

Clerical sexual predators: impact and aftermath

Emilio C. Viano*

Riassunto

Lo scandalo degli abusi commessi da appartenenti al clero nell'ambito della Chiesa Cattolica ha avuto una grande risonanza nell'opinione pubblica, determinando importanti conseguenze per quanto concerne la tutela dei minorenni.

Tale problema non è circoscritto alla Chiesa Cattolica. Anche appartenenti al clero, suore e altro personale religioso, cristiano oppure appartenente ad altre confessioni, sono stati accusati e, talvolta condannati, per abusi fisici, psicologici e sessuali sui bambini. Inoltre, una parte rilevante di tali atti sono stati perpetrati sia da altri minorenni che da parte di personale laico, volontari, insegnanti ed ausiliari che lavorano sotto l'egida di organizzazioni religiose.

Tale scandalo non riguarda solo gli Stati Uniti. Tuttavia, la trasparenza della società americana, il potere dei mass media ed una solida tradizione di giornalismo investigativo hanno fatto emergere tale problema e l'hanno reso maggiormente visibile rispetto a quanto avviene in altri paesi.

E' certo che tale vicenda continua ad avere grande risonanza nei mass media negli Stati Uniti, in Europa e in altre parti del mondo. Ciò ha sollevato dibattiti, discussioni e riflessioni in diversi ambiti relativamente alle tematiche dello sfruttamento dei minori, producendo effetti complessi, sia positivi che negativi.

Résumé

Le scandale des abus du clergé dans l'Église Catholique a eu une grande résonance dans l'opinion publique et des conséquences importantes pour ce qui concerne la protection des enfants.

Ce problème n'est pas circonscrit à l'Église Catholique. Clergé, religieuses et autre personnel religieux, chrétien ou appartenant à d'autres confessions, ont été accusés, et parfois condamnés, pour d'abus physiques, psychologiques et sexuels sur enfants. En plus, une nombreuse partie de ces actes ont été perpétrés aussi bien par d'autres enfants que par professionnels laïques, bénévoles, enseignants, auxiliaires qui travaillent sous l'égide d'organisations religieuses.

Ce scandale ne concerne pas seulement les Etats-Unis. Toutefois, la transparence de la société américaine et une tradition solide de journalisme d'investigation ont fait émerger ce problème et l'ont rendu plus visible que dans d'autres pays.

Ce qui est certain, c'est que cette affaire continue à faire la une des médias aux Etats-Unis, en Europe et dans d'autres pays du monde. Cela a soulevé des débats, des discussions et des réflexions dans différents domaines en ce qui concerne le sujet de l'exploitation des mineurs, en donnant des effets complexes, soit positifs soit négatifs.

Abstract

The clergy abuse scandal in the Catholic Church has had a major impact on society's understanding, approach and effort to protect children.

It must be stated and stressed from the beginning that child abuse by the clergy is not limited to the Catholic Church. Clergy, nuns and religious personnel from other denominations, Christian or not, have also been accused and at times convicted of child physical, emotional and sexual abuse. Moreover, a substantial amount of abuse has been perpetrated by lay personnel, volunteers, teachers, and auxiliaries working under the aegis of religious organizations and by other children.

It must also be stressed that the abuse scandal has not been limited to the United States. The transparency of American society, its powerful media and a strong tradition of investigative journalism have quite simply uncovered it and made it more visible than in other countries.

No doubt the story of child sexual abuse by the clergy has been major news in the United States, Europe, and other parts of the world for a considerable amount of time now. It has caused debate, discussion and soul-searching on child exploitation issues in many homes, public gatherings, conferences, legislatures, religious events, and the media.

The debate has had complex consequences, both positive and negative.

"I saw many young children beaten up and strapped. I saw Brother --- wake up young children and take them to a room to sexually assault them. I saw children handcuffed to a pillar in the basement. They would be pushed and

kicked. I saw Brother --- use a pool table stick to hit children if they would not have anal sex with him. Children were given cold showers then strapped. If I told any Brothers that another

* Professor, American University and Washington College of Law, Washington DC, USA.

Brother tried to have sex with me, I would be strapped."

From a report on abuse at St. Joseph's and St. John's Training School for Boys, Canada (Henton, 1996)

The clergy abuse scandal in the Catholic Church has had a major impact on society's understanding, approach and effort to protect children. "Clergy" here means not only ordained priests but also members of religious orders who are not priests, like monks and brothers. Nuns have also been accused of this crime. About 4 percent of United States priests ministering from 1950 to 2002 were accused of sex abuse with a minor, according to the John Jay report (2004), the first comprehensive national study of the issue. The study said that 4,392 clergymen—almost all priests—were accused of abusing 10,667 people, with 75 percent of the incidents taking place between 1960 and 1984. During the same time frame there were 109,694 priests in the United States.

