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STATEMENT OF FRANCIS CARDINAL GEORGE, O.M.I.

About the Instruction “On the manner of proceeding in cases of the crime of solicitation,” drawn up by Cardinal Alfredo Ottaviani, approved by Pope John XXIII on March 16, 1962, and published by the Vatican Press in 1962
August 7, 2003

This is a document which shows how seriously the Catholic Church addresses the sinful misuse of the confessional by a priest, should he solicit a penitent for sexual purposes either during confession or immediately before or after. It does not presuppose any sexual act as such, only the invitation to sin; but it also covers cases where a sinful act takes place as a result of solicitation in the confessional.

Basically, three points are made:

1. If a priest uses the confessional to solicit sex, the bishop, no matter how he learns of this crime, cannot ignore it or handle it personally. The bishop has no choice but to bring the priest to an ecclesiastical trial. If the priest belongs to a religious order, his superiors may not transfer him until the accusation is settled.
2. The person solicited in the confessional has no choice to remain silent or to hide the priest's sin. He or she, or anyone else who knows of this crime, must accuse the priest and must do so within 30 days of the solicitation.

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3. During the period of investigation and during the trial itself, the normal rules of legal confidentiality obtain, much as they do in a grand jury hearing in civil law.

Because solicitation is such a serious abuse of priestly ministry, most of the document carefully outlines procedures for the inquiry and the trial. When I was studying the sacrament of penance as a seminarian, the 1962 document was mentioned and explained to us. It brought home to me how seriously the Church condemns and punishes priests who use their ministry as a cover for sin. The 1983 Code of Canon Law addresses the crime of solicitation with somewhat different provisions.

It is hard to understand how anyone could construe this severely punitive document as a “blueprint for deception” by Pope John XXIII.

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