

**CONTENTS OF  
THIS ISSUE:**

*\*Statement Apologizes for Clergy Sexual Abuse of Minors, by Cardinal Bernard Law, p. 525;*

*\*On File, p. 526;*

*\*Datebook, p. 526;*

*\*Letter Explains New Norms for Vatican Handling of Certain Grave Offenses, by Cardinal Joseph Ratzinger and Archbishop Tarcisio Bertone, p. 528;*

*\*British Cardinal Preaches at Queen's Invitation, by Cardinal Cormac Murphy-O'Connor, p. 530;*

*\*Priests Today: Forerunners of Tomorrow's Church, by Bishop Howard Hubbard, p. 531;*

*\*The Meaning of Church, by Archbishop John Myers, p. 534.*

Cardinal Law

## Statement Apologizes for Clergy Sexual Abuse of Minors

*"Any priest known to have sexually abused a minor simply will not function as a priest in any way in this archdiocese," Cardinal Bernard Law of Boston said in a statement during a Jan. 9 press conference in Boston. He announced additions to a 1993 archdiocesan policy for dealing with sexual abuse of minors by clergy, including a provision mandating "all clergy, employees and volunteers to report any allegations of abuse against a minor, following the procedures set forth in the statutes of the commonwealth of Massachusetts." Law said: "I apologize once again to all those who have been sexually abused as minors by priests. Today that apology is made in a special way with heartfelt sorrow to those abused by John Geoghan." A former Boston priest, Geoghan faces criminal charges for molesting children while he served as a priest. Geoghan, ordained in 1962, was removed from parish ministry in 1994 and was forcibly laicized in 1998 amid indications he had molested scores of young boys over the course of three decades. Law said he "asked the Holy See to dismiss [Geoghan] from the priesthood without possibility of appeal even though he had not requested laicization." Law said also that judgments had been made in assigning Geoghan to pastoral duties that, "in retrospect, were tragically incorrect. These judgments were, however, made in good faith and in reliance upon psychiatric assessments and medical opinions that such assignments*

*were safe and reasonable." Law said, "My apology to [Geoghan's victims] and their families, and particularly to those who were abused in assignments which I made, comes from a grieving heart. I am indeed profoundly sorry." The revised archdiocesan policy on sexual abuse of minors by clergy "will be promulgated and made available within the next three to four weeks," the cardinal said. His statement follows.*

I wish to address the issue of sexual abuse of minors by clergy. At the outset I apologize once again to all those who have been sexually abused as minors by priests. Today that apology is made in a special way with heartfelt sorrow to those abused by John Geoghan.

There is no way for me to describe adequately the evil of such acts. All sexual abuse is morally abhorrent. Sexual abuse of minors is particularly abhorrent. Such abuse by clergy adds to the heinous nature of the act. It affects a victim's relationship to the church. A child's ability to trust is shattered by such abuse, and self-esteem is damaged.

Today the issue of sexual abuse is a matter of open and public discussion. While this is often painful, it has allowed us to address the issue more directly. Only in this way can all of us be more alert to its dangers, protect potential victims, respond more effectively to those who have been the victims of abuse and learn how to deal more effectively

*(continued on page 527)*

JANUARY 24, 2002  
VOL. 31: NO. 32

# origins

**CNS documentary service**

source said, however, that Vatican officials were discussing with U.S. bishops how to "connect" the U.S. special law and the new norms. He said, for example, that it seems logical to expect U.S. dioceses to communicate information about such cases to the doctrinal congregation even if they are not bound to do so.

Two modifications in church law obtained by U.S. bishops in 1994 were adopted in the Vatican's norms: increasing the statute of limitations on such crimes from five to 10 years, a period to begin after an alleged victim of such abuse has reached age 18; and defining a minor as anyone below age 18 instead of 16, as in general church law.

In an interview with Vatican Radio Jan. 10, Archbishop Tarcisio Bertone, secretary of the doctrinal congregation, said the new norms reflected Vatican concern about the scandal caused by sex abuse cases against minors. "I would not say that [these cases] are greatly multiplying. There have emerged some cases of gravely illicit behavior on the part of ordained ministers. We know these cases are given emphasis and highlighted by the media and the press, and, therefore, in a sense provoke more scandal than in the past, when information about this kind of behavior was considered confidential," he said.

The Vatican's new norms will not lessen the Canadian bishops' commitment to "transparency" in such cases, said Msgr. Peter Schonenbach, general secretary of the Canadian Conference of Catholic Bishops. He said in a Jan. 8 note to Canadian bishops that church leaders will continue to report suspected child abuse by priests to civil authorities, as required by law.

Schonenbach said the Vatican document deals only with canonical proceedings and internal church discipline, and is "not a substitute for criminal or civil proceedings." (For a past text in *Origins*, see "Fifty Recommendations: The Church and Child Sexual Abuse," an excerpt from a 1992 report by the Canadian bishops' Ad Hoc Committee on Child Sexual Abuse, in Vol. 22, pp. 97ff in the edition dated June 25, 1992.)

I can only hope that victims and their families can take some heart from the fact that not only the church but society as a whole are responding more effectively to this overwhelming tragedy.

