

# Repentance does not cancel civil liabilities

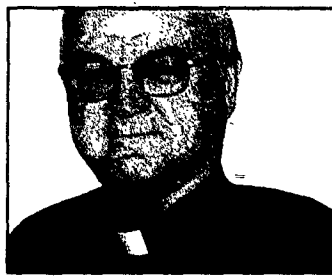
Various U.S. Catholic bishops have been excoriated during the past year for having transferred sexually abusive priests from parish to parish without apparent regard for the safety of other potential victims.

When sued for their behavior, some bishops have resorted to a theological argument, namely, that central to the church's faith is its belief in the power of redemption and the forgiveness of sins.

In a deposition this past January, Cardinal Bernard Law, the resigned archbishop of Boston, invoked this very belief in "the resurrection of new life" to justify his reassignment of a predatory priest to a new parish.

Since then, the issue of redemption has played a key role in the archdiocese's legal argument that the First Amendment's guarantee of religious freedom protects it from liability in the 500 civil lawsuits it faces. Lawyers for the Archdiocese of Boston argued that a victory for plaintiffs would require the court to "modify the church's understanding of forgiveness and grace." The church, they reminded the court, believes as a matter of faith that people can change, even the most hardened sinner.

Therefore, if the courts reject this theological justification for the reassignment of abusive priests, the courts are, in effect, interfering with the church's right to believe and to teach regarding matters of faith



Father Richard McBrien

Essays in Theology

and morals.

It is the church's belief and teaching that every contrite sinner can be forgiven, no matter how heinous the sin. It is also the constant teaching of the church that redemption is available to everyone, and that resurrection to new life is always possible because of the infinite power and mercy of God.

However, the church's theological argument misses a crucially important point. To be forgiven from a sin does not carry with it pardon for a crime nor a guaranteed return to one's former employment. A murderer who repents and confesses may be restored to the state of grace, but not to freedom.

If a bank discovers that an employee has embezzled millions of dollars, it is not required to reassign the embezzler to another branch just because he has gone to confession and been absolved of his sin.

And when the sin is also a crime, there is a legal obligation on the part of the employer to report the crime to the appropriate civil authorities, in accordance with

state or federal law. If, however, a bank chose not to press charges, it would still have an obligation to compensate its customers for any financial losses suffered because of the crime.

Some victims of sexual abuse have refused to testify against a predatory priest, even though there was credible evidence of his guilt. But that did not exempt the church from its moral responsibility to remove the priest from ministry in order to protect other potential victims, nor did it exempt the church from its legal responsibility to report such abuse to the civil authorities, if required to do so by law.

And under no circumstances would church officials have been exempted from the obligation of warning a future parish or diocese of a priest's record of abusive behavior. But that is exactly what has happened, again and again, to the point where we now have one diocese, San Bernardino, suing another, the Archdiocese of Boston, for having hid a priest's history of sexual molestation when approving his transfer to California.

The lawsuit charges Boston with "misrepresentations and suppression of information" and "active misconduct and negligence."

Redemption and forgiveness have absolutely nothing to do with it.

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

## Group seeks fixed ratios for facilities

To the editor:

Over two years ago, nursing home understaffing was one of the issues aired at a public hearing held in Rochester (*Catholic Courier*, Feb. 21, 2001, "Nursing homes fight cuts").

This year Nursing Home Community Coalition of New York State has called for passage of legislation that would mandate a set number of nurses and nurse aides per nursing home resident.

Because such a staffing ratio bill faces an uphill battle, the Coalition wants a temporary moratorium to prevent more residents from being admitted to nursing homes that rank at the bottom in terms of caretaker/resident ratios.

According to a recent government report, only 2 percent of New York's nursing homes meet minimal staffing levels. As Coalition representatives have explained to legislators, "where there is insufficient time to take residents to the bathroom, they are forced to wear diapers unnecessarily, or, even worse, frequently wind up sitting for hours in their own waste. When there is not enough time to properly feed residents, they often go hungry. These and other troubling consequences of low staffing occur in many nursing homes throughout the state. And when these circumstances occur, resident health suffers: bed sores, loss of functionality, mental impair-

ment, and dehydration are just some of the results."

The Coalition wants the aide-to-resident ratios to be 1:5 for days, 1:8 for evenings and 1:12 for nights. The ratios for professional nurses who give direct care would be 1:10 for days, 1:15 for evenings and 1:20 for nights. These ratios would give each resident three hours of aide time and 2.5 hours of professional nurse time during a 24-hour period.

The staffing legislation would require additional funding for nursing homes. It would also help our most vulnerable citizens and would provide many new jobs at a time of high unemployment.

Joel Freedman  
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Canandaigua

## Pope lacked all the facts about Iraq

To the editor:

I would like to add my voice to those of Dr. D'Amico and Edward A. Ryan III with regard to the war with Iraq and political correctness in the church.

It is true that even tyrants are children of God. It is not true that their evil ways are always within our power to change peaceably. If those holding positions of authority in the Church or in the government cannot accept that reality, then I fear for the future of both my church and my country.

I too am "troubled to the depths of my soul" over the issue of political correctness in the Church. Father McBrien's assertion that Catholics who support "a Protestant politician from Texas" rather than the Holy Father are somehow disloyal was disrespectful to both President Bush and the presidency itself. President Bush and his advisers had access to all the facts; the Holy Father did not.

I am a convert. One reason for my conversion was that the unity of belief in the Catholic Church greatly appealed to me. I was tired of

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