

**SEXUAL ABUSE IN THE CATHOLIC CHURCH:**  
**A Collection of Thoughts and Reflections**  
**Rev. Kenneth W. Schmidt**  
**10 September 2018**

[An opening note to parishioners of St. Catherine of Siena:

A couple of weeks ago while I was away in East Africa, I penned a couple of thoughts after the release the Pennsylvania grand jury report. This followed the news of Archbishop McCarrick' sexual abuse, and other news reports about abuse and other sexual behavior at some seminaries around the country.

Some people were bothered that I had not said very much in that response, or had not said X or Y. All I can say at this point was that I saw no need to repeat what Bishop Bradley had already said in his letter. I wrote some things that I thought were "in addition" to what had been said in his letter or in the media; I was not trying to say everything.

As a pastor, I have been dealing with the issue of sexual abuse in general for more than 20 years; and in the Catholic Church for sixteen years (since the news stories that emerged from Boston. If you want some historical perspective, I recommend viewing the movie Spotlight.)

Having had a bit of time for reflection, and it seeming that there is less "new news" these days, I have attempted to collect and order my thoughts and reactions. This is my attempt to "say everything." Yet I'm sure I will still miss appropriate topics or views that should be expressed, and so I request your patience as we enter into this dialogue.

There will be some open parish meeting for sharing your thoughts and responses on Monday, 17 September 2018 at 6 pm.

### **Introduction**

Thanks be to God I am not myself a victim of sexual abuse (in or outside of the Church), so in one sense I am an outsider. I can talk about the issues and what I know, but I don't have the personal experience of my life being seriously harmed for someone else's sexual gratification.

I have been actively dealing with these church issues for the past 16 years, since 2002 when the U.S. bishops instituted radical reforms to create child protection protocols and sought to minister to survivors. Even before that action by Church leadership, as a pastor I already was meeting with survivors of abuse – some at the hands of Church personnel and others not. In those twenty years I also have heard a lot and read a lot.

So while I'm an outsider to the abuse survivor's experience, I look at these issues from several vantage points, and they don't always fit together neatly:

- as a fellow human with my own thoughts and emotional reactions like everyone else;
- as a man which influences my perspective, even when I try to be "objective;"
- as a member of the Catholic Church, seeing what harm has been caused to fellow members who were victimized, and to others who are learning what has happened;
- as a priest and part of the Catholic clergy;
- as a canonist, i.e. a lawyer of the Catholic Church; I have worked in our courts (called "tribunals") as a judge and psychological expert for marriage nullity cases; I have also

served in other dioceses as a judge in cases of clergy accused of crimes (abuse and other crimes);

- as a therapist (a Licensed Professional Counselor in Michigan) doing counseling with survivors; training mental health professionals in a model for effective treatment of childhood trauma survivors; and cofounder of a diocesan program for survivors of trauma of all kinds; and writing and publishing to help inform others about the impact and treatment of childhood abuse and neglect;
- as a member of the Diocesan Review Board who review allegations about Church personnel sexual behavior with minors and vulnerable adults, which makes recommendations of responses to our Bishop. The Board is a collection of lay and clergy; through the years the Board is comprised of judges & attorneys who handle civil law and church law, mental health professionals with a background in treatment of children, and law enforcement personnel and investigators.

As I proceed, let me declare up front my overall stance: I resist the attempts to make this issue simple, when in fact it is very complex. I resist the efforts to declare that all of this can be summarized by "one point," or that there is "one solution." There is not just "one focus" or point of view that makes it all clear." And I am wary of anyone who comes into this with one agenda that they believe will resolve everything.

I also resist "black and white thinking," or dualistic thinking. This approach tends to look and speak in extremes or polarities without nuance, e.g., either/or, always/never. I believe that the issues confronting the Catholic Church are multi-faceted, complex, and interwoven.

While it may be attractive to simplify matters (and shorter), it is neither accurate nor helpful because then other significant needs and issues can be overlooked or ignored. It takes much more effort to deal with complexity, and thus this collection of thoughts and reflections is long. It is meant to inform, and at times to challenge. It does not offer solutions. Readers will have to grapple and think and come to their own conclusions.

In an attempt to organize the material, I have provided several topical headings, and there are usually two sections under each heading: facts and information in which I try to be objective; and then my opinions, my questions, and different points of view. I will do my best to keep these separate.

## **A. PEOPLE**

### **1. Victims/Survivors**

We must start here and hold in our care and our prayer the children, many who are now adults, who have been sexually abused by clergy and other Church personnel. The effects are deep and they are long-lasting; they don't disappear just because a child grows up. They are not to blame for something that was not their fault and not under their control (even if it seems otherwise to us on the outside). Finger-pointing, interrogating, and blaming victims for their abuse simply adds new wounds to the old ones. Their decision "not to tell" is rooted in fear, threats, and the

potential consequences of losing significant relationships or positions, all of which feels life-threatening.