For the Archdiocese of Boston, I pledge a policy of zero tolerance for such behavior. Any priest known to have sexually abused a minor simply will not function as a priest in any way in

this archdiocese.

Please pray for all those who have been victimized as minors by clergy as well as for their families. Pray that those responsible may come to conversion of heart and self-awareness. Pray for the hundreds of faithful priests of this archdiocese who bear with me the burden of a few.

Before God, we are trying to do the best we can. In your kindness, pray also for me. ♦

## Doctrinal Congregation/Clergy Sexual Abuse of Minors Letter Explains New Norms for Church Handling of Certain Grave Offenses

New norms in which the Vatican Congregation for the Doctrine of the Faith takes control over the church's handling of certain grave delicts — offenses — involving the celebration of the sacraments or against morals, including the sexual abuse of minors by priests, were promulgated in a brief apostolic letter titled "Sacramentorum Sanctitatis Tutela" ("Protection of the Holiness of the Sacraments") issued "motu proprio" ("on his own initiative") by Pope John Paul II. The "motu proprio" was published only in Latin in late December in the Vatican's official bulletin of record, the *Acta Apostolicae Sedis*. It reviewed some aspects of the history of church law to explain why certain cases will be reserved to the doctrinal congregation. The pope said the norms are divided into two parts, those dealing with the crime's substance and those dealing with procedural matters. The norms themselves were not published, and Vatican sources said the norms will be sent to local bishops on a case-by-case basis. However, the norms were discussed and explained in a letter to the world's bishops and heads of religious orders by the doctrinal congregation. An unofficial translation of that letter, dated May 18, 2001, was obtained by Catholic News Service and was the subject of a Dec. 5 news report. The letter says the new norms reflect the doctrinal congregation's traditional "exclusive competence" regarding graver offenses. The doctrinal congregation's letter explains that the new norms require local bishops to report to the congregation probable cases of sexual abuse by clergy against minors. The doctrinal congregation then could allow a local diocese to handle the case under the new rules or the congregation could take up the case in its own tribunal. The letter indicates that these cases will be handled in strict confidentiality by an all-clerical court. The letter says the norms consider anyone under 18 a minor, a wider definition than in the Code of Canon Law, which speaks of minors below age 16. The Vatican norms under discussion involve the

handling of these cases under canon law and the imposition of church penalties; civil law deals with such cases separately. In addition to sexual abuse of minors by clergy, the doctrinal congregation's letter explains that the norms concern offenses "against the sanctity of the sacrament of penance" and offenses against the "eucharistic sacrifice and the sacraments," such as "taking or retaining the consecrated species for a sacrilegious purpose or throwing them away." In an interview Dec. 4, Archbishop Tarcisio Bertone, secretary of the doctrinal congregation, said the new norms promote the church's judicial process as the "normal way" to handle cases of clerical sexual abuse against minors, but leave open the possibility of nontrial solutions when the accuser, accused and local bishop are in agreement and the facts are uncontested. An unofficial translation of the doctrinal congregation's letter follows.

In order to fulfill the ecclesiastical law, which states in Article 52 of the apostolic constitution on the Roman Curia, "[The Congregation for the Doctrine of the Faith] examines delicts against faith and more grave delicts both against morals and committed in the celebration of the sacraments which have been reported to it and, if necessary, proceeds to declare or impose canonical sanctions according to the norm of common or proper law," it was necessary first to define the method of proceeding in delicts against the faith: This was accomplished through the norms titled *Agendi Ratio in Doctrinarum Examine*, ratified and confirmed by the supreme pontiff, Pope John Paul II, together with Articles 28-29 approved in *forma specifica*.<sup>2</sup>

At approximately the same time, the Congregation for the Doctrine of the Faith, through an ad hoc commission established, devoted itself to a diligent study of the canons on delicts both of the Code of Canon Law and the Code of Canons of the Eastern Churches in order to determine "more grave delicts both against morals and in the celebration of the sacraments" and in order to make

special procedural norms "to declare or impose canonical sanctions," because the instruction *Crimen Sollicitationis*, issued by the supreme sacred Congregation of the Holy Office on March 16, 1962,<sup>3</sup> in force until now, was to be reviewed when the new canonical codes were promulgated.

Having carefully considered opinions and having made the appropriate consultations, the work of the commission finally was completed. The fathers of the Congregation for the Doctrine of the Faith examined the commission's work carefully and submitted to the supreme pontiff conclusions on the determination of more grave delicts and the manner of proceeding to declare or impose sanctions, with the exclusive competence in this of the apostolic tribunal of this congregation remaining firm. All these things, approved by the supreme pontiff himself, were confirmed and promulgated by the apostolic letter given *motu proprio* beginning with the words *Sacramentorum sanctitatis tutela*.

