

Father Richard P. McBrien

## Essays in Theology



### Sunday closing laws

In the weeks just prior to Christmas, Canadian newspapers focused their attention on two major stories: the controversy in the United States over the secret sale of arms to Iran, and a domestic battle over Sunday shopping.

The latter argument was temporarily settled on December 18, when the Supreme Court of Canada ruled in favor of an Ontario law requiring most retailers to close on Sunday. At immediate issue was the disposition of some 4,000 cases pending in Ontario courts against retailers who had defied the Sunday closing law.

These retailers had done so, however, with an eye to public opinion. Polls have disclosed wide support for Sunday shopping.

According to The New York Times, political analysts in Canada "cast the matter against a backdrop of a nation adjusting, sometimes reluctantly, to its own evolution from an inherently conservative and Christian society to something more complex."

The parallels with the situation in the United States were striking. In favor of keeping most stores closed were the pastoral leaders of Protestant and Catholic churches, as well as organized labor groups who wanted to preserve their memberships' right to Sundays off.

On the other side were the big retail chains, of course, but also non-Christian religious groups, including the Canadian Jewish Congress. Jewish merchants who close on Saturday in observance of their own Sabbath were, in effect, forced to close the entire weekend. They charged religious discrimination.

Five of the six Canadian Supreme Court judges agreed that the Ontario law abridged religious freedom, but they found this to be "reasonable and demonstrably justified," in light of the need to provide for retail clerks a "pause day" each week, on the same day as most other workers.

The lone dissenter, Justice Bertha Wilson, rejected the Ontario government's argument that it has accommodated Jewish and other non-Christian groups by allowing Sunday opening to retailers who observe the Saturday Sabbath, so long as they have no more than seven employees.

According to Justice Wilson, the effect of allowing small non-Christian shops to open while penalizing others is that "the religious freedom of some is respected...while the religious freedom of others continues to be violated."

"It is a sad day in the history of Canada," the executive director of the Canadian Council for Racial Harmony noted. "The court's decision is unjust and

unfair because it fails to recognize the presence of other religious groups besides the Christian majority?"

For court-watchers in the United States, the Canadian controversy does indeed have a familiar look about it. There have been at least a half-dozen U.S. Supreme Court cases concerning Sabbath observance. In four of the cases — all decided in 1961 — the Court ruled in a manner similar to this most recent Canadian decision.

Although Sabbath laws may have originally had a religious purpose, the U.S. Supreme Court conceded, Sunday has become so secularized that such laws could no longer be construed as supportive of religion in general or of any particular religion. Their purpose, Chief Justice Earl Warren wrote, is simply "to protect all persons from the physical and moral debasement which comes from uninterrupted labor."

At the same time, the Court pointed out that such laws would be in violation of the First Amendment, if it could be shown that concern for the sacredness of the day was still their purpose.

Significantly, that was precisely the concern of U.S. Catholic and conservative Protestant leaders back in 1961. They strenuously opposed repeal of the so-called Sunday blue laws on religious grounds.

It was a mistake for them to do it then, and it is a mistake now for their Catholic and Protestant counterparts in Canada.

Constitutional questions are not alone at issue here. If they were, I wouldn't presume to comment on them. These cases also involve theological questions.

What is the proper relationship between the Church and the state? What is the proper relationship between law and morality, and between law and religion?

What can the state expect the Church to do, if anything, to advance the purposes of the state? What can the Church expect the state to do, if anything, to advance the purposes of the Church?

Perhaps the most pointed question is the last. Christians have no religious claim on the state to designate Sunday as a day of rest, any more than Jews have a claim on the state to designate Saturday, or Muslims, Friday.

But this is only scratching the surface. A whole interlocking network of such questions is involved in every public controversy concerning religion. I have addressed many of them in a new book that is scheduled to appear in about a month's time: *Caesar's Coin: Religion and Politics in America* (Macmillan).

Father Paul J. Cuddy

## On the Right Side



### Church momentum in Africa

I first met Ursuline Sister M. Vianney Kennedy in the back pew of the cathedral in Sligo, Ireland, in 1974. I had a group touring Ireland, and we had come from Dublin to the Great Southern Hotel in Sligo for an overnight. It was First Friday, and I wondered whether the devotion to the Sacred Heart of Our Lord was still vibrant in Ireland.

When Sister Vianney slipped into the back pew before Mass, I moved over to her, introduced myself and then interrogated her about the faith in her native land. Twelve years ago it was still strong, though it is less so today. We became friends. When I returned home, I sent her a set of Sheen tapes, which she used in her apostolate. We have exchanged occasional letters.

I have met with Sister Vianney several times during my trips to Ireland. The last visit took place in the lobby of Jury's Hotel in Dublin in October, 1985. She is a registered nurse and had been doing social work among the elderly, the sick and the alcoholics in County Sligo. I can still see the pain on her face as she said, "Father, drink is such a problem in Ireland!" She lived with 50 Ursuline Sisters who conducted a large school in that city of some 13,000 souls.

At our meeting in Jury's, she told me she was in Dublin taking courses in Swahili, a language native to East Africa. "Reverend Mother asked me to go to our mission in Kenya," she told me. "I am 60 years old, but if Mother thinks that's where I am needed, of course I will go!"

After Christmas, a letter from her arrived from Kitui, Kenya, East Africa. "Well, Christmas has come and gone again," she wrote. "It was lovely here, spiritually and temporarily. The Midnight Mass and Christmas Day Mass — rich in liturgy and in the sound of beating drums and of singing — makes the service at home appear anemic by comparison."

