**The limits of a criminological approach to the Church’s abuse crisis**

**It is necessary to take an approach focused on reconciliation alongside the implementation of criminal and canonical measures**

**Les limites d’une approche de la crise des abus seulement judiciaire.**

**Elle doit inclure la réconciliation aux côtés des mesures judicaires et canoniques.**

Massimo Faggioli

United States, October 29, 2018

Konrad Adenauer, the devout Roman Catholic who was chancellor of Germany from 1949-1963, played a key role in leading his country’s transition from Nazism (1933-1945) to the new, democratic and anti-communist Federal Republic that was born under the watchful eye of the Allies following the Second World War.

And in this task, he once famously said: “Don’t throw out the dirty water if you don’t have any that’s clean.”

Konrad Adenauer qui a conduit la transition de son pays du nazisme à une République Fédérale disait : « Ne jetez pas l’eau sale si vous n’en avez pas de propre »

That dictum is just as appropriate for today’s Catholic Church in the way it navigates the global storm of the sex abuse crisis, as it was for post-Nazi Germany in 1945.

Cette phrase peut s’appliquer à l’Eglise aujourd’hui.

The Church will have to walk a path similar to the one travelled by every nation that has ever transitioned from one kind of regime to another. And it will have to deal with a problematic (to say the least) past where moral responsibility rests with far more people than can be criminally prosecuted.

Europe’s post-World War II shift from authoritarian and totalitarian regimes to democratic and constitutional systems is a case in point.

Immediately after their military defeat, Germany and Italy, for example, began a process of “denazification” and “defascistization.” This was carried out in phases.

The first phase, which took place over the course of several weeks, was marked by a wave of executions (in part extrajudicial).

Then, for some months following that, there was a second phase in which Nazi and Fascist collaborators were banished or purged from public service and public life.

And, finally, in a third phase (with a timeline that differed from country to country) legislation was drawn up to reintegrate second-tier regime officers and functionaries into public life through both official and unofficial amnesty programs.

Dans l’Europe d’après-guerre trois phases de transition se sont succédé : une vague d’exécutions, puis une vague de purge enfin une vague de réintégration.

The Catholic Church is not a Nazi or Fascist regime.

L’Eglise catholique n’est ni un parti nazi, ni un parti faciste.

And no one wants amnesty for those members of the Church who have sexually abused the young and vulnerable; or for those who covered up the abuse.

But the parallel is particularly important because it underlines a key element in the way Catholics are currently responding to revelations of abuse compared to how they reacted in 2002 when the crisis first blew up.

The criminological approach to the abuse crisis tends to oversimplify a much more complex situation.

Une simple approche criminelle simplifie une situation complexe.

As long as it focuses on the abusers and the enablers alone, it tends to exonerate all the others or — quite the opposite — it tends to identify the Church itself (or the hierarchy) as an entirely criminally corrupt system.

Se concentrer sur les coupables seuls tend à exonérer les autres ou à faire de l’Eglise un système totalement corrompu.

The reality is that in addition to the list of abusers and enablers, there is also a much longer list of Catholics who occupy a vast gray area.

It includes people who did not take victims seriously or refused to believe rumors about alleged abusers.

It also consists of those who did not deal with the hypocrisy of how the Church often deals with sexual morality, and those who justified or profited from the clerical system that is at the heart of the history of the abuse crisis.

**There must be a process of conscientization**

**Une prise de conscience est nécessaire**

If we look at abuse in the Church in this way, it is clear that the criminological approach *alone* will not provide an exit from this crisis. Here the comparison with the transition from one kind of regime to another in post-1945 Europe is telling.

No one should hope or look for the easy and often hypocritical and complicit “clean bill of health” given to Church officials in a way similar to the so-called *Persilscheine* released by authorities in charge of denazification in Germany after World War II.

At the same time, it would be naïve to think that the Church or secular authorities conducting investigations will be able to target those with legal and moral responsibility in the abuse crisis, and indirectly declare the innocence of all the others.

A pure criminological approach won’t do because what is happening with the revelations of abuse is part of a larger cultural and social revolution.

