

C. *Power in the clerical world*

263. The hierarchical system is based on a power structure that invests all power in individuals who hold specific offices. The two fundamental offices are the papacy and the episcopacy. The power vested in bishops is actually vested in bishops who head dioceses, and not in auxiliary bishops or retired bishops. All power and influence are vested in those who are in Holy Orders. In other words, the power and influence in the institutional Church is actually not in the lay people but in the clergy. Hence, the institutional Church is often identified with the clerical subculture, and such an identification is not inaccurate.

II. WHAT IS THE “ECCLESIASTICAL SYSTEM”?

A. *The institutional Church – an end or a means to an end?*

264. As described above, the “ecclesiastical system” in the narrow or functional sense is the governmental system, which is hierarchical in nature and monarchical in practice. Although the concept is roundly denied by clerics, the fact is that this system has created an aristocracy within the clergy with three levels: priests, bishops and cardinals. In real life, the system — devoid of the clerical rhetoric and convoluted theological explanations and justifications — is made up of monarchical leadership, the mystique of the ordained priesthood, the Church’s doctrine on human sexuality, the actual clerical subculture, and clericalism — a complex mixture that permeates the entire Church, including lay people.

265. The ecclesiastical system is justified by a selection of interconnected theological doctrines that are part of the body of teachings that Catholics are expected to believe. These doctrines include the divine origin of the hierarchical governmental model and its immutability, the locus of power in those who are ordained, clerical mandated celibacy (which is unofficially believed by many to be an essential element of priesthood and willed by God based on the belief that Jesus was never married), the belief that priests are different in essence (that is, in the core of their being, rather than in function) and the divine origin of the clerical state.

266. The ecclesiastical system is capable of accomplishing much good in a vast number of areas. Although the elements that make it up are not essential to fulfill the mission and will of Christ, they do, if they are in the right hands, facilitate the goodness that should be the essence of the Christian way of life. Nevertheless, the goodness for which members of the Body of Christ are responsible is not grounded in the hierarchical system but in the essence of Christianity. The pervasive hope is always that the ecclesiastical system and the clerical culture will work toward the ultimate Goal of Christ, best summarized by his words “Love one another”, and the lesser goals that arise whenever there is true need. None of this, however, can justify the systemic violation of the most vulnerable members of the People of God by sexual abuse perpetrated by clerics or non-ordained religious, nor can it possibly justify the systemic enabling of this evil in any degree.
267. The visible institutional Church — the hierarchical governmental model — is not an end in itself but a means to the end, which is the living out of the ideals of the Christian message in this life. This message is best summarized by the mandate that Christians love one another without any prejudice arising from race, gender, or rank.

B. Threats to the institution

268. The uncovering of worldwide sexual abuse by Catholic clerics and religious has posed a serious threat to the institutional Church, the ecclesiastical system and the clerical class from the time it became publicly known in the 1980s. The major stakeholders in the institution, the hierarchy, committed themselves to protecting the system from additional damage. They did this instead of responding to the revelations that children and minors had been sexually abused — instead of providing compassionate outreach and committing to help the victims heal while at the same time working to understand the phenomenon and make the changes needed to bring it to a halt.
269. In spite of the countless promises of concern for the victims, and the creation of administrative procedures and protocols to respond to victims and prevent even more sexual abuse, the priority remains the image and security of the system. The Church’s vast expenditures on legal fees to defend its structures (such as dioceses and religious institutes) from the demands of victims for justified compensation is clear

evidence that it seeks to promote the institutional Church rather than help the victims. The hierarchy repeatedly assure victims of their support and their commitment to end or at least control the scourge of abuse, but the unspoken qualification is that it must be done their way. (For example, the legislatures of the States of New York and California passed legislation that would benefit all victims of sexual abuse by changing the Statutes of Limitation. In spite of highly expensive opposition by the bishops in each State, the legislation passed. Nevertheless, the Diocese of Rockville Center in New York challenged the constitutionality of the Child Victims Act, as the legislation was called, in an attempt to have it revoked by the courts. They were unsuccessful.⁴⁸ Now, the bishops of the State of California are mounting a similar challenge to the constitutionality of the similar legislation in that State.)⁴⁹

270. The institutional Church has faced widespread violations of mandatory clerical celibacy in the past. The challenges came not only from the sexual abuse of children but concubinage and clerical marriage. Clerical marriage became a threat in the medieval period when bishops began to take a very negative approach to married diocesan priests, which were common until the marriage of priests was prohibited for the entire Church at the First Lateran Council in 1123, and repeated at the Second Lateran Council in 1139 and at the Third Lateran Council in 1179. The Council of Trent (1545–1563), rather than just prohibiting clerical marriages, declared that a marriage by a cleric was invalid.⁵⁰ Every challenge to clerical celibacy in the past has been countered by the efforts of the popes and the bishops. The institutional Church, through its hierarchical leadership, was attempting to fix itself.

⁴⁸ See: <https://www.catholicnewsagency.com/news/ny-judge-upholds-child-victims-act-after-challenge-by-rockville-centre-diocese-63593>

⁴⁹ “California bishops challenge state’s extension of statute of limitations for abuse”, *Catholic News Agency*, February 1, 2021.

⁵⁰ Lateran Council I, canon 21; Lateran Council II, canons 6, 7, 21; Lateran Council III, canon 11; Council of Trent, Session XXIV, canon 9. All references to the Lateran Councils are found in H. J. Schroeder, Editor and Translator, *Disciplinary Decrees of the General Councils* (St. Louis: B. Herder Book Co, 1937): pp. 192, 200, 208, 224. The reference from Trent is found in H. J. Schroeder, Editor and Translator, *Canons and Decrees of the Council of Trent* (St. Louis: B. Herder Book Co, 1941): p. 182.

271. In our own era, the most threatening challenge to the worldwide Church has been the revelation of widespread sexual violation by clerics and religious — not only in past years but in the present as well. This time, however, the force for change is being driven by the victims, their families, their supporters and those sympathetic to their cause. This poses an even greater threat to the system than the discovery of the abuse itself because the victims are focusing on the systemic causality and are demanding justice and change.
272. There is scant evidence from the medieval period into the 20th century that the leadership of the Church either engaged in any serious and objective research or encouraged others to do so into why there had been widespread opposition to mandatory celibacy, why there had been widespread violations of celibacy, or why the various attempts at disciplinary solutions through the centuries were never successful on a long-term basis. On the contrary, through the centuries theologians, including priests and bishops, who questioned the value of mandatory celibacy and provided scholarly research to support their opinions, have been regularly criticized and even condemned by the Church's leadership.

C. *Secrecy*

273. Secrecy is both a cultural and canonical reality that has had, and continues to have, a very serious impact on the possibility of dealing with clergy sex abuse in a responsible and effective manner. An element of secrecy is common and even necessary for most institutions. However, secrecy becomes counter-productive and self-destructive for the institution when it hides wrongdoing by members. Such secrecy becomes increasingly more destructive when the wrongdoing is perpetrated by people in leadership roles. In the Catholic Church, the higher up the chain of command the problematic behavior goes, the thicker the layer of secrecy. The clerical world, the enclave of clerics, is enshrouded with secrecy, much of which is grounded in paranoia. The higher up the ladder the cleric ascends, the greater the dependence on secrecy.
274. Traditionally, reports of any improper behavior by priests were always covered in deep secrecy. If a bishop was informed of sexual abuse the informant was enjoined to secrecy by any means necessary, including threats. Cases were always handled

directly by the bishop and one or two of his most trusted advisors. If a priest was quietly transferred to another parish, in most cases the receiving parish priest (pastor) would not be told the real reason for the transfer. Reports of sexual abuse stopped with the bishop. They were not reported to the Holy See unless word of the incident had somehow reached the Vatican. In such cases, the bishop was generally contacted by the Holy See through the papal ambassador (the papal nuncio) and asked to explain the report. Reports to child protective services or to law enforcement were never made. The enveloping secrecy was justified by the absolute need to avoid scandal.

275. In the authentic theological sense, “scandal” means saying or doing something that would lead another into sin. Generally, “scandal” in the context of clergy sexual abuse does not have such a theological meaning. What it really means is any unfavorable information that would in any way tarnish the image of the episcopacy, the priesthood and the institutional Church and the related need to avoid publicity about the subject of this information. Judging by the general reaction to the bishops’ collective handling of reports of sexual abuse over the past three decades it is safe to say that the true cause of scandal has not been the public awareness of sexual abuse as much as it has been the cover-up. The systemic attempts to avoid scandal have themselves been the source of scandal.
276. Sexual abuse by clerics has always been protected by secrecy, both canonical or official, and cultural. It is impossible to determine how many cases of sexual abuse were hidden by the culture of secrecy and how many were protected by the bishops’ adherence to canonical secrecy. The main issue here is not simply the public revelation of cases of sexual abuse but reporting to civil authorities. As I mentioned previously, the revelations of the cover-up of cases of sexual abuse by the Archbishop of Boston, vividly exposed in a series of articles in *The Boston Globe* in 2002, caused an unexpected reaction of massive proportions in the United States. This was a major, changing “moment” in the unfolding sexual abuse crisis with reverberations not only in the U.S. but worldwide. Every aspect of the way the Church’s leadership handled reports of sexual abuse was called into question and high on that list was the issue of reporting to child protective services and law enforcement. Prior to that

time, most bishops in the U.S. and elsewhere did not believe they were under any canonical, legal or moral obligation to report. The courts have thought otherwise.

277. Bishop Pierre Pican, former bishop of Bayeux in France, was convicted in September of 2001 and sentenced to three months in jail (suspended) for failing to report one of his priests, René Bissey, for the rape of a 14-year-old boy for which he was sentenced to 18 years in prison. To make matters worse, Cardinal Dario Castrillón Hoyos, at the time Prefect of the Vatican Congregation for the Clergy, wrote a letter to Bishop Pican congratulating him for “*not having spoken out to civil authorities against a priest*”.⁵¹ The letter became public. In response to criticism, Fr. Federico Lombardi, the Vatican spokesman, said it showed how important it is to centralize handling of Catholic sex abuse cases by clerics under the Congregation for the Doctrine of the Faith (a response that made no sense).⁵²
278. In the U.S., Bishop Robert Finn of Kansas City–St. Joseph, Missouri, was convicted of the criminal misdemeanor of intentionally failing to report one of his priests, Fr. Shawn Ratigan, for production, distribution and possession of child pornography. Ratigan went to prison for 60 years, and Finn, who claimed child pornography was not child abuse, was placed on probation and made to report to a probation officer once a month. His defense cost the people of the diocese \$US 1.4 million.⁵³ In 2014, a judge imposed a \$US 1 million dollar fine on the diocese because Bishop Finn’s lawyers failed to abide by the non-monetary terms of a 2008 settlement.⁵⁴ The Vatican then conducted a special investigation to determine if there were reasons to ask for his resignation — as if his conviction and the multiple judgments against the diocese were not enough. He was asked to resign on April 22, 2015.
279. Some people believed that they were forbidden by canon law to report, and some believed that they were above the obligation to report because the accused were

⁵¹ “Cardinal praised bishop’s silence over abuse priest”, BBC News, April 16, 2010.

⁵² Tom Heneghan, “Cardinal hailed bishop for hiding predator priest: report”, Reuters, April 16, 2010.

⁵³ Judy Thomas, “Bishop’s conviction could compound legal problems for Kansas City Diocese”, *Kansas City Star*, October 5, 2012.