It must be stated and stressed from the beginning that child abuse by the clergy is not limited to the Catholic Church. Clergy, nuns and religious personnel from other denominations, Christian or not, have also been accused and at times convicted of child physical, emotional and sexual abuse. Moreover, a substantial amount of abuse has been perpetrated by lay personnel, volunteers, teachers, and auxiliaries working under the aegis of religious organizations and by other children (meaning persons under 18 years of age). Churches are the perfect environment for sexual predators, because they have large numbers of children's programs, a shortage of workers to lead

them, and a culture of trust that is the essence of the organization.

According to a survey by Christian Ministry Resources, a tax and legal advice publisher serving more than 75,000 congregations and 1,000 denominational agencies nationwide, the number of child abuse allegations against American churches has averaged 70 a week. Although the Catholic Church has been the one recently most shaken by the deluge of sexual misconduct revelations, Catholic parishes make up only 5 percent of the total number of Christian churches in the United States. The largest number of churches belongs to the various Protestant denominations. Accordingly, the largest number of allegations, 70 percent, has been lodged against Protestant church members and clergy. The scandal has also involved Orthodox clergy and Jewish rabbis. Actually, the majority of abusers are not staff but volunteers and other children (Clayton, 2002). It must also be noted that the number of cases of abuse have peaked in the mid-1990s and have declined since 1997, the result most probably of new policies that began to be put in place at that time by many denominations.

1. The Catholic Church as lightning rod.

Regardless, the Catholic Church has attracted the most attention. It is the largest single Christian denomination in the United States¹ and it gives the

¹ There are 67,515,016 Catholics in the United States (22% of the U.S. population); 195 archdioceses and dioceses, 15 U.S. Cardinals, 431 active and retired bishops; 42,307 diocesan and religious-order priests; 15,868 permanent deacons; 64,877 nuns and 5,095 brothers. As to Catholic educational institutions: 6,197 elementary schools educating 1,638,114 students; 1,350 high schools with 672,426 students; 236 universities and institutions of higher education with

impression of being an almost monolithic institution, almost like a multinational corporation, visible, easy to attack, and reputedly wealthy. In reality the different dioceses are quite independent of each other and are governed in an autonomous manner by the local bishop. Moreover, the requirement that Catholic clergy be celibate, while all others can marry, makes it the subject of intense curiosity, speculation and debate. It must also be stressed that the abuse scandal has not been limited to the United States. While early reports of child abuse came mostly from the United States and Ireland in the case of priests and from Canada in the case of teaching orders of brothers, it is not just an American phenomenon. It has been happening all over the world. The transparency of American society, its powerful media and a strong tradition of investigative journalism have quite simply uncovered it and made it more visible than in other countries. Only very gradually and partially have thousands of clergy sex crimes and cover-ups finally begun to surface publicly in recent years. This crisis has started to garner widespread attention because of the courage of survivors, the outrage of parishioners, the persistence of journalists, the reforms of lawmakers and, to a lesser degree, the determination and creativity of police and prosecutors. The most important element remains the courage of individual survivors to break the silence and come forward.

785,619 students; 82 special schools educating 8,659 handicapped students. As to Catholic health care, 556 Catholic hospitals treated 84,736,305 patients; 429 other health care centers helped 6,517,561 patients; 1,517 specialized homes assisted 653,719 residents and 986 residential care locations cared for 60,861 children residents. More than 1,673 local Catholic Charities agencies and institutions provided services to

No doubt the story of child sexual abuse by the clergy has been major news in the United States, Europe, and other parts of the world for a considerable amount of time now. It has caused debate, discussion and soul-searching on child exploitation issues in many homes, public gatherings, conferences, legislatures, religious events, and the media.² A fundamental question is:

7,449,119 unduplicated individuals in need of help (U.S. Conference of Catholic Bishops, 2007).

