

Bishops' discretion, liability in abuse outlined

By John Thavis
Catholic News Service

ROME — Under church law, victims of sexual abuse have a right to compensation from offending priests but not from local bishops, unless the bishop has failed to remove a definite abuser from ministry, a Vatican official said.

"From a canonical point of view, the bishop or religious superior is neither morally nor legally responsible for a criminal act committed by one of his clerics," said Jesuit Father Gianfranco Ghirlanda, a Vatican City appeals court judge and a consultant to several Vatican agencies.

While a priest is subordinate to his bishop, it is not like an employee-employer re-

lationship he said. A priest does not work for the bishop, but "is at the service of God and the whole church community."

Father Ghirlanda, dean of the canon law faculty at Rome's Gregorian University, made his comments in the May 18 edition of the influential Jesuit magazine, *La Civiltà Cattolica* (Catholic Civilization.) The magazine's contents are reviewed prior to publication at the Vatican.

"If an accuser has truly been the victim of an abuse, he has the right to compensation for damages on the part of the delinquent cleric, but not on the part of the bishop, from a canonical point of view," Father Ghirlanda said.

The exception would be when a bishop had been previously notified of abuse al-

legations and failed to use the means at his disposal — including a church investigation — to ascertain the facts and correct the problem or remove the cleric from ministry. (Then) a bishop would have some legal responsibility under church law for subsequent abuse, Father Ghirlanda said.

The bishop also could have some degree of moral responsibility if he was negligent in the priest's formation before and after ordination, he said.

Father Ghirlanda said clerical abuse involves the rights and responsibilities of the priest, the victim and the church community.

"If a bishop or a religious superior arrives at the moral certainty that an accusation is well-founded, he must quickly in-

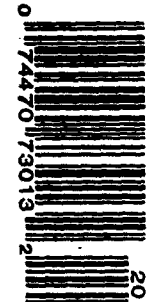
tervene to protect the community from other scandals and damage," he said.

This can include a judicial or administrative process to impose penalties, as spelled out under canon law — but things should reach that point only if "fraternal correction" and rebukes don't reform the offender and repair the scandal, he said.

Father Ghirlanda said a bishop should generally act in a way that does not risk leaving a priest damaged by false accusations. He said, it is not a good pastoral practice for the bishop to inform civil authorities of allegations against a priest, so that the bishop can avoid being implicated in future civil action by an accuser.

He said forcing an accused priest to

Continued on page 6



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Inside This Week

Heading toward the Rochester Health Action Summit — The west side summit is set for June 11.

Young adults — Young adults are looking for new members, ideas — Page 3

Spotting abuse in relationships — Workshop provides advice for teenagers — Page 12

WASHINGTON — As the "Star Wars" movie many have been calling "The Clone Wars" reaches theaters, Washington's nonfiction blockbuster — *The Cloning Wars* — has begun spilling out into the world beyond the Beltway.

Several bills addressing scientific research in human cloning are wending their way through the Senate, with final action on one or another likely before the session adjourns. The House passed a bill last July that would ban all forms of human cloning research. The Senate bills range from a total ban on all cloning research to simple restrictions on how a cloned human embryo could be used.

Across the political spectrum, advocates have begun lining up behind the different versions and have launched very public campaigns to swing voters to their sides. The church and pro-life advocates who have been at the forefront of opposition to embryonic stem-cell research and all human cloning are being joined by an unusual cast of characters — feminists, environmentalists and scientists who conducted some of the first cloning research.

Meanwhile, supporters of some limited human cloning studies have resurrected the careers of "Harry and Louise," the characters who first appeared in 1994 commercials opposing the ill-fated health-care plan proposed by the Clinton administration.

The ads feature the same actors who previously fretted about the impact of the Clinton health plan in ads paid for by the Health Insurance Association of America. This time around, paid by an entirely different group organized by entertainment industry figures, Harry and Louise bemoan the notion that diabetes researchers would go to jail if a ban is implemented on research Louise insists is "not cloning."

Describing one procedure to be banned under a Senate bill as using "an unfertilized egg and a skin cell," they say the procedure therefore is "not making babies."

That campaign is riling one of the sponsors of S.1899, Sen. Sam Brownback, R-Kan.

"Cloning is cloning is cloning," Brownback said. "Whether the use of the cloning procedure is employed for bringing a clone to live birth or for the purposes of destroying it during research, it is wrong."

S.1899, known as the Brownback-Landrieu Human Cloning Prohibition Act, is cosponsored by Brownback, Sen. Mary Landrieu, D-La., and 22 other senators. Introduced in January 2002, it seeks to prohibit "any person or entity, in or affecting interstate commerce, from knowingly: 1) performing or attempting to perform human cloning; 2) participating in such an attempt; 3) shipping or receiving an embryo produced by human cloning or any product derived from such embryo; or 4) importing such an embryo or product."

The U.S. Conference of Catholic Bishops terms S.1899 the only acceptable bill on human cloning among all those pending in Congress.

In a March 1 letter to the Senate, Gail Quinn, head of the USC-CB's Secretariat for Pro-Life Activities, said that only S.1899 would actually ban human cloning. Other bills ban only a procedure known as embryo transfer when the embryo is created by cloning, she said.

Continued on page 10

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