⁵⁴ July 2, 2014, *Kansas City Star*.

clerics. Some of the confusion on the part of bishops was genuine and some was simply an excuse for their inaction.

280. The whole secrecy issue was rendered moot by Pope Francis with an instruction issued on December 17, 2019.⁵⁵ Simply put, the pope decreed that the pontifical secret, which had protected the documentation from being disclosed in civil court proceedings and also provided clerics with a ready excuse for refusing to answer questions, no longer covered any documentation pertaining to processes involving clergy sexual abuse. The same instruction also stated that confidentiality can no longer be used as an excuse for refusing to turn over documents when they are legitimately requested, nor can it be used as an excuse for not fulfilling reporting obligations.

D. Mental reservation

281. Unfortunately, it has been well established over the past few years that bishops and others in various governmental offices in the Church intentionally lied to the media, other clergy, the laity, the Holy See, the victims, their families, their attorneys, law enforcement, and to civil judges while under oath in court proceedings. This is shocking since it concerns the most trusted members of the Church and some of the most trusted and revered members of our society.

282. The most common excuse for not being forthright about clergy sexual abuse is the avoidance of scandal and the protection of the Church. The image of clergy members, who are some of the most respected members of secular society and clearly were the most revered members of the Catholic Church, sexually violating children and young adolescents was too much for many people to process in the initial period of the “scandal”. Bishops and priests who had never encountered it were as stunned as the lay people.

283. In the beginning, it seemed unheard of for church authorities to readily admit the possibility when reports of abuse came in. When reports were confirmed as true, the

⁵⁵ See: Rescriptum ex Audientia SS.MI: Rescriptum of the Holy Father Francis to promulgate the Instruction *On the Confidentiality of Legal Proceedings*, 17.12.2019.
<https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2019/12/17/191217b.html>

initial reflexive responses were to deny, make excuses, minimize, shift the blame or devalue the source of the report. It is entirely possible that many bishops and other clergy were blindsided when the reports started coming in and responded reflexively with the protection of the priest and the institutional Church as the first priorities. Lying about something as horrific as sexual abuse of a child is always detestable, but it may be explainable. The bishops and clergy have been conditioned to protect the Church and the image of the clergy at all costs. Apart from self-serving reasons, which are understandable to an extent, most Catholic clergy truly believe in the sacred nature of the institutional Church and are committed to protecting it.

284. A number of bishops and other Catholic clergy have resorted to the practice of “mental reservation”. This term has been used in both secular society and in Catholic moral theology. It is a form of deception or equivocation that is not an outright lie. Catholic moral theology teaches that lying is never permitted.
285. The concept of mental reservation has a long history in Roman Catholic canon law and moral theology, yet it has never been given any form of official approval. It was mentioned as early as 1235 by St. Raymond of Peñafort, a Spanish canon lawyer who was one of the foremost medieval canonists. In his work *Summa de Poenitentia* (Summa on Penitence), he refers to St. Augustine who said that a lie was never permitted. He then said that some scholars believed that a lie could be told if a person’s life was at stake.
286. The discussion about the use of mental reservation has been reopened somewhat in the past few years. Some civil attorneys who knew about the theory surmised that bishops and other church officials might be applying it in their testimony before the civil courts. There have been instances when bishops have admitted to using mental reservation and others in which the witness has been asked to explain the concept. Cardinal Desmond Connell, the retired archbishop of Dublin, was questioned about it when he testified to the Murphy Commission. In his testimony, he provided an explanation that mirrors those given in other situations:⁵⁶

⁵⁶ See: “‘Mental reservation’: church concept”, *The Irish Times*, 27 November 2009.

“Well, the general teaching about mental reservation is that you are not permitted to tell a lie. On the other hand, you may be put in a position where you have to answer, and there may be circumstances in which you can use an ambiguous expression realizing that the person who you are talking to will accept an untrue version of whatever it may be – permitting that to happen, not willing that it happened, that would be lying. It really is a matter of trying to deal with extraordinarily difficult matters that may arise in social relations where people may ask questions that you simply cannot answer. Everybody knows that this kind of thing is liable to happen. So mental reservation is, in a sense, a way of answering without lying.”

287. With regard to sexual abuse, some claim that it is morally justifiable to lie in order to protect the reputation of the institutional Church. One cleric, a priest who is a member of the Legionaries of Christ, stated in a documentary that it is acceptable to *not reveal the truth to those not entitled to the truth.*⁵⁷ He cited the *Catechism of the Catholic Church* (Vatican, 1992), which in fact does state such a doctrine at no. 2489.⁵⁸ The problem is obvious: who decides when a person is not entitled to the truth and for what reasons?
288. Generally, a lie about sexual abuse is formulated in either an active form, such as denying that a person has sexually abused children, or in a passive form, such as failing to inform a bishop or the parish priest of a parish that an assigned priest or cleric is a known abuser. In either case, and under any guise, these instances never fulfill even the most remote circumstances for applying mental reservation. The concept of the “good of the Church” never allows for enabling sexual abuse or covering for sexual abuse since “the Church” is hardly limited to the clerics or the hierarchy but includes the abused and the lay faithful susceptible to abuse.
289. It is difficult to find any justification for any form of mental reservation when one is dealing with sexual abuse of children. On one hand there are the standard excuses

⁵⁷ *The Legion*, Ireland, RTÉ, directed by Mick Peelo, 2014.

⁵⁸ *Catechism of the Catholic Church*: Part Three, Life in Christ, Section Two, The Ten Commandments. Article 8. IV Respect for the Truth.
https://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a8.htm

for withholding the truth: avoiding scandal, protecting the Church's reputation, protecting the reputations of persons involved, and protecting the Church's assets. On the other hand are the reasons for disclosing the truth: justice for the victims and the welfare of children. The "greater good" of the reputation of the governing body of the institutional Church cannot be used at the expense of the most vulnerable members of the People of God. From a canonical viewpoint, nothing justifies defending the perpetrator of a crime as serious as child abuse and leaving open the possibility of the commission of even more such crimes.

III. THE INFLUENCE OF THE SYSTEM

A. *Clerical narcissism*

290. How is it possible that a destructive dynamic that enables the sexual violation of the innocent can prevail in an institution of religion whose explicit purpose is to promote spiritual health? Experience with priest perpetrators demonstrates and confirms that they are a product of, and participants in, a culture that is rightly named narcissistic. An individual clergyman may or may not escape the toxicity of that culture.
291. The veneer of holiness and altruism that cloaks the institutional Church covers a clerical culture infused by excessive narcissism. The institution is not what it appears to be in its public pronouncements, ritual manifestations, and glorious vesture. Self-serving elements have had a pervasive, destructive influence in propagating a toxic spirituality. Such a spirituality enables and fosters sexual assault on vulnerable children and adolescent minors while protecting and projecting an image of perfection and moral purity. One rightfully wonders about the negative effect of clerical narcissism on the conscience of clerics.
292. The clerical culture is the context within which the sexual abuse of minors must be framed. The Prime Minister of Ireland, addressing his parliament on July 20, 2011, said that a recent report on the system of abuse in the Irish diocese of Cloyne: "*excavates the dysfunction, disconnection, elitism—the narcissism—that dominate*

*the culture of the Vatican to this day.*⁵⁹ The cause of abuse by men who sexually violate children and the vulnerable within a church context is that they are products of a formation that inculcates them into the clerical system. The evidence of systemic abuse can be traced from top to bottom. If the culture did not operate in ways that tolerated secret sexual activity of superiors (including but not limited to child sexual abuse) and functioned as a web of mutually supportive secret clerical liaisons, sexual abusers of minors would find no place in the system.

B. *The development of clerical narcissism*

293. The men deeply embedded in the clerical system develop a belief in the sacred and closed clerical world from their earliest days in seminary training. This belief can remain and grow throughout their clerical careers. Clerics from low to high conspire to hide officially unacceptable sexual tendencies, forbidden relationships, and knowledge of sexual abuse behind a veil of secrecy. This secrecy is fortified by the pervasive belief that clerics must protect their fraternity from outside scrutiny and prevent public exposure of forbidden sexual expressions. Known sexual activity, including behaviors with fellow seminarians, priest faculty members or formation directors, are dismissed as “growing pains” or passing phases. Former seminarians who left after being approached for sex by a priest or upper classman have often said that they thought this was a rite of passage or an initiation.

C. *Acquired situational narcissism*

294. Some psychologists have referred to clerical narcissism as “acquired situational narcissism”.⁶⁰ The pervasive belief that upon ordination one is ontologically changed and will thereafter be one of Christ’s chosen serves to fuel this trait. The Council of Trent (1545–1563) mandated that every diocese have a seminary to provide both education and spiritual formation for future priests. The sociocultural model of the

⁵⁹ The speech is available from several sources and all are published on www.bishop-accountability.org. See also **Appendix 2**.

⁶⁰ Marianne Benkert, M.D. and Thomas Doyle, J.C.D., “Religious Duress and Its Impact on Victims”, *Pastoral Psychology* **58**(2009); Thomas Doyle, Chapter 11, “Clericalism and Catholic Clergy Sexual Abuse”, in Mary Gail Frawley-O’Dea and Virginia Goldner (Eds), *Predatory Priests, Silenced Victims: The Sexual Abuse Crisis and the Catholic Church* (Mahwah NJ: Analytic Press, 2007).

seminary that was established remained intact except for the obvious changes required to conform to historical and societal developments. Part of the process of introduction and survival in these ecclesiastical enclaves involves a relinquishing to one degree or another of oneself to an all-male authority system; a regulated, supposedly sexually abstinent group where conformity of mind and will were demanded and prized. Docility, obedience, doctrinal orthodoxy and conformity to the clerical culture were required. The seminaries were “total institutions” which conferred an alternative identity and security in exchange for sacrifice of the person. Little by little, candidates immersed themselves in an atmosphere and function of a group that had all the right answers; one that is more powerful and important than any other entity.

295. As a cleric moves up in the ecclesiastical system, more conformity and obedience are expected and demanded for further advancement. Obedience that binds an individual (even blindly) to authority is the ultimate test of loyalty and proof that the individual can now justly assume institutional identity. There is little psychic distinction between self and institution and thus one’s value is subsumed by identification with the power, prestige, and status of the institutional Church. A realistic and not idealistic understanding of the effect of this powerful culture on seminarians and clerics of all ranks explains why the number of priests and religious who have stood publicly in support of victims and have fearlessly criticized the hierarchical system is miniscule and why the number of bishops who have publicly stood in support of victims is even more miniscule. The system prevailed over the vulnerable.
296. Conformity, docility and obedience are also essential elements of the formation of members of both men’s and women’s religious institutes, however the ultimate goal of ascending the ladder of ecclesiastical power and authority is not applicable for non-ordained men and women religious and far less applicable for religious priests.
297. There are some strong personalities who can escape indoctrination to one degree or another and function maturely in the system. There are not enough, however, to alter the system. A large proportion of priests leave the ministry before the twenty-fifth anniversary of their ordination. Dr. Marianne Benkert, a psychiatrist, former

religious sister and one who has had years of professional experience with dysfunctional clerics, has commented as follows:⁶¹

“During my forty-five years in practice as a psychiatrist and a woman who was raised Catholic, I have been privileged to know and consult with a number of men and women who demonstrated the most refined level of spiritual expression within religious life. They were in the clerical culture but not of it. I am not certain how they escaped the toxicity of prevailing narcissism with its lack of empathy but they possessed a depth of character and maturity with flexibility of personality that allowed them to work in a complex environment and culture that does not favor integrity.”

