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## After the pedophilia scandal: What model of priest in the Catholic Church?

Jean-Louis Schlegel<sup>1</sup>

WHETHER Catholic or not, everyone clearly feels that something is not right in the way the church—and primarily the pope and the Roman Curia—have attempted to resolve or to put an end to the issue of pedophile priests. Abstruseness (or incomprehension) remains. Benedict XVI’s repeated pleas for forgiveness, his reiterations of the horror he feels when he hears of such acts, and his meetings with victims change nothing. While no one doubts his sincerity, each time he travels the victims are there, and he must again confront this humiliating and harrowing scenario. His successor must suffer in the same way, unless time does its work of healing, compensated victims decide that they have obtained (a little) justice, and the “revelations” stop.

However, more than one Catholic remains disillusioned and dissatisfied with the church’s response to the pedophilia scandal. Some, lacking any sense of shame, quickly and successfully console themselves by thinking things such as, “sin is everywhere, and priests are also sinners,” or, “outside the church it is even worse” (even supplying figures and statistics!). Even though we are living through bad times—with widespread incest that has long been hidden throughout society, a belated toughening of prison sentences, and recurring difficulties in knowing what to do with sex offenders (including pedophiles) once they leave prison—it is galling to see these statements being so quickly used to excuse what has happened in the church. As if they were not talking about something

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1. Among the author’s articles previously published in *Esprit*, see in particular his introduction to the February 2010 special report on “Le déclin du catholicisme européen” (the decline of European Catholicism).

monstrous! Other Catholics are resigned to the situation and have silently taken on board yet another scandal on top of those of the beginning of 2009, when fundamentalist bishops were reintegrated into the church, a mother who obtained an abortion for her young daughter who had been raped was excommunicated, and the pope made a declaration about condoms while on a flight to Africa.

Some Catholics—a minority, it is true—hold on to a feeling (of frustration) that, just as in secular society, nothing serious has been said by the church about this subject, which is certainly a difficult one. But in secular society there is a discussion about the dilemma of whether to treat these offenders as mentally ill perverts who are not responsible for their actions (either fully or partially), or as criminally responsible felons, who therefore must be removed from society. But where to and how? No one knows. Some demand that they be considered and treated like other people who are mentally ill, some call for them to be locked up for a mandatory minimum of thirty years or for life, others suggest that they be tagged and placed under psychiatric care, that they should be denied all contact with children, and still others that they be chemically or physically castrated. There are major variations and the “solutions” are full of contradictions.

What is “special,” if one can say that, about pedophile priests who have committed offences? It is that they are *Catholic priests*, and therefore celibate by vocation. In Rome, a three-pronged strategy seems to have been drawn up: forestall questions about the causes of the disaster, spiritualize or sublimate what has happened, and toughen the sanctions. As for the causes, it is true that until now no-one has reported a link between pedophilia and priestly celibacy. But we could at least recognize that it is a plausible link and should be discussed, rather than peremptorily asserting certainties on the subject, evidently in order to foreclose any debate on the possibility (or the necessity) of married priests. Change nothing, reassert and justify what exists, especially the “doctrinal block” on the unmarried and non-female status of the priesthood. That is the line. Eventually, what happened (especially in the 1950s–1970s) will demand a critical theological re-reading and a process of discernment of what the church has said and done with the priesthood. So, what has it said? The question of increasing the severity of sanctions and accelerating and centralizing their imposition was raised in a document published in July 2010. Is speeding up the imposition of sanctions compatible with bureaucratic centralization, and is an increase in the severity of sanctions the solution? It also begs the question of what sanctions should be applied, and how they can be made more severe—especially when the “secular” response to pedophilia already poses many problems for society. Furthermore, note that in this document there is no mention of the victims and how they should be treated and compensated for the harm that has been done to them.

