NATIONAL CATHOLIC REPORTER
Published on *National Catholic Reporter* (http://ncronline.org)

Francis faces big decisions on sex abuse

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Rome

Although Pope Francis has earned a reputation for taking on tough questions and shaking up the status quo, so far he's been relatively quiet on at least one issue that's arguably done greater harm to the image and morale of the church over the last decade than any other: the child sexual abuse scandals.

Even when the pontiff has had opportunities to express concern, he's sometimes let them pass by. For instance, there was no meeting with victims of abuse during his July 22-29 trip to Brazil, even though such encounters had become almost a routine feature of papal travel under Benedict XVI.

The activist group BishopAccountability.org recently asserted of Francis: "He has expressed solidarity with nearly every vulnerable population except for those who were sexually abused within the church."

Neither have there been many substantive developments on the policy front. On July 11, Francis approved a revision [1] to the laws of the Vatican City State adding crimes for sexual abuse of children, child prostitution and possession of child pornography, but that merely codified changes already announced under Benedict.

Francis also has come under fire for his handling of the case of Polish Archbishop Josef Wesolowski [2], the former papal ambassador to the Dominican Republic, who was quietly relieved of his post Aug. 21 following charges of sexual relations with underage boys.

No official explanation was offered by the Vatican, though a spokesman later confirmed that an investigation of Wesolowski is underway.

"Like all of his predecessors, Pope Francis is acting belatedly, secretively and recklessly," said Barbara Dorris, outreach director for the U.S.-based Survivors Network of those Abused by Priests (SNAP), at the time.

In other words, some critics charge that the "Francis revolution" -- generally understood to mean a more transparent, accountable and compassionate church -- has not yet arrived vis-à-vis the abuse crisis.

Now, however, Francis faces some important decisions that will require him to face the issue head-on.

As reported Wednesday by Andrea Tornielli for "Vatican Insider," [3] the pope used a consistory of cardinals Monday, called to approve an April 27 date for the canonizations of Popes John Paul II and John XXIII, to also consult with cardinals about the idea of setting up national or regional church courts around the world to handle sex abuse cases.

At the moment, church law requires bishops to submit charges of abuse against clergy to the Congregation for the Doctrine of the Faith in Rome, which determines if there's sufficient basis to proceed. After its review, the congregation generally sends the case back to a local court, but those bodies sometimes lack the personnel and resources to handle them efficiently.

The idea behind national or regional tribunals would not only be to ensure that cases are processed swiftly, but also to enforce a uniform standard of justice, so that outcomes don't hinge on where the case originated.

If Francis makes creating such tribunals a priority, it would be read as a clear signal that he wants to fill the gaps in the church's response.

On a different front, as part of a larger discussion of Vatican reorganization currently underway, the question has arisen of where responsibility for adjudicating abuse cases ought to be located in Rome.

Pope John Paul II assigned that task to the Congregation for the Doctrine for the Faith in 2001, but some observers believe that was mostly an expedient in response to a crisis situation.

Some officials have floated the idea of creating an entirely new Vatican department dedicated to protection of children and vulnerable adults, which would not only process abuse cases but would have a broader mandate to promote "best practices" across the church.

Such a department, for example, might be tasked with developing a system for conducting background checks across national lines so that when a priest transfers from one region of the world to another, the host diocese can feel confident he's got a clean record.

At the other end of the spectrum, some have suggested that legal responsibility for processing abuse cases should be returned to one of the normal Vatican courts, most probably the Roman Rota.

Were that to happen, insiders might read it as downgrading the importance of the effort, not only because the Congregation for the Doctrine of the Faith is generally seen as more consequential in terms of Vatican politics, but also because the Rota has a mixed reputation for efficiency in handling annulment cases.

What Francis decides, therefore, will be closely watched.

The pope will also likely have to face the question of how to oversee the anti-abuse policies adopted by bishops' conferences around the world.

In 2011, the Congregation for the Doctrine of the Faith, then led by American Cardinal William Levada, announced to great fanfare it was setting a May 2012 deadline for all bishops' conferences to submit their guidelines to Rome for review.

A high-profile symposium was held at the Jesuit-run Gregorian University in February 2012, co-sponsored by several Vatican departments, to help bishops' conferences finish their work.

In the end, however, several conferences still missed the deadline, including the new pope's native Argentina. (The Argentinian bishops belatedly submitted a draft policy after the pope's election.)

In addition, because these policies tend to be long and highly technical, observers say they sometimes didn't get careful review in Rome. As a result, some reformers believe Francis needs to "reboot" the effort.

In a late July interview with *NCR* [4], Cardinal Sean O'Malley of Boston said Francis "probably needs to bring

together the presidents of the bishops' conferences" to talk about the importance of having strong policies.

O'Malley also said Francis needs to make sure conferences have the resources they need to get the work done, especially in parts of the world where conferences lack expertise on the issue. He also said the Vatican has adequate systems and personnel to ensure that review of the guidelines is serious.

O'Malley is a member of the "G-8" council of cardinals currently meeting with Francis, and presumably, he has made these points directly to the pope. The drama now is what Francis will do with the advice.

One step already taken in that direction, according to some observers, may have been the Sept. 21 appointment [5] of American Archbishop Joseph Augustine Di Noia as "adjunct secretary" of the Congregation for the Doctrine of the Faith, a new position.

Although Di Noia, a Dominican theologian, will likely have broad responsibility for shaping doctrinal policy, he also brings considerable experience on the abuse issue. It was during his time as under-secretary from 2002 to 2009 that the doctrinal congregation completed its investigation of the late Mexican Fr. Marcial Maciel Degollado, founder of the Legionaries of Christ, ordering him to "prayer and penance" on the basis of various charges of sexual abuse and misconduct.

Finally, there's the vexed question of what to do about bishops who fail to handle charges of abuse according to the church's official policies.

To date, Francis has not ordered any new accountability measures, nor has he openly removed a bishop for failure to act. Some read the Sept. 24 appointment of Bernard Hebda [6] as coadjutor archbishop of Newark, N.J., as an indirect rebuke to Archbishop John Myers for his handling of abuse cases, but both Myers and Hebda denied that interpretation in an interview with *NCR*.

Were Francis to take such a step, it too would be read as a powerful sign that he means business.

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