SOME PERSONAL OBSERVATIONS BY BISHOP GEOFFREY ROBINSON ON THE MEETING OF A NUMBER OF VATICAN OFFICIALS WITH REPRESENTATIVES OF NINE BISHOPS' CONFERENCES ON THE SUBJECT OF SEXUAL ABUSE, HELD IN THE VATICAN FROM 1ST TO 4TH APRIL 2000.

Those present: Cardinal Dario Castrillon Hoyos (chairman), Archbishop Czaba Ternyak (Clergy), Arch. Carlo Maria Vigano (Secretariat of State), Arch. Tarcisio Bertone and, for a few sessions, Cardinal Ratzinger (Cong. for the Doctrine of the Faith), Arch. Piergiorgio Nesti (Cong. for Religious), Arch. Zenon Grockolewski and Bishop Giuseppe Pittau (Cong. for Education and Seminaries), Arch. Francesco Monterisi (Cong. for Bishops), Arch. Marcello Zago (Cong. for Evangelisation of Peoples), Arch. Mario Pompedda and Bishop Francesco Salerno (Signatura Apostolica), Arch. Julian Herranz and Bishop Umberto Tramma (Legislative Texts).

Two bishops each from the Antilles, Australia, Canada, England and Wales, Ireland, New Zealand, Scotland, South Africa, United States.

We were received cordially and graciously. On the first day each of the nine Bishops' Conferences was given thirty minutes to speak about the problem in their own country. The Congregation had asked each to present statistics. Most explained the problem in their country, told something of its history and then spoke about particular changes that they sought from Rome.

On the second day three experts chosen by the Congregation for the Clergy spoke to us. The first was a lay moral theologian from Boston, Professor John Haas, who had been asked to speak about the rights of the priest offender in these matters. He did not touch on the rights of victims or on the pastoral problems facing the local bishop, so it was a one-sided moral dimension that he had been asked to present. In answer to a question he freely and honestly admitted that he would not be prepared to take the rights of priest offenders so far as to run the slightest risk of any of his own eight children being abused. The second speaker was a German psychiatrist, Professor Ludz, who seemed to have had little personal experience in the field and who failed to impress. The third speaker was a very competent canon lawyer from the Gregorian, Prof. Gianfranco Ghirlanda.

On the third day each of the Roman dicasteries addressed us from its own viewpoint. The most useful of these speeches came from Archbishop Pompedda of the Signatura Apostolica. He insisted on a judicial process if permanent penalties are to be applied, but then systematically went through

every way in which the process of the Code could be adapted to the needs of cases of abuse. It was by far the most practical and helpful talk we heard, though it still left us with a number of major problems. Basically, we wanted to know why we needed a learned paper on ways to get around the law rather than have a law we could apply directly. There was little understanding of our problems in providing all the trained priests such judicial processes would require. We were told that this is the judicial process the Church has adopted and bishops must send more priests to Rome to be trained in canon law!!!

As can be seen, most of the time was taken up with formal prepared speeches, and there was only limited time for free discussion.

The main problem throughout the meeting was, I felt, that the Roman authorities had no personal experience of the problem; many had probably not met a single victim and probably not even an offender. The impression created was that their level of understanding of sexual abuse was a long way behind. They needed a course on the very basics of abuse and four days was an impossibly brief time in which to cross this gap.

There were of course differences between them. Arch. Pompedda, because of his many years on the Rota, immediately understood the psychological comments. An Archbishop Secretary of a major Congregation, Piergiorgio Nesti, on the other hand, gave a sermon on the evils of young seminarians touching themselves while showering and advocated the use of "paddles" for washing and dressing to prevent this. This was apparently offered as a serious contribution to the understanding and prevention of sexual abuse (though, in fairness, many other members of the Curia looked decidedly uncomfortable during his sermon).