IV. HOW THE INSTITUTIONAL SYSTEM ENABLES ABUSE

A. *Spirituality infused with clericalism*

298. This narcissism has had a pervasive influence on shaping the traditional spirituality common to Catholicism. Although church writings and teachings often refer to the “spirituality of the laity”, the institutional Catholic Church does not promote or support an authentic spirituality for lay persons that is rooted in the essence of Christianity. The so-called lay spirituality is a byproduct of the narcissistic spirituality that pervades the clerical culture.

299. The traditional Catholic lay spirituality was, and to a disturbing extent still is, grounded in the relationship of those in Holy Orders to lay Catholics and the influence clerics have over their lives. The exalted and powerful role of priests and bishops is dependent on a theological construct that is, according to official teaching, rooted in the “divine will”. In other words, the Church teaches that the way lay people have been taught to respond to clerics is the way God wants it to be. One of the marks of a “spiritual” Catholic is reverence for clerics and unquestioning obedience. Another is

⁶¹ A. W. Richard Sipe, Marianne Benkert, M.D., Thomas Doyle, J.C.D., “Spirituality and the Culture of Clerical Narcissism”, August 2013. Unpublished manuscript.

unquestioning acceptance of not only every official Church teaching but, for many, of every utterance from anyone who works in the upper echelons of the Church.

300. Much of the traditional Catholic spirituality is inordinately tied up with externals: the drama of the traditionally rich Catholic liturgy, the deeply engrained conviction that God in the person of Christ is truly present in the Eucharist, the various vestments used at rituals and liturgies and the elaborate robes worn by the bishops, archbishops and cardinals. The measure of a spiritual experience is often the emotional reaction to a liturgical event, an ecclesiastical personage or a personal experience. Clerics are presumed by the laity to be “holier” than lay people simply because of their clerical status and their ordination. The glorification of the priest or bishop as the elaborately vested central figure of Catholic liturgies supports this erroneous and harmful belief. The higher a bishop or priest rises on the clerical ladder, the holier he is presumed to be, since only holy people favored by the Holy Spirit moved up in the church hierarchy and in the clerical culture.
301. The public response to sexual abuse in our era is unlike anything the institutional Church has experienced in centuries. The credibility of bishops and priests has plummeted. Many lay Catholics were stunned at first at what they were learning on a day-to-day basis. With the shock of these revelations came a variety of responses from priests and from believing lay people. One of these has been anger and denial directed at the victims and their supporters. Some people have expressed their strong convictions that the entire sexual abuse phenomenon is: (a) a gross exaggeration; (b) a conspiracy led by those who oppose church policy on birth control, abortion and non-marital sexual activity; (c) a plot influenced by non-Catholics to destroy the Church; and/or (d) a conspiracy between victims and their lawyers to drain the Church’s coffers. Other excuses have been offered, but these are the main ones. All of the above reasons are pure conjecture, but what is very real is the anger.
302. A possible and plausible explanation for this anger relates directly to the overwhelming control that clerics have over lay people and the Church in general. The exposure of the sexual crimes of so many clerics, and the harsh realization that the bishops have been a major part of the problem and not the solution, has shaken

the religious security of many adult Catholics to the core. They are angry that those who directed their religious and spiritual lives and provided spiritual security appear to have betrayed them. Still deeply infused with the magical thinking about clerics, they have turned their anger at those who exposed it all.

303. It must be said at this point that throughout history there have been countless Catholics, lay and cleric alike, who did not permanently internalize the toxic version of Catholic spirituality. Many of these people led good and holy lives and faced a variety of problems and when their deep spirituality came forth and gave them strength, it is because it was (and is) *their* spirituality and not an institutional version assumed without question. Here we see the distinction between religiosity and authentic spirituality. The former is often dominated and evaluated by externals including the expected “persona” of a “holy” person. Authentic spirituality is not evident from some sort of culturally influenced “affect” but by the integrity of one’s life.

B. *Enabling sexual abuse*

304. The traditional, clerically infused, spirituality is perhaps at its most toxic in the interplay between a clerical sexual perpetrator and a young victim. Very few, if any, victims are able to distinguish between their faith in God, their faith in the community of the Church, and their faith in the churchmen directly involved with their abuse. Because of the nature of their Catholic training, most are not able to separate the abuse and the abuser from the Church. They are not able to make a fundamental distinction between the Church as the People of God (the community of all believers) and the institutional governmental structures. In the minds and imaginations of many, “the Church” equals bishops, priests, rituals and the clerical culture (though few are able to perceive the clerical subculture as an entity deeply entwined in a toxic way with the Church as a community). Countless victims who were assaulted as very young adolescents or as prepubescent children have said that they had always believed the priest was a stand-in for God who acted through the priest.
305. Victims are often stunned and paralyzed by the sexual violation, but even more so because the perpetrator is a priest. Many believe uncritically everything they were taught about priests. They believe that priests do not sin and that as celibates, they

do not do anything sexual. These beliefs are not found only in children. Many adults continue to believe the magical thinking about priests and highly resist any suggestions that it may be wrong. For far too many victims, all of these beliefs about priests, sex and the institutional Church come together to fuse a deeply rooted feeling of guilt that they, the minor or just barely adolescent child, is the cause of sin for the priest and therefore must carry the priest's guilt as well as their own. Those of us who have worked with victims — especially in trying to help them find their own spiritual core — find this complex web of beliefs and the terrible consequences for the victims extremely difficult to untangle.

306. This toxic clerical spirituality is the most influential factor in the hierarchy's widespread enabling of sexual abuse by clerics. For the hierarchy, it is far more important to preserve the apparent integrity of the institution and to protect God's sacred emissaries, the clerics, than it is to protect vulnerable children and adults. In addition, the process of grooming the victims as a prelude to the actual sexual molestation depends on the victims' subservience to the offending cleric. This belief in the superiority of the cleric is a direct result of the institutionalized narcissism, which also causes significant confusion for victims' perception of their own religiosity.
307. The clash between the dependent, submissive religiosity of the victim and the narcissistic religiosity of the priest-perpetrator is traumatic enough, but the trauma is then intensified if the victim experiences the equally stunning betrayal by the hierarchical leadership of the Church. This betrayal begins on the local level with the victim's own bishop and extends all the way to the Vatican. The victims' complaints of the way they have been treated by their bishops and other church officials and their anger that nothing truly effective was happening at the level of the Vatican is not an unfortunate part of the past when the bishops were climbing up the "steep learning curve", as many have called it. This business-like, administrative response is still happening. When many bishops receive complaints of sexual abuse, they first call their attorney and then refer the person to the victim assistance coordinator. It's all part of doing business — the institutional business of the church hierarchy.

C. *Fear caused by religious duress*

308. Several characteristics of sexual violation by clerics are related to the effect of the key facets of the religious “system” on the perpetrators and the victims. The beliefs of victims about the ecclesiastical system, which consists of their beliefs about the institutional Church, the hierarchy, the priesthood and even about God, have caused them to experience a combination of shame, guilt, deep confusion and fear. Of these, fear has a direct effect on the will. Several people who have developed expertise in the area of the complex psychological and spiritual dynamics of sexual abuse collaborated to find a concise definition of the influence of these emotions, especially fear, experienced by the victims of clergy sexual abuse. The working name for the definition was originally “religious duress”, and in time this became the accepted term to describe it.⁶²
309. Religious duress is an objective reality, experienced by reasonable people who are so influenced by the power of their religious beliefs that their will is unduly and unjustly constrained to perform an action, or omit an action, that they would otherwise intend to do. Religious duress is the internal pressure experienced by a person as a result of certain religious beliefs. These beliefs are fundamentally about the reaction of an unseen supreme being to something the person either does, or conversely, does not do. In short, religious duress is a very special kind of fear. The ultimate source of this fear is an unseen but all-powerful supreme being. Between the individual and this supreme being are religious institutions and personages who function as advocates or buffers. Religious duress is the condition experienced by countless victims of clerics who have sexually abused them. It explains, among other things, why the majority never disclose the abuse at all and why many who do wait for years or even decades.

⁶² Thomas Doyle, “Roman Catholic Clericalism, Religious Duress and Clergy Sexual Abuse”, *Pastoral Psychology* **51**(2003); Thomas Doyle, “The Spiritual Trauma Experienced by Victims of Catholic Clergy Abuse”, *Pastoral Psychology* **58**(2009). The validity of the concept of religious duress has been denied by attorneys who have represented Catholic dioceses because, as they say, it has never been proven. However, the concept has been used in clergy sexual abuse cases in the U.S. and Canada and last year it was validated by a decision of the Supreme Court of Canada, *L’Oratoire Saint-Joseph du Mont-Royal v. J.J.* 2019 SCC 35, June 7, 2019.

310. Although religious systems have been created to relieve or displace the fear engendered by the unknown, these same systems have themselves been the source of much fear. In some instances, well-intentioned religious leaders induce or provoke the fear to influence people to avoid wrongdoing. In other cases, the fear is both unjust and irrational in that it is induced by religious personages who claim it to be of supernatural origins when in reality the object of the fear is not obedience to angry gods but control and manipulation by humans. Thus, the world of some organized religions can be every bit as terrifying as a world controlled by unseen angry supernatural forces. The gloom and fear that seem fundamental to some religions, including expressions of Christianity, can be as mysterious as the unseen supernatural powers. In many ways, religious duress is similar to the notion of “reverential fear”, a well-established category in Catholic canon law.⁶³ This is a fear that is induced not from an unjust force from without but from the respect, awe or reverence one has for an authority figure.
311. Where religious duress occurs, the victim experiences such fear of causing the displeasure or even wrath of the authority figure that the will is significantly impeded. Child or adolescent victims are especially vulnerable to a priest-abuser. First, the priest is an adult with automatic power over the victim. He is also a priest with vast spiritual authority. Another component that often enters into the relationship is secrecy. The seduction process has created a secret and special relationship that entraps the victim.

D. The direct effect on the victim

312. Religious duress, and the irrational and deep fear that it engenders, are both a direct product of a deviant religious indoctrination that is unduly permeated with fear, and a toxic outlook that is epitomized by clericalism. The impact on victims of clergy sexual abuse is fourfold:

⁶³ Lawrence Wrenn, *Annulments* (Canon Law Society of America, 1983); Charlotte Christensen-Nugues, *Reverential Fear and Consent to Marriage* (Lund University Publications, 2009). Paper presented at the conference “The Cultural History of Emotions in Premodernity”, Lund University, October 25, 2008.

