

Sexual Abuse of the Vulnerable by Catholic Clergy

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Sexual abuse of the vulnerable by Catholic clergy (deacons, priests and bishops) was a little known phenomenon until the mid-eighties. Widespread publicity surrounding a case from a diocese in Louisiana in 1984 began a socio-historical process that would reveal one of the Church's most shameful secrets, the widespread, systemic sexual violation of children, young adolescents and vulnerable adults by men who hold one of the most trusted positions in our society (cf. Berry, 1992).

The steady stream of reports was not limited to the southern United States. It was soon apparent that this was a grave situation for the Catholic Church throughout the United States. Although the Vatican at first claimed this was an American problem, the steady stream of revelations quickly spread to other English speaking countries. Reports in other countries soon confirmed what insightful observers predicted: it was inevitable that sexual abuse by clergy would, in time, be uncovered in countries throughout the western world. The *Mount Cashel* scandal in St. John's Newfoundland shook Canada in 1988 with its horrendous stories of sexual and physical abuse of young boys in an orphanage run by Christian Brothers. In 1994, the discovery of an international trail of sexual abuse by the Irish priest, Brendan Smyth, began the revelation of widespread abuse in schools, institutions and parishes in Ireland (cf. Harris, 1990). The Vatican attempt to shift all blame to the U.S. and then to the English speaking world was shattered in August 1995, when Hans Herman Groer, the Cardinal Archbishop of Vienna, was forced to resign in the wake of reports of extensive sexual abuse of boys perpetrated when he had been headmaster at a boys school run by the Benedictine monks of which he was a member.

From the outset of the 1984 revelations it became apparent that there were two dimensions to this problem. The most

obvious was the sexual abuse itself. This was especially shocking and scandalous because the perpetrators were priests and in some cases, bishops. For many it was difficult, if not impossible, to resolve the contradiction between the widespread instances of one of society's most despicable crimes and the stunning revelation that the perpetrators were front-line leaders of the largest and oldest Christian denomination, but also the denomination with the most rigid and restrictive codes of sexual morality.

The far more scandalous dimension has been the paradoxical response from the upper level leadership of the Church. It quickly became apparent that the fundamental level of response to reports was not an immediate outreach to victims and the suspension of confirmed perpetrators from ministry. Rather, the strategy common to the Church in every country had been to secretly transfer the accused priest to another assignment and make every effort to persuade or even intimidate the victim to maintain secrecy.

The Historical Context

Sexual abuse of the vulnerable has been a known problem in the institutional Catholic Church from the first century. One of the earliest Christian sources, the *Didache*, (50 AD) also known as the



Teaching of the Twelve Apostles, contained an explicit condemnation of sex between adult males and young boys. There were no clergy as such at that time nor were bishops and priests, as they are now known, in a separate social and theological class. The first legislation proscribing what later became known as *pederasty* was passed by a group of bishops at the Synod of Elvira in southern Spain in 309 AD. (cf. Doyle, Sipe and Wall, 2006).

The clergy gradually emerged as a separate and privileged class beginning in the fourth century. Through the centuries, regular attempts were made by Church authorities to control sexual abuse by clerics. The historical evidence shows that most disciplinary legislation was directed at sexual contact between clerics or monks and young boys. There is also historical evidence of numerous attempts to eliminate sexual encounters with women, especially concubinage. The Church did not succeed in eliminating the problem; yet things did change. Widespread concubinage, which had been somewhat accepted by society in general, declined. Sexual abuse of children however continued, but under a cover of deep secrecy. Research shows that the problem was not always completely hidden from the public. In the 16th century, papal legislation was published for the public to see. There is also historical evidence that the bishops collaborated with secular authorities in the prosecution and punish-

ment of offending clerics. The cleric was tried in an ecclesiastical court and if convicted, he was dismissed from the clerical state or “defrocked” and then turned over to secular authorities who re-tried him and if convicted, imposed punishment which in some cases was death (cf. Sheer, 1991).

It has been common for bishops to claim as a defense that they had been unaware of the serious nature of sexual molestation by clergy until the widespread exposure of recent decades. This defense is baseless when one considers not only the documented history of legislation from the past, but also the fact that it was included as a specific crime in the first Code of Canon Law, published in 1917, and repeated in the revised Code published in 1983.