Most of them still appear to see the problem as a moral one: if a priest offends, he should repent; if he repents, he should be forgiven and restored to his position: "We must believe in the spiritual and in repentance." When I tried to insist on the difference between forgiveness of past wrong and prevention of future wrong, one Archbishop replied, "You are not a Christian, you do not believe in forgiveness." In addition, they basically saw the sin as a sexual one and did not show great understanding of the abuse of power involved or the harm done to the victims. As a result, they believed we were harsh in our attitudes towards offenders. They showed little knowledge of recidivism in this field or of the fact that, once we know of one certain offence in the past, we must suspect the presence of other offences. They appeared not to be aware of the denials and rationalisations that are constantly present in offenders. They were genuine in their concern to help fellow priests but did not know how difficult this can be. They were very concerned to protect the innocent priest, but they seemed to think that many accusations are false and

they did not appreciate that more than 97% of accusations in this field have been shown to be true.

Indeed, because they saw us as violating the rights of accused priests, the rights of the priest seemed to be the central question for much of the time of the meeting. We spent too much time on questions of canon law concerning the priest.

One of the legal discussions concerned the question of the imputability of the offence of sexual abuse. Does such abuse come from psychological factors within the person, such that the offence is not imputable and so no penalty of any kind can be inflicted, or is it the result of free choice by the individual? If the offence is imputable, one kind of legal process must be followed, but if it is not imputable, a quite different legal process is to be used. If the bishop begins a process to inflict a penalty but the lawyer for the defendant proves that the offence is not imputable, the bishop must abandon that process and start the other process from the beginning.

While the Vatican officials may have given theoretical assent to the idea of meeting the particular needs of this problem, there was also an overriding concern to preserve the legal structures already in place in the Church and not to make exceptions to them unless this was absolutely necessary. We received little sympathy in relation to e.g. the statute of limitations or the need to stand a person aside while a matter is heard. At times, it must be said, some of them appeared downright patronising concerning the superiority of their Latin law over our Anglo-Saxon law. They did not seem to have the slightest understanding of the truly serious problems they create for us by imposing Latin law on Anglo-Saxon countries, and they appeared to blame these problems on our secular societies and moral laxity and on the media. They appeared to have no faith in the mature judgement on these matters of the 570 bishops we represented. The impasse on these issues, the inability to reach across a divide, was one of the most frustrating aspects of the entire meeting.

There was a problem on our side on this point. The representatives from the U.S.A. were concerned to present again a proposal that had been rejected ten years ago, namely, that the procedure for hearing cases should be a more simple administrative one conducted by the bishop or his appointed representative rather than a judicial one in which a tribunal of three judges is formally established. It quickly became obvious that the Roman authorities would not move on the point that permanent penalties must be imposed by a judicial sentence. In short, the U.S. proposal quickly became dead in the water, but the U.S. kept coming back to it, when I believe we would have achieved more by moving beyond it. However, our nine conferences represented 570 bishops and 300 of those were from the U.S. with only 270 from the other eight taken together, so it was not easy for us to ignore the U.S.

This question led the Roman authorities into endless learned discussions on canon law that took up much of our valuable time.

Because of the same legal mentality, the Curial officials found it difficult to cope with new ideas. For example, the idea of "unacceptable risk" was presented, that is, that a bishop cannot give a priest an appointment when he has knowledge that indicates that such an appointment would create an unacceptable risk of abuse of minors. They found the concept interesting, but it did not fit into any of their categories, so they did not know what to do with it. When presented with a specific case of exactly this nature the day after our meeting, the Congregation for Clergy reverted to the exact requirements of canon law as it currently stands.

In a similar way, it was suggested that in some cases the crucial issue is whether the priest will still be entitled to wear clerical dress and use clerical titles, for it is these two things that give him privileged access to minors and enable abuse to occur. But they did not know how to respond. They had too much faith in a "safe" job where the priest does not meet young people, but failed to realise that this would supervise him only during office hours and, as long as he could continue to wear clerical dress and use clerical titles, he would be free to offend after hours or on weekends.

Again because of the legal approach, they tended not to consider the obligations of the Church towards victims. Having established to their own satisfaction that the legal obligations belong to the offender, not the Church, they tended to give little attention to any question of pastoral obligations. They tended to blame an unfriendly civil society for any talk of Church obligations and failed to realise that the Catholic people themselves insist on a truly compassionate response by the Church towards victims of abuse perpetrated by an official of the Church.

