

The Sexual Abuse of Minors: A Multi-faceted Response to the Challenge

by Cardinal William Levada

Pontifical Gregorian University

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“Toward Healing and Renewal” is the title given to this Symposium for Catholic Bishops and Religious Superiors on the Sexual Abuse of Minors. For leaders in the Church for whom this Symposium has been planned, the question is both delicate and urgent. Just two years ago, in his reflections on the “Year for Priests” at the annual Christmas greetings to the Roman Curia, Pope Benedict XVI spoke in direct and lengthy terms about priests who “twist the sacrament [of Holy Orders] into its antithesis, and under the mantle of the sacred profoundly wound human persons in their childhood, damaging them for a whole lifetime.” I chose this phrase to begin my remarks this evening because I think it important not to lose sight of the gravity of these crimes as we deal with the multiple aspects the Church’s response.

As I begin my presentation, I want to offer a word of gratitude to the Pontifical Gregorian University for this initiative. Even those of us who have been dealing with this issue for decades recognize that we are still learning, and need to help each other find the best ways to help victims, protect children, and form the priests of today and tomorrow to be aware of this scourge and to eliminate it from the priesthood. I hope that this Symposium will make a significant contribution toward these goals. I thank in particular Fr. Francois-Xavier Dumortier, S.J., the Rector of the University, and Fr. Hans Zollner, S.J., and his team for organizing these days together.

As the Symposium program indicates, the title of my presentation is “The Sexual Abuse of Minors: A Multi-faceted Response to the Challenge.” For reasons I will indicate, I have chosen as my vehicle to give shape to this response some comments about the “Circular Letter” of the Congregation for the Doctrine of the Faith [hereafter CDF], sent last year to all the Episcopal Conferences of the world, to assist them in developing guidelines for dealing with cases of sexual abuse of minors perpetrated by clerics. To put this Letter into context, I will refer to the important *motu proprio Sacramentorum sanctitatis tutela* [hereafter SST] promulgated by Blessed Pope John Paul II on 30 April 2001. This papal document clarified and updated the list of canonical crimes that had traditionally been dealt with by the CDF (classic examples would be crimes against the faith, that is, heresy, apostasy and schism; but also most serious crimes, or *graviora delicta*, against the sacraments, such as profaning the Eucharist or violating the seal of Confession). These included crimes connected with solicitation in Confession, and Pope John Paul explicitly included among these grave crimes the sexual abuse of minors by clerics. The *motu proprio* thus required all cases involving sexual abuse of minors by clergy to be

reported to the Congregation, for its guidance and coordination of an equitable response on the part of Church authorities.

Under the careful guidance of the then-Prefect of the CDF, Cardinal Ratzinger, the Holy See was able ensure a coordinated response to the growing numbers of reports of such sexual abuse, and to deal effectively with the canonical issues involving them, including recourse against decisions by Bishops and Major Superiors. As the storm of media reports of sexual abuse began in late 2001 and 2002, leading the U.S. Bishops to adopt their *Charter for the Protection of Children and Young Adults*, a committee of Bishops was able to develop the Essential Norms which, after receiving the *recognitio* of the Holy See, became binding supplementary legislation for the U.S. Bishops, and a great assistance in giving us guidance in dealing with large numbers of historical cases that surfaced as a result of the media publicity. I want to express my personal gratitude to Pope Benedict, who as then-Prefect was so instrumental in implementing these new norms for the good of the Church, and for his support in approving the Essential Norms for the United States. Unfortunately, the Pope has had to suffer attacks by the media over these past years in various parts of the world, when he should receive the gratitude of us all, in the Church and outside it.

With the explosion of media coverage of the cases of sexual abuse of minors committed by clerics in the Catholic Church, especially but not only in the United States of America, the Congregation for the Doctrine of the Faith, under the steady leadership of Cardinal Joseph Ratzinger, saw a dramatic increase in the number of cases reported; with these reports it discovered the many and complex issues involved in the crime of sexual abuse of minors by clerics. More than 4000 cases of sexual abuse of minors have been reported to the CDF in the past decade, including accusations from even decades ago. In studying these cases we see, on the one hand, the inadequacy of an exclusively canonical (or canon law) response to this tragedy, and on the other, the necessity of a truly multi-faceted response. While the Congregation's primary responsibility is the application of equitable norms in the discipline of guilty clergy, it has necessarily made its own the expanded view of how best to assist in the healing of victims, of promoting programs for the protection of children and young people, of urging bishops to provide for the education of communities of faith to responsibility for their youth, and of working with other Dicasteries of the Holy See and Episcopal Conferences in ensuring the proper formation of today's priests, and the priests of the future, in the various aspects related to the issues of sexual abuse of minors.

