

The Policy Myth versus 'Accountability with Teeth'

John L. Allen Jr. | Sep. 9, 2011 | All Things Catholic

Mythology is not only loads of fun, but often highly profitable. For proof, look no further than this: Dan Brown has written a book about the Vatican, which was pure fantasy; I've also written a book about the Vatican, which, if I do say so myself, has a fairly decent grasp of the basic realities. Care to guess which one sold better?

Yet mythology is also dangerous, never more so than when it fosters misleading diagnoses of serious problems. We've seen two good examples recently vis-à-vis the Vatican, both involving the sexual abuse crisis.

The bit of mythology in play, which we might call the 'Policy Myth', is the following: When Rome says 'jump,' everyone in the Catholic Church responds, 'how high?' If there's a problem in the church, therefore, it must be due to some Vatican policy (either explicit or secret); to resolve the problem, the trick is to get the Vatican to issue new marching orders.

As the Italians would say, *Magari!* If only it were as simple as flipping a switch in Rome, and all would be well. Catholicism, however, is a remarkably decentralized system with regard to everything other than doctrine, so the correlation between Roman instructions and application on the ground is rarely exact. Putting the focus on policy obscures what is often the far more decisive question of accountability for how it's implemented.

The two instances where the Policy Myth has cropped up most recently involve a lawsuit in Oregon, and a highly public standoff between the Vatican and the Irish government.

The Oregon case

In late August, the Vatican released what it said were all the documents in its possession related to the case of Fr. Andrew Ronan, a onetime Servite priest born in Armagh, Ireland, who was laicized in 1966, after serving both in Ireland and America, and who died in 1992. In 2002, an American who says that Ronan abused him in 1965 filed suit in federal district court in Oregon, naming the Vatican as a defendant.

The heart of the suit, as conceived by attorney Jeffrey Anderson, is that every priest in the Catholic Church is a Vatican employee. The case has already made legal history, in that it's the first instance in which an American judge has approved limited requests for discovery, meaning requests for documents and other information, despite the Vatican's status as a sovereign entity under international law.

For sure, the documents released last month don't cast church officials in an especially flattering light. Servite leaders in Ireland became aware of Ronan's sexual misconduct with seminarians in 1959, triggering a transfer to the United States but no other measures that might have kept further victims out of harm's way. In 1966, officials were still hoping that Ronan could leave the priesthood, at his own request, 'quietly and without any open scandal.'

What the documents also show, however, is that prior to 1966, when a petition for laicization reached Rome (and was swiftly granted), the Vatican had heard of Andrew Ronan exactly once: In 1953, when the Servites

requested a routine exemption from church law to allow him to serve as a novice master despite being under the established age. There's no indication the Vatican was even aware of Ronan's 1959 transfer from Ireland to America, or of confidential correspondence among Servite officials about Ronan's propensity for what one 1963 letter described as "this perversion."

From the record, it seems that failure to deal more aggressively with Ronan was not really a breakdown in policy so much as prudential judgment. Indeed, when Ronan's name was floated for a seminary assignment in 1963, a Servite provincial wrote the order's top official to insist that giving Ronan the job would be "contrary to all precepts of the church."

What this means in terms of the Vatican's legal exposure, I'm not competent to say. Analytically, however, the problem with thinking that the Ronan case is primarily about Vatican policy is that it takes everyone else involved off the hook. It also suggests the abuse could have been prevented if only the Vatican had a different set of policies, which, as we will see below, isn't necessarily so.

The Row between Ireland and the Vatican

Last Saturday, the Vatican released an unusually detailed 11,000-word statement in response to criticism by Irish Prime Minister Enda Kenny, which came in the wake of a critical government report on the rural Cloyne diocese. It found that abuse allegations were mishandled in Cloyne as recently as 2009, despite pledges of "zero tolerance" from the bishops.

Kenny laid much of the responsibility at the Vatican's doorstep, saying on July 20 that the report illustrates "the dysfunction, disconnection, elitism" the narcissism that dominates the culture of the Vatican to this day.

