

[HOME](#) | [ABOUT](#) | [ADVERTISE](#) | [CONTACT](#) | [GLOBAL SISTERS REPORT](#) | [GIVING TO NCR](#)

THE INDEPENDENT NEWS SOURCE

[ACCOUNTABILITY](#)[ART & MEDIA](#)[FAITH & PARISH](#)[GLOBAL](#)[PEACE & JUSTICE](#)[POLITICS](#)[SPIRITUALITY](#)[THEOLOGY](#)[VATICAN](#)[SISTERS' STORIES](#)

The strange disconnect between Pope Francis' words and actions about sex abuse

by [Kieran Tapsell](#) | *Oct. 1, 2015*

COMMENTARY

12

On his tour of the United States, Pope Francis has forcefully reminded the world about the importance of looking after the planet and the perils of climate change. His criticisms of the world economic system and the plight of the poor are timely and welcome. There is very little that Pope Francis can personally do about either of these things except to do what he has done — warn and exhort.

But there is one thing that he can personally do about child sexual abuse, and that is to change canon law by abolishing the pontifical secret over allegations of the sexual abuse of children by clergy and religious.

[In an address to bishops in Philadelphia](#), Pope Francis said:

"The crimes and sins of sexual abuse of minors cannot be kept secret any longer. I commit myself to the zealous watchfulness of the church to protect minors, and I promise that all those responsible will be held accountable."

The maintenance of secrecy for these crimes is imposed by Article 25 of Pope John Paul II's [motu proprio, Sacramentorum Sanctitatis Tutela](#) of 2001 and by Article 30 of its revision by [Pope Benedict XVI in 2010](#), which impose the pontifical secret on all allegations and proceedings relating to child sexual abuse by clerics. The footnotes to Article 25 and Article 30 apply Article

1(4) of Pope Paul VI's instruction, *Secreta Continere*, which defines the pontifical secret as the church's highest form of secrecy, and like the secret of the confessional, is a permanent silence. Since becoming pope two and a half years ago, Pope Francis has made no attempt to change this maintenance of secrecy, the very thing he condemned in Philadelphia.



Subscribe to get all our award-winning news and analysis.
[Order now!](#)

Like Pope Benedict XVI in his 2010 pastoral letter to the people of Ireland, Pope Francis ignored the role of canon law in the cover up, [and said](#), "I deeply regret that some bishops failed in their responsibility to protect children." There was not a word about the fact that in most cases such bishops were complying with the pontifical secret under canon law, and its requirement to try and cure the priest before any attempt was made to dismiss him.

A dispensation to allow reporting to the police where the civil law requires it was granted by the Holy See to the United States in 2002 and to the rest of the world in 2010, but where there are no such civil laws, the pontifical secret still applies. Very few countries have comprehensive reporting laws.

Francis is the Bishop of Rome, but his own Italian Bishops Conference, of which he is the primate, announced in 2014 that Italian bishops would not be reporting these crimes to the police because Italian civil law under the 1929 Lateran Treaty with the dictator, Mussolini, did not require them to do so.

[On Jan. 31, 2014](#), the United Nations Committee on the Rights of the Child requested the Holy See to abolish the pontifical secret over allegations of child sexual abuse by clergy and to impose mandatory reporting. On May 22, 2014, the United Nations Committee against Torture requested the same thing.

[On Sept. 26, 2014](#), The Vatican responded and rejected these requests, stating that mandatory reporting under canon law would interfere with the sovereignty of independent nations. If that were true, the church should not even have a canon law that applies to Catholics all over the world. Canon law only interferes with such sovereignty when it requires Catholics to disobey the civil law. Where there is no conflict between canon and civil law, canon law has no more effect on a nation's sovereignty than the rules of golf. Mandatory reporting under canon law would only interfere with national sovereignty if the civil law of a country prohibited the reporting of child sexual abuse by clergy. No such country exists.

On March 19, 2014, Pope Francis said that Pope Benedict had supported "zero tolerance" for clergy who sexually abused children. On May 26, 2014, he pledged to apply [the same "zero tolerance" standard](#). But the figures produced by the Holy See's representative at the United Nations, Archbishop Tomasi, show that the Holy See's tolerance is [not zero but 66 percent](#). [Less](#)

[than one third](#) of all priests against whom credible allegations of sexual abuse of children have been made have been dismissed.

