

The Vatican's DA on sex abuse: 'False and slanderous charge against the pope'

John L. Allen Jr. | Mar. 13, 2010 NCR Today

Amid Germany's mounting sexual abuse crisis, which threatens to engulf not only the pope's brother but potentially Benedict XVI's record as Archbishop of Munich from 1977 to 1981, the Vatican took the rare step yesterday of making its chief sex abuse prosecutor available for an on-the-record interview. Monsignor Charles J. Scicluna, a Maltese priest and canonist who works as Promoter of Justice in the Congregation for the Doctrine of the Faith, sat down for an interview published in L'Avvenire, the official newspaper of the Italian bishops' conference.

The following is an NCR translation of the Scicluna interview, conducted by veteran Italian journalist Gianni Cardinale. The Italian original can be found here:

http://www.avvenire.it/Chiesa/intervista+pedofilia+scicluna_201003130801409170000.htm

INTERVIEW

The Vatican's DA: 'The Church takes a hard line on pedophilia'

Monsignor Charles J. Scicluna is the 'Promoter of Justice' in the Congregation for the Doctrine of the Faith. In practice, he's the prosecutor for the tribunal of the former Holy Office, which has the responsibility to investigate the so-called *delicta graviora*, crimes which the Catholic Church considers absolutely the most grave: for example, those against the Eucharist, against the sanctity of the Sacrament of Penance, and crimes against the Sixth Commandment ('do not commit impure acts') by a cleric with a minor under eighteen. These are crimes which a *motu proprio* from 2001, *Sacramentorum sanctitatis tutela*, reserved to the competence of the Congregation for the Doctrine of the Faith. In fact, it's the Promoter of Justice who, among other things, handles the terrible question of priests accused of pedophilia periodically raised by the mass media. Monsignor Scicluna, an affable Maltese priest who's gentle in his personal style, has the reputation of doing his job with maximum diligence, and without being intimidated by anyone.

Monsignor, you have the reputation for being tough, but the Catholic Church is systematically accused of being accommodating with regard to so-called 'pedophile priests.'

It's possible that in the past, perhaps due to a misunderstood sense of defending the good name of the institution, some bishops in practice were too indulgent with regard to these very sad cases. I say in practice, because in principle the penalty for this type of crime had always been firm and unequivocal. Just in terms of the past century, it's enough to recall the now-celebrated instruction *Crimen Sollicitationis* of 1922.

Wasn't that 1962?

No, the first edition dates to the pontificate of Pius XI. Then under Blessed John XXIII, the Holy Office prepared a new edition for the bishops in the Second Vatican Council [1962-65], but they only made 2,000 copies, which were not enough for distribution, and it was delayed indefinitely. In any case, it's a matter of

procedural norms to follow in the case of solicitation in the confessional and other grave crimes of a sexual nature, such as the sexual abuse of minors ?

Norms, however, which recommended secrecy ?

A bad English translation of the text made people think that the Holy See had imposed secrecy in order to hide the facts, but it wasn't like that. Procedural secrecy served to protect the good names of everyone involved, first of all the victims themselves, and then the accused clergy, who have the same right as everyone else to the presumption of innocence until proven otherwise. The Church doesn't like to make a spectacle of justice. The canonical rule on sexual abuse, however, was never understood as a ban on reporting [crimes] to the civil authorities.

That document, however, is periodically invoked in order to accuse the current pope of having been, in his capacity as prefect of the Holy Office, responsible for a policy of cover-up on the part of the Holy See ?

That's a false and slanderous accusation. In this regard, let me point out certain facts. Between 1975 and 1985, I've found that no report of cases of pedophilia involving clergy arrived to the attention of our congregation. However, after the promulgation of the new Code of Canon Law in 1983, there was a period of uncertainty about the list of delicta graviora reserved to the competence of this dicastery. Only with the *motu proprio* of 2001 was the crime of pedophilia returned to our exclusive responsibility. From that moment, Cardinal Ratzinger demonstrated wisdom and firmness in handling these cases. What's more, he also showed great courage in taking up some cases which were extremely difficult and delicate, *sine acceptione personarum* (without special treatment for anyone). Therefore, to accuse the current pope of a cover-up is, I repeat, false and slanderous.

In the case of a priest accused of a grave delict, what happens?

If the charge is credible, the bishop is obliged to investigate both the accusation and the person accused. If the result of the preliminary investigation is that [the case] has merit, the bishop can't simply handle it himself, but must refer the case to our congregation, where it's handled by the disciplinary office.

Who makes up this office?

Other than myself ? and since I'm one of the superiors, I also deal with other questions ? there's a head of the office, Fr. Miguel Funes Diaz, seven priests, and a lay criminalist who work on these matters. Other officials of the congregation also offer important contributions based on the requirements of language and competence.

The office is accused of not doing much and doing it slowly ?

Those suggestions are unjust. In 2003 and 2004, an avalanche of cases arrived on our desks. Many of them came from the United States, and dealt with the past. In recent years, thank God, the phenomenon is greatly reduced. For that reason, we now try to deal with the new cases in real time.

How many have you handled so far?

