

Peters v. Cuomo

Michael Sean Winters | Feb. 25, 2011 | Distinctly Catholic

[Edward Peters has started a brouhaha](#) [1] by suggesting that Gov. Cuomo should not be given communion because he lives with a woman to whom he is not married. The diocese of Albany has replied, pointing out why it does not interpret the canons as Mr. Peters does and he has replied to the diocese.

The problem here is not, as Peters suggests, with the canons. The problem is that Mr. Peters, like most lawyers, canonical or civil, have a misplaced understanding of the role of their legal craft in the life of the Church and society. I would add that many people defer too quickly and too often to their legal advisors. Indeed, one of the problems with the bishops' initial response to the sex abuse crisis was that they listened too quickly to their lawyers and delivered themselves of statements that were lawlerly rather than pastoral. By way of example, these are the words of Cardinal Egan in 2002 when he first addressed the sex abuse crisis: "If in hindsight we also discover that mistakes may have been made as regards prompt removal of priests and assistance to victims, I am deeply sorry." Deeply sorry? How about deeply clueless? Those words are not words of moral, still less spiritual, authority. They read like they were devised by a lawyer with the specific intent of not admitting any error that could prejudice litigation.

Lawyers have their place. But there is not a brief in the world that can explain the role of briefs in the world. In the case of Gov. Cuomo, the canons of the Church are at the disposal of the bishop to use as he wishes, and as the canons are intended, "for the good of souls." Bishop Hubbard seems to grasp what Mr. Peters, with a professional bias, fails to grasp: That when a bishop finds himself appealing to the canons of the Church in his pastoral ministry or in the court of public opinion, he has already failed in his mission to teach and encourage the faithful. Recourse to the canons of the Church are not just a last resort, they are an admission of failure.

Finally, Mr. Peters repeats the word "public" in his reply to the Diocese of Albany several times. But, he does not know what goes on in the Governor's bedroom nor does he know what has gone on in conversation between the governor and the bishop. My questions for Peters are simple ones: Can he imagine, and admit, that the bishop might, for all anyone knows, be discussing the governor's living situation and encouraging him to regularize it? Can he conceive that such a discussion might be moving in the right direction but could be easily sabotaged were the bishop to adopt the posture Peters recommends? Does Peters think that such a public rebuke would help Governor Cuomo to draw closer to the Church? These are not legal questions, but they seem to me to be the important questions.

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[1] <http://canonlawblog.blogspot.com/2011/02/my-brief-replies-to-albanys-brief.html>