Solicitation for sex by priests within the context of sacramental confession had been a known problem since the Council of Trent (1545-1563). Legislation to counteract the problem began to include the sexual abuse of minors by the clergy in 1922. The Vatican issued a set of special procedural norms to be used for sex crimes committed by priests. The document, known by its Latin name *Crimen sollicitationis*, was issued in secret with copies sent only to the world’s bishops. The norms imposed the highest level of secrecy in Church law on all those involved in the process, including clergy, witnesses and complainants. Clergy who violated the oath of secrecy were automatically excommunicated, the absolution from which was reserved to the pope. This penalty was not automatic for lay persons involved; however the judge had the option of imposing it. This document is important because it clearly reflected the overall policy of the Catholic hierarchy to operate in secret in most matters, but especially those which would prove to be profoundly embarrassing to the Church.

The 1922 document was replaced in 1962 by an identical one with the same name. Bishops were supposed to follow its norms in responding to reports of sexual

abuse by clerics, though in actual practice this process was very rarely used. Cardinal Ratzinger, as prefect of the Congregation for the Doctrine of the Faith, issued a successor document in 2001. Henceforth all cases of sexual abuse of minors were to be referred to the Vatican. There they would be studied and either assigned back to the local diocese for a judicial process, or retained and processed by the Congregation.

Clergy Abuse Revealed

Sexual abuse of minors by Catholic clergy was virtually unknown until the latter part of the 20th century. The few individuals who reported abuse to Church authorities were coerced into complete silence and assured that “Father” would be taken care of and it would not happen again. When priests were apprehended, with rare exceptions law enforcement was deferential to the church, usually returning the offending cleric to the bishop with the admonition to not let it happen again. The newspapers rarely published stories about abuse by clergy and most often when they did, the story was minimal and usually buried deep within the paper.

The secret system protected the institutional Church for decades but its time was running out. The Louisiana case (1984) received nationwide publicity following the publication of a four part series in a local paper that focused not only on the priest’s extensive abuse of children, but on the systematic and long-standing cover-up by the bishop. The priest was sentenced to twenty years in prison in 1985. Five of the complaining families had agreed to monetary settlements in exchange for absolute silence, enforced by a binding agreement. One family pulled out and sued the diocese. A combination of factors brought about the beginning of a new era (cf. Berry, 1992). Victims began to disclose their abuse in significant numbers. Not long after the Louisiana scandal had erupted, a similar situation was uncovered in the diocese of Providence in Rhode Island. Meanwhile in St. Paul MN, a civil attorney was forging new ground with a civil suit he had begun in 1983, in which two dioceses were charged with covering for a priest with numerous victims throughout the state.

The Vatican was informed in detail about the Louisiana situation but did nothing. The bishops’ conference of the United States, known now as the United States Conference of Catholic Bishops (USCCB), held a daylong seminar in executive session in June 1985 at which an attorney, a bishop and a psychologist spoke about sexual abuse of minors by priests. Periodically, the legal office of the USCCB sent out bulletins to bishops on how to handle cases of abuse. Many contained suggested action steps which, had they been uniformly followed, may have diminished the gravity of the problem as it continued to unfold in the U.S. Unfortunately, the U.S. Catholic bishops were not alarmed enough to take any of the concrete steps urged on them.

In 1988, a long-simmering caldron in eastern Canada was set to explode. The sexual and physical abuse of young boys by the Christian Brothers at Mount Cashel Orphanage in St. John’s Newfoundland could no longer be contained by the brothers and the complicit police, judiciary and archdiocesan officials. By the end of 1989, two special commissions published alarming reports on clergy abuse in the province. The Winter Commission Report exposed the systematic cover-up of sexual abuse of minors by priests of the archdiocese and the Hughes Commission Report exposed the horrors of Mount Cashel. In the end, the archbishop of St. John’s stepped down, a number of civil officials were exposed for their complicity, several Christian Brothers were sentenced to prison and the orphanage was closed, later to be razed and replaced by a supermarket and a small housing development (see Harris, 1990, for the detailed history of the Mt. Cashel scandal).