- (a) *Seduction and grooming*: It is considered a great honor when the priest singles out the son or daughter of a devout Catholic family for particular attention. Parents have generally been completely unsuspecting of the attention paid to a young son or daughter and have even unwittingly enabled the abuse by allowing and encouraging overnight trips and the like. This process is commonly referred to as “courtship” or “grooming”. Eventually, the cleric makes the first sexual move and the young victim is, more often than not, stunned into disbelief.
- (b) *Moral confusion*: Victims reared in an atmosphere that accepted the traditional church teaching on sexuality were convinced of, and could not question, the belief that any form of sexual expression, be it thought, word or especially deed, is mortally sinful. Furthermore, they were taught that homosexuality is officially deemed unnatural, homosexual people “fundamentally disordered”, and all sexual expression particularly sinful. In the face of this, the priest, the personification of this stringent sexual morality and one who is theoretically devoid of any potential for sexual temptation, is the very one leading the victim into a forbidden sexual act. The victim is now caught in a powerful dilemma. He or she has been groomed and led along to a place of significant trust. Now, something forbidden has happened. Confusion, guilt and shame set in after the shock begins to wear off. The guilt and confusion are especially toxic if the young victim has experienced pleasurable sexual feelings. The moral theology taught by the clerical world came forth from a source that did not understand, much less accept, the complex nature of the sexual response. This plunges the victim into deeper confusion. The clerical world has also taught the victim that the only acceptable relief from the guilt of sin is confession and absolution given by the priest. But the very source of relief from sin is also the effective cause of the sin, so the victim is immobilized and the guilt, shame and trauma only intensify.
- (c) *Non-resistance to prolonged abuse*: Extensive clinical and legal evidence shows that most sexual abuse is not limited to an isolated act. Perpetrators often claim it only happened once, but subsequent investigations generally discover patterns of abuse over days, weeks and sometimes years. Observers often

wonder, and rightly so, how some victims remain in such so-called “relationships”. These are certainly not “relationships”, even in the widest sense of the term. Rather, they are toxic entanglements. Many victims have later reported that they felt trapped and increasingly powerless as the abuse continued. Some reported being conscious of a sort of bond with the abuser, which of course further confused the issue by increasing ambivalence and guilt. Uninformed critics have frequently claimed that in such cases the victim was indeed a willing participant and perhaps even an aggressor. The pathological dynamic of the relationship shows that such suggestions are far from the truth and constitute only defensive, wishful thinking by those incapable of accepting the reality of the scandal.⁶⁴ The nature of this bond between abuser and abused is discussed in more detail below.

- (d) *Failure to report*: The existence of the trauma bond, as discussed in the following section, also explains why so many victims failed to report abuse after it started or after a single instance. Most victims are unable to disclose for periods of time ranging from months to decades.⁶⁵ They did not report because they could not report. Apart from the fear and shame that often arose from sexual abuse, victims had to deal with the entire Catholic institution that loomed before them. Many believed their abusers who convinced them that no one would believe them if they spoke out. Still others succumbed to implied or direct intimidation and threats from church authorities. The clerical elite, incapable of seeing a victim’s report of sexual abuse as anything more than a threat to the Church’s security, often responded in a predictable manner. The victim was often turned into a potential victimizer and made to feel guilty for contemplating an action that would embarrass a member of the clergy.

⁶⁴ See Shirley Julich, “Stockholm Syndrome and Child Sexual Abuse”, *Journal of Child Sexual Abuse* **14**(2005).

⁶⁵ Studies have revealed that the average age at the time of reporting child sexual abuse is 52. See: CHILD USA: The National Think Tank for Child Protection, “Delayed Disclosure: A Factsheet Based on Cutting-Edge Research on Child Sex Abuse”, **3**(March 2020).

V. THE TRAUMA BOND

A. *Relationship or destructive interaction*

313. As noted above, many victims have endured not just one incident of abuse but a prolonged period of sexual violation by a cleric. They have sometimes been accused of co-operating with the perpetrator and some have even been accused of being the seducer and the instigator of the sexual interaction. The same accusations have sometimes been levelled against victims who did not disclose for months or even years after the abuse took place.
314. In truth, what might seem to some to be a mutually consensual relationship is actually a highly destructive bond that developed between victim and perpetrator. This is explained by the psychological phenomenon known as a “trauma bond” or “traumatic bonding”. The term was first used by Dr. Donald Dutton, Professor of Psychology at the University of British Columbia. He explained the findings of his research in an article published in 1999, “Perpetrator personality effects on post-separation victim reactions in abusive relationships”.⁶⁶ Dr. Dutton had done extensive research on spousal abuse, domestic violence and child abuse. The concept has also been explored by Dr. Patrick Carnes, an American psychologist with a particular expertise in sexual addiction.⁶⁷
315. Dr. William Foote, a psychologist from Arizona and a medical expert on several clergy sexual abuse cases, explored the phenomenon whereby a kind of relationship or bond developed between a clerical sexual abuser and his victim. Dr. Foote included Dr. Dutton’s explanation of traumatic bonding in his own writings on the issue:⁶⁸

“... the development of strong emotional ties between two persons, with one person intermittently harassing, beating, threatening, abusing or intimidating the other. Dr. Dutton notes that this phenomenon is based on the existence of a

⁶⁶ D. G. Dutton and M. Haring, “Perpetrator personality effects on post-separation victim reactions in abusive relationships”, *Journal of Family Violence* **14**(1999):193–204.

⁶⁷ Patrick Carnes, *The Betrayal Bond* (Deerfield Beach, FL: Health Communications, 1997).

⁶⁸ W. Foote, Affidavit, *Does I, II, III vs. Catholic Diocese of El Paso, Father Irving Klister*, 9 October 1998, N. 11.

power imbalance wherein the maltreated person perceives him or herself to be subjugated and to be dominated by the other.”

316. Catholic victims, conditioned by their religious indoctrination, look on the clergy-abuser with a mixture of awe and fear. The cleric’s attitude of superiority and power elicit a certain degree of emotional security in the victim. These strong feelings of security and awe at the clerical state nearly always impede victims from recognizing the seductive patterns the abuser is using to groom them.

B. Abused again by the institution’s response

317. The trauma bond becomes stronger and even more pathological as the exploitive relationship continues. It is often affirmed, in the victim’s view, by the Church’s apparent approval of the priest’s behavior. The clerical world, unwilling or unable to proactively confront clergy sexual abuse, appears to the victim to be unconcerned or, even worse, supportive. The victim feels trapped until either the abuser ends the relationship or some other event from without causes it to terminate. In some instances, the abuse had grown so repulsive to the victims that they broke the bond and fled. A crucial factor in the trauma bond is what the psychologists refer to as the “power imbalance”, and this could not be more evident than in the interaction between a young adolescent and a Catholic priest.

318. Young victims are often terrified of disclosing the abuse. In times past, they were convinced that no one, especially their parents, would believe them. Not a few victims have reported being punished by a parent, and some very severely, because they said something bad about a priest. One of the more tragic examples of this involved a young woman from San Diego who had been repeatedly raped as a 13-year-old by a priest. Her father was a permanent deacon and worked at the parish where the priest lived. He blamed his daughter for seducing the naive priest, and as a result father and daughter were estranged.⁶⁹ The priest ended up in prison.

⁶⁹ This information was obtained from depositions given by the victim, at the time a 21-year-old woman, and her father who at the time of the deposition was still an active deacon. The depositions were taken in 2007. The names and court docket numbers will not be provided to protect the identity of the victim.

VI. THE SPIRITUAL DAMAGE

A. *Treatment needs*

319. Most of the literature published about clergy sexual abuse of children has addressed the emotional and psychological effects of sexual abuse common to all victims. By contrast, the literature published by church-related sources has consistently addressed the impact of clergy sexual abuse on the Church as an institution, as well as the problems and treatment needs of the clergy-abusers. The institutional Catholic Church has done almost nothing in terms of studying the immediate and long-term effects of abuse on the victims, nor has the institutional Church made any organized efforts at responding to the unique pastoral needs of victims. The Holy See, as the central source of official information and guidance on this issue, has yet to publish any comprehensive information about the spiritual damage endured by victims.
320. When victims report abuse, they are rarely, if ever, sought out by the bishop whose exclusive interest and concern should be the spiritual and other harm they have experienced from the abuse. Instead, they are generally contacted by a functionary from the diocesan administration who explains that the bishop is concerned and then shuttles them off to victim assistance coordinators who may or may not offer psychological counseling. Even with this process, some bishops, completely clueless as to the impact on victims, further re-victimize them by insisting they see only professional counsellors approved by the diocese. In other cases, they are allowed only a specific number of therapy sessions and nearly always the Church insists that the victim sign a waiver whereby someone among the diocesan personnel will review the reports and decide whether or not to continue funding. In the U.S. at least, this type of behavior is highly unethical and illegal. Wherever it takes place — whether it be in a U.S. diocese or in Antarctica — it is not only insensitive and ignorant, but cruel.
321. The official voice of the Catholic Church has consistently framed clergy sexual abuse as a moral/volitional issue in keeping with its fundamental teaching on human sexuality. Recent popes have referred to abusive clerics as sinners and abuse as sin. This approach has had a profound influence on the response to the offending clerics and to their victims as well. In keeping with the Catholic theology of penance and

forgiveness, the clergy-abuser is encouraged to acknowledge his sinful actions, seek God's forgiveness, and sin no more. Victims are encouraged to forgive those who have abused them. Some victims have even been told to go to confession and confess whatever enjoyment they received from the abuse, reflecting total ignorance of the phenomenon of involuntary sexual response. (One young woman was told by an archbishop that she needed to go to confession. Understandably angry, she told the archbishop that he was the one who needed to go to confession. She then got up and left.) The fallacy of considering clergy abuse only in terms of sin is that it serves as an excuse to overlook the criminality of the act, which in turn has served as an excuse for some bishops and religious superiors to avoid reporting to civil authorities. It also serves as a distraction from the need for accountability on the part of the abuser as well as the ecclesiastical system that formed, enabled, and in the end, covered for the abusive cleric.

B. *The spiritual damage*

322. By failing to look beyond the moral/volitional dimensions of sexual abuse, the Church leadership (and many others to be sure) has failed to comprehend the complex and often subtle effects of sexual abuse on the victims. In the recent past, it has not been uncommon for churchmen to urge victims to "*put it behind you and move on with your life*". This attitude is as unrealistic and naive as expecting a compulsive pedophile or ephebophile to "*repent and sin no more*". Catholic bishops in general have scant awareness of the nature of sexual dysfunction and even less awareness of the damaging effects of sexual violation on victims.
323. Prior to 1984, there is no evidence that bishops' groups ever sponsored any training or education about the effects of abuse. Between 1985 and 2002, there were several workshops and seminars given around the U.S. on clergy sex abuse. In most of these, a psychologist or psychiatrist was a featured speaker; however, they limited their presentations to the pathology of the abusers. Seminars and workshops or similar events sponsored by official church sources such as universities or colleges or clergy educational events, have rarely, if ever, included presentations on the effects of sexual violation and abuse on victims. A review of the presenters and topics included at six events held at Catholic universities in the U.S. between 2016 and 2019 revealed

that only one had a victim of sexual abuse as a speaker and none included members of the leadership of SNAP, the world's largest victim support organization. Two were made up of Catholic journalists and attorneys who represented Catholic dioceses.

324. The spiritual trauma suffered by victims of clerics is real. Some refer to it as “soul murder” and if one speaks to enough victims this label is tragically apparent. The priest has been an icon of the transcendent, and therefore sexual violation by a priest has consequences that go far beyond the damage potential from abuse by a non-cleric. Two psychologists who have been extensively involved in working with Catholic victims have agreed that sexual violation by a priest has a profoundly traumatic effect precisely because of the spiritual dimension.⁷⁰
325. The point becomes even more real when we look at actual responses. In 2009, I was with a 60-year-old man who had been sexually abused by a priest in a particularly vicious manner for about two years. At the end of the civil trial, a lawyer for the Church asked him if he believed in God. Sidestepping the fact that the question was intrusive and insulting, the man replied, *“How can I possibly believe in a God who would allow his priest to rape an eight-year-old boy not once but over and over?”* I have never forgotten either that man or that response, and both have had a profound impact on my own belief system.
326. Another example came in the form of a question an adult survivor put to me at a survivors' support gathering: *“I have asked many times but have not received an answer yet. In the almost 2000 years that children have been sexually abused by Catholic priests, Where is God?”* And still others ask not *“Where is God?”* but, *“Is there a God?”* There are no adequate or satisfactory answers to these questions. They do, however, verify the cognitive and emotional connection people make between the clergy, the institutional Church and the Supreme or Higher Power.

