

It was like a tsunami

The Roman Catholic Church and its approach to the sexual abuse of children and youths. An interview with the long-time promoter of justice of the Congregation for the Doctrine of the Faith, Monsignor Charles Scicluna, Auxiliary Bishop of Malta.

1 Monsignor Scicluna, in October 2002, you were appointed by the Vatican's Congre-
2 gation for the Doctrine of the Faith to investigate allegations of clerical child sex
3 abuse. Why were you chosen?

4 I was no newcomer to the Roman Curia. After studying civil and canon law, I
5 began working in 1996 at the Roman Catholic Church's highest court, the
6 Supreme Tribunal of the Apostolic Signatura. In one of the positions I held
7 there, I served as secretary of a commission that produced the draft of an
8 important document regarding the nullity-of-marriage process. This docu-
9 ment was released by the Holy See in 2002 under the title of "Dignitas con-
10 nubii." While I was working as secretary of this commission, I attracted the
11 attention of the Congregation for the Doctrine of the Faith.

12 What was someone versed in canon law doing in the congregation of faith, and as a
13 "promotor iustitiae" at that?

14 The congregation was never just an administrative body. It was also a tri-
15 bunal. It is charged with investigating the most serious crimes defined by ca-
16 non law, matters that include the breach of the seal of the confessional and
17 the sacramental absolution of accomplices in sexual misconduct. In such
18 cases, a prosecutor known as the promoter of justice, "promotor iustitiae," is
19 appointed. This position had been vacant since 1995 and was filled in 2002.

20 In reaction to the child abuse scandal in the United States, which triggered a mas-
21 sive outcry around the world at the time?

22 Not directly. In April 2001, Pope John Paul II expanded the scope of the con-
23 gregation's authority to include "sexual abuse." At that point, the church
24 needed a lawyer who would investigate the material full time. For this reason,
25 the church gave me the position in the congregation on a trial basis in Janu-
26 ary 2002 and assigned me to investigate a special abuse case that had been
27 gathering dust for several years because there were no personnel to look into
28 it. Afterward, I was appointed to the position of promotor iustitiae following
29 negotiations between Cardinal Pompedda, the head of the Signatura, and
30 Cardinal Ratzinger.

31 Who and what was the driving force behind the reassignment of authority in the
32 Vatican? Cardinal Ratzinger?

33 In 1997, the congregation set up a commission to update procedures in line
34 with the 1983 Code of Canon Law. At the same time it was asked to investi-

35 gate allegations made against the founder of the “Legion of Christ,” Father
36 Marcial Maciel Degollado of Mexico. Several former members of this religious
37 order had raised credible allegations that Maciel, in connection with the
38 abuse of minors, had committed crimes that had always fallen into realm of
39 the congregation’s authority, particularly the absolution of accomplices.
40 Thus, the congregation learned about the issue of sexual abuse indirectly
41 through the application of its own authority.

42 Why was this indirect approach required?

43 One problem was that the Code of Canon Law promulgated by Pope John
44 Paul II in 1983 did not reserve competence on sexual abuse cases to Rome
45 but rather, in the spirit of the Second Vatican Council, left these cases in the
46 hands of the individual bishops. There was no requirement to report these
47 cases to Rome.

48 Sexual abuse was not a criminal offense before 1983?

49 Of course, it was. Several sets of instructions regarding procedures for han-
50 dling abuse cases were based on the 1917 Code of Canon Law. But they were
51 not amended or updated after 1983. Cardinal Ratzinger recognized this prob-
52 lem at an early stage. As prefect of the Congregation for the Doctrine of the
53 Faith, he approached the Signatura in the early 1990s because it, as the su-
54 preme tribunal, was charged with assigning the areas of authority within the
55 Roman Curia. Ratzinger asked for clarification about who within the church
56 should assume responsibility for investigating these crimes: the Congregation
57 for the Clergy or the Congregation for the Doctrine of the Faith.

