

CNS PHOTO/ TONY GENTILE, REUTERS



■ Pope Benedict

The BBC's clumsy attempt to connect Benedict XVI with the cover-up of child abuse has backfired.

Smearing the Pope

by **Edward N. Peters**

When the British Broadcasting Corporation aired its September 30th attack on Pope Benedict XVI, it exploited for maximum effect two crippling aspects of the clergy sexual misconduct crisis.

First, descriptions of clergy sexual offenses are guaranteed to seize the public's attention every time they are broadcast or, as the case may be, rebroadcast. The seething indignation that many feel toward "the Church" over individual clergy misconduct is easily reignited every time the secular

media chooses to air such episodes, no matter how many times it is essentially reporting the same story. Against this backdrop, the BBC's "investigative journalism" program Panorama tried for nearly 40 minutes to implicate Pope Benedict XVI in clergy sexual misconduct mostly by narrating some egregious pedophile cases from Ireland, the United States, and Brazil. The logic seemed to be that if sexual misconduct cases are so flagrant as to feature priests committing suicide on the eve of their criminal trials or fleeing international arrest warrants, the pope must somehow have been involved.

Second, if Church officials see the

rule of law disregarded or ecclesiastical resources plundered (both of which have followed in the wake, and even in the name, of the scandal) and attempt to voice objections, their statements can be caricatured as thinly-veiled defenses of the clerical crimes themselves, or at least as evidence of ecclesiastical reluctance to accept due responsibility and make proper amends. Because most Church statements in this area are dismissed even before they are uttered, many ecclesiastical officials seem to have given up offering them.

In brief, stories of clergy sex abuse have been good for media audience share while leaving their purveyors basically immune from embarrassing contradiction.

BACKLASH IN BRITAIN

But this time, there are signs that the BBC might have overestimated the secular media's ability to malign with impunity the Church in general and Pope Benedict XVI in particular. The normally staid British hierarchy, for example, immediately repudiated Panorama's spin on clergy sexual abuse in unusually strong terms. Cormac Cardinal Murphy-O'Connor, Archbishop of Westminster, told the BBC: "It is quite clear to me that the main focus of the programme is to seek

to connect Pope Benedict with cover-up of child abuse in the Catholic Church. This is malicious and untrue and based on a false presentation of church documents." Birmingham Archbishop Vincent Nichols said the BBC "should be ashamed of the standard of the journalism used to create this unwarranted attack on Pope Benedict XVI."

To appreciate how deep is the offense taken by many Catholics at the BBC report, one must understand how truly inept and even reckless was Panorama's portrayal of Pope Benedict XVI in relation to the clergy sex abuse scandal.

Pruriently titling its program "Sex Crimes and the Vatican," many of the victims that Panorama portrayed were young children at the time of their molestation. That is, they were victims of pedophilia. This allowed the politically sensitive BBC to avoid using the word "homosexual" in connection to clergy sex abuse, even though the majority of clerical misconduct cases seem more accurately described as homosexual, not pedophilic, in nature. Beyond this initial slant, the BBC's primary accusation against Pope Benedict XVI was that, during his tenure as head of the Congregation for the Doctrine of the Faith, he directed a Vatican-controlled cover-up of the clergy sex scandal. This incredible claim was woven into each Panorama segment, alleged in nearly every interview, and repeatedly hammered home by reporter Paul Kenyon's voice-over. Several gimmicks of entertainment news were employed by the BBC to bolster its case.

For example, lest viewers hesitate to hold Pope Benedict personally responsible for the sexual abuse of minors committed by parish priests everywhere in the world over the last 45 years, the BBC regularly supplied ominous mood music to signal Vatican complicity. In referencing *Crimen sollicitationis*, the 1962 Roman instruction for investigating accusations of solicitation in confession that Panorama parlayed into a blue-print for a Vatican cover-up, the BBC overlaid a disembodied voice darkly intoning Latin phrases from the script, without explaining that most ecclesiastical documents issued in those years were in Latin simply to make them understandable around the pluri-lingual Catholic world.

JOURNALISTIC MALPRACTICE

But the BBC's prejudicial use of sight and sound were minor irritants compared to its incompetent reporting.

Panorama allowed to stand unchallenged, for example, a statement by a victim of clergy abuse that he had been silenced by "the seal of confession." But a quick check of the easily-available *Code of Canon Law* (cc. 983, 1388) would have made it obvious that only a priest, not a penitent, can be bound by the seal. It needs no interview with Roman authorities to know such a simple point of Church practice, and the BBC's claim that it repeatedly but unsuccessfully sought interviews with the Vatican is disingenuous; Panorama made frequent, on-camera use of its own experts. Rather than offering correctives for such elementary misstatements, the BBC allowed evidence that a priest had betrayed the sacramental norms he should have honored to be blamed, incredibly, on the Church herself.