Nine years after the introduction of *SST*, and in the light of her experience in dealing with the thousands of cases presented from various parts of the world, the Congregation for the Doctrine of the Faith presented to the Holy Father some proposed modifications to the legislation adopted in 2001. While the principal outlines of *SST* remain in place, certain substantive and procedural norms were

modified, in an effort to render the law better able to deal with the complexities presented by these cases. Pope Benedict XVI approved and ordered the promulgation of the revised norms on 21 May 2010.

Some of the major additions to the previous legislation involve a consolidation of practices that had received previous recognition and approval of Popes John Paul and Benedict, such as the right to derogate from the prescription of these crimes (sometimes referred to as the statute of limitations); the faculty to dispense from a judicial trial in order to allow an extra-judicial (administrative) process in cases where the facts seemed clear; the faculty to present cases directly to the Holy Father for dismissal from the clerical state in cases of extreme gravity; the addition of the delict of possession and/or distribution of child pornography (regarding minors of 14 years); and other specifications regarding delicts against the Eucharist and the Sacrament of Penance, as well as a delict against the Sacrament of Holy Orders.

The experience of the Congregation during the past decade also suggested that the time had come to ensure that Church authorities throughout the world were prepared to respond appropriately to the crisis of sexual abuse of minors. Many Bishops' Conferences had already developed guidelines, some even norms, to offer a uniform response to this complex problem in their national territories; by way of example, I can mention Canada and the United States in North America, Brazil in South America, Great Britain and Ireland, Germany, Belgium and France in Europe, South Africa, Australia and New Zealand in the southern hemisphere. But in many cases, such response came only in the wake of the revelation of scandalous behavior by priests in the public media. What seems useful going forward is a more proactive approach by the Conferences of Bishops throughout the world. How should this be done?

In an effort to aid the Church universal to adopt appropriate measures in view of a broad approach to the problem of sexual abuse of minors, whether by clergy or others acting in the name of the Church, the Congregation for the Doctrine of the Faith issued a *Circular Letter to Assist Episcopal Conferences in developing Guidelines for dealing with cases of sexual abuse of minors perpetrated by Clerics*. This letter, dated 3 May 2011, invites the Episcopal Conferences of the world to address the various aspects of this issue: they must pay due attention to the canonical discipline of the clergy who are guilty of such crimes; they must have standards to evaluate the suitability of clergy and other persons who minister in Church institutions and agencies; they should oversee education programs for families and Church communities to ensure the protection of children and young people from the crime of sexual abuse in the future; and they must be pastors and fathers to any victims of sexual abuse among their flocks who may appeal to them for remedy or help.

The Circular Letter is divided into three sections: first, some *General Considerations*; second, *A summary of applicable canonical legislation*; and third, some *Suggestions for Ordinaries on Procedures*. Each section of the letter proposes areas of consideration to help Episcopal Conferences provide uniform guidelines for the diocesan bishop members of the Conference, and for Major Superiors of Religious residing in the territory of the Conference, in their response to cases of sexual abuse by clerics, and in taking necessary steps to eliminate such abuse from Church and society. Church law is clear about the responsibility of diocesan bishops and those who enjoy similar territorial or personal jurisdiction, and of major superiors of religious congregations for their subjects, in the matter of accusations of sexual abuse of minors by clerics. The role of the Episcopal Conference is twofold: it is to offer assistance to the diocesan bishop members of the Conference in exercising this responsibility, and it is to coordinate an effective, uniform response in the face of the crisis of sexual abuse of minors that can be recognized as such by the Christian faithful, by the members of society at large, and by the civil authorities who have the responsibility to safeguard the public welfare in accord with the norms of law.

I want to very clear about this point. The Circular Letter to Conferences of Bishops does not imply the transfer of authority or responsibility from diocesan bishops and religious superiors to the Conference. At the same time, the Congregation considers it an obligation for Bishops and Religious Major Superiors to participate in the development of these guidelines, and to observe them for the good of the Church once they have been approved by the Congregation for the Doctrine of the Faith. No bishop or major superior may consider himself exempt from such collaboration.

