

Rome questions due process, lay review

Sometimes people do the right thing for the wrong reason. To some extent, at least, the Vatican's official response to the U.S. Catholic bishops' "Charter for the Protection of Children and Young People," adopted at last June's meeting in Dallas, falls into this category.

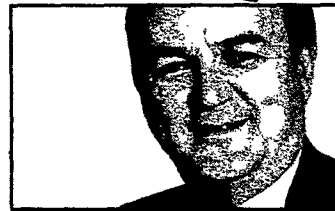
Although there was nothing said explicitly in Cardinal Giovanni Re's letter to the bishops about the lay-dominated review boards that are to be established in each diocese (the National Review Board has already been constituted under the chairmanship of Governor Frank Keating of Oklahoma), that seems to be one of the sources of the Vatican's concern.

Its worry is that in the Dallas charter the U.S. bishops ceded too much of their authority to the laity. If allowed to stand, some of the charter's provisions would, in their mind, alter the very hierarchical structure of the church.

This was the tenor of some of the comments reported in *The New York Times* a day or two after the Vatican's response was made public.

A professor of canon law at Opus Dei's Santa Croce University in Rome told the *Times* that the Dallas charter would force bishops to yield too much discretion over their handling of abuse complaints to the laity, particularly in the creation of review boards to monitor episcopal actions.

There was also a trace of the few-bad-apples defense in Cardinal Re's letter to the



Father Richard McBrien

Essays in Theology

bishops when he insisted that only "a very small number" of priests were guilty of these crimes. "A very small percentage" would have been more accurate.

The Vatican's concern about the charter was entirely legitimate, however; in the matter of due process for accused priests. There is no reason why the church cannot protect children and young people from predatory clergy and, at the same time, guarantee the accused the rights stipulated in the Code of Canon Law.

The two concerns are not mutually exclusive. It takes longer to bring a guilty party to justice via the due-process route, but the end result is the same. To be sure, accused priests should be removed from active ministry until the charges against them have been resolved.

Since the bishops' meeting in Dallas, canon lawyers have been concerned about the absence of a statute of limitations, the right to counsel, both canonical and civil, and the right of appeal. The Re letter also expressed a concern about "vague or imprecise" terminology, particularly with regard to the meaning and scope of the

term, "sexual abuse."

Contrary to some headlines the day after the Vatican's official response was made public, the Vatican did not "reject" the Dallas charter. What it has done is delayed the granting of formal approval, known as the "recognitio." Such approval is required if the charter is to have the force of law.

Until now, the bishops have been free to follow or ignore the recommendations of their brother bishops on the handling of sexual-abuse cases. When the Vatican grants final approval to the charter, as it surely will, the charter's core provisions will have survived critical scrutiny.

Bishops will not be at liberty to enforce them or not. They will be required to do so.

Unfortunately, the credibility of the bishops — and perhaps now of the Vatican as well — is floundering at very low levels. Trust and confidence can only be restored by evidence of real changes in policy and practice and, in the long run, by a strong commitment to systemic and institutional reform in such areas as meaningful lay involvement in church governance and in the process of selecting bishops and pastors. And, yes, truly independent, lay-dominated review boards.

In the end, the safety of children must have priority over outdated structures.

Father McBrien is a professor of theology at the University of Notre Dame.



Elders refrain from singing 'pub tunes'

To the editor:

For the last 20 to 30 years, Catholics have been admonished to participate more in the music of the church. From what I can see, few of us, especially those of us born before 1950, have heeded that admonition. We need to be more honest about the reason for our abstention. We find most of the hymns that one hears most often at Mass to be so inferior to earlier church music that they are actually loathsome.

At first, thanks to the short-sighted Bishops Committee on the Liturgy of 1972, we threw out all the Latin hymns and Masses. Then in a massive overkill, we dumped all of the non-Latin music that was popular before 1972. I've heard "Holy God We Praise Thy Name" exactly twice in the last seven years. With almost nothing left to sing, we adopted many of the old Protestant standbys. This

phase was at least bearable. We knew many of those hymns; we saw them as uplifting and traditional, and we joined in.

Then came the ugly phase we're in now. We created some new hymns of our own, such as "Sing a New Song," "Taste and See," and "Come to the Table of Plenty." Besides their awful "lyrics," they remind us of the music of the English music hall days, or perhaps the worst of the fluffy Irish pub tunes beloved by our grandmothers.

Many of the older people of our parish recall an elderly, somewhat absent-minded organist who ended Mass one Sunday morning in midsummer with "When Irish Eyes are Smiling." I'm sure she would feel very much at home in the modern church. Soon, of course, all this will be moot. Given the present shortage of priests, we'll all be back to Latin Masses on the EWTN channel. Not everyone will be sorry.

Bill Kehoe
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Early priests had families

To the editor:

Bill and Ann Irwin's letter (Oct. 31) regarding the article "Celibacy through the ages" caught my attention. I've not read the original article, but on the subject of Peter's "celibacy," it seems to be in conflict with Sacred Scripture. Paul asks in I Corinthians 9:5, "Do we not have the right to take along a Christian wife, as do

Catholic Courier

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