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Will Ratzinger's past trump Benedict's present?

John L. Allen Jr. | Mar. 17, 2010

Pope Benedict XVI delivers a blessing at the start of his general audience in St. Peter's Square at the Vatican March 17. (CNS photo/Paul Haring)

Analysis

Gino Burresi may sound like the name of a shortstop from the '50s, but among Vatican insiders, it marks a watershed in the sexual abuse crisis. For those with eyes to see, the fall from grace of Burresi, a charismatic Italian priest and founder of the Servants of the Immaculate Heart of Mary, shortly after the election of Pope Benedict XVI, was taken as a signal that the days of lethargy and cover-up were over.

Burresi, 73 at the time, was barred from public ministry in May 2005, just one month after the election of Cardinal Joseph Ratzinger to the church's top job. While the decree cited abuses of confession and spiritual direction, Vatican sources were clear that accusations of sexual abuse involving Burresi and seminarians, dating to the 1970s and '80s, were a principal motive for the action against him.

When the same axe fell a few months later on Mexican priest Marcial Maciel Degollado, the high-profile founder of the Legionaries of Christ, against whom accusations of abuse had likewise been hanging around for the better part of a decade, the message seemed unmistakable: There's a new sheriff in town.

In retrospect, the Burresi and Maciel cases crystallized a remarkable metamorphosis in Joseph Ratzinger vis-à-vis the sexual abuse crisis. As late as November 2002, well into the eruption in the United States, he seemed just another Roman cardinal in denial. Yet as pope, Benedict XVI became a Catholic Elliot Ness -- disciplining Roman favorites long regarded as untouchable, meeting sex abuse victims in both the United States and Australia, embracing "zero tolerance" policies once viewed with disdain in Rome, and openly apologizing for the carnage caused by the crisis.

In a papacy sometimes marred by scandal and internal confusion, Benedict's handling of the sexual abuse crisis has often been touted as a bright spot -- one case, at least, in which the expectations of the cardinals who elected him for a firmer hand on the rudder seem to have been fulfilled.

That background makes the scandals now engulfing the church in Europe especially explosive, because by

putting the pope's all but forgotten tenure as the Archbishop of Munich from May 1977 to February 1982 under a microscope, they threaten to once again make Benedict seem more like part of the problem than the solution.

As of this writing, there's at least one case on the record of a priest accused of abuse who was reassigned in Munich while Ratzinger was in charge, and who went on to commit other acts of abuse. The vicar general at the time has assumed "full responsibility" and insisted that Ratzinger wasn't informed, but it nevertheless happened on his watch. For all anyone knows at the moment, there may be other such cases.

The question now is whether Ratzinger's past may trump Benedict's present. What weighs more heavily: Benedict's willingness to weed out abusers and to acknowledge the damage they left behind, or the church's inability to enforce similar accountability for bishops who failed to act -- a failure possibly reflected in the pope's own stint as a diocesan leader three decades ago?

That question is certain to put Benedict XVI's entire record on the sexual abuse issue, stretching over more than three decades of leadership in the Catholic church, under new scrutiny.

The Munich years

Prior to his appointment as Archbishop of Munich by Pope Paul VI in March 1977, Joseph Ratzinger had been a professional theologian, not a pastor. His natural habitat, so to speak, was not the rectory or the diocesan chancery, but the faculty lounge of prestigious German universities in Bonn, Münster, Tübingen, and Regensburg.

The Archdiocese of Munich and Freising is a sprawling jurisdiction, one of the largest in the world in terms of budget, personnel, and physical plant. It encompasses almost 800 parishes, divided into 40 deaneries. Serving as archbishop was Ratzinger's first real taste of nuts-and-bolts administrative work, and the record seems to show that it wasn't his top priority.

For one thing, the newly elected John Paul II tried to appoint Ratzinger in early 1979 as prefect of the Congregation for Catholic Education in Rome. Ratzinger demurred, saying it was too soon after his arrival in Munich, and John Paul agreed to hold off -- but made it clear he wouldn't wait forever. In a sense, from that point forward, Ratzinger's horizons were much larger than Munich.