I realize that other presenters at the Symposium will address the important canonical aspects of Church law, and especially the *SST*. Thus I would like to concentrate on the first section of the letter, the *General Considerations*, as it is in this section, I believe, that we can best see an outline of the Church's "multi-faceted response" to the challenge of sexual abuse of minors by clerics.

The victims of sexual abuse

The first general consideration in the Circular Letter refers to the victims of sexual abuse. For many if not most victims a first need is to be heard, to know that the Church listens to their stories of abuse, that the Church understands the gravity of what they have suffered, that she wants to accompany them on the often long path of healing, and that she has taken or is willing to take effective steps to ensure that other children will be protected from such abuse. In his address to the Bishops of the United States (16 April 2008) in the National Shrine of the Immaculate Conception in Washington, D.C., Pope Benedict XVI reminded them, "It is your God-given responsibility as pastors to bind up the wounds caused by every break of trust, to

foster healing, to promote reconciliation and to reach out with loving concern to those so seriously wronged.”

Our Holy Father has given personal example of the importance of listening to victims during his many pastoral visits, in Great Britain, in Malta, in Germany, in Australia, as well as in the United States. I think it is hardly possible to overestimate the importance of this example for us Bishops, and for us priests, in being available to victims for this important moment in their healing and reconciliation. It was after all at the hands of an anointed representative of the Church that they suffered this abuse. No wonder then that they tell us how important it is for them that the Church, now again through her anointed representatives, hears them, acknowledges their suffering, and helps them see the face of Christ’s true compassion and love.

Let us listen again to the words of our chief Shepherd Pope Benedict in his *Pastoral Letter to the Catholics of Ireland*, speaking to the victims of sexual abuse: “You have suffered grievously and I am truly sorry. I know that nothing can undo the wrong you have endured. Your trust has been betrayed and your dignity has been violated.” The profound sympathy expressed in these words should animate the heart of all of us bishops and priests, as we – like Christ our Good Shepherd – seek out the wounded and assure them that we have begun to recognize the depth of the betrayal they have suffered. Moreover, hand in hand with the willingness to listen to victims speak of the pain caused by the sexual abuse they have suffered goes a commitment to offering them necessary spiritual and psychological assistance.

The protection of minors

The second general consideration addressed in the Circular Letter is called the “protection of minors.” In some countries programs have already been developed by local Church authorities, in an effort to create “safe environments” for minors. These efforts include the screening and education of those engaged in pastoral work in the Church, in schools and parishes, in youth outreach and recreational programs, especially offering training to recognize the signs of abuse. The hope of such training programs for the clergy and laity is of course that through increased awareness of the problem, future cases of abuse can be prevented. Many of the programs initiated in the Church for the creation of “safe environments” for children have been lauded “as models in the commitment to eliminate cases of sexual abuse of minors in society today.”

A more delicate, but no less important, area of pastoral outreach is the education of parents and children themselves regarding sexual abuse in society at large. Here the various cultural differences will be of particular significance. Episcopal Conferences who are beginning to explore the need for such awareness programs can be helped by the experience of those that have already begun such outreach. As our Congregation evaluates the response to the Circular Letter in this

area, it is my hope that we can enlist the communications network of the Vatican to provide a clearing-house for information about such programs, in order to assist the Church in those areas of the world where resources are fewer.

The formation of future priests and religious

All of us recognize the importance of ensuring a proper formation for priests and religious. This is the third general consideration addressed in the Circular Letter. In 2002, Blessed Pope John Paul II declared, “*there is no place in the priesthood and religious life for those who would harm the young*” (*Address to the American Cardinals* [n.3], 23 April 2002). This bold phrase reminds Bishops and Major Superiors of Religious Orders of the need to exercise even greater scrutiny in accepting candidates for the priesthood and religious life, as well as providing formation programs that provide the necessary foundational human formation, including the appropriate formation in human sexuality. Here I want to cite a few lines from the Circular Letter on this point: “The directions given in the Apostolic Exhortation *Pastores Dabo Vobis*, as well as the instructions of the competent Dicasteries of the Holy See, take on an even greater importance in ensuring a proper discernment of vocations as well as a healthy human and spiritual formation of candidates. In particular, candidates should be formed in an appreciation of chastity and celibacy, and the responsibility of the cleric for spiritual fatherhood.”