Rather than attempt to respond to abuse as a discrete problem, they kept putting it into categories, and then it got caught up in the needs of that category. For example, the Congregation for the Doctrine of the Faith puts this problem under the heading of the "the more serious offences". These offences include such crimes as desecrating a sacred Host, celebrating Mass with bread only or wine only, and concelebrating with non-Catholic ministers. It may be argued that it is advisable to have priests as judges in such cases, but this is not a good enough reason for insisting on priests as judges in cases of sexual abuse. They could not seem to envisage provisions made solely for sexual abuse. It had to be put into some legal category, but then it got caught up in the needs of that category.

It must be added that there are divisions within the Curia on the issue of sexual abuse. The Congregation for the Doctrine of the Faith sees it as one of the more serious offences and so reserved to itself. The Apostolic Signatura

believes it should not be so reserved but be treated under the general rules of canon law and so should come under its own jurisdiction. If the offender is a priest, the Congregation for the Clergy believes it is competent and constantly takes practical action based on this belief. I am not sure what claims the Congregation for Religious might make in relation to cases involving religious. If a bishop wishes the Pope to intervene personally and return a priest to the lay state against his will, the matter must be processed by the Congregation for the Sacraments and Divine Worship. Thus the question of sexual abuse can easily be caught up into questions of competence or "turf", and there can be appeals from one Congregation to another.

On the afternoon of the third day we were quite worried about whether our real concerns were being heard. So when a time for free discussion was offered, our people spoke one after another about the sordid reality of the situation. One Canadian bishop had been appointed bishop at the age of 65 for a diocese of 36 priests, six of whom were in prison. The other Canadian bishop was appointed when his predecessor was sent to prison for rape. Speakers from other countries also tried to bring home the reality. The Curial officials certainly listened intently and some were obviously moved by the power of what was said. However, they still needed an ABC course in the very basics of abuse, and it was impossible to do this in the brief time available.

There was some evidence of movement among the curial officials during the meeting, but it is impossible to say how much stayed with them after the meeting.

Throughout the meeting they were responding to the problems that we had raised. At no time was I conscious of any desire to confront the entire problem of abuse, to understand the dynamics of it, to seek out anything in the Church that might contribute to it and to do all possible to overcome it. I was not conscious of any desire to give leadership to the whole Church in ensuring a just and compassionate response by all Church authorities.

At the end of the meeting, we were duly thanked and sent on our way, while all power rested with them. We were not told what would happen after this and no promises were made of further consultation.

I found the whole process disheartening and frustrating. Perhaps I expected far too much from one meeting, but I left feeling that there was a vast gulf between us and I had no idea how to bridge it.

Perhaps I can best illustrate this by quoting a footnote to a discussion paper of the Congregation for the Doctrine of the Faith that I saw while I was there. It concerns the question of prescription and illustrates how far apart the two value systems are.

> "The laws of the Church are made for the faithful of the whole world and so must have a special flexible and general character. Furthermore, the supreme law of the Church is the salvation of souls. If the cleric has repented and carries out a good pastoral work, is it the duty of the Church to prosecute him for his whole life or for a long period of time as the civil States do? …… Perhaps the writers have not reflected sufficiently , as the Commission has, on the gravity of all the crimes reserved to the Congregation of the Doctrine of the Faith. Which is more serious: a crime against the Eucharist or the sacrament of penance or the crime of paedophilia? The Church inflicts the greatest penalty in its power for the first two, excommunication, but a measured penalty for the last, a penalty which does not extend to the greatest penalty of the Church, namely, to be cast out of it and treated as the "pagan or the tax collector" (Mt.18:17). The Church can not let itself be influenced by public opinion, at times deliberately stirred up, in order to adapt itself to the mentality and way of acting of the secular world. The term of ten years was decided upon, after a whole series of discussions by the Commission, for all crimes reserved to the judicial competence of the Congregation for the Doctrine of the Faith, including paedophilia, which, even though it is among the more serious crimes, is certainly not the most serious. The conclusion is: let the Fathers consider whether the term of prescription of ten years should be augmented, keeping in mind, however, that this term must be applicable to all reserved crimes and not only to paedophilia. Perhaps the most just solution would be to eliminate this crime from the list of the more serious crimes, granted that in the list of these crimes there are much more serious crimes that can be committed by a cleric, e.g. homicide, abortion….."

The above are personal observations, and it is entirely possible that other persons present will have seen things in a different light.

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