⁷⁰ Dr. Leslie Lothstein of the Institute for Living, Hartford, Connecticut, Interview with Katherine DiGuilio, June 17, 2002, published in *National Catholic Reporter*, August 9, 2002; and Dr. Mary Gail Frawley-O'Dea, “Soul murder – The Spiritual Sequelae of Clergy Sexual Abuse with Focus on Roman Catholicism and Orthodox Judaism”, Paper presented at the 119th Annual Convention of the American Psychological Association, August 6, 2011.

327. The spiritual damage does not stop with the victims or their immediate families. The experience of litigating on behalf of clergy victims against Catholic dioceses and religious institutes has had a profound effect on the belief systems of many of the attorneys who have represented numerous victims over a period of years. I have known at least 300 such attorneys from the U.S., Canada, Ireland and England. Most will represent victims in one case and then decide to avoid getting involved in any further litigation involving the Catholic Church. A sizeable minority have, however, at one point or another, transitioned from viewing clergy abuse cases as “the business of being a lawyer” to a cause seeking justice for the victims. All have been very seriously affected by their experiences. I know of only one of the many who had formerly been practicing Catholics who still attends Mass, and even he said in a recent conversation, “*I’m going for the sake of my kids but as far as my beliefs in the Church are concerned, they are long gone. Now I’m just looking for Jesus in all of this.*”

C. *Some symptoms of spiritual damage*

328. Assessing spiritual damage is not easy. It is not covered in any medical books and much of the traditional Catholic writing that would come close is useless and unrealistic. I have seen very few statements from the hierarchy concerning the spiritual damage from clergy sexual abuse and those I have seen were mechanically prescriptive and guilt inducing.

329. From my own experience with victims over 30 years, I have seen similarity among victims across the age, gender and ethnic background range. Educational background has had some influence, but not enough to be relevant. Some of the most common symptoms are:

- (a) *Attitude towards priests:* This often begins with confusion and feelings of betrayal and moves on to intense anger. Some victims experience a painful, traumatic reaction at the sight of a priest — any priest.
- (b) *Anger at, and rejection of, the institutional Church:* Most victims are re-victimized and spiritually damaged by the response of church officials. Any

feelings of trust, love and security are gone and won't return. The official Church's response to victims is pivotal to their spiritual balance, but very few churchmen understand this.

- (c) *Toxic guilt and immobilizing fear:* Priests have used the power of their role to intimidate and guarantee the silence of their victims (often by threatening God's wrath against them and their family) for having been involved in a sexual act, or the assumption of guilt for the perceived sin of the perpetrator. The most debilitating dimension of this guilt is the victim's conviction that he or she has been sexually assaulted by God and therefore has done something terrible to deserve this horrific punishment.
- (d) *Loss of spiritual security:* Sexual assault by a Catholic cleric and the betrayal by the Church damages or completely destroys the victim's relationship with Catholicism. However, it can also severely damage his or her ability to find spiritual security anywhere. The victim's life and world, which once included a spiritual and religious dimension that provided security and a source of meaning for many of the more profound and deeply influential moments in life, is radically altered if not destroyed. The radical disillusionment is not only with the institutional Church but with the concept of a loving God. The signs, symbols, rituals and persons that represented spiritual security have become harsh reminders of the betrayal and abuse. After sexual abuse, many victims experience something they never experienced before, and that is the empty feeling that the bond they had with God, a spiritual bond, is worthless because the earthly or finite signs of it are all wrapped up in the betrayal. One victim exclaimed publicly at a gathering of abuse survivors and their supporters, "*I never realized I had any kind of spiritual connection until it was taken away from me.*"
- (e) *Experiencing spiritual trauma:* The spiritual pain suffered by one who feels cut off or abandoned translates into depression or, in its extreme, despondence. Often there is a significant amount of anxiety that gradually turns to depression. The abused person continually encounters situations that require some form of spiritual support, such as deaths, births, illness, or loss. Spiritual

support for the person used to come from the external symbols or from the priest or minister to whom he or she turned for support and guidance. But the natural reaction to turn to the Church or a priest is met by a psychological or emotional reaction derived from the abuse. The source of security is now a source of pain and even revulsion. The frustration and anxiety are grounded in the perceived futility of seeking a source of spiritual assistance and finding none.

D. Healing the wounds

330. Healing the wounds from sexual abuse by a cleric, especially a priest, is a life-long process that is rarely completely successful. In 2010, Pope Benedict XVI wrote a letter to the people of Ireland.⁷¹ While he said much that was honestly sensitive and remorseful, his advice to those who had been damaged was completely inappropriate and would have guaranteed many a painful re-traumatization. The pope, in good faith, urged the Irish to turn to the Church, the institutional Church, for healing and renewal.
331. Pope John Paul II publicly acknowledged victims on several occasions, but his advice too reflected a profound ignorance of the traumatic after-effects of sexual abuse by a cleric. He offered only prayer as a healing remedy. In his very first public statement on the issue, he said in a letter to the American bishops: *“I ask you to reflect together with the priests, who are your co-workers, and with the laity, and to respond with all the means at your disposal. Among these means, the first and most important is prayer: ardent, humble, confident prayer.”* He ended the letter with an exclamation of misplaced blame and an insensitive insult to the American people: *“Yes dear brothers, America needs much prayer – lest it lose its soul”* (see **Appendix 3**; emphasis in original.) In 1999, the late pope addressed the Irish bishops, and at the conclusion of his discourse he made mention of the sexual abuse issue. He first expressed sympathy for priests: *“At a time when priests are suffering due to the pressures of the surrounding culture and the terrible scandal given by some of their brother priests ... I*

⁷¹ Pastoral Letter of the Holy Father Pope Benedict XVI to the Catholics of Ireland, 19 March 2010. http://www.vatican.va/content/benedict-xvi/en/letters/2010/documents/hf_ben-xvi_let_20100319_church-ireland.html

have been close to you in suffering and prayer, commending to the ‘God of all comfort’ (2 Cor 1:3) those who have been victims of sexual abuse on the part of clerics or religious.”⁷²

332. The only spiritual recovery programs for those recovering from sexual abuse trauma that are available from church sources are those involving psychological intervention. My own experience with many victims involved some courageous and radical steps, which I admit that I had to experience myself as I sorted out my own spiritual damage. The goal is helping the abused person find some inner spiritual peace and not reconciliation with the institutional Church or forgiveness of the perpetrator. The basic approach is to help the victim address his or her self-destructive belief system. To do this, I have found the following matters to be essential:
- (a) De-mythologize the magical notion of the priest.
 - (b) Respond to the emptiness arising from the loss of religion.
 - (c) Distinguish between authentic spirituality, passive dependent religiosity, and belief.
 - (d) Affirm the Church’s responsibility for the abuse and its aftermath.
 - (e) Explore the victim’s concept of God and affirm his or her rejection of that image or even the existence of a higher power.

VII. THE FINAL ANALYSIS – WHY THIS HAS BEEN A TRAIN WRECK

A. The failure of the hierarchy to be pastors

333. What does it mean to be “pastoral”? How could the clergy have been true “pastors” to the victims of the sexual violation by their own brother clerics? The term “pastoral” is used constantly in the context of the practices of clergy of most religious

⁷² John Paul II, “Address of John Paul II to the bishops of Ireland on their ‘ad limina’ visit,” June 26, 1999. http://www.vatican.va/content/john-paul-ii/en/speeches/1999/june/documents/hf_jp-ii_spe_19990626_ad-limina-irlanda.html

denominations. They are expected to be pastoral in their dealings with people.

Before examining the criticisms of the Catholic hierarchy, it is only fair to understand what the word means in the context of sexual abuse.

334. The word “pastor” means “shepherd”. The analogy of shepherds, sheep and lambs has been used in the Christian tradition for centuries to describe the relationship between church leaders and the believing members. Christ is regularly referred to as the “Good Shepherd”. The analogy denotes gentleness, kindness and a concern for the most vulnerable (for example, the parable of the lost sheep). In the Catholic context, pastoral care is supposed to be marked by compassion, understanding, and a marked absence of legalism. At one time, prospective canon lawyers (myself included) were taught that if we cannot help a person’s problem with a solution within the ambit of canon law, the obligation to help can often go beyond what the law can provide. In other words, “pastoral” is the opposite of legalism. Being “pastoral” can mean going outside or beyond the boundaries of what the institutional Church considers to be the adequate canonical or theological response.
335. The first and most important response should be a face-to-face encounter with the victim. More important than saying anything is listening and making every effort to absorb and comprehend what the victim is saying. Almost without exception, victims have sought an acknowledgement from the Church’s leaders that the sexual violation really happened, joined with some expression of emotional support. Perhaps the single most important act a bishop or religious superior can do is offer an honest and sincere apology. In light of my experience over three decades, I am confident victims do not want to hear “*I am sorry for the pain you have endured*”, or “*I am sorry that this happened to you*”. The only expression of apology that comes close to meaning anything is “*I am deeply sorry that we (or I) have done this to you*”. In other words, the church leader must admit the violation of the victim and express responsibility for it.
336. The victims have quite simply not been treated with compassionate pastoral care by the very leaders in the Church who have the ultimate responsibility for the spiritual and moral welfare of all the faithful, but especially those harmed by the Church itself. In spite of the countless statements, pronouncements, policies, protocols and

apologies, the worldwide phenomenon of clergy sexual abuse has been, and continues to be, treated as an administrative issue. The protection of the image and stature of the institution and the hierarchy is still foremost on the Church's list of priorities. The victims are often treated as a nuisance, a threat, or an inconvenience. A bishop's first response to a victim should not be a referral to the diocesan victim assistance coordinator. Victims are not customers. They are men and women whose bodies and souls have been violated by the persons in their lives in whom they have placed the most trust.

337. It is difficult, if not impossible, to believe in the sincerity and basic Christian motivation of bishops when, even today after 36 years of their obvious failure to salvage their shredded image, many are still talking out of both sides of their mouth: assuring victims how much they care for them and then hiring platoons of lawyers to defeat them. A bishop or religious superior cannot outsource their pastoral obligation to lawyers.

B. *The failure of canon law*

338. Although canon law has been marginally helpful because it provided simplified norms for handling cases between 2001 and 2020, it has failed because overall it has not been properly used or used at all. This is hardly surprising given that canon law as a legal system is primarily in service to the hierarchy and the monarchical model of government and not to the membership in general. In the Catholic Church there is no such thing as a government "*of the people, by the people, for the people*".⁷³ The failure of canon law is based in part on the misguided belief that an administrative or legal solution to a highly complex and deeply toxic human situation would work.

C. *The Church cannot clean itself up*

339. In many ways, the hierarchy continue to believe they can fix this overall problem from the inside. Experience over the last 30 years has shown that this simply can't be

⁷³ These are the closing words of President Abraham Lincoln's "Gettysburg Address", delivered at the dedication of the Soldiers' National Cemetery in Gettysburg, Pennsylvania on November 19, 1863.

done. Sexual abuse of minors by anyone is criminal behavior and crimes should be investigated by professionals and adjudicated by real courts. Too many on the inside of the ecclesiastical system continue to act as if they are above civil law. Even if we want to work within the Church, the clergy and hierarchy are not the ones to try to fix this. They caused the problem. The laity are the only part of the Church that would have a chance at doing anything truly meaningful and effective.