We also hold in our prayer other victims of clergy who were adults when they were abused, and all other victims of abuse. The initial circumstances may be different, but the dynamics are the same: power over victims, victims' fear of the consequences if they tell, and often a belief that somehow the abuse is their fault.

Survivors choose a variety of ways to get through their horrific situations at the time, and all that follows for years after. They cannot adapt or change easily after their boundaries are trespassed and their bodies are violated, their trust is destroyed, their confidence is trounced, and their faith is shattered (by representative of God, no less). So they create "rules of survival" for themselves, and they are very hard to give up. Most of them learn to manage their lives, sometimes showing heroic strength and courage, while still carrying a heavy burden.

### *Personal opinion*

We have a responsibility to learn and understand about the impact of childhood trauma. We can start by taking time to listen and learn from survivors themselves. An Appendix contains much more information for readers to absorb so that we can respond with empathy, compassion, and understanding to all survivors of childhood abuse and neglect, and not cause further harm.

In the midst of all the discussion about abuse within the Church, we should also remember that all the publicity triggers memories and painful emotions for other abuse survivors even though their perpetrator was not a member of the clergy.

Some of us may also need to repent and ask forgiveness from survivors. Even at a distant we may have been skeptical of their reports, believed they were just trying to get money, thought their motivation was to attack or harm the Church, or said that "they should grow up and get over it." The victims I talk to want to be heard, and want to heal; they are requesting help from the Church whose leaders hurt them deeply. They got loud because no one was listening. If they asked for money, it was to pay their bills for psychological treatment in order to heal. They deserve an apology.

Since 2002 the Diocese of Kalamazoo has offered the Trauma Recovery Program free of charge for all survivors of childhood trauma. More than 400 people have participated. For more information, leave a message for Dr. Phyllis Florian at her private phone number 269.903.0134.

## **2. Parents and family members of victims/survivors**

They have their own responses, often tied to a sense of powerlessness, unable or not knowing how to help. They may have been unaware at the time that the victim was being harmed; they may have had some inkling but not acted on it; or they may have been told but denied it or accused the child of making it up or lying; they may still wonder how they could have protected their child or sibling. Some may have taken the side of the abuser. All of them can lead to feelings of guilt which also need attention and healing. As the victims move into adolescence and adulthood, their behavior may become problematic and the family members don't know why

or how to help. Addictions may develop, or suicide may occur, and more pain is heaped upon the family.

*Personal opinion*

Family members are a mostly-overlooked population of people who are suffering. How can we support and help them in their healing?

### **3. Rescuers / Failed rescuers**

This group is comprised of people who "could have / should have" responded. The leaders of the Catholic Church are failed rescuers. All the people who saw hints of abuse and received allegations but took no actions failed the children. All the people who resisted the truth, who didn't believe the children when they tried to tell what was happening failed the children. All the people who ignored what was happening or covered it up failed the children. All those who allowed abusers to continue to have access to children failed the children. All the police and attorneys and court systems who "let it pass" or "looked the other way" rather than charge and prosecute criminal behavior failed the children.

For survivors of childhood trauma, there is another failed rescuer – God! "You say that God loves me, and watches over me, and will protect me. So where was God? Why did God let this happen?" When the abuser is a member of the clergy then the confusion is deepened.

*Personal opinion*

Is it any wonder that the survivors are angry at God and the Church? The Church failed big time, and we added to the problem by allowing sexual abuse to continue as perpetrators were moved from one place to another. We have much to repent and need to ask for forgiveness.

### **4. Clergy**

I think it is fair to say that we're all over the place, too, with a multitude of opinions and reactions because we live in the same Church and society as the rest of you. We also come at this with our own personal experiences which inform our opinions. Some of what I hear:

- shock as we discover what our friends, classmates, or priest heroes have done;
- guilt and regret for when we had suspicions and did nothing;
- shame for what our colleagues have done, and anger for how it paints us all.

There are a couple of other significant concerns that I hear from priests. First, there is frustration about how our ministry is now hampered because people look at us with fear and suspicion. It is understandable, and it also feels unfair to be painted with the same brush.

Second, there is some hesitancy and inadequacy about how to respond. So their response may be to make no response. And as the clergy experience their own feelings of anger, hurt, and inadequacy, they may get expressed as depression, anger, blaming, or some sort of inappropriate behavior

Third, there is a great deal of fear, because at any moment someone can make an allegation. As soon as a victim makes a report to church officials concerning an allegation of sexual abuse of a child, the priest is immediately removed from active ministry. Then an investigation is conducted and then reported to the Diocesan Review Board, which makes recommendations to the Bishop. There is fear, maybe even paranoia, that anyone can get mad or disagree with a clergyman, and then make an allegation which could lead to his removal from ministry.