² Especially damaging and shameful was the mistreatment of Indian children in both Canada and the United States. During the 19th and early 20th century, the policy of the Canadian and U.S. governments was to assimilate their Native populations into the rest of society. The goal was to force Natives to disappear within the larger, predominately white, Christian society. A key component of this policy were the residential schools, which were operated in Canada for over a century, from 1879 to 1986, mostly by teaching orders or entities affiliated with the Catholic Church and the Anglican Church of Canada. The United Church of Canada and the Presbyterian Church in Canada also ran some schools. The federal government provided the funding, but appears to have done little monitoring of conditions at the schools. Sometimes, children were kidnapped and taken long distances from their communities in order to attend school. Once there, they were generally held captive, isolated from their families of origin, and forcibly stripped of their language, religion, traditions and culture. Students were often beaten if they spoke their native language, or practiced the rituals of their faith. There are allegations that the students were often poorly fed and clothed. Sexual and physical abuse was widespread. Individual natives and native communities continue to suffer the after-effects of students' brutal and criminal treatment in these schools. As adults, many suffer with depression and alcohol addiction, have difficulty in parenting, and live with a loss of culture. The suicide rate among Native peoples in Canada is extremely high. About 10,000 survivors of these schools did sue the federal government and the religious organizations directly responsible for their inhumane treatment in the early 1990s. In addition to allegations of personal abuse, many of the claims are based on the children's separation from their family of origin and their loss of their aboriginal culture. Legally, the Catholic Church is not responsible for the abuse in the residential schools, because the Church does not exist as a legal entity. Some of the schools were run by individual dioceses. Most were operated by the Missionary Oblates of Mary Immaculate and similar church orders. In the early 1990s, the Oblates faced about 2,000 lawsuits with an estimated liability of \$90 million. The Christian

Did all of this help advance the awareness of and commitment to child protection? The answer cannot be a clear and unequivocal “yes” or “no.” The debate has had complex consequences, both positive and negative.

2. The impact of the scandal of child sex abuse by the clergy.

There is no question that the scandal has definitely kept the child abuse subject in the news, often at prime time. The long lasting and durable power of the children sexual abuse issue is certainly remarkable. Normally, the public’s interest and attention span in most social problems cases reaches a saturation point and peaks over a variable period of time and then begins to diminish. However, the issue of child sexual abuse in general has been very resilient and has managed to survive and occupy the limelight in different forms over a period of many years, beginning in the 1980s. At the moment when one might have thought it was about to be eclipsed by other issues, it has often reemerged in a different form. For example, just before the clergy scandal broke out, attention to child abuse in the United States was becoming mostly negative, almost hostile. There was a growing backlash to stories of child abuse, especially large scale abuse in child care settings, because of a number of questionable, un-provable or clearly excessive cases. The tide was turning negative on child abuse and people and the media felt it. Just at that moment, especially in the late 1990s-early 2000s, credible and growing child mistreatment stories by certain clergy began to forcefully find their

way in the media and in people’s awareness. The portrayals of overzealous investigators, lying or exaggerating children, hysterical parents, aggressive investigators and social workers planting ideas, memories and vocabulary in the minds of children; politically ambitious prosecutors seizing on the issue for career advancement; child victim advocates exaggerating the extent and impact of the problem to advance their own cause and obtain needed financial support; social workers pushing the issue to gain more influence, power and jobs; and a child protection system bent on assuming the worst and often apparently too ready to break up a family, quickly diminished and eventually almost disappeared.

The portrayal of overzealous investigators, children either lying or embellishing and exaggerating stories, false recovered memories, and a child protection system menacing the integrity of the family are basically gone now. On the contrary, images of cunning and manipulative predators, of children cowed into submission and of sacred and once admired institutions betraying children are very much in fashion right now. Even the image of female school teachers as protectors of children has been tarnished by a few highly publicized episodes of mature women teachers, at times married and with children, seducing and carrying out sexual relations and even having children with male school children.³

Brothers were also affected as were, in a minor role, the Jesuit Fathers of Upper Canada.

³ Probably the most famous case in recent years was that of Mary Kay Letourneau and her sixth grade lover/student, Vili Fualaau in Washington State. She was 34 and the student 12 at the time. Even with losing her husband, 4 children, her teaching position and credentials, and serving a six month sentence for statutory rape, she still could not stop. After breaking court orders for seeing him after her first release from

One of the strongest messages generated by the clergy abuse scandal is that the power of the state in protecting children should be expanded to reach into corners and realms of society, like religious institutions, that until recently have enjoyed considerable autonomy and freedom from state regulation and supervision. They are now perceived as recalcitrant segments of our society. There is no doubt that this perception of the problem significantly helped keep the subject of child mistreatment, abuse and exploitation very visible in the public eye. For sure, it helped override much of the negative coverage that the child mistreatment field and those involved in it were receiving. But going beyond these superficial aspects, child abuse professionals should be cautious and maintain a critical stance and ponder what has been helpful and what has been harmful in the considerable public awareness awakened by this scandal.