Almost from the moment Ratzinger became archbishop, he was drawn into matters outside the archdiocese. Made a cardinal in June 1977, he participated in the two conclaves of 1978, electing John Paul I and John Paul II. In 1980, he served as the *relator*, or general secretary, of the highly contentious Synod for the Family. Behind the scenes, John Paul enlisted Ratzinger's help in supporting the fledgling Solidarity movement in Poland, taking him along on his first 1979 homecoming.

That background lends a whiff of credibility to claims that Ratzinger was not personally involved in decisions about the assignment of priests, since there's every reason to believe that administrative matters of all sorts weren't on his radar screen. In 1984, when the controversial book *The Ratzinger Report* appeared, a group of Munich priests issued a letter of protest, among other things claiming that while Ratzinger had been their shepherd, they had virtually no contact or dialogue with him.

Whether that will be enough to insulate Benedict from the fallout of decisions made in his name, however, remains to be seen.

Late last week, the Munich newspaper *Süddeutsche Zeitung* broke the story of a priest, now identified as Peter Hullermann from the Essen diocese, who had been accused of sexual abuse -- including forcing an 11-year-old boy to perform oral sex -- and sent to Munich for therapy in 1980, with Ratzinger's consent. Hullermann was

then given a pastoral assignment in the archdiocese, apparently without Ratzinger's knowledge, where he went on to commit other acts of abuse for which he was criminally convicted in 1986 -- well after Ratzinger had relocated to Rome in 1982. Hullermann paid a court-imposed fine and served a sentence on probation. Despite that, he continued to serve in a variety of posts in the archdiocese until March 15, when he was formally suspended.

The cleric who served as Ratzinger's vicar general in Munich, Gerhard Gruber, assumed "full responsibility" for the original 1980 assignment, insisting that there were more than 1,000 priests in the archdiocese at the time and that Ratzinger entrusted that kind of personnel matter to subordinates.

To be sure, not everyone was ready to accept that version of events.

"We find it extraordinarily hard to believe that Ratzinger didn't reassign the predator, or know about the reassignment," said Barbara Blaine, of Survivors Network of those Abused by Priests, the leading advocacy group for sex abuse victims in the Catholic church.

The revelation about Ratzinger's Munich years is part of a mounting sex abuse crisis in Germany, with more than 300 allegations of abuse in various church-run institutions. The president of the German bishops' conference, Archbishop Robert Zollitsch, met with Benedict XVI on March 12 to discuss the crisis, and has pledged a full investigation.

The German meltdown, in turn, comes as Benedict XVI is still working on a pastoral letter to Ireland to address a massive sex abuse crisis in that once ultra-Catholic nation, and as similar scandals begin to explode in Holland, Switzerland, and Austria.

Church-watchers in Germany say that reporters and activists are now feverishly combing through Ratzinger's Munich years, searching for other cases of predator priests who slipped through the cracks. The Vatican has reacted angrily to attempts to link Benedict XVI to the crisis on the basis of his Munich years, insisting that those attempts have "failed."

Ratzinger the Prefect

Ratzinger was appointed the prefect of the Congregation for the Doctrine of the Faith in November 1981, making him the Vatican's top doctrinal official. He had little direct responsibility for matters involving sexual abuse by priests, which typically came to Rome's attention only in the rare instances in which a diocesan bishop wanted to laicize a priest without his consent -- in which case, the matter fell to one of the Vatican's canonical tribunals.

To the extent anyone was tracking the sex abuse issue at the level of policy, it tended to be the Congregation for Clergy, whose main interest usually seemed to be defending the due process rights of accused priests.

To be sure, Ratzinger always had an exalted theology of the priesthood, and little patience for priests who sullied their office. Yet for more than two decades after his arrival in Rome in 1981, there's no evidence that he broke with the standard Vatican attitude at the time -- that while priests may occasionally do reprehensible things, talk of a "crisis" was the product of a media and legal campaign to wound the church.

Moreover, Ratzinger was personally responsible for one high-profile case which, in the eyes of critics, confirmed the Vatican's unwillingness to confront the problem: Charges of sexual abuse against Maciel, the founder of the Legionaries of Christ.