#### *Personal opinion*

First, when a priest is initially removed from ministry, it's supposed to remain quiet, but that seems impossible in reality. People are naturally going to ask, "Where's Father?" and it won't take long for the suspicions and the rumors to spread. Priests fear that if an allegation is determined not to be credible, what will happen to the reputation of the priest?

Second, the Review Board must make a determination whether an allegation is credible (i.e. believable). That is a very low "bar" to attain for what results in permanent removal from ministry; compare that to a court which requires proof "beyond a reasonable doubt." A clergyman can be removed from ministry even after a court determines "not guilty." It's true that "not guilty" does not mean "innocent;" but notice that an allegation can be determined as believable even when proof is lacking. Thus a fear among priests, and some sense that justice may be denied in individual cases. We are also grateful for the kindness and words of support that have been extended to us individually despite the anger and frustration.

In the end, whether a member of the clergy is innocent or guilty, it seems that more information must be provided. Silence can easily be filled with rumor and assumptions. Members of the Church deserve and want to hear the truth from their leaders, and it's also necessary in order to re-build trust. If that is not forthcoming, then people turn to other sources.

## **5. The Media**

Much of what we know about clergy sexual abuse has come through the media. Most of the information and opinions that we hear about the Church come through the media as well.

#### *Personal opinion*

I think it is important that we stop accusing and blaming the media for creating this problem for the Church. The scandal and crisis we face is not the fault of the media – it is the result of the criminal and abusive behavior of clergy and other Church personnel. Those who are employed by the media may have their own viewpoints and agenda because what is released comes from are human beings. However, in general they are not the enemy; they could be more helpful by providing good background information from knowledgeable "experts," such as accurate descriptions of the Catholic Church.

We also have people making public reports or accusations of all kinds. I think there are courageous victims who say publicly, "This is what happened to me." But there are others who say things or point fingers or utter opinions on a vast amount of issues. Some of them may be courageous whistleblowers; others may be destructive because they are not telling the truth, or they may be stating as facts what are only rumors or assumptions, and others may be using these

issues to further their own unrelated agendas. Are we listening to survivors and the wide variety of their experiences?

The media are now so accessible that just about anyone can say anything. Sometimes it is hard to sort through it all – what is true and what is not? When is something a fact, an informed opinion, or an impulsive rant? Some of the media also tend to the extreme and lack some nuance in their reporting which creates confusion. Others are ready to report rumors as if they are substantiated facts, and they aren't the same. Yet it's all out there and hard to take back. We have to be careful and attentive to the evidence before we take something in and repeat it or share it with others.

## **6. Bishops**

Unlike our American system of government that divides civil authority between the executive, legislative, and judicial branches, in the Catholic Church the diocesan bishop is the top official of all three functions – the CEO, the chief judge, and the legislator for his territory (diocese). We do not currently have a system of "checks and balances." In this structure of the Church, the bishop is only accountable to the Pope, and even that is more of a moral authority than a strictly hierarchical power; in general the Pope cannot tell bishops what they must do, although he is the chief lawgiver for the entire Catholic Church. This may surprise people, considering how much our Church has a hierarchical structure. But it also contributes to the confusion and consternation of people as we deal with various issues related to the problem of sexual abuse in the Church.

In the 1990's, the U.S. bishops were learning more about the disease underlying child sexual abuse. For some time for some time scholarship seemed to suggest and experts believed that if offenders received psychological treatment, they could be "cured" and return to ministry. The bishops followed the recommendations they received from mental health professionals (a field that they themselves were not trained in). The bishops and the mental health professionals were acting in good faith; but the information they had was wrong. So more children were harmed because offenders returned to parishes and pastoral ministry.

Back in the 90s bishops also established some protocols for how to respond; some bishops followed them and some didn't. The bishops continued to learn more about clergy sexual abuse, and saw that those who had received treatment were not in fact better. In 2002 the scandal exploded when it was reported that the Archbishop of Boston had not followed those protocols, and people learned what had been happening at the hands of their clergy. It didn't take long to learn that the same was true in other places as well, but not in every diocese.

