

# BOOK REVIEWS

**Nicholas P. Cafardi. *Before Dallas: The U.S. Bishops' Response to Clergy Sexual Abuse of Children.* (Mahway, NJ: Paulist Press, 2008), 255 pp., notes, appendix, bibliography [\$27.95 hardcover]**

The greatest crisis that has ever confronted the Roman Catholic Church in the United States is the clergy sexual abuse scandal that erupted publicly in 2002 in the Archdiocese of Boston.

There were antecedent crises elsewhere in Massachusetts and in other parts of the country which the media focused on between 1984 and 1994, but publicity dried up after the retraction of a false accusation against Joseph Cardinal Bernardin of Chicago. Media avoided the issue until the *Boston Globe* and a court proceeding in Boston again surfaced the issue early in the new millennium. The massively negative publicity in 2002 forced the American bishops to address the issue head-on at their meeting in Dallas that year.

Dozens of books, hundreds of journal features, and thousands of newspaper articles have attempted to explain what happened and why, often based on pre-existing views or biases; those typically lack a true historical perspective. The present work's title correctly suggests that this author offers that missing historical perspective "Before Dallas" and the events of 2002.

Authored by Nicholas P. Cafardi—a former seminarian of the Diocese of Pittsburgh who trained in Rome, recipient of both civil and canon law degrees, Dean of the Duquesne University School of Law 1993-2005, an original member of

the U.S. Conference of Catholic Bishops' Committee for the Protection of Children and Youth (the National Review Board), and appointee in 2002 to oversee the USCCB's child abuse prevention policies (the so-called "Dallas Norms")—the work provides a ground-breaking analysis of the Church's response to the abuse crisis and concludes that the Church failed in light of its own canon law.

Cafardi begins with a summary of the history of clerical sexual abuse from the New Testament era to modern times. He proceeds next to a description of the major American cases that brought the problem to public attention. He explains why most bishops decided to take the "therapeutic option" when dealing with abusive priests, rather than subjecting them to canonical punishments that would have brought the cases to light and resulted in greater attention to the victims.

Cases of clerical sexual abuse were documented for centuries. The 1917 Code of Canon Law gave bishops authority to remove such priests without a church trial. But the 1983 Code, in an effort to curb the arbitrary power of bishops, took away that authority. Thus Pope John Paul II inadvertently tied the bishops' hands. Trials had not been held within living memory, canon lawyers didn't know how to conduct them, and lawyers also believed that they couldn't win — due to a short statute of limitations and a "catch 22" that forbade disciplining priests who offended due to mental illness. Further complicating the legal picture was a change that Pope John Paul II had made in 1979, when — in trying to stem a tide

of priests who were leaving to marry — he made it impossible to laicize a priest against his will.

Yet, Cafardi believes that bishops could have removed abusive priests, based on a 1962 confidential Latin document which, in part, addressed “the worst crime” of sexual abuse of children. Bishops and canonists who faced the crisis decades later were functionally unaware of the document’s existence. Bishops instead opted to treat sexual abuse as a spiritual problem, sent the offender on retreat and accepted promises to sin no more. Later, when sexual abuse was understood to be a psychological illness, they sent priests for therapy and too readily accepted treating physician’s claims of cures.

But there were episcopal exceptions to the general pattern, and former Pittsburgh bishop Donald Wuerl was that exception! Cafardi recounts the bishop’s 1993 battle with the Vatican’s highest court, which the bishop ultimately convinced to reverse a ruling that had initially ordered a return to ministry of an accused Pittsburgh priest whom the bishop had determined was unfit for ministry. The case unfortunately sent the message to other bishops to not try to remove abusive priests, given the difficulty of convincing Rome to support them.

Cafardi recommends that the U.S. bishops’ “zero tolerance” policy — under which a priest who has committed even one substantiated act of abuse of a minor (even if not adjudicated in a court of law) would be removed from active ministry and never

again serve as a cleric in the Church — be made universal, and believes it would be strengthened if the Code of Canon Law were revised to declare that sexual abuse of a minor was an “automatic impediment” to ministry, so that offenders could be removed permanently from ministry without a church trial. The author is rightly concerned that as time passes, complacency among the bishops will set in. A Roman view that the issue is “an American problem”, despite similar problems in other nations, contributes to the concern. While educational efforts and ongoing audits of the American dioceses will help, a change in the Code of Canon Law is still the author’s preferred remedy.

The work, while written in scholarly legal fashion, is quite readable by a non-lawyer. For those desirous of understanding history, and hoping to avoid repeating it in this instance, the book is highly recommended. Pittsburgh readers will be particularly appreciative of the historic role of our former bishop and other locals such as Cafardi in contributing to a solution of this grievous matter.

— *John C. Bates*

# BOOK REVIEWS