58 Based on what we know, the Signatura’s commission did not get very far ...

59 The commission was not well organized and, much to Cardinal Ratzinger’s
60 dismay, went about its work in a fairly chaotic manner. It took three years to
61 prepare a draft of new procedural guidelines. In April 2001, John Paul II ap-
62 proved these regulations in the form of a Motu proprio under the title of “Sa-
63 cramentorum sanctitatis tutela” (SST). But sexual abuse was added to the
64 list of criminal offenses only at the end of consultations. The Congregation for
65 the Doctrine of the Faith was assigned the responsibility of handling these
66 cases at the insistence of Ratzinger’s staff and a commission of church legal
67 experts. One of the reasons for this was that the Congregation for the Clergy,
68 which makes administrative decisions regarding clergy discipline, was not a
69 tribunal and as such could not and cannot conduct a criminal trial as would
70 be the case with the Congregation for the Doctrine of the Faith.

71 Before 2001, did Rome hear virtually nothing about abuse cases or, if so, did it hear
72 about them by chance or through indirect information?

73 In the 1990s, it appeared that the issue of sexual abuse was confined to
74 Canada and the United States. So many cases had been reported there since
75 the 1980s that Cardinal Sodano, the Secretary of State, acted with the Pope’s

76 consent and empowered the American bishops on April 25, 1994, to examine
77 every case of abuse in which the victim was at least 18 years old.

78 Eighteen years old and not 16?

79 Yes, the canon law crime of sexual abuse of a minor was initially extended to
80 minors under 18 for the United States only. Today, the same law applies in
81 the Universal Church. In addition, procedural guidelines were issued for the
82 first time. Under these rules, cases against members of the clergy were to be
83 conducted on the level of the respective diocese. The Sacred Roman Rota, the
84 church's highest appellate court, was assigned the responsibility for the ap-
85 peals filed in these cases. As you see, the Congregation for the Doctrine of the
86 Faith had nothing to do with the entire process in the mid-1990s.

87 It has been reported that a major dispute broke out among cardinals in the late
88 1990s over the question of whether an investigation of the legion's founder should
89 be initiated. Powerful cardinals stood up for Maciel Degollado. But Ratzinger won
90 out in the end.

91 The minutes of the meetings give no indication of how the battle lines were
92 drawn at the time. The cardinals who were there at the time could know
93 more.

94 What did you know about clerical sexual abuse before you were assigned these cas-
95 es in the Congregation for the Doctrine of the Faith?

96 Not much. When I was assigned the position of examining abuse cases in the
97 mid-1990s in the Signatura, I first had to learn the complete language.

98 Why in the Signatura?

99 The Signatura reviews decisions of the other Dicastries of the Holy See from
100 the procedural point of view. One of my first cases concerning sexual abuse
101 of minors involved an American priest who had abused children and young
102 people in a church and, together with two other priests, had formed a sort of
103 pedophile ring. He was reported by some of his victims and his bishop re-
104 moved him from ministry. The priest made recourse to the Congregation for
105 the Clergy in Rome to challenge the decision of his bishop. The priest was in-
106 fluential and well liked. He had set up his own travel agencies and organized
107 pilgrimages. He preferred to take his victims with him on cruise ships. The
108 Congregation for the Clergy rejected his challenge. The priest then challenged
109 this decision before the Signatura. We also upheld the bishop's decision.

110 Was there no requirement to report to Rome until 2001?

111 No. For this reason, my work in the Congregation for the Doctrine of the
112 Faith began with a shock. The sheer number of cases reported to Rome un-
113 der the new rules of the SST was something like a tsunami. In 2003, 800
114 cases were reported – new and old ones. In 2004, an additional 700 were re-
115 ported – from the United States alone. The rest of the world, including Ger-
116 many, was still dormant. While I held the position, we had 4,000 cases.

117 A handful of canon lawyers under the promotor iustitiae were supposed to handle
118 thousands of cases all of a sudden?

119 After a few months, I knew that we would drown in this tsunami. The new
120 rules were like a straitjacket. I went to Cardinal Ratzinger and told him: ,We
121 cannot handle this mountain of cases with a complex set of procedures that
122 make it possible to hold only three or four trials a year. We are getting two to
123 three new cases a day!` Fortunately, Cardinal Ratzinger had the absolute
124 trust of Pope John Paul II. He always got what he requested. I told him:
125 ,Eminence, you must go to the Pope and ask him to give us special authority
126 to quickly handle the very clear cases in an administrative procedure and to
127 not have to conduct a regular court proceeding as required by the motu pro-
128 prio in every case.` And that is what happened. In 2003, a special authoriza-
129 tion was issued that enabled a criminal proceeding to be done administra-
130 tively. These special authorizations are now part of the revised version of the
131 special law.

