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Ratzinger altered canon law to soften Maciel punishment, book argues

by Jason Berry



Fr. Marcial Maciel Degollado greets Pope John Paul II in St. Peter's Square in this 2000 file photo. (CNS)

On Saturday, as Pope Benedict XVI makes the first appearance on his March 23-28 trip to Mexico and Cuba, three authors will hold a news conference in the same city, Leon, Mexico, discussing a book that quotes Vatican files on the pedophilia and drug abuse accusations that trailed Fr. Marcial Maciel, the founder of the Legion of Christ, for decades until his death in 2008.

Maciel, a native of Mexico who died at 88, was a subject of long-running concern at the Vatican congregation that governs religious orders, according to *La Voluntad de No Saber* (The Will Not To Know), published by a Mexico City imprint of Random House international.

The authors are Alberto Athié, a former priest who directed a Mexican bishops' charity; José Barba, a retired college professor and former Legion seminarian who filed a 1998 canon law request in Cardinal Joseph Ratzinger's Congregation for the Doctrine of the Faith tribunal, seeking Maciel's excommunication; and Fernando M. González, a scholar in Mexico City and the author of a biography of

Maciel.

In late 2004, with Pope John Paul II in failing health, Ratzinger finally ordered an investigation of Maciel. In 2006, Ratzinger, now Pope Benedict XVI, banished him from active ministry to a life of prayer and repentance. That stopped short of excommunication as Barba and seven other victims wanted. The Legion continued defending Maciel until 2009 when its leaders abruptly reversed course, revealing that he had sired several out of wedlock children, now grown.

NCR received a PDF of the book. Grijalbo, the publisher, is posting selected excerpts on a website www.lavoluntaddenosaber.com, the AP reported.

In the book's most striking accusation, Barba, who holds a doctorate from Harvard in Latin American studies, writes that in 2001 Cardinal Ratzinger and his chief canon lawyer, Archbishop Tarcisio Bertone, modified the statute of limitations in church law regarding sex with minors "retroactively in favor of the Legionary founder, and injuring the human rights and legitimate interests of us, his victims."

Bertone subsequently left the Congregation for the Doctrine of the Faith to become Archbishop of Genoa. In that capacity he wrote a glowing preface to the Italian edition of an oral memoir by Maciel in 2003, *Christ Is My Life*, that denied the accusations still pending from the 1998 case. Bertone became Secretary of State under Benedict in 2006. He has never explained why he promoted Maciel's sagging reputation as he stood accused in Bertone's old office.

Athié, who championed the Maciel victims in correspondence with then-Cardinal Joseph Ratzinger, left the priesthood in disgust at the failure to prosecute Maciel. Athié blames John Paul II for "a moral double standard."

The Vatican failure to punish Maciel over many decades was examined by this reporter and Gerald Renner in *Vows of Silence* (2004). The documents cited by González spotlight harsh internal criticism by investigators of Maciel, from the 1940s through the 1980s, that higher Vatican officials chose to ignore. A turning point came in 1956, when Maciel was hospitalized for abuse of a morphine painkiller. Cardinal Valerio Valeri, prefect of the Sacred Congregation for Religious [orders] sent Carmelite priests to investigate Maciel of addiction and sexually abusing seminarians. One investigator notes: "I am going to give my personal opinion. It seems to me this is about a split personality."

Referring to Maciel's "double life," González reveals that two Mexican bishops suggested Maciel was sexually dissolute; but time and again, when the time came for a forceful decision, no one made the hard call.

As NCR reported in 2009, Maciel gave \$10,000 to Cardinal Clemente Micara, the vicar of Rome, in 1946, a huge sum in a city reeling from aftershocks of World War II. Micara signed the order reinstating him in 1959 after Pius XII's death.

In 1962 Maciel got in trouble again, after a brush with Spanish police when he tried to procure drugs; but in another round of internal probing by the religious orders' congregation, a priest complained of "the most unjust prosecution of the innocent Father Maciel," a remark that in light of the abundant evidence of his addiction spotlights the tentative, hand-wringing way church officials treated a priest who had built a basilica in Rome and, we now know, doled out money like a potentate from Tammany Hall.

Gonzalez refers to the "omerta," or code of silence, culture that Maciel created in the Legion. He levels

heavy criticism against Cardinal Velasio De Paolis, the canon lawyer in Rome who functions as overseer of the beleaguered Legionaries. De Paolis guided the drafting of a new set of bylaws for the Legion to supplant the discredited constitution, which mandated expulsion for those who did not obey the secret vow never to criticize Maciel or any Legion superior, and to report on those who did.

De Paolis has stated that a full investigation of Maciel's past would serve no purpose, a position that draws scorn from González in light of the ongoing investigation of Regnum Christi, the lay group whose members studied Maciel's writings and fueled the fundraising operation.

Gonzalez calls De Paolis "complicit" with Legion superiors in concealing the truth about Maciel, as reflected in the secret documents. He further criticizes the cardinal for taking a "vow of charity" toward Maciel's inner circle, who remain in their positions.

La Voluntad de No Saber is nevertheless a strangely uneven book. The accusations against John Paul II, Ratzinger and Bertone are devastating in the implication of justice suborned. But the pope as supreme arbiter of canon law can do largely what he wishes. The international scandal that has stained Benedict's papacy stems from an archaic justice system that gives cardinals and bishops a de facto immunity from prosecution.

The documents in the book, which are being posted to the book's website, offer a fascinating look at the ambivalent nature of Vatican investigations. What the authors fail to do is link those flawed investigations with Maciel's history of channeling large sums of money to favored Vatican officials, as reported in NCR in 2009.

The prefect of Congregation for Religious from 1976-1983 was the late Cardinal Eduardo Francisco Pironio, whose apartments in Rome were renovated at Legion expense. González includes documents that confirm the close link between Pironio and Msgr. Stanislaw Dziwisz, the private secretary and gatekeeper to John Paul II. Dziwisz, as reported previously in NCR, regularly received cash gifts as high as \$50,000 at a time from Legion intermediaries to place their wealthy supporters in the tiny chapel where John Paul said Mass each morning. "An elegant way of giving a bribe," is how a Legionary priest described it in those reports.

González expresses outrage at the way Pironio and Dziwisz arranged for John Paul to approve the Legion constitutions that upheld the notorious vow never to criticize Maciel. The financial favors to Pironio undoubtedly helped. His successor, Cardinal Eduardo Martínez Somalo, ignored the mounting accusations against Maciel in the 1990s. He received a \$90,000 gift in the late 1980s, according to a former Legion priest who said he put the envelope with cash in his hand. The cardinal rebuffed my interview requests in 2010.

[NCR contributor Jason Berry is author of *Render unto Rome: The Secret Life of Money in the Catholic Church* and producer of a film on Maciel, "Vows of Silence."]

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