And so in 2002 new legislation was passed by the U.S. bishops with much clearer and more detailed procedures about how to respond (often called Dallas Charter). It addresses many issues, including

- creating a safe environment for children and young people;
- healing and reconciliation of victims and survivors;
- making prompt and effective response to allegations;
- cooperating with civil authorities;

- disciplining offenders;
- providing for means of accountability and addressing emerging issues by establishing and a National Review Board and a new office at the Bishops' Conference.  
<http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/Charter-for-the-Protection-of-Children-and-Young-People-2018-final.pdf>

You may have encountered the results yourself – required background checks; required training for all Church employees and volunteers who have contact with children, youth, and vulnerable adults; required reporting of allegations to civil authorities; monthly instructional bulletins; diocesan rules about behaviors when working with children, etc. They are not perfect, but they have created a deepened awareness and much more stringent rules for adults who have contact with children within the Church.

*Personal opinion*

Scholars, experts, and bishops have come a long way in the last 20-30 years; the understanding of psychology related to abusers and survivors is much improved. But not all bishops did what they had agreed to in their own protocols and legislation. And that resulted in more harm to more children. I think we also have to pay attention to the history – when we hear about what a particular bishop did or did not do, at what point were leaders and society in their understanding? Was a bishop acting in good faith based on the information available to him at the time, or was he acting "on his own" or perhaps even arrogantly, which put more children at risk unnecessarily?

Second, bishops have been instructed in a dual role in relationship to their priests – both as a father-figure and as a colleague. Both are commendable and helpful. But in maintaining these roles they sometimes lost sight of a primary role as "shepherd" to the people entrusted to their care. In this case, the efforts sometimes (and not everywhere) focused more on the priests than on the children. Those are the cases we continue to hear about, and not the ones where the bishops heard and responded with care, urgency, and support for the victims. [I have more to say about this issue of coverup and accountability below]

Third, the bishops are not included in the procedures set forth in the Charter. I was bothered by this as there was a regular reference to a "priest problem," when it was known there were bishops who had also committed abuse or were discovered to be in sexual relationships. This is another source of confusion for American Catholics. Again it is rooted in our theology and church legislation – the bishops are not subject to the authority of other bishops. They could not write legislation about something for which they had no authority. So there are no clear procedures for how to handle allegations about a bishop's sexual behavior. From what I can tell, they were usually handled through the Apostolic Nuncio (the Pope's ambassador to our country), but not in any "public" way like our diocesan review boards or local tribunals. That can be changed by changing the universal law of the church.

There is a fourth phenomenon which I have noticed in the past five years or so. It always seemed to me that the bishops of the U.S. (and the world) were solidly united and in lockstep with one another. It was surprising to have one of them "step out" in some way. But with Pope Francis they have been encouraged to share their thinking more openly, as at the synods of

bishops. I think this level of open sharing is healthy; it's been obvious for a long time that we all don't agree with one another, so why pretend? However, now we are seeing bishops who are divided, opinionated, and even aggressively disagreeing with one another. In some cases it seems more disconcerting to me – name-calling, meanness and sniping, disputing one another's orthodoxy, even questioning the Pope himself. There seems to be a replication of human politics now on view in the Church as well. Maybe it was going on all along, but I am troubled to see our shepherds engaged in such behavior.

## **7. Perpetrators**

### *Personal opinion*

It took me a long time to figure out what I want to say about offenders.

To engage in sexual abuse is an act of power over the victims (regardless of their age or gender). It is an exercise of domination and violence. One thing to note is that those who sexually abuse children are often themselves victims of childhood sexual abuse. (That does not mean that those who are victims of childhood sexual abuse are likely to become abusers.) As abuse survivors, it may be their attempt to manage their subsequent feelings such as powerlessness, helplessness, and vulnerability. In no way does that excuse their behavior; they are still responsible for their own actions. Clergy perpetrators are accountable for their behavior to civil society and to the Church.

[Also see my comments below under "abuse" and "sexuality."]

I pray for their healing. And always I am grateful for God's mercy, from which no one is excluded.

## **B. LAW**

### **1. Purpose of law**

Much of what is being discussed regarding sexual abuse by the clergy and Church personnel involves canon law. The Catholic Church has its own body of law which includes crimes, how to conduct trials, and prescribed consequences when someone violates a law.

It helps if we recall the general purpose of law. I believe it helps a society and individuals to conduct our behavior according to certain norms in order to achieve our mission, to assign responsibilities, to protect rights, all in the name of justice. Laws may be hard and fast rules, but they can also be guidelines, exhortations, and customs. It's also helpful to recognize that laws and policies have changed over time as we grew in our understanding of what constitutes abuse and what are its effects.

When a crime has been committed, and a person is found guilty, then there is a consequence. But what is the nature of that consequence? It is often assumed to be a punishment, i.e., a price to be paid for acting contrary to the law. But the Church has a different approach, so that even when there is a penalty, some kind of severe negative consequence, the goal is not to punish but



to move the offender back into conformity with the norms of the Church. It is intended as a remedy, a movement to help the offender move toward corrected or improved behavior, though it doesn't always seem that way.