ONS PHOTO/NANCY WIEGHEC

■ Cormac Cardinal Murphy O'Connor

But worse than Panorama's journalistic sloppiness was its crossing the line into falsehood. Two examples must suffice.

The BBC's case that then-Cardinal Ratzinger oversaw a Vatican cover-up of clergy sexual abuse cases rests on repeated assertions that, under *Crimen*, all clergy sexual misconduct cases were to be managed by the cardinal's Congregation for the Doctrine of the Faith in Rome. It is hard to believe, however, that the BBC could have actually read *Crimen* (a rough English translation was posted on the BBC website) and still concluded that the Vatican was running anything.

Paragraph 2 of *Crimen* states "the

right or duty of addressing this unspeakable crime in the first instance pertains to the Ordinaries of the place in whose territory the accused has residence. ... It is enjoined upon these aforementioned persons to the fullest extent possible, (in addition to their being) gravely encumbered by their own consciences, that, after the occur-

At least the BBC got the pope's name right; the *Evening Standard* referred to His Holiness as "Thomas Ratzinger."

rence of cases of this type, they as soon as possible take care to introduce, discuss, and terminate these cases with their [own] tribunal."

Crimen goes on to state, moreover, that even if the accused has recourse to Rome (which is allowed under canon law), such recourse does not suspend "the exercise of the jurisdiction of the judge who has already begun to accept the case, and he can therefore . . . pursue the judgment up to the definitive decision." Only if the Holy See expressly calls a case to itself (as might happen if, say, credible evidence of local tribunal bias had been offered or if local resources were unable to sustain the burdens of a case), would the Holy See become involved in a trial. Plainly, *Crimen* ordered local Church officials to take prompt action against offenders, and assisted them in doing that; it did not command secret Vatican processing of clergy sexual abuse cases.

But Panorama's ability to interpret Church documents unfettered by their texts was not limited to outdated materials from the early 1960s.

The BBC also claimed that in 2001, Pope Benedict XVI, still head of the CDF, issued "the successor to the [1962] decree. In spirit it was the same, overarching secrecy with the threat of excommunication." Though widely published, this 2001 document was never named nor quoted by Panorama; but once again, it is difficult to imagine that the BBC even read it, let alone understood it. In any case, Panorama's claim about its contents is false.

PUMPING UP A NON-STORY

In May 2001, Cardinal Ratzinger sent the letter *Ad exsequendam* to the world's bishops and ordered its publication in the Holy See's official journal, the *Acta*

Apostolicae Sedis. The AAS fascicle containing the letter (vol. 93, pp. 785-788) was distributed world-wide in January 2002. *Ad exsequendam* was immediately discussed in the Catholic press, for example, by the Catholic News Service in December 2001 and by *Catholic World Report* in January 2002. Eventually, even British print media noticed Cardinal Ratzinger's letter. In April of 2005, for example, the London-based *Observer* bravely portrayed itself as having "obtained" the cardinal's "confidential" letter (without mentioning that it had been published for four years by that point) and proceeded to

themselves secret, but so-called "papal secrecy" is mentioned briefly in them, without elaboration. The normal interpretation of "papal secrecy" would thus apply. These norms are widely available (see, e.g., AAS vol. 66, pp. 89-92). Dating to 1974, in substance they more or less parallel the confidentiality expectations one observes in government offices or attorney-client situations. They place no obligations of "secrecy" on victims of crimes and do not mandate excommunication for violating papal secrecy. Instead, as is obvious upon reading the norms, those who handle, among other things, canonical misconduct allegations as part of their official capacities are bound by ecclesiastical confidentiality. Disregarding reasonable standards of accuracy, the BBC, which had earlier neglected to mention that *Crimen* (§ 13) generally granted victims of clergy misconduct an exemption from censures for "violating" secrecy, positively claimed that Cardinal Ratzinger's 2001 letter required abuse victims to be silent under pain of excommunication. In fact, Cardinal Ratzinger's letter said no such thing.

Of course, the whole point of *Ad exsequendam* was lost on the BBC. Far from being, as Panorama portrayed it, "a missed opportunity to modernize the Church's approach," the cardinal's letter was an augmentation of the Church's ability to respond to clergy sexual misconduct.

By declaring, with the approval of Pope John Paul II, the "exclusive competence" of his dicastery over such cases, Cardinal Ratzinger cut a procedural Gordian knot caused by unclear interpretations of the statute of limitations in sexual misconduct cases under Canon 1362. In effect, the cardinal resolved for canon law the same problem that earlier had stalled civil law proceedings against alleged sexual abusers of minors, namely, how to toll the statute of limitations until child victims could come forward as adults.