In 2012, Pope Benedict XVI dismissed Fr. Mauro Inzoli, who was accused of abusing dozens of children over a 10-year period. In 2014, Pope Francis reinstated him and required him to live a life of "prayer and penance", the same punishment that Pope Benedict XVI handed out to the notorious Fr. Marcial Maciel. When Italian Magistrates asked the Vatican to have access to the evidence submitted to Inzoli's canonical trial, the Congregation for the Doctrine of the Faith refused, stating, "The procedures of the Congregation for the Doctrine of the Faith are of a canonical nature and, as such, are not an object for the exchange of information with civil magistrates." Pope Francis himself maintains the secrecy that this week he condemned.

In matters of child sexual abuse, Pope Francis has no constitution, no Congress, no Senate and no Supreme Court that could restrain him from changing canon law. He has no obligation even to consult anyone. He is the last of the absolute monarchs.

He can take out his pen at breakfast, and write on his napkin an instruction to abolish the pontifical secret in cases of child sexual abuse and to order mandatory reporting everywhere. He can instruct it to be translated into Latin and to have it published on the *Acta Apostolicae Sedis*. It then becomes canon law.

On Jan. 21, 2014, after the United Nations hearings, Thomas C. Fox, the publisher of this paper, [wrote that Pope Francis](#) "does not understand the full magnitude of the related sex abuse issues, or, if he does, is yet unwilling or incapable of responding to it."

One can only hope that Pope Francis means what he says in his address in Philadelphia, but up to the present time, there is a strange disconnect between what he says and what he, personally, has done. Cardinal Francis George wrote in an article in 2003 that if you want to change a damaging culture, you first have to change the laws which embody it. The buck for maintaining secrecy over the sexual abuse of children within the church truly stops with Pope Francis.

[Kieran Tapsell is the author of *Potiphar's Wife: The Vatican Secret and Child Sexual Abuse* (ATF Press 2014).]

[Francis](#)

[Catholic sex abuse cases](#)

Enjoy this article?

Help support more like it by **donating today!**

[DONATE NOW](#) [print](#)[email](#)[pdf](#)[Like](#) 546[Tweet](#) 9

12

[Show comments](#) [SEARCH](#)

NCR EMAIL ALERTS

Sign up to get *NCR* updates by email. Existing users: [change your preferences here](#). Enter your email address in the box below and click "Go."

 [GO](#)

Privacy by SafeSubscribeSM



IN THIS ISSUE

SEPTEMBER 25-OCTOBER 8, 2015



Editorial: Francis should speak frankly on nuclear threat

Buenos Aires slums have shaped a papacy

Families and Francis

Special Section (in print only): Ministry & Mission

Some articles are only available in the print newspaper and Kindle edition.

[SUBSCRIBE!](#)

LATEST POSTS >

[Yokemates](#)

by [Patricia Datchuck Sánchez](#) [Spiritual Reflections](#)

[Activists react to pope's intervention in state executions](#)

by [Elizabeth A. Elliott](#) [NCR Today](#)

[Our parishes would thrive if we stand up and be leaders](#)

by [Thomas Gumbleton](#) [The Peace Pulpit](#)

[Pope Francis: Catholic superhero](#)

by [Jocelyn A. Sideco](#) [Young Voices](#)

[Love in action](#)

by [Mary Ann McGivern](#) [NCR Today](#)

[Pope's quotes: Washing feet](#)

by [NCR Staff](#) [The Francis Chronicles](#)

[Morning Briefing](#)

by [Dennis Coday](#) [NCR Today](#)

[Links for NCR's coverage of the Synod of Bishops on the family](#)

by [NCR Staff](#) [NCR Today](#)

[Thoughts on Kim Davis and a synod preview](#)

by [Michael Sean Winters](#) [Distinctly Catholic](#)

[Settle in around the headstone for a picnic](#)

by [Melissa Musick Nussbaum](#) [My Table Is Spread](#)

[More posts >](#)[ACCOUNTABILITY](#)[ART & MEDIA](#)[FAITH & PARISH](#)[GLOBAL](#)[PEACE & JUSTICE](#)[POLITICS](#)[SPIRITUALITY](#)[THEOLOGY](#)[VATICAN](#)[SISTERS' STORIES](#)[CONTACT](#) [ABOUT NCR](#) [ADVERTISE](#) [DONATE](#) [SUBSCRIBE](#)National Catholic Reporter publications: [NCRonline.org](#) | [CelebrationPublications.org](#) |[GlobalSistersReport.org](#)

Copyright © The National Catholic Reporter Publishing Company | 115 E. Armour Blvd., Kansas City, MO 64111 | 1-800-444-8910