### *A failure to speak out*

In France, the Catholic Church experienced this ordeal nearly ten years ago when in 2001 a bishop stood trial for failing to report a pedophile priest. In 2010, unlike other countries' churches, it was not in the firing line, and its spokespeople were able to emphasize the improvements in transparency that had been made. "Comply with the law of the land," is the rule that the Vatican has also now taken on board. Some have emphasized the positive role of the French laity in this affair. Perhaps. But in my view a more decisive factor has been the changes in the law—which have increased the penalties for sexual offenses—and attitudes. For a large proportion of the population, crimes against children are now considered almost irredeemable. Fortunately, unlike others in Europe and elsewhere, the church in France and its representatives has not had to contend with the enormous scandal that took place in the winter and spring of 2010. But the price has been an excessive silence and a damaging failure to speak up about the "question of principle" that these scandals call the church to address. Although it would not have made sense to voluntarily start a debate throughout the church, some sort of process of reflection could have been undertaken and subsequently made public. The brochure entitled *Lutter contre la pédophilie* (Combating Pedophilia), produced by the Bishops' Conference of France in 2002 and re-issued in October 2010, has its merits. It gives explanations and indications of ways that the church can fight against pedophilia in a general sense, but barely raises the specific case of pedophile priests.

In Belgium, which was more directly affected by the shocking behavior of a bishop, the church created an internal commission directed by an *independent* psychiatrist, Peter Adriaenssens. Even though this commission ended up being abandoned after the offices of a civil judge serving on it were brutally raided by police investigators in 2010 (a raid that was subsequently invalidated), it was a very well-conducted inquiry, as was publicly acknowledged in September 2010.<sup>2</sup> And although they had been stunned by the revelations about one of their number, the Belgian bishops did try to engage with public opinion and ordinary Catholics. The *independence* of inquiries, the *openness* surrounding their results, and the *courage to speak out* on a very risky subject are, in the Catholic Church as elsewhere, the harsh requirements for credibility. It must be said that in Belgium, as no doubt elsewhere, violence and depravity have something in common: in both cases the victims must be blamed! Due to an uncompromising attitude toward revealing the *whole* truth (including victim blaming) it is understood that neither the victims, nor public opinion, nor the government, nor parliament, nor the country's courts, nor

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2. Peter Adriaenssens' call for the pope to resign, which he made in October 2010, was pointless. But at least he was free to make it.

Catholics themselves, were totally convinced by purely verbal apologies and declarations of repentance.

Priestly celibacy has once again been put under the spotlight, despite the denials from the church hierarchy, it is said, of any link between celibacy and pedophilia. It can be said that celibacy “in itself” has no connection “in itself” with criminal acts of pedophilia. But in a particular time period (in which education takes place in a closed environment), in a specific setting (that of Catholic boarding schools<sup>3</sup>), with some collusion (a law of secrecy verging on the sordid), the worst is not impossible. Whatever the case, it must be said that the debate about priestly celibacy (which is officially closed and has been kicked out the door) never ceases to come back in through the window, on many occasions, which are sometimes shocking, as here. In any case, allowing “married priests” may not resolve much in the current crisis. It is not, or is no longer, the key issue. But it is the unwavering refusal that we oppose, if only because the issue has all kinds of damaging effects and reinforces the image of an old-fashioned institution that is incapable of imagining anything new. There is the same refusal when it comes to allowing women priests, or priests who serve for a limited time,<sup>4</sup> or a “second track” that is less onerous, in order to ensure communities have priests<sup>5</sup> at a time when the Catholic Church in Europe and many other regions is suffering from a catastrophic recruitment crisis. In the church today, imagination seems only to be empowered to innovate in old ways.

### *Dubious spirituality and a pointless “Year for Priests”*

When people criticize priestly celibacy, they often refer to social, cultural, and intellectual changes that make celibacy difficult, unenviable and implausible. But the number of pedophile priests is significant

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3. Although it should be added here that teachers and educators in general, even when married and in an open environment, may be tempted more than those in other professions.

4. Not counting the refusal to accept openly gay men for ordination (whilst accepting that priests who are gay must be kept, but putting them in a situation that is very hard to bear). In the United States in the 1970s, however, the principals of seminaries were notorious for encouraging young homosexuals who asked for ordination—at least they would not run off with women! Such encouragement was irrational, but no-one saw why gay priests would be bad priests simply because of their sexual preferences or tendencies.