AFTER PUZZLING CLAIMS, BRITISH PRELATES RESPOND

At the same time, Cardinal Ratzinger's 2001 letter reiterated that notice of local canonical accusations and investigations should be promptly communicated to Rome, a directive that would improve Vatican informa-

tion on the crisis. Despite program host Colm O'Gorman's puzzling claim, made while squatting on a dusty path outside an impoverished rural Brazilian parish, that "this place is directly linked to the Vatican," the fact remains that the Vatican's knowledge of happenings in thousands of local

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archdioceses, let alone in hundreds of thousands of individual parishes and pastoral programs, is routinely exaggerated. Cardinal Ratzinger's letter addresses that problem as far as he could.

Finally, in yet another failing in accuracy, the BBC did not report that Cardinal Ratzinger's 2001 letter expressly alerted local bishops that, after notifying Rome of plausible misconduct accusations in their particular churches, in general *they*, not Rome, were going to be responsible for proceeding against alleged clergy offenders in their own dioceses. This indication of local responsibility in matters of clergy misconduct is, of course, difficult to reconcile with Panorama's contention that Cardinal Ratzinger was trying to hide misconduct cases in Rome, but reportorial inconvenience does not justify withholding important information from the public.

The BBC's attack on the pope provided cover for other British media outlets to jump on the blame-Benedict bandwagon. Ironically, some of their reporting on the Panorama program was worse than the program itself. For example, the September 30th on-line edition of the London-based *Evening Standard* claimed that Cardinal Ratzinger's 2001 "secret edict" (so secret that it was published five years earlier in an official journal distributed around the world) had ordered that "rather than reporting sexual abuse to the relevant legal authorities, bishops

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misconstrue it. In any case, Cardinal Ratzinger's letter of 2001 would surely not meet the definition of "news" in 2006.

More to the point, though, and contrary to the BBC's claim, nowhere in *Ad exsequendam* is excommunication threatened; indeed, it is not even mentioned. Nor is excommunication threatened by Pope John Paul II in his prior enabling legislation, the apostolic letter *Sacramentorum sanctitatis tutela*, published just a few weeks before Cardinal Ratzinger's follow-up document, but never mentioned by the BBC. One must plumb the footnotes of Pope John Paul's *Sacramentorum* even to find the word "excommunication"; and then it appears only in conjunction with offenses (such as desecration of the Eucharist in violation of Canon 1367) that are punishable by that censure. The BBC's assertion that Cardinal Ratzinger's 2001 letter threatened excommunication against anyone who disclosed clergy sexual abuse is false. Little wonder if trust levels among the British hierarchy are low in regard to treatment they can expect from the secular media.

Obviously neither the pope's nor the cardinal's letters of 2001 were them-

should encourage the victim, witnesses and perpetrator not to talk about it. And, to keep victims quiet, it threatened that if they repeat the allegations they would be excommunicated."

Not even the BBC went quite that far in distorting Cardinal Ratzinger's letter, despite its false claim that he threatened excommunications. Still, at least the BBC got the pope's name right; the *Evening Standard* referred to His Holiness as "Thomas Ratzinger."

Notwithstanding the intimidation factors outlined above, some British prelates have spoken out strongly against the Panorama broadcast. Archbishop Nichols of Birmingham, who also serves as Chairman of the Catholic Office for the Protection of Children and Vulnerable Adults, condemned the BBC's use of "sensational tactics and misleading editing." The archbishop stated bluntly that part of the Panorama program constituted "an attack on the Vatican and specifically on Pope Benedict XVI. This ... is false and entirely misleading. It is false because it misrepresents two Vatican documents and uses them quite misleadingly in order to connect the horrors of child abuse to the person of the Pope."

Perhaps the days wherein the secular media can malign the Church without fear of ecclesiastical rebuttal are finally drawing to a close.

The repercussions of the clergy sexual abuse scandal will be with us for decades; it would be naïve to think that all ecclesiastical responses to legitimate questions from the press are yet what they should be. Moreover, it must not be forgotten that pressure from the secular media (and the plaintiffs' bar) played a large role in finally bringing bishops to face the crisis.

But Christians should not assume that the secular media will report the dramatic improvements made by the Church in clergy discipline and child protection with the same vigor that they reported terrible failings in the Church. To the contrary, the repeated criticisms of Pope Benedict XVI by the BBC are evidence that major forces in the secular media are willing to try to make some great Christians appear guilty, regardless of the facts. ■

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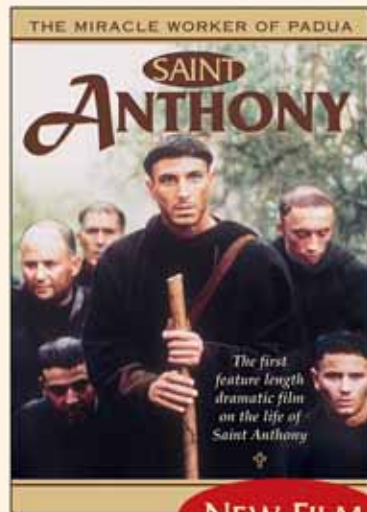
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