The Vatican at first characterized the “scandal” as an American phenomenon, exaggerated by an anti-Catholic media and fueled by excessive materialism and the negative impact of the so-called “sexual revolution” of the sixties (Yallop, 2010, pp. 57 and 63). In 1993, Pope John Paul II issued his first public statement in the form of a letter to the U.S. bishops (John Paul II, 1993). In this short document, he sympathized with them and shifted blame to the American media and the country’s spirit of secular materialism. He ended the letter by urging America to pray “lest it lose its soul”. In the summer of 1993, the pope attended a World Youth Day celebration in Denver Colorado and shortly thereafter the Vatican issued a statement repeating their claim that sexual abuse was an American and Canadian problem (Yallop, 2010, p. 67). At the event, an abuse survivor presented 3000 letters from victims to the pope’s security staff and asked that they be brought to his attention. The staff member not only refused but threw them on the ground. The survivor then sent them to the papal ambassador (apostolic nuncio) in Washington, D.C. and never received a response (Yallop, 2010, p. 68.)

It was not long before the Vatican’s assessment withered in the face of unfolding events in Europe. In Ireland, the case of Fr. Brendan Smyth brought about the fall of the Irish government when the Prime Minister, Albert Reynolds, was implicated in the intentional mishandling of the prosecution of Smyth by the Irish Attorney General in 1994. In Austria, Cardinal Hans Hermann Groer was forced to resign after it surfaced that he had sexually abused a number of young boys at a boarding school where he had been headmaster. In the decade of the nineties, clergy abuse scandals came out in Scotland, England and France. Pope John Paul II and the Vatican curia continued to distance themselves from it, steadfastly refusing to acknowledge the numerous requests from victims for some form of recognition.

The Civil Courts

Since 1984, there have been over 6000 civil suits in which the plaintiffs have sued the diocese or religious order to which the offending priest belonged. The suits have alleged negligence, fraud, reckless endangerment and a variety of other possible charges depending on the state or country. The U.S. experienced the first surge of lawsuits, followed shortly by suits in Canada, Great Britain and Ireland. The common law system used in the English speaking countries made suing Church entities easier than in non-common law countries. This partly explains why the explosion of cases and lawsuits started in the U.S. and quickly spread to the other countries mentioned.

The most significant event in the clergy sexual abuse saga occurred on January 6, 2002 in Boston, MA. On that day the *Boston Globe* newspaper published the first of a series of detailed accounts of clergy sexual abuse and systematic cover-up by the Boston archdiocese (The Boston Globe, 2002). There had been detailed reports of similar cover-ups around the U.S., beginning with Jason Berry’s series published in Louisiana in 1985. Other than that no media stories have had an impact such as that which ensued from the Boston revelations. It was as if a massive tsunami had hit the U.S. Catholic church. This time the public interest did not peak and then wane. The secular media reported clergy abuse in detail across the country. The Boston event was the beginning of a new era in the clergy abuse phenomenon. The number of criminal and civil lawsuits rapidly increased. Official investigations were launched in several U.S. dioceses. Very quickly the impetus spread to Canada, Ireland and the U.K. The Vatican tried desperately to minimize the problem and to shift the blame from the hierarchy to other sources independent of the Church and remained defensive as explosive revelations unfolded in diocese after diocese, in country after country.

In spite of the difficulties encountered with the continental legal system (Droit civil), lawyers in several countries have ventured into the judicial arena, especially after the events of the spring and summer of 2010 which led to the Vatican itself. At the time of this writing, civil suits are either pending or in preparation in Holland, Belgium, Germany, France, Spain and Italy.

Bishops, Vatican officials and supporters of the institutional Church have repeatedly claimed the victims and their attorneys are only interested in money. This accusation reveals a lack of awareness and understanding of the recent history of clergy sexual abuse, but more important, it reveals a profound ignorance about the reaction of the victims to their abuse.