The Circular Letter also highlights an important need for vigilance when it asks that particular attention “be given to the necessary exchange of information in regard to those candidates for priesthood or religious life who transfer from one seminary to another, between different dioceses, or between religious institutes and dioceses.” I might add that the international dimension of such transfers is clearly increasing, calling for clear guidelines by Episcopal Conferences and religious orders that will be carefully observed by all for the good of the Church.

Support of Priests

The fourth general consideration contained in the Circular Letter relates directly to the clergy. The Bishop always has “the duty to treat all his priests as their father and brother.” As an expression of his paternal and fraternal care for all of his priests, the Bishop should make available programs of continuing formation, particularly in the early years of priesthood. As a father, the Bishop must care for the prayer life of his priests, encouraging them to support one another as brothers and to work together in caring for one another, calling each other to holier and more perfect service to Christ’s flock.

In addition to continuing education and spiritual support of his priests, the Bishop has the responsibility to provide appropriate material support for his priests, including priests accused or found guilty of sexual abuse, in accord with the norms of

canon law. While the Bishop is able to limit the exercise of an accused cleric's ministry, as warranted by circumstances even during the preliminary investigation (cf. CIC can. 1722; SST art.19 [2010 rev.ed.]), as a father and brother, he also has the responsibility to protect the good name of his priests, and should make every effort to rehabilitate the reputation of a cleric who has been wrongly accused.

Cooperation with Civil Authority

The final general consideration addressed in the *Circular Letter* is cooperation with civil authorities. Certainly no less important than any of the other elements, the cooperation of the Church with civil authorities in these cases recognizes the fundamental truth that the sexual abuse of minors is not only a crime in canon law, but is also a crime that violates criminal laws in most civil jurisdictions. Since civil laws vary from nation to nation, and the interaction between Church officials and civil authorities may be different from one nation to another, the manner in which this cooperation takes place will necessarily differ in various countries as well. The principle, however, must remain the same. The Church has an obligation to cooperate with the requirements of civil law regarding the reporting of such crimes to the appropriate authorities. Such cooperation naturally extends also to accusations of sexual abuse by religious or laity who work or volunteer in Church institutions and programs. In this regard, Church officials must avoid any compromise of the sacramental internal forum, which must remain inviolable.

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In addition to these general considerations, the *Circular Letter* provides a summary of the canonical norms to be applied in cases of sexual abuse of a minor, as well as suggestions for procedures to be followed, based on the Congregation's experience in dealing with these cases over the past decade. These latter sections of the *Circular Letter* might be called the "juridical" facet of the Church's "multi-faceted response" to the challenge presented by the sexual abuse of minors committed by clerics.

The journey "*Towards Healing and Renewal*" is one that the entire Church must make together, convinced always of the power of God that "heals the brokenhearted and binds up their wounds" (cf. Ps 147:3). Our Holy Father, Pope Benedict XVI, in his encounter with the victims of sexual abuse in Malta, prayed not for a generic healing and reconciliation of victims, but one which would lead them, and the entire Church, "*to a renewed hope.*"

I hope my remarks here this evening may be some small contribution to this renewed hope, insofar as they call attention to concrete steps being taken by a Church that is called "Catholic" – universal – in an attempt to address the varied facets of the challenge presented by sexual abuse of minors by clerics. It bears repeating that the

abusers are a tiny minority of an otherwise faithful, committed clergy. Nevertheless, this tiny minority has done great harm to victims, and to the Church's mission of bringing Christ's love to the world of today.

Personally I am convinced that the steps currently underway, represented by the *motu proprio SST* and by the Congregation's *Circular Letter*, together with the innumerable local initiatives undertaken in response to the challenge of sexual abuse of minors by clerics, will help us to continue to respond in many fruitful ways to heal the wounds of the past, and to renew our commitment to a future full of hope, as our gracious God has promised. Thank you for the initiative of this Symposium "Toward Healing and Renewal": may it be a model for future studies that can help us all confront what we need to do as Church. May it also be a source of expertise and hope for those who seek to eliminate the scourge of sexual abuse of minors from society at large.