

A response to Cardinal Ratzinger's [1985 letter](#) to Bishop Cummins of Oakland

By Fr. Joseph Fessio, S.J.

The so-called "stalled pedophile case," blame for which has been laid at the feet of then-Cardinal Ratzinger, had nothing to do with pedophilia and everything to do with strengthening marriage and the priesthood.

Here's what was happening in 1981, when Bishop Cummins of Oakland first wrote the Congregation for the Doctrine of the Faith asking that one of the priests from his Diocese of Oakland be dispensed from his promise of celibacy.

Well, first, what was not happening.

The letter came a week before Cardinal Ratzinger had even assumed his duties as prefect of that congregation. This is a very important office of the Roman curia. It handles a variety of cases worldwide, mostly having to do with defending and promoting doctrinal integrity in the Church. There's a lot of work to do, and it takes time for someone to become fully engaged in its activities.

But much more pertinently here: By 1980 the effects of the sexual revolution on marriage and the priesthood had been devastating. In 1965 there had been 59 marriage annulments granted by Rome to American couples. By 2002, there were more than 50,000 annulments per year in the U.S. alone. Hundreds, perhaps thousands of priests were asking for dispensations from their promise of celibacy in order to be able to marry.

The Catholic Church holds the marriage vows to be indissoluble. Even an annulment, contrary to a widespread misconception, does not dissolve those vows. It is a declaration that because of some impediment, there never was a valid marriage in the first place.

Priestly ordination is also "indissoluble," in the sense that a validly ordained priest never ceases to be a priest.

And here's the rub. It was literally scandalous in the Church that priests, who had been prepared for eight to 10 years for their ordination (which would be permanent, irreversible) and their promise of celibacy (which also has the character of a solemn promise before God), were, in the 1970s, being so easily dispensed from their promise of celibacy.

Married Catholics said to themselves: If a priest, who is so well prepared for his commitment, can so easily be dispensed from it so that he can marry, why can't we be dispensed from our commitment so that we can remarry?

When John Paul II was elevated to the papacy in the fall of 1978, he immediately changed the policy on priestly dispensations. I remember at the time that many of us were amazed that the very large number of dispensations under John Paul II's predecessor, Paul VI, suddenly were reduced to almost zero. It was almost impossible to get a dispensation in 1980.

What was John Paul's intent? To restore the integrity of the priesthood and of marriage. These commitments are permanent. A priest may be removed from ministry, but he will not be given a dispensation to marry. Priests are to be made to take their commitments with utmost seriousness. They will be an example to married couples to take theirs seriously also. When a priest makes a promise of celibacy, it's forever; when a couple make vows of marriage, it's forever.

This is the decisive context of Cardinal Ratzinger's letter to Bishop Cummins. It is not a smoking gun. It did not mean that Ratzinger was not taking the priest's sins seriously. (He called the accusations "very serious" [*gravis momenti*].) It meant that he, following the policy of John Paul II, was taking the priesthood and its commitments very seriously.

And again, this entire affair had nothing to do with preventing further abuse by this priest. That had already been done, or should have been done, by the local bishop.

A final, minor but significant point of translation: The translation being used by the media of an important part of Ratzinger's letter is: "your Excellency must not fail to provide the petitioner with as much paternal care as possible". This has been rightly interpreted by some to mean that Ratzinger was saying that the bishop should keep a watchful eye on the priest. The original Latin makes that even clearer: "*paterna...cura sequi*" which means "to follow with paternal care." We get the word "persecute" from the Latin "*per-sequi*." "*Sequi*" is much stronger than "provide."

There is a completely mistaken first premise underlying all this criticism of the Holy Father in the media. The premise is that "defrocking" has anything to do with protecting victims and preventing further abuse.

First, the media needs to know that according to Catholic teaching, Holy Orders is a sacrament which leaves an "indelible mark"; in layman's terms, once ordained a priest, a man is always a priest. The word "dispensation" is used in the correspondence because that is what happens technically: the priest is dispensed from his obligation of celibacy. In a sense, this works in the opposite direction from protection: a restraint is being removed.

Further, as if to prove this point, the priest in question continued to abuse children after he was "defrocked" and had married. QED.

Secondly, nothing at all prevents a bishop from removing a priest from all ministries, from removing his faculties, from reporting him to civil authorities. There is no need even to inform Rome about this. The only reason (until 2001, or before then in cases of abuse of the sacrament of confession) that the case needed to be sent to Rome is if the priest appealed the bishop's actions.

Thirdly, why was the CDF involved anyway? That was not the congregation that handles abuse cases, except where abuse of Confession has played a role. I believe the CDF was involved in cases of dispensation from celibacy. (Though you would think that should be under the Congregation for Priests.) But, again, dispensation has nothing to do with preventing further abuse. It may appease the sense of justice on the part of victims. But at the same time, it normally takes eight to 10 years to become a priest. It's not a club one joins. It is a very serious thing to dispense a priest from celibacy, and there needs to be a careful process to protect innocent priests.

Fourthly, there are definitely cases of priests who have been falsely accused. Especially the American media ought to be sensitive to the principle that a man is innocent until proven guilty. Civil law requires that to be done in a court of law. A bishop can, and in many cases, should take action against a priest before there is any canonical trial.

Finally, let's compare this to the difference between a criminal and a civil trial. Criminal trials can be expedited, but even then in all but the most grievous cases, a criminal defendant is a free man until convicted. In the case of priests, the "punishment" of removal from ministry can be applied immediately by a bishop even before there is any canonical trial, which is like a civil

trial. How long do civil trials take in this country? I know of trials that have dragged out for more than seven years.

If Ratzinger took part in "stalling" a "pedophile case," as has been claimed by some media outlets, the worst one can say is that he wanted care taken in a canonical trial. And, let's not forget, this wasn't "punishment" at all from the priest's point of view. He had *asked* to be dispensed.

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