The first victims to approach the civil courts did so only out of sheer frustration with the ecclesiastical system and its unwillingness to help them. Survivors of clergy abuse and their families have been nearly unanimous in explaining that they had no intentions of hurting the Church nor were they interested in money. They wanted the sexual abuse to be acknowledged and assurance that the perpetrator would not be able to harm others. There are hundreds of accounts of victims who were at first ignored, rebuffed or even threatened. There are also hundreds of accounts of victims who had been given assurances that the abuser would be sent for help and would never be able to harm anyone again, only to subsequently discover that the priest had been secretly moved to another assignment with no warning to the new parishioners. These actions by Church officials had a predictable result from the victims and their parents. Motivated by a burning desire for justice, a concern for other possible victims and justifiable anger towards Church authorities, victims began turning to civil attorneys in ever increasing numbers.

The involvement of the civil courts has included approximately 6000 civil cases in various countries, most of which are from

the U.S. There have also been approximately 350 criminal convictions in the U.S., Canada, Ireland, England, Spain, Italy, Brazil, Germany, Belgium and Australia. The vast majority of convictions involved priests. A significant number of teaching brothers have been convicted, especially in the U.S., Canada and Ireland. At least four religious women have been convicted in the U.S. and in France, a bishop was convicted for refusing to inform police about a notorious serial predator. The priest-abuser in this case was sentenced to 18 years and the bishop to 3 months which was suspended.

Since 1985, there have been 28 special reports published about sexual abuse in the Catholic Church. Most dealt with the issue directly. Two did so indirectly in that they were about the psychological state of Catholic priests. The direct reports include thirteen sponsored by government agencies, eight Church sponsored reports and five from private sources. Twenty-five of the reports clearly stated that the fundamental cause of the scandal was the response of the bishops. This response has included secret transfers, lack of cooperation with law enforcement, refusal to disclose records to the civil courts, intimidation of victims, and dishonest public statements.

The overall assessment of the bishops' collective and individual response in every country in which sexual abuse by clergy has been publicly exposed has been negative and continues to be so even to the present. The hierarchies of several countries have initiated policies and procedures aimed at effectively responding to reports, dealing with accused clerics and offering care to victims. Most have also included a variety of safeguard provisions, such as mandatory background checks of clergy and lay employees. In every case however, these responsive and protective policies have been the result of intense pressure from the courts, the media and the angry public.

The Effects on Victims

The abuse perpetrated on victims ranged from touching and kissing to violent rape and sadomasochistic acts. In nearly every case the victim was from a devout Catholic family. The perpetrators often used the victim's docile, believing attitude to their advantage as they subtly groomed and seduced them, many times in the context of a close relationship with the family. The victims suffered the emotional, psychological and physical damage common to the vast majority of abuse victims of non-clergy perpetrators.

Added to these debilitating effects which can ruin the victim's life because they last throughout, there is another category, namely the *spiritual* effects. Most Catholic victims believe that the priest is a unique, special person, favored by God. Some believed the priest was a direct representative, acting for God, consequently many believed God was abusing them or that God was punishing them for some unknown reason. The overall effect has been a sense of deep loss leaving a spiritual void. Other consequent effects have been intense anger directed at priests and the Church in general, despair over the betrayal by the trusted clergy and a feeling of fear of dire consequences from the separation from the Church and hence, in the victim's mind, from God (cf. Doyle, 2006, pp. 243-244).

The spiritual damage is the result of the molestation itself and is compounded by the negative responses of the bishops and other Church authorities. Most victims had internalized the beliefs taught them by the Church about the exalted status of priests and bishops. The very source they had been taught to turn to for help has not only rejected them, but has been a primary enabler of the perpetrator (Frawley-O'Dea, 2007, pp. 39-55). The most common response to the spiritual damage has been the rejection of the institutional Church, of any type of religion and even the concept of God. Unfortunately the Catholic hierarchy has demonstrated a shocking inability to comprehend the nature of the spiritual damage. The popes and many bishops have publicly acknowledged the suffering of victims and promised to pray for them, but none have shown any ability or even interest in examining the nature of the spiritual devastation or proposing a path to healing.

Fundamental Causality

The clergy abuse phenomenon has prompted questions of causality into the two main aspects of the issue: what are the reasons for sexual dysfunction among the clergy perpetrators and why has the hierarchy responded as it has. For the purposes of this short article, a brief overview will have to suffice.