3. Positive consequences of the child sex abuse scandal.

The first positive and helpful aspect of this scandal is that no doubt it alerted parents once

prison, she was sentenced to another 7 ½ years in prison. Although she had been in prison, she still managed to have two children fathered by Vili. Upon her second release from prison and Vili being 21, the two married on May 20, 2005 in the Seattle area. Among the latest cases is that of Kelsey Peterson, a 25-year-old sixth-grade math teacher and basketball coach at a middle school in Nebraska arrested in Mexico with her 13-year-old companion on November 2, 2007. She had fled there with the boy after police began investigating whether the pair had an intimate relationship. Also, in October 2007 a New Jersey teacher, 23-year-old Victoria Blevins, was accused of having sex with a female student who was under 18 at the time. Her arrest came after the mother of the former student found a computer instant message suggesting "an inappropriate sexual relationship." Prosecutors then turned up evidence of numerous phone calls between the two.

more about the necessity to talk to their children about sexual abuse and about the dangers and risks potentially posed by people who are known and trusted by children and families. There are probably few Catholic parents who did not recently inquire of their children if a priest, brother or even nun who interacted with them ever did or attempted to do anything improper with them. No doubt, the fact that the *scandal facilitated these types of conversations* with children and reminded many adults, especially parents, of the importance of informing and preparing children for the eventuality of abuse, has done some good.

The second helpful aspect of this scandal is that it advanced *removing the stigma of sexual abuse and lowered, if not eliminated, the barriers to disclosure*. The scandal showed many men, quite a few from the working class traditionally reluctant to admit any weakness or victimization, publicly revealing and discussing their experiences of abuse when they were children. They were praised and supported for their courage and strength and this in turn encouraged more survivors to come forward and tell their story.⁴

This was not the image of sexual abuse victims that the public had before: that of the abused female child. It is quite possible that it will encourage others, in particular men, to come forward and reveal their abuse in the future. However, the possibility of the occasional impostor falsely claiming abuse in order to qualify for a financial settlement cannot be totally excluded.

⁴ The Survivors' Network of Those Abused by Priests (SNAP) was started in 1989 in Chicago by a survivor named Barbara Blaine. SNAP now has roughly 8,000 members and self-help chapters in 65 cities in the United States.

The third positive aspect of this scandal is that it has forcefully *reminded organizations and administrators of their affirmative responsibilities* for dealing with problematic employees in a responsible and consistent way. The damaging consequences of “passing the buck” are clearer than ever. The image of Catholic bishops reassigning priests accused or suspected of child sexual abuse in a parish to another parish and at times to several successive churches to quiet down rumors and complaints in the former, but only to eventually create the same problem in the second, third etc. parish, has been reviled in the press and public opinion. One of the most notorious example of this administrative cover-up in the United States perceived to be more in the interest of the Church as an institution than of the children victims was Cardinal Bernard F. Law of Boston who became a lightning rod for the tide of negative public opinion swelling in that city and was eventually forced to resign and move to Rome. Many other bishops were accused of the same patterns. The State in some instances investigated this administrative reassignment patterns as a criminal matter since it can represent an institutionalized endangerment of children. The *negative fallout of failing to report abuse* should also be evident. Many organizations are revising and updating their policies, instituting or improving the screening of their personnel and introducing other prevention measures as a consequence of what happened in the Catholic Church. No doubt, an important result has been the *creation of a more attentive and vigilant organizational and work environment*. People are more aware, observant, informed and ready to report child mistreatment.

Thus these sad and tragic events surrounding the scandal have given origin to remarkably positive developments that in the long run will no doubt result in a better protection of children. At the same time, the scandal and the publicity that surrounded it may also have contributed to a *national debate about child maltreatment* in ways that do not for sure advance the field and the cause of child protection. What are some of the adverse effects on the field of child abuse from the controversy?

4. Negative consequences of the child sex abuse scandal.

The first problem one can identify is that the scandal provided *additional impetus to elevate child sexual abuse well above all other forms* of child maltreatment. In reality, child sex abuse comprises no more than 9.3% of all the cases of child maltreatment brought to the attention of officials in the United States (U.S. Department of Human Services, Administration on Children Youth and Families, 2005). Even worse, frequently, during the height of the crisis, *child abuse and child sexual abuse was basically equated* with the first becoming basically a *synonym* for the second. Unfortunately, the record shows that religious figures in various denominations, not just Catholic, have engaged in other forms of child maltreatment. There are abundant accounts of children, especially in residential schools, being beaten, locked in closets, deprived of food, threatened with physical harm and mutilation, cursed with eternal damnation, or discouraged from seeking or denied medical care by clergy and religious figures (Raftery & O'Sullivan, 2001). It is regrettable that

for quite some time the debate and discussion on child abuse has in preponderance focused on sexual abuse to the detriment of taking into account and intervening in other equally or even more pernicious forms of child mistreatment. Professionals in the field need to make a strong effort to expand the breadth and width of the national dialogue. Presently, in the United States, it is *quite difficult to discuss other types of child abuse*, regardless of the fact that the evidence indicates that these other forms of child abuse are as damaging as sexual victimization.

