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Contra the NYTimes

by Michael Sean Winters

Distinctly Catholic

This morning's New York Times "expose" regarding then-Cardinal Ratzinger's role in the Vatican's response to the clergy sex abuse crisis exposes more than it intended. It exposes the fact that the authors, Laurie Goodstein and David Halbfinger, and their editors, do not understand what they are talking about and, at times, put forward such an unrelentingly tendentious report, it is difficult to attribute it to anything less than animus.

The article put me in mind of Lady Bracknell in Oscar Wilde's *The Importance of Being Earnest*. "To lose one parent, Mr Worthing, may be regarded as a misfortune; to lose both looks like carelessness." One or two mistakes are to be expected. The friend I consult on environmental matters tells me that when she reads the Times on the subject, she assumes they will get it wrong. But a slew of such mistakes raises doubts. Ignorance is a scarcely less heinous crime for a reporter than bias. You be the judge.

The Times writes: "More than any top Vatican official other than John Paul, it was Cardinal Ratzinger who might have taken decisive action in the 1990s to prevent the scandal from metastasizing in country after country, growing to such proportions that it now threatens to consume his own papacy." First, by the 1990s, much of the abuse had already occurred, as the article later notes. The Porter case in Fall River, Massachusetts, the Gauthier case in Lafayette, Louisiana, the Geoghan case in Boston, all involved sex abuse that had already taken place. It was the fallout from those cases that remained to be dealt with. The "metastasizing" had already happened, and the reasons for that are complicated and various. They are not solely attributable to the culture of the Vatican curia.

More importantly, as the Times articles notes, it was Pope John Paul II who was dismissive of such charges, having seen the communist authorities in Poland use similar accusations to besmirch the reputation of the Church. Pope John Paul II was wrong not to take the charges more seriously. And, the

Vatican's structures and culture do not allow anyone, even a powerful cardinal, to initiate a policy in the face of papal opposition. Those structures and that culture undoubtedly kept the Vatican from responding quickly and decently to the crisis. But, it is foolishness to think that Ratzinger could have swept it all away with a few forceful interventions. Indeed, according to the Times, at the "secret" meeting at the Vatican to discuss the issue Ratzinger did forcefully argue for swifter procedures and penalties. Which is it? Was he dragging his feet or was he advocating for a more forceful response?

It is clear that the Times reporters do not understand the first thing, or at least the second thing, about the Church's understanding of ordination. They write: "Dismissing a priest is not like disbaring a lawyer or stripping a doctor of his medical license. In Catholic theology, ordaining a priest creates an indelible mark; to return him to the lay state required the approval of the pope." This is half true. The priesthood is not like being a lawyer and there is an indelible mark left by ordination. In the 1970s and 1980s, many priests were seeking laicization, and Pope John Paul II understandably worried that this phenomenon was casting doubt on the fact that the priesthood is forever. Indeed, even a priest who has been defrocked can, in extremis, hear a confession or say Mass. To return someone to the "lay state" is to dispense them from the vow of celibacy. There is no way to dispense someone from ordination. Why? Because the actor in a sacrament such as ordination is not the bishop or the Pope, it is God, and you can't just un-do that. We had this debate with the Donatists in the 4th century but I am not sure the editors of the Times would know a Donatist from a doughnut.

The Times article comments, this is not reporting really, that, "Yet throughout the '80s and '90s, bishops who sought to penalize and dismiss abusive priests were daunted by a bewildering bureaucratic and canonical legal process, with contradicting laws and overlapping jurisdictions in Rome, according to church documents and interviews with bishops and canon lawyers." Have Ms. Goodstein and Mr. Halbfinger ever seen a rerun of "Law & Order"? Legal processes are complicated and sometimes bewildering. The authors note that some cardinals were worried about maintaining the presumption of innocence in ecclesiastical tribunals. The horror. Shame on them. Worrying about a silly thing like the presumption of innocence in a court of law. Hell, it is only one of the cardinal (no pun intended) principles of a civilized society.

But, the sentence that most betrays the bias of the Times has nothing to do with the sex abuse of minors. In making the case that Cardinal Ratzinger found time to pursue other matters of lesser importance, they write: "As Father Gauthé was being prosecuted in Louisiana, Cardinal Ratzinger was publicly disciplining priests in Brazil and Peru for preaching that the church should work to empower the poor and oppressed, which the cardinal saw as a Marxist-inspired distortion of church doctrine." This reads as "Bad Cardinal Ratzinger, persecuting those justice-loving liberation theologians." The operative word in that sentence is "for." Cardinal Ratzinger did not, in fact, punish liberation theologians "for" preaching that the church should work to empower the poor and oppressed. He took steps against Liberation Theology because it was built on a faulty anthropology, entailed a materialist analysis of the human person, and reduced the idea of the "Kingdom of God" to a more just earthly regime. The Church believes that the true liberation wrought by Jesus Christ on the Cross will yield a justice that does not have to be fought for generation after generation, and Ratzinger argued that Liberation Theology missed that fact. He may have been right, he may have been wrong. (I think he was right.) But, the way the Times describes his actions meets any standard definition of tendentiousness.

As for the import of the 1922 and 1962 documents, about which the story makes so much, the Times acknowledges that there was confusion about who did and did not have authority to deal with the crime of sex abuse until 2001. That confusion reigns still. This morning I consulted two highly respected canon lawyers. One said that the documents did give the CDF authority in the disputes. The other said the documents only gave CDF authority over the crime of solicitation in the confessional. Again, check in with Jack McCoy.

I do give credit to the Times article for noting the strides that have been made since 2001, and especially

by the U.S. Bishops, in confronting the sex abuse crisis. It is becoming increasingly clear that Archbishop Wilton Gregory, who was the president of the USCCB at the time, is a hero. And the Times even recognizes at points that Ratzinger was on the side of the angels in the internal debates within the curia. But, then, why the persistent witch hunt?

Am I suffering from siege mentality? I do not think so. I hope not. But, reading and re-reading the Times? article, noting its length and the definitive, dare we say it, infallible tone of the article, it is hard not to conclude that the authors went in with an agenda, and gussied up the 'evidence' to make the point they desired to make. That is not reporting. Goodstein and Halfinger's writings might warrant a spot on the opinion pages of the Times, but they are misplaced in the news section.

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