5. The only real issue, and another “scandal,” is that of Catholic communities collapsing because they no longer have access to the sacraments due to a lack of priests. In the Catholic tradition, the priests are the pillars of spiritual life and daily conversion. You can carry out all the utopian and qualitative studies you like (on ministries, vocations, priests who come from their own—inevitably rather elitist—communities, new and desirable ways that priests and laypeople can share views, and so on), but being realistic, more priests need to be ordained—men and women, married and celibate, young or older—if not in massive numbers, at least in great numbers, and of course while demanding appropriate religious and human criteria, in order to ensure that the sacraments and offices are maintained. The interminable discussion about the possibility of ordaining *viri probati*, “proven” married men—therefore older men, no doubt—is somewhat risible given the age of priests in France and many parts of Europe (nearly seventy, on average, and if this figure is not there yet, it soon will be) and the state of marriage and divorce in European societies.

enough for questions to be raised about the more systemic reasons—ecclesiastical, theological, and spiritual—that have led to such a scandal at the beginning of the twenty-first century. However, the spirit in which the “Year for Priests,”—incidentally the year in which the largest number of pedophile acts ever committed by priests was revealed—was celebrated in Rome and elsewhere in 2009–2010 gives food for thought. The magisterium’s unilateral emphasis on “the grandeur and beauty of the priestly ministry,”<sup>6</sup> personal courage, holiness, inner character, and the exceptional nature of the priesthood—along with the use of John Mary Vianney, the famous nineteenth-century Curé of Ars—as a model for the present and the future is the most traditional image of the “good priest” that could have been evoked. This image was established little by little in the seventeenth and eighteenth centuries, before reaching a peak from the nineteenth century until the middle of the twentieth century. The novelist Georges Bernanos depicts the internal contradictions of these tormented heroes in an extraordinary way. He also shows the fall, degradation, and impersonation that is always possible. But, while setting a particular image of the priest in stone, he also announced, in colorful terms, the end of this model—which was to some extent noted by Vatican II. In the end, is it a coincidence that most serious cases of pedophilia date from the 1950s to 1960s? And is it another coincidence that the fall in vocations, which had started much earlier, subsequently became and remained catastrophic in Europe? In 2010 there were eighty-five ordinations to the priesthood—the lowest number since the French Revolution—and that was at the end of the “Year for Priests!”

John Mary Vianney (1786–1859) was the humble parish priest of Ars in the *département* of Dombes from 1827 until his death, and was later proclaimed patron saint of parish priests<sup>7</sup> throughout the world. His saintly reputation was such that for more than twenty years people were eager to see him and make their confession to him. Innumerable (ugly) plaster statues bearing witness to his extreme austerity can still be seen in the churches of France and especially Navarre. He is shown with an emaciated face, which is almost cadaverous, under his long hair. His very poor intellectual performance as a seminarian (which came close to preventing his ordination) and his life of mortification are legendary,<sup>8</sup>

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6. “Conclusion of the Year for Priests. Homily of his Holiness Pope Benedict XVI,” [http://w2.vatican.va/content/benedict-xvi/en/homilies/2010/documents/hf\\_ben-xvi\\_hom\\_20100611\\_concl-anno-sac.html](http://w2.vatican.va/content/benedict-xvi/en/homilies/2010/documents/hf_ben-xvi_hom_20100611_concl-anno-sac.html).

7. That is, diocesan parish priests. It seems that *in extremis*, the Pope had resisted pressure to make Vianney the patron saint of *all* priests. The distinction is not hugely important, but there are ulterior motives concerning what, according to the Vatican, all priests both in Rome and the wider world (*urbi et orbi*) should be.