The more grave delicts both in the celebration of the sacraments and against morals reserved to the Congregation for the Doctrine of the Faith are:

—*Delicts against the sanctity of the most august eucharistic sacrifice and the sacraments*, namely:

1° Taking or retaining the consecrated species for a sacrilegious purpose or throwing them away.<sup>4</sup>

2° Attempting the liturgical action of the eucharistic sacrifice or simulating the same.<sup>5</sup>

3° Forbidden concelebration of the eucharistic sacrifice with ministers of ecclesial communities which do not have apostolic succession and do not recognize the sacramental dignity of priestly ordination.<sup>6</sup>

4° Consecrating for a sacrilegious purpose one matter without the other in the eucharistic celebration or even both outside a eucharistic celebration.<sup>7</sup>

—*Delicts against the sanctity of the sacrament of penance*, namely:

1° Absolution of an accomplice in sin against the Sixth Commandment of the Decalogue.<sup>8</sup>

2° Solicitation in the act, on the occasion or under the pretext of confession, to sin against the Sixth Commandment of the Decalogue, if it is directed to sin with the confessor himself.<sup>9</sup>

3° Direct violation of the sacramental seal.<sup>10</sup>

—*A delict against morals*, namely:

the delict committed by a cleric against the Sixth Commandment of the Decalogue with a minor below the age of 18 years.

Only these delicts, which are indicated above with their definition, are reserved to the apostolic tribunal of the Congregation for the Doctrine of the Faith.

---

**"Through this letter ... it is hoped not only that more grave delicts will be entirely avoided, but especially that ordinaries and hierarchs have solicitous pastoral care to look after the holiness of the clergy and the faithful even through necessary sanctions."**

---

As often as an ordinary or hierarch has at least probable knowledge of a reserved delict, after he has carried out the preliminary investigation he is to indicate it to the Congregation for the Doctrine of the Faith, which unless it calls the case to itself because of special circumstances of things, after transmitting appropriate norms, orders the ordinary or hierarch to proceed ahead through his own tribunal. The right of appealing against a sentence of the first instance, whether on the part of the party or the party's legal representative, or on the part of the promoter of justice, solely remains valid only to the supreme tribunal of this congregation.

It must be noted that the criminal action on delicts reserved to the Congregation for the Doctrine of the Faith is extinguished by a prescription of 10 years.<sup>11</sup> The prescription runs according to the universal and common law;<sup>12</sup> however, in the delict perpetrated with a minor by a cleric, the prescription begins to run from the day when the minor has completed the 18th year of age.

In tribunals established by ordinaries or hierarchs, the functions of judge, promoter of justice, notary and legal representative can validly be performed for these cases only by priests. When the trial in the tribunal is finished in any fashion, all the acts of the case are to be transmitted ex officio as soon as possible to the Congregation for the Doctrine of

the Faith.

All tribunals of the Latin church and the Eastern Catholic churches are bound to observe the canons on delicts and penalties, and also on the penal process of both codes respectively, together with the special norms which are transmitted by the Congregation for the Doctrine of the Faith for an individual case and which are to be executed entirely.

Cases of this kind are subject to the pontifical secret.

Through this letter, sent by mandate of the supreme pontiff to all the bishops of the Catholic Church, to superiors general of clerical religious institutes of pontifical right and clerical societies of apostolic life of pontifical right, and to other interested ordinaries and hierarchs, it is hoped not only that more grave delicts will be entirely avoided, but especially that ordinaries and hierarchs have solicitous pastoral care to look after the holiness of the clergy and the faithful even through necessary sanctions.

Rome, from the offices of the Congregation for the Doctrine of the Faith, May 18, 2001.

Cardinal Joseph Ratzinger  
Prefect  
Archbishop Tarcisio Bertone, SDB  
Secretary

#### Footnotes

<sup>1</sup> Pope John Paul II, *Pastor Bonus* ("On the Roman Curia"), June 28, 1988, Art. 52, in *Acta Apostolicae Sedis* 80 (1988) 874.

<sup>2</sup> Congregation for the Doctrine of the Faith, *Agendi Ratio in Doctrinarum Examine*, June 29, 1997, in AAS 89 (1997) 830-835.

<sup>3</sup> Supreme Sacred Congregation of the Holy Office, *Crimen Sollicitationis*, "To all patriarchs, archbishops, bishops and other local ordinaries 'even of the Oriental rite': on the manner of proceeding in cases of solicitation," March 16, 1962, Vatican Polyglot Press, 1962.

<sup>4</sup> Cf. Code of Canon Law, Canon 1367; Code of Canons of the Eastern Churches, Canon 1442. Cf. also Pontifical Council for the Interpretation of Legislative Texts, "Response to proposed doubt," June 4, 1999.

<sup>5</sup> Cf. Latin Canons 1378.2.1 and 1379; Eastern Canon 1443.

<sup>6</sup> Cf. Latin Canons 908 and 1365; Eastern Canons 702 and 1440.

<sup>7</sup> Cf. Latin Canon 927.

<sup>8</sup> Cf. Latin Canon 1378.1; Eastern Canon 1457.

<sup>9</sup> Cf. Latin Canon 1387; Eastern Canon 1458.

<sup>10</sup> Cf. Latin Canon 1388.1; Eastern Canon 1456.1

<sup>11</sup> Cf. Latin Canon 1362.1.1; Eastern Canon 1152.2.1.

<sup>12</sup> Cf. Latin Canon 1362.2; Eastern Canon 1152.3. ♦