In assigning consequences, the Church's law requires that mitigating circumstances be taken into account which can lessen the severity of the penalty or even remove it completely. For instance, a judge must consider the age of the offender when the crime was committed, because a child or adolescent is not treated the same as an adult. Were they mentally ill, or under the influence of alcohol or drugs, or impelled by threats or fear?

#### *Personal opinion*

In the case of pedophilia, which is considered a mental illness in which a person may be subject to uncontrollable impulses, how then to follow the legal principle that a penalty ought to be lessened when the offender is not free? This is hardly a popular concern, but it does create some issues for canonists. Current legislation allows Rome to take action and remove a clergyman from ministry, and even sometimes return the person to the status of a layperson, through an administrative action rather than a trial. Some people perceive that as depriving the clergyman of his rights.

There is a further complication. If a member of the clergy is determined to be unsafe with children and the Church laicizes him, he is no longer subject to the Church's authority. He can go wherever he likes. If he remains a priest then the Bishop or his religious superior can require him to live in certain places, for example. So laicization ["cutting him loose"] may not be the best response.

## **2. Law and Sin**

Breaking the law and sinning are not always the same thing. For example, one may not sign and date a document properly and so it is an invalid contract, but it's not a sin. There are also sins that do not necessarily appear in canon law, such as fornication.

The Church handles law breaking and sin in different ways. Breaking the law is handled by a court, called an external forum; essentially, it is public. Sinning is handled in prayer and in the sacrament of Reconciliation; they are internal fora, and they are private.

So when an immoral or illegal behavior occurs it must be determined whether it is to be handled in an internal or external forum or both. If an action is both illegal and a sin, including sexual abuse of a child, then it must be handled in both the external and internal fora. An offender cannot claim that "going to confession" was sufficient, and there should be no other consequences for their sin.

#### *Personal opinion*

How do we recognize the differences between illegal behavior and immoral behavior in terms of accountability and consequences? Should the difference between criminal violations and personal sin also be respected when the media report the behavior of the clergy?

### **3. The Dallas Charter**

The Charter is legislation approved by the bishops of the United States and applicable only in that territory. So while there were trials occurring in the US due to this legislation, they were not happening elsewhere because the legislation did not apply there.

The Charter deals specifically with crimes of sexual abuse toward children, and later it was amended to also include vulnerable adults. Its current formulation does not include procedures for other kinds of abuse, e.g., emotional or physical abuse directed at a child, or other sexual behaviors by the clergy that are contrary to celibacy. Confusion enters when people hear that a member of the clergy was sexually involved with an adult, and they wonder why that person was not removed from ministry. It's because the Charter's legislation does not address that situation, and the procedures are therefore not applicable. Some behaviors are sinful because they contrary to the clergy vow of chastity or promise of celibacy, but they may or may not be a crime in Church law.

#### *Personal opinion*

Just because it was that way in the past does not mean we can't change the Charter.

### **4. Abuse**

Abuse is considered to be an exercise of power or domination over another person. Abuse may be a sexual action, but it may also be physical, verbal, and/or emotional. It is a common notion but not necessarily known to lay audiences. By virtue of one's position of authority or power, it places one almost automatically in a position that can be abusive, such as a member of the clergy. This is sometimes referred to as clericalism – a sense that clergy are "special" and therefore deserve different or preferential treatment or, as an extreme, that certain rules or standards do not pertain to them.

What also is emerging are concerns about members of the clergy who are abusing people but not in a sexual way. This may be exercised as abuse of women, for example. In some countries there are allegations that clergy are abusing the female religious women working alongside them.

Canon law recognizes that people may abuse their ecclesiastical role and therefore should be given a more severe penalty because of that, which can include the loss of their role. However, these actions do not fall under the Charter and therefore require other processes in order to prosecute.

#### *Personal opinion*

From my experience of listening and working with trauma survivors I know the deep and long-lasting experiences of abuse. Even when the victims are older, or we think they could have stopped it, the psychodynamics involved are not that simple. It is a mistake to think that the victims wanted it or were seeking a sexual relationship; these are ideas that blame the victim rather than the perpetrator.

There is a renewed concern about clericalism within the Church as well. There is a wide variety of responses about what that means and how it should be addressed or eradicated.

## **5. Responses to knowledge or allegations of abuse**

Sadly, what was lost was what should have been the automatic and primary response: how to get the children out of harm's way. In situations that are now becoming public, there was more concern shown for the clergy than for the children. This pattern of behavior has raised a great deal of emotion, and rightfully so. Some bishops and/or other clergy knew or heard rumors about a child's sexual abuse and took no action. Others simply transferred the offender to another parish or ministry, allowing the abuse to resume elsewhere. Others failed to report such criminal activity to civil authorities. Like many people at that time, they reacted to the idea and its prevalence with disbelief and denial. People are demanding that they be held accountable for such behaviors, but canon law does not seem to specifically name those actions or non-actions as crimes.