Accusations that Maciel had abused members of the controversial order had circulated for several decades, but

in 1998 a group of former members dumped the case directly in Ratzinger's lap. They filed a canonical complaint with the Congregation for the Doctrine of the Faith, since its disciplinary section handles certain serious offenses under canon law, including abuse of the sacrament of penance, and Maciel was accused of absolving his victims in the confessional.

That complaint languished until late 2001, when the mushrooming crisis in the States put new pressure on the Vatican to engage the sexual abuse issue across the board. Still, even though an investigation was launched, no action was taken against Maciel for the next four years -- in part, critics said, because he was protected by influential Vatican patrons, up to and including John Paul II himself.

Ratzinger's attitude toward the crisis at the time can perhaps best be gauged from comments he made on November 30, 2002, during an appearance in Murcia, Spain, at a conference organized by the Catholic University of St. Anthony. During a Q&A session after his talk, Ratzinger was asked: "This past year has been difficult for Catholics, given the space dedicated by the media to scandals attributed to priests. There is talk of a campaign against the church. What do you think?"

This was Ratzinger's reply:

> In the church, priests are also sinners. But I am personally convinced that the constant presence in the press of the sins of Catholic priests, especially in the United States, is a planned campaign, as the percentage of these offenses among priests is not higher than in other categories, and perhaps it is even lower. In the United States, there is constant news on this topic, but less than one percent of priests are guilty of acts of this type. The constant presence of these news items does not correspond to the objectivity of the information or to the statistical objectivity of the facts. Therefore, one comes to the conclusion that it is intentional, manipulated, that there is a desire to discredit the church.

Making Ratzinger's defensive tone all the more striking, his comments came after a summit between Vatican officials and American cardinals, as well as officers of the bishops' conference, in April 2002 to discuss the American crisis, a meeting in which Ratzinger participated.

For the record, in claiming "less than one percent" of priests were guilty, Ratzinger was relying on an analysis by writer Philip Jenkins, published in the mid-1990s, of the Chicago archdiocese. In the end, the U.S. bishops' own study concluded that accusations have been lodged against 4.3 percent of diocesan priests over the last 50 years, and some critics regard even that total as under-reported.

The turning point

Though it didn't look like it at the time, the turning point in Ratzinger's attitude came in May 2001, with a legal document from John Paul II titled *Sacramentum sanctitatis tutela*. Technically known as a *motu proprio*, the document assigned juridical responsibility for certain grave crimes under canon law, including sexual abuse of a minor, to Ratzinger's congregation. It also compelled diocesan bishops all over the world to forward their case files to Rome, where the congregation would make a decision about the appropriate course of action.

In the wake of the *motu proprio*, Ratzinger dispatched a letter to the bishops of the world, subjecting accusations of sexual abuse against priests to the authority of his office and insisting upon "confidentiality," which critics typically regard as a code-word for secrecy.

Whatever the merits of the 2001 letter, it set the stage for a dramatic change in Ratzinger's approach.

Msgr. Charles Scicluna, a Maltese priest who serves as the Promoter of Justice in the Congregation for the Doctrine of the Faith -- in effect, its lead prosecutor -- said in a recent interview with the Italian Catholic paper *L'Avvenire*

that the *motu proprio* triggered an "avalanche" of files in Rome, most of which arrived in 2003 and 2004. Eventually, Scicluna said, more than 3,000 cases worked their way through the congregation.

By all accounts, Ratzinger was punctilious about studying the files, making him one of the few churchmen anywhere in the world to have read the documentation on virtually every Catholic priest ever credibly accused of sexual abuse. As a result, he acquired a familiarity with the contours of the problem that virtually no other figure in the Catholic church can claim.

Driven by that encounter with what he would later refer to as "filth" in the church, Ratzinger seems to have undergone something of a "conversion experience" throughout 2003-04. From that point forward, he and his staff seemed driven by a convert's zeal to clean up the mess.

Of the 500-plus cases that the Congregation for the Doctrine of the Faith dealt with prior to Benedict's election to the papacy, the substantial majority were returned to the local bishop authorizing immediate action against the accused priest -- no canonical trial, no lengthy process, just swift removal from ministry and, often, expulsion from the priesthood. In a more limited number of cases, the congregation asked for a canonical trial, and in a few cases the congregation ordered the priest reinstated.