Ce serait naïf de croire que les autorités ecclésiales ou judiciaires seront capables de séparer les coupables et de déclarer tous les autres innocents car ce qui arrive est une révolution sociale et culturelle

The new consciousness in the Church concerning abuse — sexual abuse and abuse of power of all sorts – is not just a result of the investigative work of journalists and of secular authorities.

It is also a consciousness produced by a deeper understanding of the concept of dignity of all human persons and all members of the Church — lay members, minors, and women.

Ce qui se passe n’est pas que le résultat d’enquêtes mais aussi d’une prise de conscience de la dignité de toute personne et de tout membre de l’Eglise du Christ, laïcs, mineurs et femmes.

This should lead us to understand that there must be a process of conscientization, purification and reconciliation in the Church *parallel* to the investigations, prosecutions and convictions of abusers and enablers.

Un mouvement de purification et de réconciliation est nécessaire aux côtés des enquêtes et condamnations.

Also, because the history of the regime changes tells us that the process of epuration (purging collaborators of the former regime) is always mixed with a political agenda and never solely about enforcing the law. This is quite clear in the way some U.S. Catholic groups are trying to use the abuse scandal as a weapon in the “culture wars.”

C’est ainsi qu’il est évident qu’aux USA des groupes catholiques utilisent le scandale comme un arme de guerre culturelle.

It is necessary to take an approach focused on reconciliation alongside the implementation of criminal and canonical measures.

This is not only to honestly reflect the moral complexities that are part of the systemic abuse crisis in the Church.

It is also to respond to the particular phase of the crisis that started this year with a new wave of investigations led by secular authorities especially in the United States.

**Concerning the dark side of institutional Catholicism**

**Au sujet du côté sombre de l’institution**

Beginning last June with revelations about the former cardinal, Theodore McCarrick, and continuing in August with the Pennsylvania Grand Jury Report, and now with the announcement of many U.S. states that are to investigate diocesan records, the focus of attention has shifted to Church archives – found in dioceses, papal nunciatures and the Vatican.

This new wave of investigations launched by secular authorities into ecclesiastical archives means the Church will have to face a long period of revelations concerning the dark side of organized and institutional Catholicism.

La nouvelle vague d’enquêtes dans les archives de l’Eglise ouvre une longue période de révélations sur le côté obscur de l’institution.

In general, archives tend to record only (or mostly) the shadows and not the positive side of people and of institutions. Archives do not keep record of the daily holiness of the vast majority of Christians.

Moreover, allowing the legal dimension to completely take over the way the Church deals with the abuse crisis would bring back the idea of Church governance exemplified by one of the most conservative Italian bishops at the Second Vatican Council, Cardinal Giuseppe Siri (1906-1989).

A former archbishop of Genoa and papal candidate, Siri used to say that the Catholic Church must be governed through [*silentium et archiva*](https://books.google.com/books?id=OlWPvqKof8QC&pg=PA273&lpg=PA273&dq=siri+silentium+et+archiva&source=bl&ots=kCZQhwOR7W&sig=2cQO7lIZ2eHwpA7_BItYtuuNOz4&hl=en&sa=X&ved=2ahUKEwjkmujOtpzeAhWEg-AKHRR_CYoQ6AEwAXoECAgQAQ#v=onepage&q=siri%20silentium%20et%20archiva&f=false) (silence and archives) — that is, protecting the files of those who are guilty of something; files that can and will be used against them.

Par exemple l’ex cardinal de Gênes (Guiseppe Siri) et candidat au pontificat avait l’habitude de dire que l’Eglise devait être gouvernée dans le silence et par les archives.

In this present moment in the Catholic sex abuse crisis there is a great temptation to look for a simple criminological solution to the problem. One revealing symptom of this temptation is the evident lack — still today — of theological reflections on the crisis and its meaning for the Church.

La tentation d’en rester aux solutions légales existe : pour preuve en est, encore aujourd’hui, le manque de réflexion théologique sur ce que signifie la crise pour l’Eglise.

To be clear: the phase of investigations in ecclesiastical archives by secular institutions is necessary and long overdue.

But there can be no hope for a lasting solution to this crisis unless we reckon with the much more complicated landscape of the institutional, theological and moral responsibilities in echelons of the Church that are much larger than the list of those who will be declared guilty.