D. *Everyone in the Church must accept the central role of victims*

340. In many ways, the Church bureaucracy treats victims as if they don't exist, or at best are at the end of the line because they aren't part of the clerical world. Yet the victims and their lawyers know far better than anyone else how the issue unfolded. They can speak to the attitudes towards victims by bishops and the Church more clearly than anyone else. They also know, more accurately than anyone else, especially the hierarchy, what needs to be done if this debacle is ever to get better.
341. The men and women who have been sexually abused by clergy, whether it was a year ago or three decades ago, are not an abstraction or an unfortunate and uncomfortable byproduct of the failure of several parts of the ecclesiastical system that needs to be attended to and fixed. The victims are the central focus of an unspeakable ecclesiastical phenomenon. They, and not the system, must be the primary concern. They exist not because of the breakdown of part of the system but of the failure of the entire system.
342. Over the years, several Church leaders have claimed that responsibility for this issue is shared by everyone in the Church. Popes and bishops have asked all Catholics to do penance as if the lay people were part of the cause. Perhaps one of the most notable examples is in Pope Benedict XVI's letter to the Catholics of Ireland, March 19, 2010. His letter was a dramatic departure from the standard responses of the Holy See and was, without doubt, a reaction to the publication in Ireland of *The Report of the Commission to Inquire into Child Abuse*, also known as *The Ryan Report* (May 20, 2009) and the *Commission of Investigation: Report into the Catholic Archdiocese of Dublin*, also known as the Murphy Report (November 26, 2009). The pope's letter

revealed an honest realization of the seriousness of the state of the issue in Ireland, but it also reflected the hierarchical tendency to shift blame:⁷⁴

“I must also express my conviction that, in order to recover from this grievous wound, the Church in Ireland must first acknowledge before the Lord and before others the serious sins committed against defenceless children ... I wish to exhort all of you, as God’s people in Ireland, to reflect on the wounds inflicted on Christ’s body ... I ask you to offer up your fasting, your prayer, your reading of Scripture and your works of mercy in order to obtain the grace of healing and renewal for the Church in Ireland. I encourage you to discover anew the sacrament of Reconciliation and to avail yourselves more frequently of the transforming power of its grace.”

E. This is not a homosexual problem

343. There are voices in the Vatican, among the world’s bishops, among priests and lay people, who continue to try to lay the source of the problem on the homosexual orientation in general and on gay priests in particular. Coming up with statistics showing that the majority of victims of male priests are young boys means only that the majority of the victims are young boys. Homosexuality does not cause psychosexual disorders. Rampant homophobia will only make the overall problem worse.
344. Some of the literature advancing the anti-homosexual theory is from sources within the clergy and some from lay people. The Holy See held a seminar during the first week of April 2003 at which seven “experts” discussed the issue. The proceedings were published by the Vatican in 2004. The title of the volume is *Sexual Abuse in the Catholic Church: Scientific and Legal Perspectives*. Only one of the presenters was from the U.S., Dr. Martin Kafka, a psychiatry professor at Harvard Medical School. Dr. Kafka said that homosexuality could be a “risk factor” but that it was not the cause of

⁷⁴ Pope Benedict XVI, “Pastoral letter of the Holy Father Pope Benedict XVI to the Catholics of Ireland”, March 19, 2010 (emphasis in original). http://www.vatican.va/content/benedict-xvi/en/letters/2010/documents/hf_ben-xvi_let_20100319_church-ireland.html

sexual abuse. He also questioned whether celibacy could be considered a risk factor.⁷⁵

345. The symposium received very little publicity, other than in the *Catholic News Service* and the *National Catholic Reporter*. In spite of announcing the publication of the proceedings, the volume itself was nearly impossible to find. The audience was restricted to those invited by the Vatican. Two U.S. priests were invited, each of whom had been a director of one of the medical facilities in the U.S. that treated clerics who had abused. No victims or survivors were invited, nor any of the known experts in the U.S. One anonymous cleric from the Vatican expressed the opinion that the reason the symposium received so little notice was that it did not do what many in the Vatican hoped it would do, which was name homosexuality as a cause of abuse.

F. Concluding observations

346. The harsh reality of sexual abuse of minors by Catholic clerics and religious was forced out of its environ of deep cover in the mid-1980s. In the years since, we have learned that this phenomenon is not an isolated crisis, and not just another problem to be dealt with by the hierarchy. No word or phrase in English adequately sums up the toxic complexity. It is a phenomenon that has existed in the ecclesiastical culture throughout its history.
347. Contrary to the defensive claims of Pope John Paul II and the Vatican establishment in those early years, it is not an “American problem”, nor is it restricted to the Church in English-speaking countries. We have learned that it is a dark reality that exists wherever the Church is established. No country has been spared. We have also learned that the most scandalous part of the issue has been the irresponsible, ineffective and harmful response of the hierarchy. This response has been the same the world over. No one episcopal conference, no matter how large or small, has stood out as different from the others. The most common criticism, that the church leadership’s priority has been the preservation of its image and power, has proven to

⁷⁵ John Thavis, “Vatican: Church must work with scientific experts to prevent abuse”, *Catholic News Service*, February 18, 2004.

be true as the victims from one country after another stand together demanding accountability. The experiences of victims and the uneven reactions of the bishops over the past decades can best be described as the revelation of the dark side of the Church. Throughout its history the Church has shown its dark side in numerous ways, but this manifestation has been particularly odious because it persisted, and it does so with the enabling of the system.

348. Sexual abuse by clerics has been a toxic part of the Church's life since the first century. During the last five centuries it has remained hidden, protected from the light by a thick and nearly impenetrable blanket of secrecy.⁷⁶ As I have described, all that changed in the 1980s. Instances of sexual abuse began to surface at an alarming rate and now, 36 years later, it has been exposed and the hierarchy challenged in countries on every continent except Antarctica.
349. Throughout the centuries, the overall direction, or "trajectory" as it is more accurately characterized, was firmly controlled by the hierarchy. The hierarchy lived with the confident assurance that "scandal" would be avoided, a confidence grounded in the deference the institutional Church had enjoyed from its own people and from secular society as well. The unexpected change in the trajectory began when the victims and their families and a small but fiercely determined cadre of supporters refused to keep their heads down and their mouths shut. Before long the victims, without even realizing it, were determining the trajectory. Once sexual abuse by clergy had entered the forum of the judicial systems, first in the United States and then steadily in one country after another, the secrecy that had been crucial to maintaining both image and control began to evaporate.
350. The irresponsible manner in which the hierarchy has handled cases of sexual abuse by clergy and religious in our era has not been an exception that can be explained by, among other things, a "steep learning curve". What we have been witnessing in the institutional Church has been the continuation of behavioral patterns and clerical attitudes that have spanned the centuries.

⁷⁶ See Thomas Doyle, A. W. Richard Sipe, Patrick Wall, *Sex, Priests and Secret Codes: The Catholic Church's 2000-Year Paper Trail of Sexual Abuse* (Los Angeles: Bonus Books, 2006).

351. The key elements that were part of this phenomenon in the third century are still part of the toxic side of the institutional Church's culture. In the early medieval period, the popes and bishops were trying to impose celibacy on the secular clergy and were countered by strong opposition from married priests and priests with concubines. Sexual abuse of minors was not on their agenda, although they were highly sensitive to the fallout from sexual scandals of any kind. In our era, the issues that have deflected concern about child abuse have been abortion and homosexuality. (I recall one crusader for abortion rights proclaiming, "*Catholic bishops love you, until you're born*".)
352. The key elements included the following:
- (a) The victims, mostly young adolescent boys or girls, were devalued in the ancient world and often thought of as the aggressors because they were presumed to be more "worldly-wise" than the celibate clerics.
 - (b) The clergy very early on developed claims of exceptional holiness and social standing because of their priestly office (even though most were illiterate).
 - (c) Voices of opposition to clerical pederasty were ignored, their reputations and credibility attacked, and some were even officially chastised.
 - (d) Bishops were primarily concerned for their image and power and consequently developed sophisticated strategies and tactics for protecting both.
 - (e) Bishops insisted that clerics accused of sexual behavior that was deemed criminal be dealt with by church authorities and not in the secular courts.⁷⁷
353. Reports of sexual abuse of minors by clerics and religious have sharply declined in first-world countries over the past 20 years. This is due to a constellation of factors, not the least of which is the fact that the trust level in clerics has plummeted to depths never before imagined. This decline does not mean, however, that the

⁷⁷ Dyan Elliott, *The Corrupter of Boys: Sodomy, Scandal and the Medieval Clergy* (Philadelphia: University of Pennsylvania Press, 2020). See: Introduction, pp. 1–14 for a concise summary of the author's findings.

“problem is over” as some clueless bishops have exclaimed. The institutional Church has figured out how to put together countless protocols, policies, programs, and educational endeavors, and issued scores of expressions of regret, apology and promises of change. In other words, they have created a bureaucratic, administrative response to what is fundamentally a human problem.

354. The bishops in numerous countries are prone to congratulating themselves because they have, as they say, made the Catholic Church the safest place for children anywhere. They won't say, however, that every program or policy that is geared at guaranteeing child safety was forced on them by the combined forces of the victims, the angry parishioners, and the courts. They have taken steps to protect the children of today and tomorrow, but they have sadly neglected and even spurned the men and women who are still the victims suffering from the scars and torment of sexual violation in the past.
355. When the institutional Church learns how to meet the countless victims of the abuse, neglect and rejection of the not-too-distant past with a solid front of sincere, compassionate pastoral concern, then and only then will we see credible evidence that the system that has created this nightmare is changing.

APPENDICES

Appendix 1: Letter from Archbishop Luciano Storero, papal ambassador to Ireland, to each Irish bishop, January 31, 1997

Dublin, 31 January 1997

Strictly confidential

Apostolic Nunciature In Ireland
N. 808/97

To: the Members of the Irish Episcopal Conference – their Dioceses

Your Excellency,

The Congregation for the Clergy has attentively studied the complex question of sexual abuse of minors by clerics and the document entitled “Child Sexual Abuse: Framework for a Church Response”, published by the Irish Catholic Bishops' Advisory Committee.

The Congregation wishes to emphasize the need for this document to conform to the canonical norms presently in force.

The text, however, contains “procedures and dispositions which appear contrary to canonical discipline and which, if applied, could invalidate the acts of the same Bishops who are attempting to put a stop to these problems. If such procedures were to be followed by the Bishops and there were cases of eventual hierarchical recourse lodged at the Holy See, the results could be highly embarrassing and detrimental to those same Diocesan authorities.

In particular, the situation of ‘mandatory reporting’ gives rise to serious reservations of both a moral and a canonical nature”.

Since the policies on sexual abuse in the English speaking world exhibit many of the same characteristics and procedures, the Congregation is involved in a global study of them. At the appropriate time, with the collaboration of the interested Episcopal Conferences and in dialogue with them, the Congregation will not be remiss in establishing some concrete directives with regard to these Policies.

For these reasons and because the abovementioned text is not an official document of the Episcopal Conference but merely a study document, I am directed to inform the individual Bishops of Ireland of the preoccupations of the Congregation in its regard, underlining that in the sad cases of accusations of sexual abuse by clerics, the procedures established by the Code of Canon Law must be meticulously followed under pain of invalidity of the acts involved if the priest so punished were to make hierarchical recourse against his Bishop.