### *Personal opinion*

The law can be changed in order to recognize these behaviors as crimes in the Church.

Civil law names certain groups of people as "required reporters." If they have knowledge or suspicion that a child is being abused or neglected, that must report it to civil authorities; failure to do so can result in a loss of a professional license, for example, or being charged with a crime.

My question is why we limit the requirement only to certain professions such as teachers, doctors, and mental health professionals? Most abuse takes place in the context of families and often other family members know about it. But they are not required to report, and I wonder why? The family members may say they don't want to get involved, or it will make the family situation awkward. Is that answer sufficient when a child is being harmed? I personally believe everyone should be a required reporter in the civil law; and there are people who disagree.

A related issue is the "seal of confession." Some states are proposing legislation that requires priests to reveal their knowledge or allegations of abuse, even if they hear it in the confessional. Even if this gets approved in civil law, canon law makes clear this absolute restriction not to reveal anything heard in confession. The violation of the seal of confession is the excommunication of the priest. I do not expect the Church will change its practice, which is considered sacred. While some people think it makes sense that a priest must reveal what he has heard from a penitent about sexually abusing a child, do Catholics really want to water down the seal of confession? How will it sound if the Church says, "The seal of confession is absolute and cannot be broken, except for the following sins...?"

This has never happened to me, but we discussed possibilities like this in our seminary formation (e.g. someone confesses to committing a murder but another person is being charged with the crime). As a priest we may be put in the position of hearing something and we'd like to take action, but the seal of confession is absolute. What we can do is ask the person to come and talk to us outside of confession. Even that is tricky, however – because how can we prove that we took action on something we heard outside the confessional rather than during the sacrament?

## **6. Statute of limitations reorganized**

Essentially the law says that one can only prosecute crimes for a certain period of time after they occur. There are reasons that statutes of limitations exist – to protect those accused of a crime

- a. by requiring an allegation to be reported in a reasonable amount of time;
- b. to protect offenders who might have lost evidence necessary for their defense;
- c. a long-delayed claim may result in more cruelty than justice;
- d. memory can be more fluid as time passes.

In themselves, such statutes are neither good nor bad. They serve a purpose, and they also may sometimes hinder the pursuit of justice.

The statutes of limitations vary widely from state to state. There are proposals to revise the statute of limitations in several states. The desire to revise the statute of limitations aims to allow people to bring charges against their abusers later in their lives. In some cases this legal revision may apply only to the Catholic Church.

### *Personal opinion*

The question arises, "What is a reasonable amount of time" for a victim to report abuse because they psychodynamics are complicated and deep. We know from years of experience that it is not easy for victims to report their abuse, so statutes need to take this into account. "A reasonable amount of time" may be longer than previously believed.

A revision of the statutes of limitations applied only to the Church seems unfair. Why shouldn't other organizations be held to the same standards, such as school districts or the Boy Scouts? We should be careful about whether in some instances there is an agenda directed at the Catholic Church that is not equally applied elsewhere.

## **C. SEXUALITY**

And if all the various people involved, and the many issues related to the law were not enough to make this complicated, we also add issues of sexuality. The majority of reported cases of clergy sexual abuse involve boys and young men.

### **1. Pedophilia**

Reference to pedophilia is often made when discussing the sexual abuse of children. It is sometimes used as a catch-all term for sexual attraction to any child under legal age. But more specifically, pedophilia is a psychiatric disorder referring to a sexual attraction to prepubescent children, generally age 11 or under. Most of the time, the gender of the child does not matter to a pedophile.

There are two other terms that distinguish a sexual attraction toward children: Hebephilia refers to an adult's sexual interest in pubescent individuals about 11-14 years old. Ephebophilia is an adult's sexual interest in young people in mid-to-late adolescence, generally ages 15 to 19. More often than not, the sexual attraction in these cases is either heterosexual or homosexual.

### *Personal opinion*

Most of the cases of clergy sexual abuse that are reported in the United States are not cases of pedophilia, but rather hebephilia and ephebophilia. Pedophilia is listed as a psychiatric disorder in the Diagnostic and Statistical Manual of Mental Disorders, Ed. 5; but hebephilia and ephebophilia are not. Nevertheless, all of these behaviors constitute sexual abuse.

At the present time there is no known treatment to cure pedophilia. There are some indications, however, that those who have hebephilia and ephebophilia can receive treatment and change their sexual behavior.