An even more serious problem generated by the clergy abuse scandal is that it *strengthened and reinforced* several of the most pernicious and damaging *stereotypes that society has about sexual abusers* and child molesters. Offenders have routinely been referred to as pedophiles, implying that these adults are sexually attracted to pre-pubertal children, a paraphilic interest, that they necessarily have multiple victims, and an incurable compulsion to offend. In fact, the majority of the priest offenders were not pedophiles (Haywood et alii, 1996). All of this makes it hard for the public to become aware of and *realize the wide spectrum of offenders involved* in child sexual abuse. Certain notorious cases, like those of Christopher Reardon, James Porter and John Geoghan,⁵ priests of the Boston Archdiocese, who had had many victims, were

⁵ Even though supposedly placed in isolation for his own security, John Geoghan was killed in prison on August 23, 2003 by another inmate with a professed hatred for homosexuals. He gained access to Geoghan's cell, then barricaded the door from the inside and taped Geoghan's mouth shut. There were accusations that some prison guards knowingly allowed this to happen. More than 130 persons accused Geoghan of misconduct during his 30-year career in six parishes. Actually he was only tried for and convicted

prominently featured and thus dominated and shaped the overall perception of child sexual abuse by the clergy as always having multiple victims.⁶ The fact that most of the accused priests had "only" one or a couple of victims was not brought to the attention of the anxious and concerned public. Clearly and certainly, even one child victim is one too many but only in limited cases the abusers were the cunning predators with multiple victims often depicted and sensationalized in the media. The more realistic idea that there is a wide spectrum of types of abusers was more prevalent when the public debate dwelled on the frequent instances of incestuous fathers and abusive grandfathers. When the debate over the victimization of children by priests really burst onto the national consciousness, this previously nuanced message was quickly set aside and an oversimplified, crude, limited typology of the sexual abuser of children became prevalent. Child abuse professionals must make a major effort to re-balance the public discourse in this area taking into account the full spectrum of abuse and of abusers so that effective and balanced policies can be planned, adopted and applied.

The third problem is that the scandal *strengthened people's exaggerated impressions about the risk-taking and incorrigibility of sex offenders*. The main focus of the sensational news coverage and of the barrage of public criticism were the more egregious cases where the offenders were caught,

of one count of molestation of a boy in a swimming pool a decade earlier.

⁶ In January 2002 the major Boston's newspaper, the Boston Globe, did launch a series of articles on the case of Father John Geoghan and the handling of clerical sex abuse cases in general in the Archdiocese of Boston which eventually sparked the national crisis for the Church in the United States.

brought to the attention of the religious authorities who often moved them to another position or geographical area, where they continued to abuse and exploit children. What was often overlooked is that there were also a noticeable number of cases in which offenders were identified and, *through therapy and other interventions were able to stop* their abusive behavior. This is not meant to endorse the policies of the Catholic Church for the treatment of abusers. Thus, the scandal strengthened the perception on the part of lots of people that *all* child molesters have a compulsive need out of control. Underlining the risk-taking behavior of sex offenders certainly reinforces the necessity to intervene with severity to curb such behavior. However it also *distorts people's perception of where the danger is and how to protect children from it*. When the public discourse glosses over the fact that there are both risky and not so risky sex offenders, it produces bad policy. Moreover and ironically, sex offenders who behave in a less risky and more calculated, subtle way can operate with more impunity and more successfully, generating more victims, since they act “under the radar” so to speak while society is focused almost exclusively on offenders who are more reckless and take more risks. Consequently, policies and interventions against child maltreatment and to protect the true interests of children are not necessarily developed appropriately and on target and children's interests are not served that well.

Another negative after-effect of how the scandal of the abusing priests played out was to *generate lots of negative perceptions about offender treatment as a viable approach* to the

management of child molesters.⁷ The reason in great part has been that initially in some of the most high-profile cases, offenders had actually been sent to treatment. However, when they returned and resumed their normal activities they resumed the abuse as well. This happened in part because there wasn't any quality follow-up or supervision. The end result was that it reinforced many people's belief that it is futile to attempt to treat these offenders and that only incarceration, basically for life, is a viable alternative.