That marked a stark reversal from the initial insistence of Vatican officials, Ratzinger included, that in almost every instance the accused priest deserved the right to canonical trial. Having sifted through the evidence, Ratzinger and Scicluna apparently drew the conclusion that in many instances the proof was so overwhelming that immediate action was required.

Among insiders, the change of climate was dramatic.

In the complex world of court politics at the Vatican, the Congregation for the Doctrine of the Faith became the beachhead for an aggressive response to the sexual abuse crisis. Ratzinger and his deputies sometimes squared off against other departments which regarded the "zero tolerance" policy as an over-reaction, not to mention a distortion of the church's centuries-long canonical tradition, in which punishments are supposed to fit the crime, and in which tremendous discretion is usually left in the hands of bishops and other superiors to mete out discipline.

Behind the scenes, some Vatican personnel actually began to grumble that the Congregation for the Doctrine of the Faith had "drunk the Kool-aid," in the sense of accepting the case for sweeping changes in the way priests are supervised and disciplined.

Ratzinger's transformation can also be glimpsed from an exchange with Cardinal Francis George of Chicago, which George described in April 2005, just after the conclave which propelled Benedict XVI to the papacy.

Two days before the opening of the conclave, George met Ratzinger in his Vatican office to discuss the American sex abuse norms, including the "one strike and you're out" policy. Those norms had been approved grudgingly in late 2002 by the Vatican, and only for a five-year period. George said he wanted to discuss with Ratzinger the arguments for making the norms permanent. Ratzinger, according to George, showed "a good grasp of the situation."

Forty-eight hours later, Ratzinger was the new pope. As is the custom, the cardinals gathered in the Sistine Chapel made their way, one-by-one, to the new pontiff in order to pledge their support and obedience. As George kissed his hand, Benedict XVI made a point of telling him, in English, that he remembered the conversation the two men had about the sexual abuse norms, and would attend to it.

The new pope's first words to a senior American prelate, in other words, were a vow of action on the crisis.

Ratzinger as Pope

While Benedict XVI's opening salvo with Burresi rang insider bells, his next move, with Maciel, got the attention of the wider world. In May 2006, *NCR* broke the news that Benedict had barred Maciel from public ministry, instructing him to live a life of prayer and penance. Due to his advanced age, no formal canonical trial would be held, but the verdict nevertheless seemed clear: Guilty.

Though Maciel died in January 2008, revelations of various scandals surrounding him continue to emerge -- including fathering a child out of wedlock, and plagiarizing some of his best-known spiritual writings. Benedict eventually ordered an apostolic investigation of the Legionaries, which is now reportedly complete, though it will be some time before conclusions are forwarded to the pope for whatever action he might take.

Given Maciel's high international profile, and his reputation for friends in high places, Benedict's move was widely taken as proof positive of a new dispensation in the Catholic church: If you're credibly accused of abuse, no power on heaven or earth will protect you from paying the price.

In his recent interview, Scicluna dismissed charges that Benedict XVI has engaged in any cover-up on sex abuse as "false and slanderous." Without naming names, Scicluna lauded Ratzinger's "courage in taking up some cases which were extremely difficult and delicate, *sine acceptione personarum* (without exception for anyone)."

The reference to Maciel seemed obvious, especially since Scicluna had been the lead investigator in the case.

Given the new tone Benedict had set, it was little surprise that in 2006, the Congregation for Bishops announced that a lightly modified version of the American norms for sexual abuse, including the "one-strike" policy, had been permanently approved. They were subsequently issued as "particular law" in the United States, making them binding on all American dioceses and eparchies (jurisdictions of the Eastern rite churches.)

Benedict's transformation into an apostle of "zero tolerance" has also been clear in press discussion in both Ireland and Germany. News reports indicate that the Vatican has supported local bishops in adopting tough policies along the lines of the American norms. That amounts to a remarkable reversal of fortune, given the ambivalence displayed in Rome not so long ago to the very same policies the papacy is now extolling as a global model.