132 All of a sudden, the Vatican's learning curve shot upward – why?

133 The public pressure, exerted in particular by the media, was very important.
134 But we were also really stung by the humiliation and the loss of standing
135 among the public that the church was experiencing. We understood at the
136 time that Rome could make only one response to the scandals: We would
137 have to do our job, and do it as quickly and thoroughly as possible.

138 Speed generally has little to do with thoroughness.

139 Justice certainly takes time. But this cannot come at the expense of the vic-
140 tims who are waiting for a response to their reports. The families and parish-
141 es also had to be informed about what happened. Priests were waiting to re-
142 ceive a final decision about their fates, and the bishops wanted to know
143 where they stood with this or that priest. For this reason, we decided to act
144 as a supervisory body. We sent as many cases as possible to the dioceses for
145 a decision.

146 In the fall of 2002, bishops in Germany approved guidelines for handling sex-abuse
147 cases. In the years that followed, neither they nor the public seemed to be too con-
148 cerned about the issue. At the time, many thought it was just an American prob-
149 lem. How is the problem perceived in the church today?

150 Although for the first years of our work we were faced with a considerable
151 number of cases from the United States, we could also see that the problem
152 was not an “American problem”. Reports of cases started coming from all
153 over the world, albeit in smaller numbers. We also had many problems on
154 this side of the Atlantic, including Germany, the Netherlands, Belgium, Aus-
155 tria, Italy, Poland and Malta.

156 After being elected Pope, Benedict XVI himself was accused of acting improperly in
157 connection with the abuse cases.

158 Benedict XVI was Archbishop of Munich and Freising at a time when pedo-
159 philia was viewed in a different light from the way it is today. I have seen
160 many documents from the 1970s and 1980s containing reports from psy-
161 chiatrists who said the offender had been completely healed and who made
162 an unqualified positive prognosis. Cardinal Ratzinger was one of the few bi-
163 shops who were thoughtful enough to seek professional guidance that they
164 also could rely on. Unfortunately, some of the offenders committed more
165 crimes in spite of the prognoses. Today, professionals think someone is crazy
166 or irresponsible if he or she gives a clean bill of health to a person who has
167 molested children. The risk factor is never zero.

168 Today, people still believe that there is a connection between celibacy and sexual
169 abuse. What do you know?

170 I have seen 4,000 cases in the last 10 years. In each case, celibate men were
171 the offenders – I would not have been looking at them otherwise. But it would
172 be absurd to conclude that the sole cause is a connection between celibacy
173 and abuse. We have information about abuse occurring in churches where
174 the clergy members are married. The question that we are asking ourselves is
175 a much different one: Why didn't celibacy act as an extra shield. A celibate
176 individual should have learned to control his sexual desires. For this reason,
177 we are talking about a problem in priestly training.

178 Michael Kafka, a highly respected American researcher at the Harvard Medical
179 School, has pointed out that an above-average number of homosexuals were found
180 among the Catholic clergy members who molested children and young people. Do
181 you agree?

182 As a lawyer, I am not an expert about how homosexual tendencies arise.
183 There are no statistics showing how many molesters were homosexuals and
184 how many were heterosexual or even bisexual. But we do know that, with the
185 exception of Africa, where the majority of victims are young girls and women,
186 the molesters in cases referred to the Congregation for the Doctrine of the
187 Faith generally sought out boys between the ages of 14 to 18. Psychologists
188 must explain why this was the case.

189 What has the Church learned from the molestation scandals of recent decades?

190 The first lesson is that the things that you have correctly observed should be
191 formulated and discussed. The first reaction is not to speak about a problem.
192 Rather, it is shock and the subsequent silence and the inability to do any-
193 thing at all because the shock is too much. On the other hand, formulating
194 priorities is the first step toward breaking the shock's grip on you.

195 Which priorities?

196 The top priority is to empower churches, families, groups, parishes and even
197 dioceses. All must learn to avoid putting blind faith in members of the clergy-
198 Rather, they must view them – expressed in Biblical terms – as stewards of
199 something that God has entrusted to them and who will be held accountable

200 for their deeds. Priests, bishops, cardinals and even the Pope must move
201 closer to their flock. They are people, just as you and I are, with their own
202 strengths and weaknesses. We, the clergy, must earn people's trust, day after
203 day. This is just what the Gospel says. In Luke, we are told that of stewards
204 to whom much has been given, much is expected in return. Jesus told this to
205 Peter of all people.