8. There are a great many biographies of Vianney. Daniel Pézeril’s *Pauvre et saint curé d’Ars* (Paris: Le Seuil, 1961) is still worth a mention for its accuracy and depth. See also Philippe Boutry’s excellent book on the context of the priesthood in the nineteenth century, *Prêtres et paroisses au pays du curé d’Ars* (Paris: Cerf, 1986) and the summary given by Pierre Mayol, “Au pays du curé d’Ars” in the January 1987 edition of *Esprit*.

as are his charisma as a confessor, his harsh judgement of visitors, some dramatic statements he made, his tormented relationship with the devil (known in local dialect as “le Grappin”), his miracles, the institutions that he built, his denunciation of balls and cabarets (and his great success in abolishing them in his parish), and stories of the rationalists who, having been converted, left the confessional in tears. But more than once, the holy priest also spoke of the priesthood in passionate terms that some people may find outdated, but which are apparently still used to show priests today what they are, and what they should be and do. These terms are central to the “Letter Proclaiming a Year for Priests” (June 2009), and Pope Benedict XVI quotes him several times, while recognizing that he undoubtedly goes too far on occasion. Thus, the pope recalls that Vianney explained to his parishioners the importance of the sacraments, saying:

Without the Sacrament of Holy Orders, we would not have the Lord. Who put him there in that tabernacle? The priest. Who welcomed your soul at the beginning of your life? The priest. Who feeds your soul and gives it strength for its journey? The priest. Who will prepare it to appear before God and bathe it one last time in the blood of Jesus Christ? The priest, always the priest. And if this soul should happen to die [as a result of sin], who will raise it up, who will restore its calm and peace? Again, the priest . . . After God, the priest is everything! . . . Only in heaven will he fully realize what he is. [. . .] Were we to fully realize what a priest is on earth, we would die: not of fright, but of love . . . Without the priest, the passion and death of our Lord would be of no avail. It is the priest who continues the work of redemption on earth . . . What use would be a house filled with gold, were there no one to open its door? The priest holds the key to the treasures of heaven: it is he who opens the door: he is the steward of the good Lord; the administrator of his goods . . . Leave a parish for twenty years without a priest, and they will end by worshiping the beasts there . . . The priest is not a priest for himself, he is a priest for you.<sup>9</sup>

The ontologizing of the sacraments in general (not just holy orders, but also baptism, marriage, confession, and the Eucharist) is part of good Catholic theology.<sup>10</sup> It is unsurprising. But it could be done without

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9. “Letter of His Holiness Pope Benedict XVI Proclaiming a Year for Priests on the 150th Anniversary of the ‘Dies Natalis’ of the Curé of Ars,” [http://w2.vatican.va/content/benedict-xvi/en/documents/hf\\_ben-xvi\\_let\\_20090616\\_anno-sacerdotale.html](http://w2.vatican.va/content/benedict-xvi/en/documents/hf_ben-xvi_let_20090616_anno-sacerdotale.html)

10. But this interpretation has many “logical” consequences, which Catholics find as difficult to understand as the general public does. For example, a Eucharist officiated by an unworthy priest (who, for example, is in a state of mortal sin or has become an unbeliever) is not licit (not permitted), but is valid in itself (and therefore confers “benefits” on those who take part in it). It does not depend on the moral excellence of the officiating priest, but on his ordination as a “priest for eternity,” with all the powers that were conferred on him by the bishop. For the same reason, the church permits his reduction (or return) to the lay state, but “ontologically” he remains a priest *in aeternum*. His “reduction” simply results in his being forbidden to officiate, hear confession, or preach, and his dispensation from obligations to do things such as practicing celibacy and reciting the breviary. But the church seems to be more forgiving of priests who leave their ministry than of couples who divorce, because the latter are forbidden to remarry in the church under pain of excommunication, whatever the reason for the breakdown of the marriage might be. This prohibition seems, from a humanitarian