Asking you to kindly let me know of safe receipt of this letter and with the assurance of my cordial regard, I am

Yours sincerely in Christ,

+Luciano Storero
Apostolic Nuncio

Appendix 2: Speech of Enda Kenny, Taoiseach [Prime Minister] in the Dáil Éireann on the Report of the Commission of Investigation into the Catholic Diocese of Cloyne, July 20, 2011

Statement by the Taoiseach on the Dáil Motion on the report of the Commission of Investigation into the Catholic Diocese of Cloyne, in Dáil Éireann
July 20, 2011

I move the motion.

The revelations of the Cloyne report have brought the Government, Irish Catholics and the Vatican to an unprecedented juncture.

It's fair to say that after the Ryan and Murphy Reports Ireland is, perhaps, unshockable when it comes to the abuse of children.

But Cloyne has proved to be of a different order.

Because for the first time in Ireland, a report into child sexual-abuse exposes an attempt by the Holy See, to frustrate an Inquiry in a sovereign, democratic republic as little as three years ago, not three decades ago.

And in doing so, the Cloyne Report excavates the dysfunction, disconnection, elitism the narcissism that dominate the culture of the Vatican to this day.

The rape and torture of children were downplayed or 'managed' to uphold instead, the primacy of the institution, its power, standing and 'reputation'.

Far from listening to evidence of humiliation and betrayal with St Benedict's 'ear of the heart' the Vatican's reaction was to parse and analyse it with the gimlet eye of a canon lawyer.

This calculated, withering position being the polar opposite of the radicalism, humility and compassion upon which the Roman Church was founded.

The radicalism, humility and compassion which are the very essence of its foundation and purpose.

The behaviour being a case of *Roma locuta est: causa finita est* [Rome has spoken: the case is closed].

Except in this instance, nothing could be further from the truth.

Victims

Cloyne's revelations are heart-breaking. It describes how many victims continued to live in the small towns and parishes in which they were reared and in which they were abused Their abuser often still in the area and still held in high regard by their families and the community. The abusers continued to officiate at family weddings and funerals In one case, the abuser even officiated at the victim's own wedding

There is little I or anyone else in this House can say to comfort that victim or others, however much we want to. But we can and do recognise the bravery of all of the victims who told their stories to the Commission.

While it will take a long time for Cloyne to recover from the horrors uncovered, it could take the victims and their families a lifetime to pick up the pieces of their shattered existence.

Papal nuncio

A day post-publication, the Tánaiste and Minister for Foreign Affairs and Trade met with the Papal Nuncio to Ireland, Archbishop Giuseppe Leanza.

The Tánaiste left the Archbishop clear on two things:
The gravity of the actions and the attitude of the Holy See.

And Ireland's complete rejection and abhorrence of same.
The Papal Nuncio undertook to present the Cloyne Report to the Vatican.

The Government awaits the considered response of the Holy See.

I believe that the Irish people, including the very many faithful Catholics who – like me – have been shocked and dismayed by the repeated failings of Church authorities to face up to what is required, deserve and require confirmation from the Vatican that they do accept, endorse and require compliance by all Church authorities here with the obligations to report all cases of suspected abuse, whether current or historical, to the State's authorities in line with the Children First National Guidance which will have the force of law.

Clericalism

Clericalism has rendered some of Ireland's brightest, most privileged and powerful men, either unwilling or unable to address the horrors cited in the Ryan and Murphy Reports. This Roman Clericalism must be devastating for good priests some of them old others struggling to keep their humanity even their sanity as they work so hard to be the keepers of the Church's light and goodness within their parishes communities the human heart.

Church & State

But thankfully for them, and for us, this is not Rome.
Nor is it industrial-school or Magdalene Ireland, where the swish of a soutane smothered conscience and humanity and the swing of a thurible ruled the Irish-Catholic world.
This is the 'Republic' of Ireland 2011.

A Republic of laws of rights and responsibilities of proper civic order where the delinquency and arrogance of a particular version of a particular kind of 'morality' will no longer be tolerated or ignored.

As a practising Catholic, I don't say any of this easily.

Growing up, many of us in here learned that we were part of a pilgrim Church.

Today, that Church needs to be a penitent Church.

A church, truly and deeply penitent for the horrors it perpetrated, hid and denied.

In the name of God. But for the good of the institution.

When I say that through our legislation through our Government's action to put Children First those who have been abused can take some small comfort in knowing that they belong to a nation to a democracy where humanity power rights responsibility are enshrined and enacted always always for their good.

Where the law – their law – as citizens of this country, will always supercede canon laws that have neither legitimacy nor place in the affairs of this country.

State/Society

This report tells us a tale of a frankly brazen disregard for protecting children. If we do not respond swiftly and appropriately as a State, we will have to prepare ourselves for more reports like this.

I agree with Archbishop Martin that the Church needs to publish any other and all other reports like this as soon as possible.

I must note the Commission is very positive about the work of the National Board for Safeguarding Children, established by the Church to oversee the operation by Dioceses and religious orders. The Commission notes that all Church authorities were required to sign a contract with the National Board agreeing to implement the relevant standards and that those refusing to sign would be named in the Board's Annual Report. Progress has been in no small measure to the commitment of Ian Elliott and others.

There is some small comfort to be drawn by the people of Cloyne from the fact that the Commission is complimentary of the efforts made by the Diocese since 2008, in training, in vetting personnel and in the risk management of Priests against whom allegations have been made. Nevertheless, the behaviour of Bishop Magee and Monsignor O'Callaghan show how fragile even good standards and policies are to the weakness and willful disregard of those who fail to give the right priority to safeguarding our children.

But if the Vatican needs to get its house in order, so too does this State.

The Report of the Commission is rightly critical of the entirely unsatisfactory position which the last Government allowed to persist over many years. The unseemly bickering between the Minister for Children and the HSE [Health Service Executive] over the statutory powers to deal with extra-familial abuse, the failure to produce legislation to enable the exchange of soft information as promised after the Ferns Enquiry, and the long period of confusion

and disjointed responsibility for child protection within the HSE, as reported by the Commission, are simply not acceptable in a society which values children and their safety.

For too long Ireland has neglected its children.

Just last week we saw a case of the torture of children, within the family, come before the courts. Just two days ago, we were repulsed by the case of a Donegal registered sex offender and school caretaker

Children and young adults reduced to human wreckage.
Raising questions and issues of serious import for State agencies.

We are set to embark on a course of action to ensure the State is doing all it can to safeguard our children.

Minister Shatter is bringing forward two pieces of legislation – firstly, to make it an offence to withhold information relating to crimes against children and vulnerable adults; and secondly, at long last, to allow for the exchange of ‘soft information’ on abusers.

As Taoiseach, I want to do all I can to protect the sacred space of childhood and to restore its innocence.

Especially our young teenagers, whom I believe to be children.
Because regardless of our current economic crisis, the children of this country are, and always will be, our most precious possession of all.

Safeguarding their integrity and innocence must be a national priority. That is why I undertook to create a Cabinet ministry for Children and Youth Affairs.

The legislation ‘Children First’ proposes to give our children maximum protection and security without intruding on the hectic, magical business of being a child.

Conclusion

Cardinal Josef Ratzinger said:

‘Standards of conduct appropriate to civil society or the workings of a democracy cannot be purely and simply applied to the Church.’

As the Holy See prepares its considered response to the Cloyne Report, as Taoiseach, I am making it absolutely clear, that when it comes to the protection of the children of this State, the standards of conduct which the Church deems appropriate to itself, cannot and will not, be applied to the workings of democracy and civil society in this republic.

Not purely, or simply or otherwise.

CHILDREN FIRST.

(The above text was posted on the Taoiseach’s website. See: https://www.bishop-accountability.org/news5/2011_07_20_Kenny_Statement.htm#on_Taoiseach_site)

Appendix 3: Pope John Paul II's letter to the U.S. bishops, June 11, 1993

Venerable and dear brother bishops of the United States,

“Woe to the world because of scandals!” (Mt. 18:7).

1. During these last months I have become aware of how much you, the pastors of the Church in the United States, together with all the faithful, are suffering because of certain cases of scandal given by members of the clergy. During the ad limina visits many times the conversation has turned to this problem of how the sins of clerics have shocked the moral sensibilities of many and become an occasion of sin for others. The Gospel word “woe” has a special meaning, especially when Christ applies it to cases of scandal, and first of all *to the scandal “of the little ones”* (cf. Mt. 18:6). How severe are Christ's words when he speaks of such scandal, how great must be that evil if “for him who gives scandal it would be better to have a great millstone hung around his neck and to be drowned in the depths of the sea” (cf. Mt. 18:6)
2. The vast majority of bishops and priests are devoted followers of Christ, ardent workers in his vineyard, and men who are deeply sensitive to the needs of their brothers and sisters. That is why I am deeply pained, like you, when it seems that the words of Christ can be applied to some ministers of the altar. Since Christ calls them his “friends” (Jn. 15:15), their sin – the sin of giving scandal to the innocent – must pain his heart indeed. Therefore, I fully share your sorrow and your concern, especially your concern for the victims so seriously hurt by these misdeeds.
3. Every sinner who follows the way of repentance, conversion and pardon can call on the mercy of God, and you in particular must encourage and assist those who stray to be reconciled and find peace of conscience. There is also the question of *the human means for responding to this evil*. The canonical penalties which are provided for certain offenses and which give a social expression of disapproval for the evil are fully justified. These help to maintain a clear distinction between good and evil, and contribute to moral behavior as well as to creating a proper awareness of the gravity of the evil involved. As you are aware, a joint committee of experts from the Holy See and the bishops’ conference has just been established to study how the universal canonical norms can best be applied to the particular situation of the United States.
4. I would also draw your attention to another aspect of the whole question. While acknowledging the right to due freedom of information, *one cannot acquiesce in treating moral evil as an occasion for sensationalism*. Public opinion often feeds on sensationalism and the mass media play a particular role therein. In fact, the search for sensationalism leads to the loss of something which is essential to the morality of society. Harm is done to the fundamental right of individuals not to be easily exposed

to the ridicule of public opinion; even more, a distorted image of human life is created. Moreover, by making a moral offense the object of sensationalism, without reference to the dignity of human conscience, one acts in a direction which is in fact opposed to the pursuit of the moral good. There is already sufficient proof that the prevalence of violence and impropriety in the mass media has become a source of scandal. Evil can indeed be sensational, but the *sensationalism* surrounding it is always *dangerous for morality*.

5. Therefore, the words of Christ about scandal apply also to all those persons and institutions, often anonymous, that through sensationalism in various ways open the door to evil in the conscience and behavior of vast sectors of society, especially among the young who are particularly vulnerable. "Woe to the world because of scandals!". Woe to societies where scandal becomes an everyday event.
6. So then, venerable brothers, you are faced with two levels of serious responsibility: in relation to the clerics through whom scandal comes and their innocent victims, but also in relation to the whole of society systematically threatened by scandal and responsible for it. A great effort is needed to halt the trivializing of the great things of God and man.
7. I ask you to reflect together with the priests, who are your co-workers, and with the laity, and to respond with all the means at your disposal. Among these means, *the first and most important is prayer*: ardent, humble, confident prayer. This whole sad question must be placed in a context which is not exclusively human; it must be freed from being considered commonplace. Prayer makes us aware that everything – even evil – finds its principal and definitive *reference point in God*. In him every sinner can be raised up again. In this way sin will not become an unfortunate cause of sensationalism, but rather the occasion for an interior call, as Christ has said: "Repent" (Mt. 4:17). "The Lord is near" (Phil. 4:5).
8. Yes, dear brothers, America needs much prayer – *lest it lose its soul*. We are one in this prayer, remembering the words of the redeemer: "Watch and pray, that you may not enter into temptation" (Mk. 14:38). Christ the good shepherd calls us to this attitude when he says, "Take courage, I have overcome the world" (Jn. 16:33). United with you in the firm trust that our savior is ever faithful in caring for his people and that he will not fail to give you the strength to fulfill your pastoral ministry, I commend the clergy, religious and lay faithful of your dioceses to the loving intercession of his immaculate mother Mary. With fraternal affection in Christ Jesus, I impart my apostolic blessing.