"Thousands came to the altar to receive Our Lord, and confessions went on for hours, both Christmas Eve and Christmas Day. I took a service both days and brought the Blessed Eucharist to the out stations. We have 20 out stations, so every Sunday I help out in this way, combining the medicine with the spiritual."

"I love to bring Holy Communion to the people in the bush, and I look on it as a great honor and joy to have been asked."

"I have traveled through rivers, knee-deep, holding the Blessed Sacrament up high, in pure determination to get there, even if it means four or five kilometers of a walk after (crossing) the river. I have to leave the car on this side of the river if the river is too high to cross by car. Thank God this doesn't happen very often, excepting in the rainy season, really."

"I suppose you have heard that five priests, all Irish, have been killed on our roads here in Kenya — RIP. Four were Holy Ghost Fathers, and one was on loan from the diocese of Kildare and Loughlin. The fifth died in a separate accident about a week ago. He was 75 years old and riding a Moped, a small motor bike. He was saluting somebody, ran into a pot hole. His head was badly injured and he died in the hospital four hours after the accident — RIP. The four others died in a car crash, three instantly and one en route to the hospital."

"Every missionary in the country was at the funerals. Practically everybody, I'd say. The procession was miles long. All were buried in the missionary cemetery in Nairobi, the same cemetery where Edell Quinn is buried — that saintly Legion of Mary envoy from Ireland. Her work continues to be strong. Her cause is nearly through, I hear. Deo gratias. She lived in Kenya from 1936 to 1944."

"I'll finish now, and will write later on." **NOTE TO READERS:** The bush lands are great areas of almost wasteland, with occasional primitive villages that have no running water, electricity or amenities we consider necessary. During his diaconate year, Father Alexander Bradshaw, associate at St. John of Rochester, spent a summer in Kenya, East Africa, with much traveling and serving in the bush. He considered it a great initiation.

Regarding Moped: St. Cecelia's Father Newcomb did sick calls on a Moped up to two years ago. He stopped after an accident that nearly cost him his life. He smiled and said, "What is a 70-year-old priest doing riding a Moped?" To which we say, "Amen."

### St. Mary's noontime series to explore contemporary issues

The Downtown Community Forum of St. Mary's Church in Rochester has scheduled a variety of events for the coming months. The popular noontime series, "Conversions: Faith and the Marketplace," will address such topics as Medicaid, drug use, AIDS and work-life con-

### Noted retreat director returns to Cenacle on January 30

Father William J. Connolly, S.J., a noted retreat director, author and spiritual director, will return to the Cenacle Retreat House on January 30 to conduct a retreat for men and women entitled "To Know God and Be Known by God."

The retreat is for those who are seriously interested in deepening their relationship with the Lord in an atmosphere of prayerful quiet.

Retreatants should arrive on Friday at 7:30 p.m.; the retreat will begin on Friday at 8 p.m. and will end on Sunday at approximately 3:30 p.m. The offering for the weekend is \$70.

For information or reservations, contact the Cenacle Ministry Office at (716)271-8755.

fusion. Sessions are scheduled to take place in the commons room of the parish rectory on Tuesdays from 12:10-12:50 p.m., beginning February 3.

The parish is also sponsoring a Scripture-study course on the Gospel of John. Set for noon on Mondays, February 2 through March 30, the course will consider how the Scriptures apply to everyday life and human problems.

Other events will be announced in the weeks to come. All programs of the community forum are open to the public.

### Church to offer devotions on First Saturdays till June

Our Lady of Victory/St. Joseph's Church will be the site for a model observance of First Saturday devotions, Saturday, February 7, at 10 a.m.

Offered in reparation to the Blessed Mother, the devotion includes Mass, the rosary, a 15-minute meditation and confessions.

Devotions will continue at the church, 210 Pleasant St., Rochester, on each first Saturday through June. All are encouraged to attend.



Jeff Goulding/Courier Journal

Carol Hosenfeld, left, and Ruth Dupre welcome customers to the Lilac Gift Shoppe with friendly smiles.

### Lilac Friends Gift Shoppe needs volunteers

The Lilac Friends Gift Shoppe at Rochester Psychiatric Center will soon be celebrating its first anniversary. Shop manager Hilda Giambra fears that the all-volunteer effort might not see its second anniversary.

"We just can't get enough volunteers," she says ruefully. "I feel like I was born for this — I have never felt so needed and wanted. These patients are lonely; many have no friends or family members visiting them, and they really need us."

Ruth Dupre of Blessed Sacrament parish and Carol Hosenfeld of St. Joseph's parish agree. They have worked as volunteers in the shop since it opened. Hosenfeld thinks that it's hard to get new volunteers because people are afraid of the "psychiatric" label.

The mentally ill suffer a terrible stigma,

Hosenfeld observes. "But we've never had a problem with the patients here, in the whole year that we've been open," she adds. "And working with these patients is very personally rewarding for me. We all need to be needed!"

The Lilac Friends gift shop is a joint effort of RPC, the LILAC Project (Living in Institutions, Loving and Caring) and the Friends of Rochester Psychiatric Center, a voluntary group that helped secure funding to start the venture. The small profit generated by the shop is used to meet the special needs of patients.

Volunteers are needed to work weekday afternoons. Those who could give a few hours a week or every other week are encouraged to call the Volunteer Office at Rochester Psychiatric Center, 473-3230 ext. 1533.