

Cracks in the wall of the curia

Jason Berry | May. 20, 2010 Examining the Crisis

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The Roman Curia is the Vatican bureaucracy. Most people know little about the men who run the curia. But press coverage of the clergy abuse crisis is closing in on cardinals whose blunders in the clergy abuse crisis have begun to draw criticism from other Princes of the Church.

As words fire back and forth in the press, the wall of secrecy that traditionally surrounds the curia is showing cracks.

The central issue of this long aching crisis is the Vatican's flawed justice system, rooted in archaic tribunals that use secret proceedings, a holdover from the Inquisition.

The Congregation for the Doctrine of the Faith -- the office that Pope Benedict XVI, as Cardinal Joseph Ratzinger, oversaw for many years under Pope John Paul II -- has one set of punitive rules for predator priests, and virtually none for bishops and cardinals.

In 2002, the American bishops adopted a youth protection charter that mandated lay review boards to research back cases and monitor new allegations of clergy abuse. Although criticized by survivors' groups, the youth charter stands as a workable model, at least on paper, for the church in other countries. The problem, however, is that the Vatican insisted that bishops and cardinals be excluded from the purview of the lay review boards.

Since the 1990s, at least 15 bishops and one cardinal -- the late Hans Hermann Groer of Austria -- have left their public positions after being reported for sexually abusing young people. Not one was removed as a titular bishop; they simply "stepped down." Anthony O'Connell of Palm Beach, Fla., lives in a South Carolina monastery, to cite an example. Lawsuits compensated some of the bishops' victims; the bishops weren't criminally prosecuted because of statutes of limitations. The abusive bishops followed the route of hierarchs who, after egregiously recycling sex offenders, "resigned."

Bishops are not stripped of their titles because to do so would violate the embedded logic of apostolic succession, that bishops are spiritual descendants of Jesus's apostles. Fattened by hubris, the tradition of apostolic succession has forgotten about Judas, who betrayed Jesus.

The Congregation for the Doctrine of the Faith has laicized hundreds of priests but no bishop.

The crisis entered a new phase recently when Benedict, in an airplane exchange with reporters en route to Portugal, said that the problem stemmed from "sin within the church." His words cut distance from Cardinal Angelo Sodano's Easter homily, defending the pope, scoffing at months of news reporting in Europe and America as "petty gossip" -- a phrase the pope himself used that same day.

Benedict's rhetorical shift has at least momentarily strengthened his hand by acknowledging a reality being

played out in news coverage.

Recently Bishop Walter Mixa, a German bishop, resigned under a cloud of suspicion, trailed by accusations that he was physically abusive to youths. A headline in *The Times* of London May 12 hit harder: "Archbishop of Vienna accuses one of pope's closest aides of abuse cover-up." Cardinal Christoph Schönborn, 65, "in what was supposed to be a private conversation with Austrian newspaper editors in late April," noted *The Times*, "accused Cardinal Angelo Sodano, 82, the former Vatican Secretary of State (Prime Minister), of having blocked investigations into sex abuse crimes committed by his predecessor in Vienna, the late Cardinal Hans Hermann Groer."

Schönborn portrayed Benedict as the cardinal who in the 1990s wanted Groer to face some form of justice. But as recent news reports have shown, Ratzinger moved clumsily on other cases (as *The New York Times* reported, the Congregation for the Doctrine of the Faith did not laicize a priest who abused deaf children in Wisconsin.) Just what Ratzinger would have done with Groer is unclear. John Paul and Sodano allowed Groer to take residence in a Marian shrine. Even after 2001, when Ratzinger secured permission from John Paul II to consolidate authority for all such cases at the doctrine congregation, the tribunal he oversaw did not pass judgment on bishops.

On the airplane, Benedict uttered words that will make or break his papacy: "The church thus has a deep need to re-learn penance, to accept purification, to learn on one hand forgiveness but also the necessity of justice."

How does he dramatize "the necessity of justice" as long as Cardinal Bernard Law -- the catalyst of the Boston abuse scandal -- lives in Rome as pastor of a great basilica and a member of the Congregation for Bishops and other powerful Vatican agencies?