Obviously it is not positive or helpful for the child mistreatment field and for the public and policymakers to perceive child molesters as compulsive and incorrigible predators who cannot be controlled, rehabilitated, treated or stopped. This wholesale negative conclusion is factually

⁷ Two of the centers most frequently used by the American bishops for clergy sex abusers are the Servants of the Paraclete in Jemez Springs, New Mexico and the St. Luke Institute in Suitland, Maryland. As with any psychiatric or psychological treatment center, there is controversy about their methodology and effectiveness. Firstly, critics say that the whole treatment is premised upon getting the priests, “fixing them” and getting them back to work. Many do not believe that this is possible or wise. Secondly, the mixing of religious concepts, like prayers and forgiveness, with psychiatry tends to make for an inadequate and biased evaluation of the patients. Whether or not forgiveness leads to healing is debatable. And even more difficult is to decide when a resident priest is healed or cured, if at all. Thirdly, the centers, according to some critics, trust the priests too much and depend on them *wanting* to be cured. There is evidence that the treatment and final evaluation have been, at least for a time, far from adequate. “Graduates” from both centers continued their pattern of abuse. From Jemez Springs there were James Porter, Jason Sigler, Rudolph Kos and David Holley; all of which continued to abuse children after treatment there. Indeed reportedly they were molesting children while in treatment when they were allowed to celebrate Mass in local parishes surrounding the center. From St. Luke there were John Geoghan, Rudolph Kos and Gilbert Gauthier, who also continued their abuse after (sometimes multiple) treatment. This controversy is no different from that surrounding the treatment and curing of lay sex offenders.

incorrect (Hanson et al., 2002), it complicates and derails investigations, it discourages confessions and co-operation by offenders, at times it generates considerable confusion for victims, and it hinders the work of those who are attempting to provide effective treatment for offenders and to introduce reasonable correctional policies and practices.

A fourth problem is that this scandal confirmed and strengthened the belief held firmly by many that *homosexuals are responsible for child molesting*, a stereotype that actually was beginning to fade away in the United States and elsewhere. The American Catholic Church, to its credit, did not engage in the witch-hunting it could have in trying to affix blame onto homosexuals for the major crisis that it was facing. However, enough high ranking clergy and others expressed that view, and there is a considerable probability that reactions expressed by the church will persist in reinforcing that message. As a consequence, those who want to exploit the crisis to blame and scapegoat homosexuals now have more freedom to do so.⁸

Aside from the Catholic Church reaction, an additional foundational problem is that the issue of homosexuality vis-à-vis child sexual abuse has not been especially well dealt with by the secular child mistreatment field. A considerable number of child abuse experts, when being interviewed by

the media, have stressed that homosexuality is not automatically and directly connected with the molestation of children. But these statements may not be persuasive enough for ordinary people who are trying to fully comprehend these shocking and dramatic revelations that in many cases have shattered their faith and trust in religious figures. This may be because the experts are not completely correct.

5. Celibacy, homosexuality and child abuse.

In reality, homosexuality may be linked with some cases or types of abuse by the clergy in ways that call for a more open and candid explanation and analysis. It is reasonable to assume, for example, that the requirement that priests be celibate creates an appealing lifestyle for teenagers and young men who are impacted by strong conflicts over conscious or suppressed homosexual feelings. A supposedly celibate lifestyle to be lived in a male environment may make the priesthood attractive especially where homosexual relations are seriously frowned upon. Being a priest or a monk offers a good cover to live a life devoid of sexual contact with females, as required, but not necessarily with males, at times conveniently living under the same roof. There is at least anecdotal evidence that active homosexuality is not unknown among the Catholic clergy. One glaring example was the closing by the Vatican in 2004 of a major seminary in the diocese of St. Pölten, Austria, accused of harboring widespread sexual misconduct, including distribution of child pornography. The Austrian church was still bearing scars of the scandal in 1998, when

⁸ It has been claimed that homosexuality is frequent in at least some segments of the parish clergy and religious orders so that avoiding blaming homosexual was practically done for self-interest. There are no reliable statistics on homosexuality among the clergy just as the percentage of the general lay population that is homosexual is still debated. Homosexual advocates may tend to inflate that percentage in order to obtain more political clout and influence and also to “normalize” homosexuality where it is proscribed, condemned or frowned upon.

Cardinal Hans Hermann Groer of Vienna had to resign after being accused of molesting boys decades earlier. Bishop Kurt Krenn of St. Pölten was also eventually dismissed by the Holy See in the wake of the seminary scandal. Since it is not easy to openly address and even just open up about such feelings and process the shame and confusion that they produce, all of this generates a deep vulnerability and almost a predisposition for the type of acting out and exploitation that took place in the case of the Catholic Church. One can hypothesize that the shame, social rejection and lack of adequate socialization models and experiences are responsible for the acting out by priests. Eliminating these distorted and oppressive situations should be a priority. However, at the same time, it would be incorrect to state that homosexuality is totally irrelevant. While by itself it may not be enough of a cause and even totally unconnected, seen in the context in which our society perceives and treats homosexuality, it may end up having links with some abusive behavior by the clergy. Even excluding homosexuality, there are those who maintain that the celibacy requirement and the expected lack of sexual experience with the opposite sex and consequently of sexual maturity by candidates for the Catholic priesthood may lead to a distorted and undeveloped sexuality among the clergy and members of religious orders which in turn may lead some of them to seek sexual gratification with children and not with mature women, seen as threatening and certainly officially taboo. This approach could be expanded to include and somewhat explain the misogyny that some people perceive exists among some Catholic clergy and even in some doctrinal positions of the Church

seen as a quintessential patriarchal organization. It is quite probable that similar patterns exist in other Christian denominations and other religions when celibacy is a requirement, for example among Orthodox monks.

