

Vatican guilty of unholy compassion for paedophiles

20 December 2009 By Vincent Browne

In 1922, the Vatican promulgated an instruction to do with what it called *crimen sollicitationis* (the crime of solicitation within the confessional) and what it called the “worst crime” - the sexual abuse of children. The document was issued in Latin. No authoritative version was produced in English.

The document was circulated only to bishops and under terms of strict secrecy.

A new version of the guidelines was produced in 1962, but this, according to the Murphy Commission, was unknown within the Dublin diocese until some time in the 1990s.

Desmond Connell, the former archbishop, told the commission he had never seen the 1962 document, nor had he met anyone who had seen it.

John Dolan, the chancellor of the diocese and a monsignor, whose job is to ensure that the administrative records of the diocese are kept safe, said he didn't know that “lurking in the very end, at the very back [of the decree *crimen sollicitationis*], was a little paragraph on the “worst crime”.

He was unaware of the 1962 document until an Australian bishop discovered towards the end of the 1990s that it was still valid. Until then, he did not know of any guidelines by the Vatican on the issue of clerical child sexual abuse.

The Murphy Commission commented on how “unusual” it was, “whereby a document setting out the procedure for dealing with clerical child sexual abuse was in existence but virtually no one knew about it or used it”.

In 1996, victims of clerical abuse hounded the bishops into devising a ‘framework document’, setting out guidelines for dealing with allegations of abuse. John Dolan said: “They [the authors of the framework document] did not feel Rome was supporting them in dealing with this issue ... they were meeting an onslaught of complaints, and Rome was pulling any particular solid ground that they had from under them”.

The 1922 and 1962 Vatican instructions on dealing with allegations of clerical child sex abuse demanded absolute secrecy in the conduct of investigations. The secrecy was so pervasive that, to some, it seemed to demand that the complaint also be kept secret from the state authorities.

Canon 1341 states that the bishop is to “start a judicial administrative procedure, for the imposition or the declaration of penalties, only when he perceives that neither by fraternal correction nor reproof, nor by any methods of pastoral care, can the scandal be sufficiently repaired, justice restored, and the offender reformed”.

The Murphy Commission notes: “This canon was interpreted to mean that bishops are required to attempt to reform the abusers in the first place.” In Dublin, efforts were made to reform abusing priests by sending them to therapeutic centres. But, according to the commission, “the archdiocese seems to have been reluctant to go beyond the reform process, even when it was abundantly clear that the reform process had failed”.

But, more tellingly, the commission stated they “could find very little evidence, particularly in the early decades of the commission's remit, of any attempt by church authorities to restore justice to the victims”.

It says the question of harm to the victims never seemed to have been considered by the archdiocese.

In considering whether a person is guilty of the “worst crime”, canon law states a person must have “deliberately” violated the canon law. In considering the issue of guilt under canon law, the Canon Law Society of Britain and Ireland has commented: “Among the factors which may seriously diminish their imputability (guilt) in such cases (cases of clerical child sexual abuse) is paedophilia ...

“Those who have studied this matter in detail have concluded that proven paedophiles are often subjected to urges and impulses which are in effect beyond their control ... because of the influence of paedophilia (the abuser) may not be liable, by reason of at least diminished immutability (guilt) to any canonical penalty or perhaps to only a mild penalty, to a formal

warning or reproof or to a penal remedy."

The commission says it "finds it a matter of grave concern that, under canon law, a serial child abuser might receive more favourable treatment from the archdiocese or from Rome, by reason of the fact that he was diagnosed as a paedophile".

What all this says is that the issue is not just a matter of negligence or complicity in clerical child sexual abuse on the part of individual bishops - it is the culture of the Catholic Church, a culture shaped by the church authorities in Rome and transmitted and refined in dioceses.

A culture that hides the Church's own guidelines concerning what it itself rhetorically said was the "worst crime"; that caused the Vatican authorities to pull the ground from priests who were trying to draft guidelines on abuse; that prioritises the abusers over the abused; that has been essentially indifferent to the harm caused to abuse victims; that regards paedophiles as objects of sympathy and compassion.

A few more episcopal resignations, with a presumption that these settle the matter, is just a continuance of the culture of denial of the Catholic Church's institutional and cultural complicity in the criminality of clerical child sexual abuse.

The Holy Roman and Apostolic Church is the problem.

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