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Recent judicial developments: Law and Morality

A recent case - there is no need to mention the name of the person involved since the media have extensively echoed the accusations made by boy scout victims of sexual abuses by a priest in the 1980's and at the beginning of 1991 following the recent indictment of such priest on charges of sexual assaults - has moved public opinion.

Plaintiffs claim that their Bishop had been timely informed of the turpitudes of the priest and blame him for failing to alert the judicial authorities on the threat posed by the priest in the performance of his parish duties.

The Attorney General of Lyon, based on the findings of a preliminary investigation he had ordered and during which all parties involved were duly heard, decided to dismiss the criminal complaints that had been lodged against the Bishop. These few lines are not intended to analyze the legal and factual argumentation raised by the various parties, but rather to focus on one aspect of the public discussion that the advocates of "*La parole libérée*" (i.e. a French association set up to help victims of pedophilia acts by priests) have fueled.

According to the plaintiffs, the relevant prelate - even assuming that the law applicable to him, which is the same law as that applicable to any other citizen, could not lead to his indictment - should, however, still appear before the judges for having infringed a moral imperative that was inherent to his duties as a bishop endowed with the authority to appoint parish priests!

I will not engage in the debate about Law and Morality. It has been often addressed in History, and not always for innocent purposes, since both concepts vary across societies and over time. I simply think that it could be



useful to recommend reading the interview of Mr. Xavier Ronsin, First President of the Court of Appeals of Rennes, former Head of the *Ecole Nationale de la Magistrature*, i.e. the French National School for the Judiciary, by Mr. Jean-Baptiste Jacquin ([cf. article published on August 4, 2016 in Le Monde](#), one of France's leading daily newspapers). I merely like to point out that the Attorney General dismissed the above-mentioned criminal complaints on August 1, 2006, a decision that was widely commented in both the regional and national press.

While the title of the interview "*Moral judgments have no place in court*" may seem a little abrupt, the First President of the Court of Appeals of Rennes further explains that:

"Morality is a personal matter; it has no place in courts and tribunals. A judge is not here to preach morality, would it be to a politician or to any other court user. On the other hand, when assessing what should be the proper punishment, he may consider making such punishment an exemplary one"

All is said. The ongoing religious debate that occurs under the 1905 French law on the separation of the churches and state and that is intended to avoid confusions and ban deadly comments and calls, comes as a confirmation of this.

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