Unfortunately, the child maltreatment field's research and conceptual models about this are still fairly undeveloped. Consequently, it may be difficult to prevent the blaming of homosexuals that will be generated by this crisis, unless a better analytical approach to this issue is offered, instead of just claiming that no connection can be found.

A fifth problem is that the media and the child mistreatment field by and large have missed the mark when it comes to effectively *addressing what some call "compliant victims,"* that is adolescents who willingly take part in sexual activities with adults, either of the opposite or the same gender. Certainly, none of the young people engaged in sexual activities with priests were themselves to blame or should be held responsible for their abuse. However, the media did not completely cover and describe the variety of sexual involvements that took place. Most of the media reports have focused on younger boys manipulated and forced into sex acts by priests perceived by the youngsters as holding and exercising total authority and great moral influence. But in a number of cases, older adolescents also took part. It is reasonable to think that they may have known or anticipated what they were getting involved into and did decide to become involved and take part without necessarily being manipulated and forced. This is not meant to imply that the offenders in these latter types of situations should be held any less responsible. The point is that when the media provide accounts that

do not address the full range of involvement and do not deal with the difficult but unavoidable questions relative to youth and possibly willful participation, they are abdicating their moral responsibility on the matter and misleading the public.⁹

It is one of the major responsibilities of the child mistreatment field to inform and educate parents, youngsters, professionals and adults who deal with youth about the reasons behind society's prohibitions, and what to do to correctly and effectively enforce them. Unless and until the child abuse field accepts and acts on this moral responsibility, many adults will flaunt the prohibitions, and many youth will get blamed when these liaisons are discovered. The child mistreatment field fumbled and lost an excellent opportunity to forcefully address this issue in this crisis.

Finally, a possible problem on the arising and one of the areas this scandal has given impetus to and which should be discussed much more in the child mistreatment field is *the role of lawsuits and litigation*. Clearly, attorneys for the victims and their families have played a major leadership role in bringing this issue out in the open, and facilitating the key disclosures that made it possible to fully appreciate the scope of the problem and take appropriate action. Many of the

victims may never have revealed their victimization without the awareness that there were lawyers willing to take them seriously, support them and take their cases. Without sustained legal intervention, the internal church documents, communications and deceptions may never have been brought out into the open. The prosecutors might never have had the courage and the will to bring charges, especially in heavily Catholic areas like Boston or New York, for example. The plaintiffs' attorneys have become a major part and important partners of the child abuse field. However, their activities give rise to relevant and significant questions.

6. Lawyers and child abuse.

Now that the child mistreatment field has come of age as it is more than 40 years old, a considerable portion of the professional conduct in the field has been substantially scrutinized and discussed in order to develop a sense of the best practices. At the same time, litigating on behalf of survivors has not been scrutinized in an as detailed and comprehensive manner as, for example, in the case of police investigators, child welfare investigators or mental health providers. For example, how are plaintiffs approached and recruited? What types of informed consent procedures are in place to protect their rights and preserve their interests? Which are the traumatizing parts of the litigation process, and how are these stressful situations managed and their impact on victims and witnesses softened and mitigated? Given the large money amounts obtained to settle cases, how well do lawyers screen the claims of people who may, at times, plan to take advantage of a financial windfall,

⁹ The concepts of victim precipitation, cooperation, contributory negligence, responsibility and vulnerability are very controversial, especially in the context of sexual assault, and must be addressed with great care and sensitivity. No doubt "victim blaming" has been used throughout the centuries to deny victims the proper recognition of their plight and justice. On the other hand, stating flatly that a victim is always innocent, regardless of his/her behavior and the circumstances of the event, does not always reflect reality, can lead to considerable distortions and injustice and give a false sense of righteousness and security to vulnerable groups.

though they are not legitimate claimants? And what about the lawyers' possible collusion with false, exaggerated or shaky claims, especially in the case of "recovered memories," since they stand to gain financially from settlement without a judicial determination of the facts? And what about the widespread bias of jurors and others in the justice system, given the widespread publicity given to child sex abuse by clergy leading to a presumption of guilt as soon as someone is accused of misconduct? What role might religious prejudice and bigotry against Catholicism or the perception of the Catholic Church as a wealthy organization play in juries' deliberations and award of damages, judges' decisions and acceptance of settlements, lawyers' pursuit of large financial sums and the public's reaction to accusations and indictments?

