

Vatican fills in blanks on history of sex abuse procedures

VATICAN CITY – Along with its revised norms for dealing with priestly sex abuse, the Vatican in mid-July released a detailed, five-page history of its treatment of such crimes over the last century.

The background report, prepared by the Congregation for the Doctrine of the Faith, traced the evolution of church law and papal decisions on the issue, acknowledging that a comprehensive legal approach to clerical sex abuse has been a relatively recent development.

The history of the Vatican's handling of sex abuse has been like a jigsaw puzzle, and the report for the first time pieced the puzzle together. In doing so, it sought to counter allegations that the Vatican has for decades been orchestrating an effort to cover up cases of sexual abuse by priests.

The report explained that the 1917 Code of Canon Law reserved the handling of several canonical crimes to the Holy Office (now the doctrinal congregation). This included the crime of "solicitation," when a priest used confession to solicit sex.

In 1922, the Holy Office issued an instruction, "Crimen sollicitationis" (The Crime of Solicitation), which gave detailed instructions to local dioceses and tribunals on the procedures to use when dealing with this crime. The document, stressing the need for confidentiality, said these procedures could also be used for other crimes, including sexual abuse of children by priests.

"Crimen sollicitationis" has been seen by critics as a kind of "smoking gun" evidence that the Vatican had knowledge of sex abuse cases in the universal church and the authority to deal with them, yet was more interested in keeping a lid of secrecy over the problem.

The Vatican's historical overview, however, sees that as a misreading of the document.

First of all, it said, “*Crimen sollicitationis*” was primarily concerned with crimes committed in the confessional. That presented particular problems of investigation, because in most cases the priest could not be interrogated fully without putting the seal of confession in danger.

The 1922 document, therefore, offered an “indirect method of achieving the moral certitude necessary for a definitive decision” in such cases, including the investigation of the credibility of the accuser and the life and behavior of the accused priest.

“The accusation itself was considered the most serious accusation one could bring against a Roman Catholic priest. Therefore, the procedure took care to ensure that a priest who could be a victim of a false or calumnious accusation would be protected from infamy until proven guilty,” it said.

“This was achieved through a strict code of confidentiality which was meant to protect all persons concerned from undue publicity until the definitive decision of the ecclesiastic tribunal,” it said.

Although “*Crimen sollicitationis*” said these procedures could also be used, with adaptations, for cases of same-sex clerical misconduct, sexual abuse of prepubescent children and bestiality, the document focused primarily on crimes committed during the sacrament of penance.

“The Instruction ‘*Crimen sollicitationis*’ was, therefore, never intended to represent the entirety of the policy of the Catholic Church regarding sexual improprieties on the part of the clergy,” it said. It said it was “gravely anachronistic” to look to that document of 1922 as a form of comprehensive legislation on the sexual conduct of priests.

Moreover, it said, the 1922 instruction was never really published. Instead, it was given as needed to bishops who had to deal with cases concerning solicitation, clerical homosexuality, sexual abuse of children and bestiality.

In 1962, Pope John XXIII authorized a reprint of “*Crimen sollicitationis*,” adding a short section on procedures to be used when religious priests were involved. The

idea was to give copies to the bishops gathering for the Second Vatican Council; in fact, only a few copies were handed out, and most were never distributed.

The period between 1965 and 1983, the Vatican report said, was marked by a changing approach to canonical crimes, with preference given to a “pastoral attitude” toward misconduct. A therapeutic model often prevailed, it said.

“The bishop was expected to ‘heal’ rather than ‘punish.’ An over-optimistic idea of the benefits of psychological therapy guided many decisions concerning diocesan or religious personnel, sometimes without adequate regard for the possibility of recidivism,” the report said.

During this time, cases involving the solicitation of sex in the confessional remained under the authority of the Congregation for the Doctrine of the Faith, which used the instruction “*Crimen sollicitationis*” in dealing with them.

The doctrinal congregation also dealt with a small number of cases concerning sexual misconduct of clergy with minors. Some of these cases were linked to abuse of the sacrament of penance, while some involved requests for laicization of priests, which for a period was handed by the doctrinal congregation. It did not, however, have general responsibility over clerical sex abuse cases in the church.

In 1983, the new Code of Canon Law updated the church’s approach to clerical sex abuse, saying that a priest guilty of sexual offenses with a minor below the age of 16 should be punished “with just penalties, not excluding dismissal from the clerical state.” In such cases, church trials were to be held in diocese; appeals went to the Roman Rota, a Vatican tribunal.

In 1994, the Vatican granted special rules to U.S. bishops, raising the age for sexual abuse against a minor from 16 to 18, and extending the statute of limitations to 10 years after the victim’s 18th birthday. Again, bishops were told to conduct local trials when these cases arose.

In 2001, after much internal Vatican discussion, Pope John Paul II issued new rules which placed the clerical sexual abuse of a minor among the “more grave crimes” reserved to the Congregation for the Doctrine of the Faith. A whole new set of norms

and procedures were given to local bishops, who would now handle local cases under the oversight of the doctrinal congregation – which at the time was headed by Cardinal Joseph Ratzinger, now Pope Benedict XVI.

On May 21, 2010, Pope Benedict approved revisions to the 2001 norms, extending the statute of limitations to 20 years after a victim's 18th birthday, including child pornography as a form of sexual abuse of minors and streamlining procedures to make it easier to remove abusive priests from ministry and, in some cases, from the priesthood.