Altogether in these nine years, 2001-2010, we've examined accusations that regard roughly 3,000 cases of priests, diocesan and religious, which involve offenses committed in the last fifty years.

So, 3,000 cases of pedophile priests?

It's not correct to put it like that. We can say that in general, in sixty percent of these cases, it's more a matter

of ephebophilia, that is, sexual attraction to adolescents of the same sex. In another thirty percent, it's a matter of heterosexual relations. Ten percent involve true pedophilia, meaning sexual attraction to pre-pubescent children. The cases of priests accused of genuine pedophilia, therefore, amount to roughly 300 in nine years. That's too many cases ? of course! ? but it's important to recognize that the problem isn't as vast as it's sometimes made to seem.

The accused, therefore, are 3,000. How many have been tried and condemned?

First of all, one can say that a legal proceeding in the full sense, whether penal or administrative, happened in twenty percent of the cases, and normally it took place in the original diocese ? always under our supervision ? and only rarely in Rome. We do it that way also in order to speed things up. In sixty percent of the cases, then, above all due to the advanced age of the accused, there wasn't a full proceeding, but some administrative and disciplinary measures were taken, such as a ban on celebrating Mass with the faithful and on hearing confessions, and the requirement to live a secluded life of prayer. It's worth remembering that in these cases, among which were some particularly noteworthy and closely followed by the media, it wasn't a matter of absolution. Certainly, there wasn't a formal condemnation, but if someone is confined to silence and prayer, there's a reason for it ?

What about the other twenty percent of the cases?

Let's say that in ten percent of the cases, those which were especially grave and where the proof was overwhelming, the Holy Father took up the painful responsibility to authorize a decree of removal from the clerical state. That's an extremely grave step, taken in administrative fashion, but it was unavoidable. In the other ten percent of the cases, the accused clergy themselves asked to be relieved of the obligations of priesthood. That was quickly accepted. Among these last cases were some priests caught in possession of child pornography and, for that reason, also condemned by civil authorities.

Where do these 3,000 cases come from?

Above all from the United States, which, during the years 2003-2004, accounted for around 80 percent of the total number of cases. For 2009, however, the American share dropped to around twenty-five percent of the 223 new cases reported in the entire world. In recent years, between 2007 and 2009, the average number of cases reported to the congregation from around the world is 250. Many countries report only one or two cases. Therefore, while the diversity and the number of countries involved may be growing, the phenomenon itself is fairly limited. It's important to remember that the total number of diocesan and religious priests in the world is around 400,000. That statistical reality doesn't correspond to the perception created when these extremely sad cases take up the front pages of newspapers.

What about Italy?

So far the dimensions of the problem don't seem dramatic, although what worries me is a certain culture of silence that I see as still too widespread here. The Italian bishops' conference (CEI) offers an optimal service of consultation on technical and juridical matters for bishops who have to handle these cases. I note with great satisfaction an ever-growing determination on the part of the Italian bishops to bring clarity to the cases reported to them.

You said that full legal proceedings happened in twenty percent of the roughly 3,000 cases you've examined in the last nine years. Did they all end with a condemnation of the accused?

Many of the proceedings that have already concluded finished with the condemnation of the accused, but there were some where the priest was found innocent, or where the evidence wasn't found to be sufficient. In any

case, however, we study not only the guilt or innocence of the accused cleric, but also his suitability for public ministry.

A frequent accusation directed at the ecclesiastical hierarchy is that of not denouncing the crimes of pedophilia of which they were aware to the civil authorities.

In some countries with an Anglo-Saxon legal culture, but also in France, the bishops ? if they become aware of crimes committed by their priests outside of the seal of the sacrament of confession ? are required to report them to the civil authorities. That?s a very grave matter, because these bishops are being forced to take a step comparable to a parent who denounces his or her own child. That notwithstanding, our position in these cases is to respect the law.

What about situations in which bishops aren?t legally required to do it?

In these cases, we do not impose an obligation on bishops to denounce their own priests, but we encourage them to contact the victims to invite them to report the priests who victimized them. Beyond that, we invite them to give every kind of spiritual assistance, and not just spiritual, to these victims. In a recent case regarding a priest condemned by an Italian court, it was precisely this congregation that suggested to the accusers, who came to us for a canonical process, to also take it to the civil authorities, in the interests of the victims and also to avoid further crimes.

Final question: Is lifting the statute of limitations [the canonical term is ?prescription?] for the *delicta graviora* anticipated?

You?re touching a sensitive point, in my opinion. In the past, meaning prior to 1898, a statute of limitations for penal action was not part of canon law. For the most serious crimes, it was only with the *motu proprio* of 2001 that a ten-year prescription was introduced. On the basis of these norms, in cases of sexual abuse the ten-year period begins to run on the day the minor turns eighteen.

Is that enough?

Experience indicates that the term of ten years isn?t adequate for these kinds of cases, and one would hope for a return to the previous system of no prescription for the *delicta graviora*. On November 7, 2002, however, the Servant of God John Paul II gave this dicastery the faculty to derogate prescription on a case-by-case basis in response to requests from individual bishops. That derogation is normally granted.

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