purposefully responds and reacts to his environment. Accordingly he stated his proposition that matrimonial invalidity can be resident in and arise directly from the incapacity of the psychosexually inverted personality to positively respond to and to observe, sustain, perform, implement, and fulfill in an enduring manner the essential requirements of the totality of the conjugal heterosexual and interpersonal relationships, at least on a minimal level. The incapacity, if present, is therefore considered as lodged and activated in the personality as such.

Father Schmidt relied on the papal encyclical *Casti Connubii* to establish that positive conjugal fidelity necessarily must pervade

the entire conjugal life operative in the actual conjugal rapport between husband and wife for the mutual development and enhancement of their personalities in temporal and spiritual life. The behavior of the homo-psychosexual would substantially contradict such consensual commitment.

The proposition that such a homosexual personality can meet the respective canonical matrimonial requirements in accord with Canon Law has received at least some substantial support in certain decisions of the Roman tribunals. Father Schmidt analyzed these decisions and concluded that they are not contradictory of the proposition which he advanced. In concluding the second installment he pointed out that it is a matter of judicial record that the Roman Rota, in a number of opinions, recognizes the existence of incapacity of the disordered personality to sustain and to carry on the fulfillment of commitments generally, and those of matrimony in particular, to the effect that those so affected cannot be held to their commitment. Such reasoning should be applicable to the homo-psychosexual personality with respect to his commitment to the matrimonial consortium.

A handwritten signature in black ink, reading "Edward Tagan". The signature is written in a cursive style with a long horizontal flourish extending to the right. Below the signature, the word "Editor" is printed in a simple, sans-serif font.

Editor