excessive piety and with discernment. What is surprising here is that the Curé of Ars's radicalism, with its extreme rhetoric—"excessive"<sup>11</sup> according to the Pope himself—should nonetheless be taken as an "example" and offered as a model for priests to follow today.<sup>12</sup> This was confirmed a year later, in June 2010, when in Rome, in front of nearly 10,000 priests who had come to celebrate the end of the Year for Priests, Benedict XVI once again impassively extolled this particular priest, the "good old" priest—that is the priest of the last three or four centuries. It is ironic that in "this very year of joy for the sacrament of the priesthood, the sins of priests came to light—particularly the abuse of the little ones," he sees this as the "enemy," the hand of the devil as it were, working to counteract this new "radiance of the priesthood." But, he quickly adds, this has served to remind priests that although there is no vocation higher or more exalted than theirs, they are "earthen vessels." Their mission is not about "individual human performance," it is only possible because it is "God's gift" to each of them. In this way, the tragedy of pedophilia cases has been transfigured and spiritualized, or idealized, using the language of sin and grace. Clerical sins are abundant, but priestly grace is overabundant. In short, he gets round the difficulty by sublimating it. This

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point of view, to be particularly severe, for example for those cheated on and left by their spouses sometimes very soon after the wedding. But it takes two to get married, and a Catholic marriage, like the priesthood, is forever. . . In this situation a motivated Catholic spouse can try asking for an annulment, but this can generally only be obtained if there has been a prior procedural error (which may be for various reasons, such as if there was an important fact that was unknown when the marriage was consented to, or if the marriage is unconsummated). He or she must also go through the ordeal of an inquiry into the truth and weight of the alleged grievances, which is sometimes distressing. The result is not always certain. In the 1980s, John Paul II found the judges of the Rota (the court of appeal that sits in Rome—the case first being heard at diocesan level) to be too lenient as they attached too much weight to psychological motives. Those who are divorced and remarried cannot receive communion (because they are "excommunicated") and some find this very hard to accept. In comparison with former priests, who are free to marry, they see their situation as unjust—a double standard—but in the formal logic of theology and the canon law that derives from it, they are wrong. In practice, many divorced Catholics ignore these prohibitions and many priests turn a blind eye to divorcees receiving communion. Some, with the support of a priest, organize a "celebration" of their civil marriage in church, but this cannot in any way be considered to be a Catholic marriage, although many guests cannot tell the difference and therefore think that they are attending a "real" Catholic marriage ceremony. The prohibition on remarriage may also mean that practicing Catholics prefer to co-habit. In the opposite case, having had several civil marriages does not prevent one from finally having a Catholic marriage (which could be a very elaborate one, if desired). This leads to wry smiles from some and profoundly irritates others. Some praise the church for its role in "upholding the Law" (of the father, or of the Father) in a society that is ignorant of it and only knows "licence," whatever their subsequent behaviour and true habits. This is what people are effectively saying when they approve of the pope, claiming that "he has to say that." But, beyond the vague Maurrassism that has made the church a bastion of morality in a society that is at risk of sliding into lawlessness, there are still questions about the faith the church embodies, how it relates to the nuanced, paradoxical message of the New Testament (and the Old, for that matter!), and the relationships between the Law and concepts such as freedom, love, the mind, the body, and truth.

11. "Excessive" in relation to what? Undoubtedly in relation to the common theology of the priesthood. But if that is the case, why has a pope who is so attentive to the relationship between faith and reason, and to "pathologies" of religion, not noticed the consequences of this position?

12. Throughout the Year for Priests, the Congregation for the Clergy, led at the time by Cardinal Hummes from Brazil, pounded out images of the old-style priest: a man of the sacraments, a man of prayer, separate from laypeople (who are absent), distinguished by his dress, obedient to the pope, devoted to the Virgin Mary, and so on. This image is more reminiscent of the pre-Vatican II era than the priest "in the world" that followed Vatican II during the 1960s. This priest was the leader of a community of faith surrounded by the "people of God."

interpretation, intended for church consumption, can certainly inspire strong spirituality: a real priestly mysticism, the exceptional man separated from ordinary mortals. It has created heroes and saints, bishops and priests, both in the past, and undoubtedly still today, when their situation is so difficult.

