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Vatican revises church law on sex abuse

John L. Allen Jr. | Jul. 15, 2010

Jesuit Fr. Federico Lombardi, Vatican spokesman, presents the Vatican's revised procedures for handling cases of sexual abuse by priests during a press conference at the Vatican July 15. (CNS photo/Paul Haring)

Rome -- In the latest chapter of the Vatican's attempt to come to grips with the sexual abuse crisis, Pope Benedict XVI has approved a set of revisions to church law which are touted by the Vatican as a major contribution to "rigor and transparency," while derided by critics as "mere tweaking."

For the most part, Vatican sources said, the revisions consolidate existing practice rather than marking a dramatic new approach. Unveiled on July 15, the changes include:

- Speeding up the process of "laicization," or formal removal from the priesthood;
- Allowing laity to serve as judges and lawyers on church tribunals in sex abuse cases, and waiving the requirement of a doctorate in canon law;
- Extending the statute of limitations for sex abuse cases from ten to twenty years, with the possibility still in force to waive it altogether on a case-by-case basis;
- Adding the acquisition, possession or distribution of child pornography as a "grave crime" under church law;
- Specifying that the same penalties for the sexual abuse of minors also apply to developmentally disabled adults;
- Clarifying that even "cardinals, patriarchs, legates of the Apostolic See and bishops" are subject to the jurisdiction of the Congregation for the Doctrine of the Faith, the Vatican's doctrinal office, on matters related to sexual abuse.

The Vatican spokesperson, Jesuit Fr. Federico Lombardi, stressed July 15 that these revisions affect only the church's internal discipline, and are not intended to supplant reporting sex abuse by priests to the police and other civil authorities ? a step the Vatican endorsed in a procedural guide published last April.

Unrelated to the sexual abuse crisis, the revisions also add several other offenses to the list of "grave crimes" subject to the Congregation for the Doctrine of the Faith (and thus to the expedited penalties the congregation

can hand out). They include crimes against the faith, such as heresy, apostasy and schism; recording or broadcast of the sacrament of confession; and the attempted ordination of women.

The last point ratifies a December 2007 decree from the Congregation for the Doctrine of the Faith, which stipulated that anyone attempting to ordain a woman, as well as women who claim ordination, are subject to excommunication. That decree appeared in the wake of several events around the world in which organizers claimed to ordain women priests in defiance of church authorities.

At a Vatican briefing this morning, Maltese Monsignor Charles Scicluna, an official at the Congregation for the Doctrine of the Faith, denied that the Vatican equates women's ordination with the sexual abuse of children. An illicit ordination, Scicluna said, is a ?"sacramental" crime, while abuse is a "moral" crime.

The church's current law in sex abuse cases was laid out in a 2001 document from Pope John Paul II, known as a *motu proprio* and titled *Sacramentorum sanctitatis tutela*. Most of the revisions presented July 15 were originally approved by John Paul in 2002 and 2003 as "special faculties," or exceptions to his own *motu proprio* , at the urging of then-Cardinal Joseph Ratzinger, now Pope Benedict XVI.

Vatican insiders have long pointed to the special faculties as an example of Ratzinger's commitment to resolving the sexual abuse crisis.

When the *motu proprio* was first released, it generated concern among some bishops and canon lawyers, especially in the United States, who read it to mean that virtually every charge of sexual abuse had to be handled through a canonical trial, which many regarded as cumbersome, expensive, and uncertain. The norms also required that the key personnel in those trials be priests, even though many canonists in America are laity. The statue of limitations in canon law also seemed to bar action in many cases.

That criticism came to a head in early 2003, when the promoter of justice in the doctrinal congregation, Maltese Monsignor Charles Scicluna, was set to travel to the United States to brief American canonists on how the norms laid out in *Sacramentorum sanctitatis tutela* were to be followed. Just ahead of Scicluna's departure, Ratzinger secured the special faculties from John Paul II to address the most serious concerns.

In addition to permission to waive the statute of limitations, the special faculties include:

- Allowing one judge on a church tribunal to be a lay person, and eliminates the requirement of a doctorate in canon law;
- By-passing trials in grave cases, removing abuser priests on the basis of a decree;
- Giving the doctrinal congregation power to "sanate" the acts of lower courts, meaning to clean up procedural irregularities;
- Establishing that an appeal in abuse cases goes to the doctrinal congregation rather than the Signatura, the Vatican's highest court.

All those faculties have now been formally written into church law.

Lombardi called the revisions "a contribution to clarity and certainty ? in a field in which the church is strongly committed today to proceeding with rigor and transparency."

However, a spokesperson for the Survivors' Network of Those Abused by Priests, the most prominent advocacy group for sex abuse victims said the church's approach needs "massive overhaul, not mere tweaking."

Vatican sources also told *NCR* in early July that the Congregation for the Doctrine of the Faith is preparing

"guidance," as opposed to binding rules, for bishops' conferences around the world as to how to coordinate their directives on abuse cases. The lack of a coherent global policy has long been a bone of contention for critics of the church.

That guidance is not expected to appear soon.

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