Central both to Kenny's criticism and the Vatican reply is a 1997 letter from the papal nuncio, or ambassador, to the Irish bishops, relaying comments from the Congregation for Clergy in Rome. The letter advised the Irish bishops that some elements of a draft set of sex abuse guidelines the bishops had developed in 1996, including support for "mandatory reporter" policies on child abuse, could conflict with canon law.

That letter has been repeatedly cited as affording cover to church officials who swept abuse cases under the rug. The Vatican, however, said the letter was not intended to prevent the bishops from reporting child abuse to the police, but to make sure that possible conflicts with church law would not allow abusers to evade ecclesial punishment on a technicality.

Whatever gloss one adopts, here's the key point: The breakdowns in Cloyne continued well after the Vatican had adopted tough new policies on abuse, including an expectation of cooperation with police and prosecutors. The basic failure in Cloyne was not a lack of policy from Rome, therefore, but rather the stubborn unwillingness of a bishop and the coterie around him to implement it.

The most astute observation came from Dublin's outspoken Archbishop Diarmuid Martin "who, to be clear, is nobody's idea of a lapdog for Rome or an apologist for the church's record on the abuse crisis. With reference to the leadership in Cloyne under former Bishop John Magee, Martin dismissed the idea that a "smoking gun" in the Vatican could explain their choices.

"The fact is that these same people" continued to reject the clear norms approved by Pope Benedict when they were published," Martin said. "They were people who regarded only their own views and would take no note of study documents, of framework documents or even of approved papal norms."

(Magee, by the way, served as a private secretary to three popes -- Paul VI, John Paul I, and John Paul II. Perhaps that helps explain why he and the people around him felt free to follow their own lead, flouting not only

the policies of the Irish bishops but also the new dispensation from Rome.)

Policy and Accountability

Here we arrive at the nub of what makes the Policy Myth dangerous. The Vatican can issue all the edicts and amendments to canon law it wants, but that's no guarantee, and never has been, that they'll be faithfully implemented.

Roma locuta est, causa finita est may be a terrific legal epigram, but it only goes so far in capturing real-world Catholic practice.

Formal policy, of course, is critically important. New norms adopted by the Vatican since 2001 represent a step forward, as do the policies adopted by various bishops' conferences. Yet as Martin put it, policies remain words on paper without an on-going process of independent monitoring and reviewing of day-to-day practice.

Bottom line: Both the Ronan case and the dispute between Ireland and the Vatican do indeed illustrate a serious problem in the church, but it's not a problem of policy. It's a problem of oversight and accountability. If the rule of astute statecraft is "trust but verify," one would have to say that outside the strictly doctrinal realm, Catholicism is long on trust but sometimes woefully short on verification.

Smart bishops today get this. They know that when a church official anywhere mishandles important matters, such as charges of abuse, it damages their collective credibility — especially in a 24/7 global media environment, in which a scandal in an obscure place like Cloyne, with a total Catholic population the size of some American parishes, can become a worldwide cause célèbre.

That's why Archbishop Timothy Dolan of New York, president of the U.S. bishops' conference, says in a forthcoming book-length interview with me that he would welcome new systems of "accountability with teeth" for bishops and other officials. Such checks and balances wouldn't inhibit the teaching authority of bishops, he says, but enhance it, by giving people more confidence in the system.

In an interview just before his appointment to Philadelphia, Archbishop Charles Chaput struck a similar note: "We should have accountability for our actions in the church, and bishops should be as accountable as priests and laity," he said. "I'm sympathetic to the idea that there should be real consequences, with teeth, to acting contrary to the law of the land, the discipline of the church, or the moral law of God."

Forces interested in genuine reform would do well to press such leaders to put their money where their mouth is, fleshing out what "accountability with teeth" would look like — especially in a church with more than 5,000 bishops, as well as scores of religious communities and other jurisdictions, but just one pope. That effort, and not a fruitless quest for some magic bullet in Vatican policy, is where the action is.

American lawyers and Irish politicians alike, take note.

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