However, although the sublime is necessary, it also has severe limitations when it becomes a requirement for a whole class of men. All in all, there is something dangerous about it when it concerns ordinary priests in the Catholic Church. How can they not see the risks of such tension between what belongs to God and what belongs to base humanity (or “*hommerie*” as the Curé of Ars put it)? Because this idealized priest is in bad shape today. His general separation from common, bodily, human experience has always been misunderstood, mocked, and rejected. Nonetheless, in the past this separation appeared infinitely more plausible than it does today after two centuries of reflection on the body and human sexuality. But in addition, the oldest Christian tradition, that of the new Testament, does not conform to this model. Notwithstanding all the verses that the pope quotes—in a very traditionalist and specific way—to justify it. Today, everyone also knows that it came late in the history of the church. But what now is the link between such a high ideal and such a descent into evil? To be specific, what betrays this humble image of “*earthen vessels*” that appears so admirable? In the end, is it not a statement of superiority, that of being above everyone else, above everyday life, above carnality and, ultimately, above human law?

These questions actually go beyond that of priestly celibacy. An analogy can be made here with the Touvier affair, whereby Paul Touvier, a criminal vigilante, was protected by the church hierarchy after the war and finally brought to trial in the 1990s. Or alternatively, we could cite the case of the Auschwitz Cross at the end of the 1980s. This was erected in memory of the “*new Golgotha*,” which, according to the Carmelites and John Paul II, took place at the camp. (Thanks to Cardinal Lustiger, the pope subsequently backed down.) In both cases there was a false spiritualization of a crime and an undiscerning mystical reintegration into a charity or theology leading to a feeling of being above human justice and above considering how it may hurt other people. Paradoxically, or very logically, evil thus becomes possible under the guise of good. The power of forgiveness and the cross of Christ are understood in a perverse manner. The suffering of victims (including those who have been very severely hurt) counts for little, and the need to offer reparation is minimized, with victims often being blamed for having given passive consent (as is common in the case of pedophilia).

The scandal of pedophile priests is a symptom of a dysfunctional belief or symbolic system. Celibacy as such is not a cause. Why should they not be celibate (and chaste!) if they believe in an “*absolute*,” an ultimate reality that is separate or beyond this world? Is it folly? Absolutely,

but thank goodness there are still follies in this dull world! In Xavier Beauvois's now famous film *Of Gods and Men*, we catch a glimpse of their voluntary estrangement when Christian says to Christophe, who is in utter distress when faced with looming death, "You've already given your life. You gave it [. . .] when you decided to leave everything, your life, your family, your country." As a great many favorable reviews attest, we admire these monks, but the narcissistic atmosphere no doubt prevents us from seeing that "they did not love their lives so much as to shrink from death" (Revelation 12.11).<sup>13</sup>

Except, that in order to live out this vocation, one not only needs free choice (as far as it can be judged), but also specific circumstances that make celibacy slightly more credible and possible. What is not (or is no longer) straightforward is the general law of celibacy that gradually spread over the course of a millennium to all priests in the Western church indiscriminately. The exception that has become a general rule blurs everything, including (whatever may be said to future priests) free choice. If you want to be a priest, to celebrate the Eucharist, to proclaim the Word, to preside over the destiny of a community of faith (this is what is known as a "vocation"), and you take on celibacy (in other words, chastity) on top of everything else . . . then in reality you are no longer free.

By imposing universal priestly celibacy at the beginning of the Middle Ages, the church has perhaps shown a lack of the virtue of prudence. But it may also be that it has succumbed to arrogance and self-importance, a sort of hubris, by making commonplace the idea that the spirit could so frequently vanquish the flesh here on earth. Whereas monks—who first left to live as hermits in the desert in the 300s to 400s then soon had the sense to form communities in isolated monasteries—have always understood this. They were not mentally unscathed, as the temptation of St. Anthony and the stories of the desert fathers clearly show. A rumor even suggested that the demons of lust (the legions of the Devil that Benedict XVI spoke about!) gathered in swarms above the monasteries in order to unceasingly attack these fortresses of holiness (the true history of monasticism is less poetic!). The monks simply took on *human* means of realizing their *spiritual* vocation. I was going to say, that in a spirit of welcome discernment, they did not overestimate their strength. On the contrary, living as a celibate and chaste priest outside the monastery, at the heart of society, is a great service to the church and to everyone (whether priest-haters like it or not). But the paradox is that the life of these parish priests (and monks) has become harder, almost more heroic, than that of contemplative monks. Suddenly, this has led

