

Accountability and the Catholic Church

In failing to assign responsibility in Ireland's sex-abuse scandal, Pope Benedict the XVI is holding the Church to a lesser ethical standard than is the norm in Corporate America



By **Ben W. Heineman Jr.**

Even as new allegations of child abuse—and subsequent coverups—by Roman Catholic priests emerge in Germany and other European nations, Pope Benedict XVI is being criticized for his failure to hold priests, bishops, and cardinals responsible for a well-documented, six-decade-long history of abuse in Ireland.

Although the Roman Catholic Church is a spiritual entity, it is also a worldly organization, with its own canon law, ecclesiastical courts, and disciplinary procedures. An important question is whether the Church should investigate and discipline severe ethical transgressions of its leaders as do other major organizations, including corporations. It appears that when it comes to ethical and leadership failures, Pope Benedict believes the answer is "no," that the Church—which serves God—should not be held even to the same standards as responsible corporations—servants of Mammon.

In May 2009, a 2,600-page report from a state-appointed commission (which took nine years to produce) concluded that tens of thousands of Irish children were sexually, physically, and emotionally abused by nuns, priests, and others over a 60-year period in a network of Church-run residential schools meant to care for the poor, vulnerable, and unwanted. Another report found that the church and police had systematically colluded in covering up decades of sexual abuse by priests in Dublin.

In a pastoral letter sent to the Catholics of Ireland on Mar. 20, Pope Benedict expressed "great concern...for the dismay and sense of betrayal that so many of you have experienced on learning of these sinful and criminal acts and the way Church authorities in Ireland dealt with them." He went on to criticize Ireland's bishops for "grave errors of judgment and failures of leadership."

Yet, despite the voluminous, detailed report (which did not, however, include names of the abusers) and despite his apologies, the Pope did not announce a Church process for assessing responsibility and accountability of Irish cardinals, bishops, and priests during

this period—nor did he urge priests, bishops, and cardinals to report abuse to state authorities. Rather, he asked the laity, the priesthood, and church leaders to seek spiritual renewal and ensure sound practices consistent with canon law going forward.

In a special section of Pope Benedict's pastoral letter directed to "my brother bishops," he did say: "It cannot be denied that some of you and your predecessors failed, at times grievously, to apply the long-established norms of canon law to the crime of child abuse."

This failure to assign past responsibility and accountability within the Church and to defer to secular courts appears to be consistent with the way the Catholic Church handled child abuse scandal earlier in this decade in the U.S. Private civil suits and some criminal prosecutions, resulting primarily from disclosures by victims, not from Church officials, were the main mechanism for fixing accountability (leading to payments by the Church that have been estimated to total \$2 billion). Individual Church leaders—including, most notably, Bernard Cardinal Law of Boston (for covering up cases of impropriety)—have either resigned or been reassigned (in Law's case to the Roman Curia), often without clear statements from them or the church about the nature of their culpability.

Were such a problem—substantiated allegations of grave ethical violations—to arise in a major corporation it would, in many companies (and should in all companies) be handled differently. To wit:

- The CEO, in consultation with the board of directors, would constitute an internal fact-finding body, perhaps supplemented by renowned and independent outside investigators, to establish and corroborate what happened. (If there were serious, substantiated allegations about the CEO, the Board would have to conduct an independent investigation.)
- Where there are likely violations of law, top leaders will generally report those to appropriate legal and regulatory authorities.
- Where employees or business leaders are found to have violated the company's own ethical precepts (as in instances of bribery, embezzlement, and harassment), serious internal discipline will be imposed up to and including termination.
- Leaders who did not engage directly in the improper conduct but who did not create a culture of integrity or who covered up those acts will face similar discipline.

Such fixing of internal accountability and discipline can often occur in parallel with actions by enforcement authorities—and, indeed, can be important in showing the authorities that the highest leaders of the company did not authorize or condone such acts and, by example, will seek to deter them in the future. Some might argue that such self-policing will hurt the company with the authorities but, in my experience, it is a vital dimension of managing integrity crises.

Inside the organization, such fixing of accountability in egregious cases is critical to maintaining a culture of integrity—where both the troops and the colonels and the

generals are held equally accountable and where the company is true to its ethics and aspirations and does not hypocritically look the other way.

Dissident Catholic groups in Ireland and other European countries are demanding that Pope seek not just to improve future practices and beseech his flock, his pastors, and his church leaders to seek spiritual renewal. They are asking that he use the existing norms and institutions of the Church both to impose discipline on the established wrongdoers in Ireland and also to examine, and act upon as necessary, the flood of concerns now being raised in Germany, Austria, and the Netherlands.

These are very direct, contained questions about accountability that do not go to much larger issues facing the Church such as secularization, loss of parishioners, and the role of celibacy. Given the importance of using accountability mechanisms in other major institutions, the questions of whether the Catholic Church should do the same—and if not, why not—are important (and fascinating) issues.

I am not a Catholic, but I am a student of accountability in major institutions. As a matter of principle, I do not understand why the practices of corporations, whose main objectives are material, to assess and fix accountability should be more direct and robust than the practices of the Church, whose objectives are ethical and spiritual.

Perhaps the real-world answer, unsatisfying as it may be, is that this historic problem is simply too broad and too deep for the Church to confront candidly in its European manifestation. If so, the Pope's pastoral letter to Ireland may be as far as the Church is willing to go. But that obviously will not solve its credibility problem with its victims, its critics, and its dwindling European practitioners.

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