206 How should future priests learn what it means to be held accountable?

207 Through education. We must train leaders, just as we must strengthen
208 communities. We must also understand how precious a child's innocence is.
209 This must be in the Catholic DNA. But because you cannot completely stop
210 abuse, we must put families, groups and churches in a position of being able
211 to recognize the signs of molestation. They must learn to not look away. In-
212 stead, they must respond well and at an early stage, and bring the truth to
213 light. This is no easy task. Sometimes, the truth is so shocking that we fear it
214 and do not want to discuss it. But the truth will set us free. This is what Je-
215 sus stands for. If we conceal and cover up things, we will never be free and
216 children of the light. We must be a gleaming example of what the business
217 world calls "best practice." We must be part of the solution and not of the
218 problem.

219 Do you think that all members of the Curia and the College of Cardinals share your
220 view, which was also the view of Pope Benedict?

221 Pope Benedict was completely clear about this issue. You just have to re-
222 member what the Pope said in his programmatic Christmas message in De-
223 cember 2010. He quoted a vision of Saint Hildegard von Bingen in which the
224 face of the church is covered with dust and her dress is torn – all because of
225 the priests' sins. But it would be unusual if there were no other views within
226 the Church. If you compare the Church to a ship, then we will find many sai-
227 lers on board, but just one captain. He sets the course. In Rome, my work
228 will be assessed differently, depending on who is involved. Some will say:
229 'You must do a better job.' Others will say: 'The best approach is to do abso-
230 lutely nothing at all.' Until he resigned, Pope Benedict stuck to his line. We
231 will see what will happen – to use the same metaphor – when one of the sai-
232 lers becomes Pope.

233 Could the Vatican ease or back off the hard line it has taken toward molestation?

234 I think that is out of the question. The Church's approach to the issue of
235 sexual abuse does not depend on who is the prefect of the Congregation for
236 the Doctrine of the Faith or of the Congregation for the Clergy or even who
237 the Pope is. The key is the attention of families, groups and churches. The
238 empowerment of these groups is not incompatible with the hierarchal struc-
239 ture of the church. The innocence of "the little ones" is a much more precious
240 value. We want to be the Church of Jesus Christ. The priorities were laid
241 down in the Gospel a long time ago.

242 What lesson has the church learned from the molestation scandal that it can apply
243 to the training of future priests?

244 I would say nothing more than that which was spelled out by Pope John Paul
245 II in the Apostolic Constitution on priestly formation “Pastores dabo vobis”: A
246 key requirement is the human maturity of the future priest. This is not only a
247 question of spirituality or theology, but rather a life-long learning process, to
248 which the humanities have contributed much.

249 In many countries, the scandals involving the Roman Catholic Church have in-
250 creased people’s realization that sexual abuse of children occurs in many places
251 and is done by all types of people – from fathers to child molesters who, as tourists,
252 fly from Europe or America to Asia and Africa. Can the Catholic Church learn from
253 its own history and become the children’s advocate?

254 I understand why the sins of the Catholic Church make headlines. But I con-
255 sider this to be a sign of hope as well. This means that the world continues to
256 hope that the Catholic clergy has not lost faith in the ideal in which one indi-
257 vidual devotes his life to serving others. If we no longer would or want to
258 measure ourselves against our calling, then we would not be needed, and our
259 sins would no longer make headlines. But we should not just attract atten-
260 tion when something goes wrong. We should also get it when we do some-
261 thing well, too. To the extent that the Catholic Church applied “best practic-
262 es” everywhere, it could act as a role model for ways to deal with criminals in
263 other contexts. Youth groups, sports clubs, schools and other organizations
264 could then look up to the Church a guide.

265 In Munich, a “Center for Child Protection” was set up more than a year ago. It de-
266 velops online learning models designed to make church groups worldwide aware of
267 the issue and to teach correct forms of behavior. What do you think of this?

268 The Munich project is a small, but important and promising piece of the huge
269 puzzle. The initiative is just now getting off the ground. But my hope is that
270 its impact will extend far beyond the Catholic Church. We must share our
271 painful experience and our expertise with all people of good will.

272

273 The interview with Auxiliary Bishop Charles Scicluna was conducted by Daniel
274 Deckers

275 **Version 2013-02-27 –Veränderungen im Text nur nach Rücksprache mit D.D.**