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13. From this perspective, the "soft" interpretation of the success of this film—which reminds us of the value of silence, withdrawal, of "letting go" (which becomes a formula), or the value of dialogue and tolerance—does not do justice to the "metaphysical" tension that runs through it, and that involves physical life and death as a result of one's faith, a faith that, of course, has nothing to do with fundamentalist beliefs.

to personal and sometimes public scandals and unending and grandiose justifications celebrating this “highest form of service,” which can fall so low! After all, the pope could have drawn a completely different lesson from the “sins of priests” during the Year for Priests. He could have seen in it a “sign of the times” and (taking another meaning of the humility that he lauds) humbly engaged with what had happened, seeing the event as “our interior master,” as Emmanuel Mounier called it.<sup>14</sup> An unopposed opportunity has been missed to get the whole church (and not just the Curia in Rome) to undertake a process to discern “what is best” in the long run, and what would best serve all aspects of the church for the third millennium of Christianity. It would have been a more demanding and risky position, one that would have been less reassuring but more credible than the perfect recall of the perfect spirituality of the perfect “good priest.” How can an entire church of 1.1 billion nominal Catholics imagine its future in this new era of globalization? This is precisely what must be considered, instead of constantly talking about church councils, both Vatican II (different and opposing interpretations of which have become an unsolvable problem that must be resolved) and demands for a new one, which seems unlikely to resolve anything and which in any case is untenable.

### *Increase sanctions or reform the law?*

In the same homily for the conclusion of the Year for Priests, Benedict XVI promised, however, “to do everything possible to ensure that such abuse will never occur again.” In July 2010 the Vatican published a new list of the most serious crimes (the previous one dating from 2001<sup>15</sup>). As well as tougher sanctions and a tightening of procedures, everything concerning sexual abuse of a minor by a priest is referred up to the Congregation for the Doctrine of the Faith. This Congregation therefore increasingly resembles a sort of “super-ministry” that brings together the supervision of theology (Doctrine), law (Justice) and the means of investigation (Interior). It is legitimate to question this far from reassuring concentration of powers. Immediately, we see that the code of silence—much criticized in all these affairs—is at risk of increasing as much as the sanctions are. How can the victims and their families be involved in the process? Inevitably, the local bishop—who is clearly not trusted by the Vatican—must still be the first line of intervention (he is above all, and at a minimum, asked to protect children and the

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14. Emmanuel Mounier called the event “our interior master” in a September 1949 letter to Jean-Marie Domenach, in *Œuvres complètes* (Paris: Seuil, 1963), 817. Mounier was the editor and Domenach the deputy editor of *Esprit* at the time. Mounier used Augustine’s way of talking about Christ in his *De Magistro* to characterize work at the journal as being guided by “the event.”

15. The texts mentioned can be found in English and Latin on the Vatican website.

community concerned). As for the speeding up of procedures, who can believe that a bureaucracy that is further away and more cumbersome will be successful? Delays, procrastination, and a lack of transparency in the Congregation, which until 2005 was presided over by Cardinal Ratzinger, are the very things that have been stigmatized in the media (which some time ago forgot that he at least addressed the problem head-on, much more so than John Paul II). The possibility is also raised of deciding not to follow the judicial process (for priests guilty of pedophilia) but to “proceed by extrajudicial decree,” or to present the most serious cases directly to the pope. Although the crime of pedophilia is despicable, nonetheless, there must not be “summary justice.” The speeding up of “reduction to the lay state,” when the secular state is struggling to find just solutions, could become a means of off-loading the problem.<sup>16</sup> Not to mention the media, which always puts the pope in the firing line, as if aside from the pope there were no salvation, and as if the pope had nothing other to do than concern himself with the cases of a few delinquent priests, however serious their faults may be.