On April 11, the head of the Italians' bishop conference, Cardinal Angelo Bagnasco, spoke his mind on episcopal malfeasance with the daily *Il Sole 24*. "Toward each of the people violated, and their families, I feel shame and remorse, particularly in those cases when they were not listened to by those who should have intervened in a timely manner," he said.

"Proven cases of mismanagement, underestimation of the facts, if not outright cover-up, will have to be rigorously prosecuted within and outside the Church and, as has already happened in some cases, will have to result in the removal and dismissal of the people involved."

Intentionally or not, Bagnasco's words directly apply to Sodano, who played a disgraceful role in promoting Fr. Marcial Maciel, founder of the Legionaries of Christ, for years after the 1998 canon law case against Maciel was filed in the Congregation for the Doctrine of the Faith by ex-Legionaries whom Maciel had sexually abused. Sodano sponsored Maciel's appearance at a prestigious religious conference in Lucca, Italy, in 2005. And, as previously reported in *NCR*, Sodano took at least \$15,000 in cash gifts from the Legion at Maciel's behest.

Sodano's successor as Secretary of State, Cardinal Tarcisio Bertone, made his own compromise with Maciel. As Archbishop of Genoa, Bertone praised Maciel in the preface of a book-length interview with the Legionaries of Christ founder by Jesus Colina. *My Life is Christ*, published in 2003, was Maciel's self-defense against the pending charges by the Congregation for the Doctrine of the Faith. Colina, a member of the Legion's lay affiliate Regnum Christi, founded Zenit, the Legion-sponsored news agency. In the soft questions, Colina proved himself Maciel's willing dupe. So did Bertone, who had worked for Ratzinger in the Congregation for the Doctrine of the Faith as a canon lawyer before his episcopal appointment in Genoa. In the Italian preface to the book, Bertone wrote of Maciel, who at the time was facing charges in the doctrine congregation by the former Legionaries:

"The answers that Fr Maciel gives in the interview are profound and simple and have the frankness of one who lives his mission in the world and in the church with his sights and his heart fixed on Christ Jesus. The key to this success is, without doubt, the attractive force of the love of Christ. This has always encouraged Fr Maciel and his institute not to allow themselves to be conquered by controversy, which has not been lacking in their history."

On May 1, the Vatican in announcing that a commissioner would take control of the Legionaries, stated: "The extremely grave and objectively immoral behavior of Maciel, confirmed by incontrovertible testimony, represent at times real crimes and show a life devoid of any scruples and any authentic sense of religion."

Bertone has made no apology for his lavish endorsement.

At the end of 2004, Ratzinger authorized an investigation of Maciel. In May 2006, as Pope Benedict, he banished Maciel from active ministry to a "life of prayer and penitence." That decision was a subtle rebuke of Sodano; but in the curial culture in which ecclesial princes treat one another with elaborate decorum, the pope allowed Sodano to soften the language of Maciel's expulsion order. Six weeks later, Benedict appointed Bertone to replace Sodano.

The controversy continued in 2009, a year after Maciel's death, when the Legion disclosed that their founder had a daughter out of wedlock. The Legion is now engaged in a legal battle with Maciel's two sons and a stepson by a woman in Mexico, as previously reported in *NCR*.

Bertone's endorsement of Maciel while he stood accused in the Congregation for the Doctrine of the Faith lends weight to Cardinal Bagnasco's concern for "underestimation of the facts, if not outright cover-up." At bottom, the surreal standard of justice in the Vatican -- in which popes do not punish cardinals -- is for Benedict the cadaver in the parlor of the Apostolic Palace.

Until Benedict gets rid of Sodano and Law and forces Bertone to atone for his words, the pope will be handcuffed to achieve "the necessity of justice." For his papacy to put this crisis to rest, Benedict must establish procedures to remove bishops from the hierarchy, and priesthood where warranted, and to establish uniform procedures of genuine justice.

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