Nowhere was Benedict's new tone on the sex abuse crisis clearer than during his April 2008 trip to the United States.

The $64,000 question coming into the trip was whether the pope would openly engage the crisis, or attempt to pass it off as water under the bridge. Early signals did not seem promising; Benedict declined to visit Boston, the epicenter of the recent crisis, and had no session with victims on his public itinerary. From the opening moments, however, it was clear that Benedict had no intention of ducking the question.

"We are deeply ashamed, and we will do all that is possible [so] that this cannot happen in the future," the pope said in a session with reporters aboard the papal plane April 15 in response to a question from *NCR*.

Benedict argued that efforts to address the crisis have to unfold on three levels: the legal and juridical, the pastoral, and programs of prevention to ensure that future priests are "sound." Pointedly, the pope said, "It's more important to have good priests than to have many." In his address to American bishops at the National Shrine of the Immaculate Conception on Wednesday evening, April 16, he returned to the theme. The pope devoted five full paragraphs to sexual abuse of children, referring to it as "evil" and a "sin."

On April 17 came the most dramatic papal gesture, and the biggest news flash, of the entire trip -- an unannounced and unprecedented meeting with five victims of sexual abuse. Most were from the Boston area, and they were accompanied by Cardinal Sean O'Malley of Boston. The meeting took place in the Vatican embassy in Washington and lasted roughly a half-hour.

Three of the five victims spoke to *NCR* and other media about the experience, describing it as a catharsis.

"I think there are already changes happening. There's definitely so much hope right now," said Faith Johnston, whose priest abuser was convicted of raping her when she was 15 and working Saturdays in a Catholic rectory. She said after the meeting that she had been unable to speak about her abuse in the presence of the pope, and was able to offer him only her tears.

Benedict repeated that pattern during his July 2008 visit to Australia for World Youth Day, once again meeting privately with victims and speaking publicly about the crisis in remarkably candid terms.

For the first time, the pope issued a direct apology in his own name: "I am deeply sorry for the pain and suffering the victims have endured," Benedict said, assuring them that "as their pastor, I share in their suffering."

By the time the crisis in Ireland erupted last year, a new Vatican script seemed to be in place. Papal statements of concern were quickly issued, and a summit of Irish bishops and senior Vatican officials was swiftly convened for mid-February. Similarly in Germany, Zollitsch was in the pope's office briefing him on the crisis less than a month after it first blew up.

For anyone who recalled the slow and defensive response to the American situation eight years earlier, the change in Rome seemed almost Copernican.

A tale of two crises

Therein, however, lies the rub: relatively few people know or care how far the Vatican, or the pope, have come over the past eight years.

Insiders rightly insist that Benedict XVI deserves credit for breaking the wall of silence, and for demonstrating that no abuser will be protected on his watch. Yet for most outsiders, meaning the vast majority of Catholics and virtually everyone else on the planet, all that amounts to a no-brainer that should have been accomplished long ago.

From the beginning, the "sex abuse crisis" has actually been an interlocking set of two problems: the abuse committed by some priests, and the administrative failures of some bishops who should have known better to deal with the problem.

In general, the impact of Benedict's "conversion" has been felt mostly on that first level -- the determination to punish abusers, to adopt stringent policies governing future cases, to reach out to victims and to apologize for the suffering they've endured. So far, Benedict has not adopted any new accountability mechanisms for bishops. Aside from a few instances such as Cardinal Bernard Law of Boston, few bishops have been asked, or instructed, to resign.

As long as the perception is that the Catholic church has fixed its priests' problem but not its bishops' problem, many people will see that as a job half done.

In turn, that unfinished business is what makes the revelations in Germany so potentially damaging. To be sure, one could reasonably insist that Benedict's policies as pope are far more important than whatever happened on his watch in Munich thirty years ago. Yet if other cases of abusers who were reassigned emerge, even fair-minded people with no axe to grind may be tempted to ask: Can Benedict XVI credibly ride herd on bishops for failing to manage the crisis, if his own record as a diocesan leader isn't any better?

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Much about the church's capacity to craft an "exit strategy" from the crisis -- and, perhaps, much about Benedict's own legacy -- may hinge on his ability to offer a convincing answer.

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