Improved knowledge can also raise some difficult questions. Is there reason to adjust our thinking and our behavior toward persons who have these various sexual attractions? When we understand that there is a disease involved, does that make a difference compared to a moral issue? Consider how our attitudes have changed toward people with alcoholism who have a disease, compared to a few decades ago when we considered them as people with a moral weakness who simply could not control their drinking.

I am not suggesting that the protection of children is not uppermost. Yet the value of protecting children does not have to exclude respect and treatment for those who are suffering with a disease or a problematic sexual attraction.

## **2. Homosexuality**

The United States Catholic Catechism for Adults teaches a crucial distinction between a homosexual orientation (sexual attraction toward a person of the same sex) is different than homosexual behavior. "Having homosexual inclinations is not immoral." (p. 407) The sin is to engage in sexual behavior outside of marriage, be it with someone of the opposite sex or the same sex.

There are lots of discussions about clergy sexual abuse that raise the issue of homosexuality among the clergy. More specifically, is there a connection between homosexuality and sexual abuse of children?

The U.S. Bishops commissioned research by a group outside the Catholic Church to consider this question among others. The report from the John Jay College of Criminal Justice at the City University of New York concluded there's no statistical evidence that gay priests were more likely than straight priests to abuse minors.

Almost every scholarly study decisively rejects the connection of homosexuality to pedophilia, nor is there any cause-and-effect relationship. The John Jay report offers other reasons to help explain the high percentage of male victims harmed by Catholic clergy, including emotionally immature and psychologically maladjusted men entering seminaries; the difficulty of dealing with cultural upheaval in the 1960s and 1970s; and the issue of proximity – because priests were more likely to be working with them rather than with young women and girls. So being a homosexual priest does not make one an abusive priest.

In another study undertaken by John Jay College, a researcher reported to the U.S. bishops in 2009, "What we are suggesting is that the idea of sexual identity be separated from the problem of sexual abuse. At this point, we do not find a connection between homosexual identity and the increased likelihood of subsequent abuse from the data that we have right now."

*Personal opinion*

It's time to put to rest the unfounded conjecture that people abuse children because they have a homosexual orientation (although for hebephilia and ephebophilia it may influence the choice of victim). Most sexual perpetrators are heterosexual and family members of the victim.

In a similar vein, the supposition that "celibacy causes child sexual abuse" is just as illogical.

The vast majority of incidents of child sexual abuse are perpetrated by heterosexual members of the victims' families – which directly contradicts the ideas that being gay or being celibate is the source or cause of child sexual abuse.

We are left with other concerns, however, as there is an increased awareness of homosexual persons in society, in the Church, and within the clergy. There are also serious issues related to clergy sexual behavior which is contrary to chastity, be it homosexual or heterosexual. For most people, this is completely new territory and hard to understand.

### **3. Sexual Politics**

*Personal opinion*

Our society and our Church are grappling with a host of sexual issues – including gender roles, sexual orientation and identity, the fluidity of gender, various understandings of feminism, etc. There are also issues internal to the Church – optional celibacy, Vatican II, progressive vs. traditional, and the interplay with secular politics. What I am seeing and reading in the media is that, both within and outside the Catholic Church, the issue of clergy sexual abuse is being entangled with other issues. My perception is that various parties are trying to use their viewpoint on clergy sexual abuse to make connections and score points for their agendas.

We would do well to pay attention to facts, and use careful logic when drawing conclusions. Post hoc ergo propter hoc is a logical fallacy; just because something happens after something else does not mean that the first thing caused the second thing. If it rained in the morning and I lost my first tooth in the afternoon, it is not true that the rain caused me to lose my tooth.

## **D. THE CHURCH**

### **1. Transparency**

This is an expression that's being tossed around a lot, but what does it refer to? Sometimes it's said that "people have a right to know" – to know what?

*Personal opinion*

For example, if you think about how employment issues are handled, not everything is public. Would you want your job evaluations posted on the staff bulletin board?

I think there is a place for transparency, especially in light of our history of hiding. But I think there needs to be some discussion of what that entails, and I expect people of good will disagree. Can we be transparent about the number of allegations; how many credible allegations have been determined, and what were the consequences for the offenders? How much has been paid out in financial assistance and lawsuits? What resources are being offered to the victims to assist their healing?

For some people, I think that transparency includes posting/publishing names – but whose names? Those who had any allegation made against them? or only allegations that were determined to be credible? What about alleged offenders who have already died but never had a chance to defend themselves? What about victims? They have nothing to be ashamed of because they did nothing wrong. What about those who have received financial settlements from the Catholic Church – do people "have a right to know?"