June 11, 1993

("Letter of his Holiness John Paul II to the Bishops of the United States of America", in *Origins*, July 1, 1993, Vol. 23, no. 7; emphasis in original.)

Appendix 4: Letter from Cardinal Castrillón Hoyos to Bishop Moreno of Tucson AZ, December 13, 1996



CONGREGATIO
PRO CLERICIS

Vatican City, 13 December 1996

Prot. N. 96002965

CONFIDENTIAL AND RESERVED

Most Rev. Manuel D. Moreno, DD
Bishop of Tucson
192 South Stone Avenue
P.O. Box 31
Tucson, ARIZONA 85702-0031
U.S.A.

Your Excellency,

This Congregation has received a petition for hierarchic recourse from Mons. Robert Trupia of your Diocese, against certain alleged actions on your part in his regard. As Your Excellency is well aware, this is not the first recourse that has been placed before this Dicastery or indeed, the Supreme Apostolic Signatura, with regard to the relationship between yourself and Mons. Trupia.

While in no way intending to infer that this Congregation is unwilling to evaluate the matter placed before it according to its competence, before proceeding to decision, as is the tenor of the law and that also of the letter of Cardinal Sanchez to Monsignor Trupia of 21 June 1995 and that of Archbishop Grocholewski of 5 July 1995, to the same, this Dicastery turns to Your Excellency, once again, to ask you to resolve this matter by means of a "reasonable solution".

We **strongly urge** Your Excellency to enter into meaningful dialogue with Monsignor Trupia regarding the terms of solution he has proposed! In so doing, Your Excellency would also be well advised to be fully informed of the provisions of canon law operative as well as, among other things, of the statements of the Holy See with regard to psychological testing. It must also be borne in mind that the matter of damages is not outside of the purview of any subsequent decision which may be rendered.

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Given the canonical actions which have already taken place and the particular history of the situation, this Congregation feels strongly that the most beneficial resolution of this matter could take place in a written agreement, consonant with the law, between yourself and Monsignor Trupia. Again, we reiterate that the terms proposed do not appear unreasonable in the circumstances and are worthy of serious consideration.

We would like to know of Your Excellency's response to our initiative as soon as possible, (you may even wish to fax us, if this facilitates the matter). As you are aware, in matters of recourses pending before us we are bound to a decision by the time limits set in law. If, as we hope, further intervention of this Dicastery is not necessary and there is a written agreement between yourself and Mons. Trupia concluding this affair, we would like to have a copy of it.

We are aware of the difficulties inherent in this situation and we pray for prudence and wisdom for all involved. However, in the absence of a mutual agreement between yourself and Mons. Trupia, this Congregation will have to proceed to decision, with great reluctance.

I take this opportunity to renew my sentiments of esteem and with every best wish, I remain,

Sincerely yours in Christ,

+ **GRO-C**

Pro Pref.

+ **GRO-C**

Secr.

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Appendix 5: Letter from Bishop Moreno of Tucson AZ to Cardinal
Castrillón Hoyos, January 6, 1997



OFFICE OF THE BISHOP

DIOCESE OF TUCSON

192 SOUTH STONE AVENUE

P. O. Box 31 • Tucson, Arizona 85702-0031

520 - 792-3410 FAX 520 - 792-0291

CONFIDENTIAL

January 6, 1997

Prot. N. 96002965

Congregatio Pro Clericis
00120 Citta del Vaticano
via fax 06/69884845

Your Excellency:

Your letter dated the 13 of December, 1996 did not arrive in my office until after the Feast of Christmas. As bishop I have no problem with the concept of retirement. Monsignor presently receives three hundred dollars more than what his retirement compensation would be. The problem is this: Msgr. wants to officiate at services in the Diocese of Tucson as part of his retirement and to exercise a public ministry outside of the Diocese of Tucson. This would present an insurmountable problem for us because of the following reasons:

1. The real and present potential of scandal. The mother of the teenager that Msgr. Trupia abused has stated in no uncertain terms that if he should exercise his priestly ministry in the Diocese of Tucson her son would sue Msgr. and the diocese. I note that the young man in question is still under the care of a psychologist and has been for almost five years. The diocese has borne the expense of this therapy for the young man for the last four years. In addition to this case, another person has contacted the diocese during the last two months who alleges that he was abused by



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Msgr. Trupia in Yuma, Arizona in the early-to-mid 1970's. This individual has yet to give us details, but has told us that he has retained a lawyer and that he intends to sue both the diocese and probably Msgr. Trupia. By his own account he is in need of psychological help, and the diocese has offered to obtain him such help.

2. The potential civil liability of the diocese. The diocesan insurance company (or any other insurance company for that matter) will not insure the diocese against liability if Msgr. should exercise his priestly office and abuse another teenager or for that matter, any young adult that he might meet as a result of exercising his priestly office. The diocese would be in no position to defend itself since it could not demonstrate that it had had Msgr. Trupia evaluated by professionals and that they had indicated to the diocese that he was no longer a threat. I note that judgments in American Courts in cases not dissimilar to Msgr. Trupia have ranged from the hundreds of thousands of dollars to as much as a million dollars or more.

3. My duty as a bishop and a protector of the People of God would not permit me in conscience to permit him to officiate in this diocese or elsewhere until and unless I knew that he did not constitute a threat to others.

4. I note that no other diocese would permit him to exercise his priestly ministry on the basis of the record that we have presented. If a bishop after being fully informed of the Msgr.'s record would choose to accept him, I would continue to be responsible for his retirement, medical and other benefits. I would be less than honest if I did not state that, even given the shortage of trained canonist in most dioceses, I do not believe there would be such a bishop or diocese who would choose to employ Msgr. for his canonical expertise given risk it might entail.

In all events I wish to be represented before the Congregation by an advocate who lives in Rome. We have been retaining Mr. Carlo Gullo for the work before the Signatura until now and if he is free to continue with us, we are content to continue with him. I would request that the matter be continued at least a month until I can be sure of his help or have acquired another advocate. In addition, the file in this matter is quite extensive and I would want to make sure that the Congregation has all of the



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relevant material that would be of use in making a decision in this matter.

In so far as contacting Msgr. Trupia, I have only an address that was his temporary address in Los Angeles. The last time I attempted to contact him at his Washington, D.C. address I was told that he no longer resided at that address.

Please contact me by FAX if there are any other materials that are needed pending the contacting of an advocate.

Sincerely yours in Christ,

GRO-C

+
Most Rev. Manuel D. Moreno, D.D.
Bishop of Tucson



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PRIEST - NOTARY

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Appendix 6: Letter from Cardinal Castrillón Hoyos to Bishop Moreno of Tucson AZ, October 31, 1997



**CONGREGATIO
PRO CLERICIS**

Vatican City, 31 October 1997.

RECEIVED
DEC 18 1997
BISHOP'S OFFICE

Prot. N. 97002724

Most Rev. Manuel D. Moreno, DD
Bishop of Tucson
192 South Stone Avenue
P.O. Box 31
Tucson, ARIZONA 85702-0031
U.S.A.

RECEIVED
DEC 18 1997
BISHOP'S OFFICE

Your Excellency,

This Congregation has reached a decision in the matter of the recourses presented to it by Mons. Robert Trupia of your Diocese and has found in his favor. This being the case, we would ask that you revoke the decisions and consequences communicated to Mons. Trupia by letter of 2 June 1995, as these seem to be without canonical basis.

It would appear beneficial to all concerned to enter into discussion with Mons. Trupia according to the proposal already made by him and referred to by us in our letter of 13 December 1996, Prot. N. 96002965.

As to the matter of the recourse concerning damages arising from the imposition of an illegitimate decree, it is the mind of this Dicastery that Your Excellency is liable for these from 2 June 1995 onwards. It would appear best that this matter form part of the aforementioned discussion between the parties and that it be resolved in an equitable fashion.

I take this opportunity to renew my sentiments of esteem and with every best wish,

I remain,

Sincerely yours in Christ,

GRO-C
Handwritten signature

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Appendix 7: Letter from Bishop Moreno of Tucson AZ to Cardinal
Castrillón Hoyos, December 22, 1997

CONFIDENTIAL

DIOCESE OF TUCSON

192 SOUTH STONE AVENUE

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OFFICE OF THE BISHOP

Prot.N. 97002724

December 22, 1997

Most Rev. Dario Castrillon Hoyos
Congregation for the Clergy
Piazza Pio XII 3, 00193
Rome Italy

Your Excellency:

On December 18, 1997, (letter dated October 31, 1997) I received the enclosed decision/letter from your Congregation making certain findings concerning Msgr. Robert Trupia and matters that he has had pending before the Congregation. My advocate Mr. Carlo Gullo had contacted me on December 15, 1997, and on December 16, 1997, I filed an appeal to the Supreme Tribunal of the Apostolic Signatura and sent copies of my letter and mandate appointing Mr. Carlo Gullo to the Congregation. I am sending a copy of this letter to the Signatura so that the matters under appeal may be clearly set forth.

As the bishop charged with the care of this diocese, I cannot in conscience submit to the terms offered by Msgr. Trupia and referred to in your letter of December 13, 1997 (Prot. N. 96002963). I have stated heretofore my reasons for not consenting to his retirement on the terms set forth in his communications to me. I again state them here:

1. He requires that if any other diocese in the United States makes inquiry concerning him we are to merely respond that he is in good standing. If I do that and he commits an offense in that diocese both this diocese and myself would be personally liable not to mention the scandal that would be caused among the People of God and the harm that might result to an innocent party.
2. He wishes from time to time to return to the diocese and celebrate Eucharist and other celebrations. The same harms outlined in 1. above could occur here. In addition we have informed you that the mother of one boy (now a man), whose complaint started this process, has threatened to go to the newspapers and I would be in no position to state that the problem would not arise again.

I cannot take these risks with the lives of others and the patrimony of this diocese without an evaluation of Msgr. Trupia which would indicate that he is no longer a threat to the

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Prot.N. 97002724

People of God. As I informed the Congregation last week, we have now been served with a lawsuit concerning actions of Msgr. Trupia in the mid 1970's concerning a then minor altar boy. These risks are not just imaginary, but real.

I am at a loss to deal with the finding of the Congregation concerning damages. I have paid Msgr. Trupia a full salary plus his medical and car insurance at all times, as the Congregation was so informed. I have been given no details so that we can even defend what other damages may have arisen. Msgr. Trupia has resigned his office and has no right to it. Besides, offices in our diocese do not carry extra salaries other than the normal salaries of active priests. Msgr. Trupia has been compensated as an active priest with over 20 years seniority the entire time that this case has been in process.

Lastly, at all times in this matter I have followed the canonical advice of my Advocate in Rome as to the nature of the demands that might be placed on Msgr. Trupia in regards of a psychological examination.

I have deep respect for the works of the Congregation for the Clergy, however, I have appealed the decision to the Signatura in this matter.

Sincerely yours in Christ,

GRO-C

Rev. Manuel D. Moreno, D.D.
Bishop of Tucson

cc. Supreme Tribunal of the Apostolic Signatura
Mr. Carlo Gullo

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