The persistent repetition of “gaffes,” (or worse) in matters of discipline is striking. The fact that in the new “norms concerning the most serious crimes” published on July 15, 2010, article 6 (which strengthens the measures against pedophile priests) immediately follows article 5 (which condemns “attempts” to ordain a woman to the priesthood) is quite ridiculous. You can try to explain it as much as you like, but equating, in the same document, internal theological disobedience (which results in an internal matter of excommunication and concerns . . . women) and the crime of pedophilia (a matter that is subject to civil law and religious sanctions that are a practical punishment and prevent harm) seems to be both a symptom (even to someone untouched by psychoanalysis) of confusion, or an unconscious desire to confuse. Sexual abuse by ministers of the church, “heterodox” pronouncements by a theologian, and forbidden sacramental practices (such as the ordination of women and other ordinations, or the “absolution of an accomplice,” i.e., the person with whom the priest has sinned); everything is placed in the same box marked “extremely serious.” Except that among these extremely serious things we do not find “blaming the victims of a guilty priest”—either by the priest himself or by others.

Bringing the handling of everything of which the church disapproves and condemns together in the same Congregation—whose former reputation as the “Holy Office of the Inquisition” is well established—is not

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16. It would be nice to know precisely what these are, beyond the “reduction to the lay state” and “a certain number of canonical sanctions” mentioned by the Congregation of the Doctrine of the Faith. It is not at all certain that the penal code of canon law “is complete in itself,” as Fr. Lombardi, the Vatican’s spokesman, claims. In Belgium, this point is central to the debate “after” the crisis and also after the to-say-the-least imprudent comments of Msgr. Léonard, the (controversial) primate of Belgium.

healthy. The problem is not only one of the effectiveness of the procedures and increased sanctions (which have now been proclaimed to the church and the world), or the inclusion of lay lawyers and prosecutors in the ecclesiastical courts. The best route to truth and justice would be the creation of a truly separate court with specific areas of competence, which could independently judge cases related both to civil and church law, or to laws concerning people within the church, according to the procedures, norms, and guarantees of substantive law that is universally recognized in states governed by the rule of law. At this time of a proliferation of legislation, an independent institution of this sort, recognized for its legal competence in both ecclesiastical *and* civil law, and open to publicity unless there is a good reason not to be, would be of great use. For example, the scandal surrounding the Legion of Christ—a relatively young religious institute founded by an immoral Mexican priest who really was an almost demented pervert—would have been investigated by such a court, whatever Benedict XVI may have subsequently decided about the organization’s survival. Otherwise, it is still a case of very serious internal affairs being judged by the accused.

Should such a court only be set up in Rome? The answer to this is not at all clear. There may be various arguments for every Bishops’ Conference to have this facility. No doubt there will be theoretical, practical (and even theological) difficulties. But at least we could try to consider a different, independent way forward within internal church law. It is not sufficient to say that “civil law concerning reporting of crimes [especially pedophilia] to the appropriate authorities should always be followed” (Fr. Lombardi, Vatican spokesman). The church must itself be beyond reproach in its own law, and that is only possible if the courts that investigate and judge are independent. If we hold to the difference between “church” and “sect,” one of the differences is that the former has and applies law that is above internal rules that are left to the discretion of the current authorities, whether that is the founders or (especially) their successors. Although it would not be a panacea, such a legal advance would have the advantage of being more likely to be above suspicion than expressions of pain and calls for forgiveness. However sincere and repeated such statements may be, they do not meet the level of insistence on the truth that the church takes pride in.

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**Abstract**

*While confessing mea culpa in public for attempting to conceal the pedophilia scandal, the Catholic hierarchy should question the concept of the priest that it defends. In Rome, there is a three-pronged strategy: forestall questions about the causes of the disaster, sublimate what has happened, and toughen the sanctions. But what does the church expect of a priest today?*

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