I am not saying I am against publishing names, but there are some consequences as well. Victims often feel believed and validated and no longer isolated when their perpetrators are named. A great deal of pain may follow as parishioners learn the names of sexual abusers, as we have seen following the Pennsylvania grand jury report. More pain comes to parents as they ponder whether their child was harmed, or they decide to have a difficult conversation with their children: "Did Fr. So-and so hurt you?"

I fully expect my comment to stir some people, but I am not clear what one hopes to gain by posting lists of offenders. I stand ready to learn and understand this better.

## **2. Reporting**

### *Personal opinion*

Child abuse is not limited to the Catholic Church; it happens in other churches and other religions; it happens in schools and athletic programs. Our history too often has been to turn away, deny the reality, hide the truth, pretend it's not there. Let's not repeat the mistakes of the clergy by keeping secrets. Anyone can report a suspicion of child abuse and the person making the report does not have to decide whether or not it's abuse. If you think a child is being hurt, then call the proper toll-free number and make a report for the sake of the child; don't avoid it to preserve your own comfort. [In Michigan the number is 855-444-3911.]

## **3. Parishes and Communities**

### *Personal opinion*

Just as I mentioned parents and families earlier, when parishioners and communities learn who among them has sexually abused others, there is a great deal of pain, anger, and oftentimes division. I wonder how often we reach out to assist those parishes with their own process of healing? And how do we provide assistance to the "whole Church" which is deeply wounded and angry as we deal with all these issues?

#### **4. Standards for clergy**

*Personal opinion*

I have read some things along the line that "we expect clergy to live according to a higher standard." In one way that makes sense to me – clergy have made public commitments and people look to them for a good example. And yet I ask whether there may be a double standard at work about other clergy behavior that is being shared in the media, such as fidelity? Why is there not the same level of expectation regarding fidelity for someone who is married as for a priest or bishop who has promised celibacy or vowed chastity? Do we have some kind of unspoken belief that lay people are weaker or less capable of keeping their promise? Or that it's not as bad for a lay person to commit adultery as it is for a priest to be sexually involved?

#### **5. Forgiveness**

*Personal opinion*

It is true that the awareness of clergy sexual abuse of children stirs up pain, anger, confusion, disgust, sadness, and a profound lack of trust, among other things. Those feelings and others are appropriate and they need to be uncovered and acknowledged and felt. This is true for abuse survivors; it's also true for all of us in the Church who are scandalized by the behavior of perpetrators and those who failed to protect children. There also must be accountability and proper consequences for the offenders and those who over see them, and assistance with healing for those who have been harmed.

If we get stuck on those feelings, or look around for ways to keep those feelings stoked, it can be destructive to ourselves and others.

If we don't acknowledge the ambivalence that exists, then the pain continues. Ambivalence acknowledges, "What the perpetrator did was terrible and wrong ... and there were other things about the perpetrator that were helpful and good."

The process of forgiveness is a healing process for the persons who have been harmed. Forgiveness is the path for healing the intense emotions that accompany the harm. Forgiveness is a series of conscious thoughts and actions, an inner response, which includes letting go of a desire for vengeance or harm toward the offender and letting go of negative emotions such as resentment. Letting go creates a positive change in the injured person's physical, mental, and emotional well-being. Forgiveness restores a sense of personal power and can lead to improved interpersonal relationships.

Forgiveness is often confused with other things. It does not require an apology or even contact with the person who caused the harm. It does not mean to forget the injury, to condone what happened, or even to tolerate injuries. Forgiveness does not require reconciliation with the offender, because.

Forgiveness is not the same as reconciliation (restoring a relationship with the person who caused the injury); in fact, the offender may be dangerous, unavailable, or dead. Forgiveness is



a personal process undertaken for the healing of one's own woundedness. This is a process I have taught for almost 20 years, and I have seen the good and the peace that can come from it.

### **Conclusion**

Congratulations and thank you for reading this far. Having addressed 21 topics, I think it's clear that we are involved in a very complex situation. There is a swirl of emotions about what we knew and what we are learning. There is an overwhelming avalanche of information and opinions coming from many directions and many points of view.

I don't believe there are any simple answers. There are certainly positive steps that can be taken: (a) change our laws; (b) improve our responses to allegations; (c) care for the survivors of abuse (of all kinds) and their families, and (d) care for parishes and communities who are aching because of new revelations, and also where offenders ministered and left behind a trail of harm.

I am not ready to propose more concrete solutions. Before that can happen, it's important to realize the breadth and depth of what we're dealing with, and to have a better understanding of the issues that involved.

I hope that my organization of some information is of help and you read and think and discuss these issues with family, friends, and people in the community. And whether you agree or not, thank you for the courtesy of reading my opinions as well, the fruit of my own years of dealing with these issues. I am sure I have more to learn.