

Vizza: Abuse of minors is a seeping wound that needs more than ointment

A sincere “hello” to all of you who have joined me on this new journey in writing a column on canon law. Though it sounds like a boring subject, I promise you that I will endeavour to make it interesting and to show how canon law is first and foremost a pastoral tool used for the good of souls and to keep good order in the Church.

In this first article, I write about an issue very close to my heart and indeed in my daily thoughts and prayers. The sexual abuse of minors by clergy in our Church is something that I have heard about from my earliest years growing up as a Catholic in Philadelphia.

It is a wound that has been festering for too long in our Church and in our society. As we turn our attention to this in the Church in Canada, let us never forget those survivors who have suffered this egregious assault and who continue to struggle heroically each day to find peace and joy in their faith, their families and their friends.

On October 4, 2018, the Canadian Conference of Catholic Bishops updated their 1992 document *From Pain to Hope* (updated again in 2007) which dealt with the Canadian Church’s response to the sexual abuse of minors. This document was in response to the Circular Letter of the Vatican Congregation for the Doctrine of the Faith (May 3, 2011) which asked bishops around the world to assist their dioceses with creating and implementing policies for the handling of allegations of the sexual abuse of minors.

What was meant to be a step in the right direction in this most recent document from the CCCB was veiled by unrest among many due to the use of the word “guidelines” in the document (*Protecting Minors from Sexual Abuse*) This gave rise to many legitimate questions as to why, for such a serious issue as the protection of minors, the bishops used “guidelines” instead of a stronger term such as “mandates.”

Many have accused the bishops of Canada of not really caring and merely putting out a document to appease the pressure being put on them. However, I think charity demands more of us in reading this document. The bishops of Canada are proposing something unique which can bear much fruit if we put in the time and effort.

They propose in clear pastoral terms what is to be considered when dioceses or eparchies are coming up with their own policies regarding the protection of minors. Canon law gives each bishop in his own diocese (or eparch) the power to make all or part of these guidelines particular law (i.e. mandates) to be followed in his territory.

Bishops enjoy legislative power in their dioceses, and so can invoke Canon 8, Section 2 in order that these guidelines, in all or in part, become obligatory in his diocese. Yet, before we urge our local bishops to consider this option, let's open up this issue to a robust dialogue.

We, the Christian faithful, have a role to play in this moment of history in our Church. With any claim to rights that we may have as baptized members of the Church, there is always a corresponding obligation: "(Christ's faithful) have the right, indeed at times the duty, in keeping with their knowledge, competence and position, to manifest to the sacred Pastors their views on matters which concern of the good of the Church." (Canon 212, Section 3).

What greater duty can we have in this present moment, than to stand up for those children who had no voice, who suffered so egregiously then, and who suffer still today as adults? Open and respectful dialogue is needed with one another, with our pastors and with our bishops to offer advice for best practices and to bring this conversation out of the shadows. The sexual abuse of minors is a seeping wound to which we have tried to apply ointment. The only way to heal this wound in our Church is to cauterize it

So why all this ointment? The answer to this question, I believe, is found in the opening paragraph of the document. Attempting to balance the lessons learned from the history of sexual abuse in the Canadian Church, and following the Circular Letter from Rome, this CCCB document wanted to "emphasize the need for a proactive rather than a reactive response."

In other words, guidelines equals proactive and mandates equal reactive. However, the time to be proactive is over. We missed that years ago when complaints and accusations were being ignored. Now is the time for reaction. Now is the time for clarity. Now is the time for mandates.

Historically, however, the CCCB has not mandated anything for individual dioceses. This is because there is a general rule that a bishop enjoys semi-autonomy in his own territory (always remaining in hierarchical communion with his brother bishops and the pope). Therefore, the CCCB is more of a resource body for bishops as opposed to a legislating body. By using this non-legislative word, a Bishop is then free to take these guidelines into consideration (or not) when developing policy and procedures for handling issues of sexual abuse allegations in his own diocese.

A second reason for this term, albeit a strange one, has to do with liability coverage. Some have said that if these were considered mandates for each and every Canadian diocese, a bishop could be liable for not following each and every one of the 69 Action Points in the document.

I imagine if these Action Points were mandated by the CCCB, or in canonical terms made particular law for all Canadian dioceses (see Canon 455), a diocese or eparchy would have no other choice but to follow each of the 69 mandates in their entirety. The question then is not so much why did they use the term

“guidelines,” but why would a bishop do anything other than implement these “guidelines” wholeheartedly? Guidelines equal ointment, mandates equal cauterization.

– *John J. Vizza is case instructor, auditor and advocate with the Interdiocesan Tribunal of Edmonton*