As to the perpetrators themselves, some of the main areas of research involve the influence of the clerical subculture on sexual maturity; why such men are attracted to the seminary or to the clerical way of life and the type of familial background and early nurture that might contribute to sexual immaturity or dysfunction (Kohanski and Cohen, 2007).

There are several areas of causality that appear to have influenced the way bishops have responded. The general response has been the same throughout the world. Members of the hierarchy endeavor to preserve the power, image and resources of the governmental structure which is essentially the bishops, at the expense of the victims. Consequently the nature of the hierarchical structure and its influences on the formation of the bishops' collective and individual value systems is a

burning question. Allied to this is the very nature of the office of bishop which forms their attitudes and sense of responsibility for themselves and for the victims. Basic to all of this is the need for a thorough and fearless study of the entire clerical sub-culture and way of life (Doyle, 2006, pp. 189-213).

There appears little doubt that the Catholic tradition of human sexuality is intimately tied to the abuse issue. On one level that institutionalized understanding which is both distorted and severely limited has prevented the bishops' from having a true comprehension of the complex nature of sexual dysfunction and it has also distorted their appreciation for the profound damage sexual molestation can cause in an individual. A constant excuse of the hierarchy is that they did not know that the sexual violation of a child or a minor by an adult is seriously harmful. They also have tried to justify their habit of re-assigning predators by claiming they thought it was all a moral issue.

The Vatican and the bishops have strongly resisted calls to look into all of the above issues. The answers will be provided not by the official Church but by independent scholars. As the causality that underlies the sexual abuse phenomenon is gradually uncovered, it is the burning hope of many that the answers will influence a significant change in the institutional Catholic Church. This change is essential if society is to be spared a repeat of the horrific tragedy we have been part of for the past twenty-seven years.

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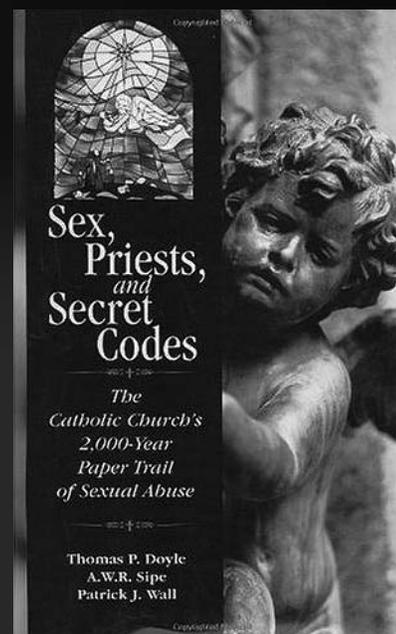
Sex, Priests, and Secret Codes: The Catholic Church's 2,000 Year Paper Trail of Sexual Abuse (2006)

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Bonus Books Inc.

Sexual abuse of minors and vulnerable adults by Catholic clergy burst onto the American scene in 1984. Revelations about such abuse since then have confirmed that this tragedy is not limited to the U.S. Catholic Church, nor is it a new phenomenon that grew out of so-called secularizing trends of the late twentieth century. The Doyle-Sipe-Wall report clearly demonstrates a deep-seated problem that spans the Church's history. This collection of documents from official and unofficial sources begins its survey in 60 CE and concludes with the contemporary scandal. It reveals an institution that has tried to come to grips with this devastating internal problem from its earliest years.

At times circumspect and at other times open and direct, Church leaders tried a variety of means to rein in the various violations of clerical celibacy. The sexual abuse crisis is not isolated from the questions of the celibate practice of all Catholic clergy and the moral questions that involve marriage and all human sexual behaviors. These are the main, yet unspoken, reasons why sexual abuse has been such an inflammatory and dangerous issue for the hierarchy. The Church abuse scandal of the contemporary era, rather than seen as a new challenge, is actually the catalyst for a complex process that is forcing the official Church to



redefine its ideology of sexuality, its responsibility to its members and its role in society. The three distinguished authors have served as experts and consultants in over 1,000 cases of sexual abuse of minors by Catholic clergy, and have collectively spent over 70 years of official service within the church.