As in most other professions, the majority of attorneys by-and-large probably handle these challenges responsibly. But many people feel that there are varying levels and degrees of professional responsibility corresponding to more or less scrupulous attorneys for the plaintiffs. After all, the ethical mandates of the legal profession consist of relatively few "must" and lots of aspirational and hortatory "should" open to interpretation and basically escaping any serious discipline if ignored or violated. Moreover, many professionals believe that for some survivors, civil litigation in the end worsens their trauma rather than alleviate it because, in the United States' legal system, it is detached and separate from a criminal court's determination of guilt and responsibility.

On the other hand it is very important to keep in mind how difficult it was especially at the

beginning and in staunchly Catholic areas to credibly and successfully to bring forth accusation of sexual misconduct by the clergy.¹⁰

The Catholic Church abuse scandal will certainly reinforce the role and importance of litigation and the increased intervention of the secular courts in response to child maltreatment by the clergy. Seeing the courage and realizing the impact that bringing charges out in the open have on the perpetrators of the acts and of the cover-up, the publicity, the large awards of money, all these rewards will for sure motivate attorneys, survivors and their families in a number of ways to join the pioneers who have opened up this field and were at times, at least initially, scorned and rejected.

Will this necessarily be a salutary, positive development? It probably depends on how it unfolds. But it definitely indicates the need for more scrutiny of the process and for highlighting standards of best practice for civil litigation.

¹⁰ An illustrative example is the case of Mount Cashel orphanage in St. John, Newfoundland, on the eastern coast of Canada managed by the Christian Brothers of Ireland. For many years, the local priests and the rest of the Catholic church clergy were highly respected by almost all Newfoundlanders. Their behavior was considered beyond criticism. The Provincial government and police adopted a hands-off policy towards religious matters. When allegations of physical and sexual abuse started to surface in the late 1980s, the government, police and church cooperated in an unsuccessful cover-up. More than 300 former pupils eventually alleged physical and sexual abuse at the orphanage. The *Winter Commission* was charged with investigating the accusations and issued a *Report of the Archdiocesan Commission of Inquiry into Sexual Abuse of Children* in June of 1990. In 1992, four men in the Catholic lay order were charged with the sexual and physical abuse of boys at the orphanage during the 1970s. In 1996, six additional members of the order were charged with sexually and physically abusing 17 boys at the same orphanage between 1950 and 1964. Nine lay brothers were eventually convicted. Archbishop Alphonsus Penney of Newfoundland resigned in 1990 after an internal investigative panel placed some of the blame for cover-ups of the abuse on him. The courts ordered the order's assets sold in order to compensate the victims.

It also points out the need for more study about the impact of this process on survivors, their families and their recovery and for the assessment of the consequences of litigation and civil damage awards on insurance costs and hiring practices. The role that insurance companies have played and will continue to play in forcing institutions to take more seriously problems beforehand ignored or belittled is quite important. Just as insurance concerns and the threat of drastic increases in insurance premiums or even the denial of insurance substantially contributed to police departments taking domestic violence seriously and substantially changing the way in which they handled it, so they are now forcing religious institutions of all faiths to adopt and promulgate appropriate policies relative to child sex abuse, improve and upgrade the screening of candidates for the clergy, and introduce mandatory training and other prevention measures.¹¹ If the Catholic Church, other religious organizations and institutions and society at large develop better and more effective child protection systems and measures, it will be a major success. If, on the

¹¹ Among the measures introduced by most churches since 2000 and affecting all those working with or coming into contact with children are: criminal background checks, finger printing, and detailed questionnaires for anyone over age 18, and careful policies – such as never having children and adults "one-on-one." Many churches' policies require, for instance, that adults go in pairs when supervising bathroom breaks for children and that they check to ensure no adults are in the bathrooms before children enter. Men who have been screened and fingerprinted may work in a nursery but only female staff members – not volunteers – may change diapers. Only adults wearing photo IDs, indicating that they have been cleared, may work with children. In some churches, some long-time volunteers, offended by all the new policies, have bowed out of children's activities. "Trust but verify" is the current operational principle guiding all personnel choices. Churches without a verification procedure these days are unable to obtain much needed and costly insurance.

other hand, the many lawsuits and the hefty damages authorized by the courts, bankrupt institutions and businesses and alienate or scare off those whose mission it is to work in the youth sector, it will be a hollow victory.

Although it may seem as though the events of the last few years have strengthened the cause of child protection, it is essential for the child mistreatment field to continue to be critical, vigilant and observant. The excesses and misconceptions of any public witch-hunt and exorcism may come back to haunt the field later on with damaging consequences.

7. Conclusion.

In conclusion, the explosion of the scandal of child sexual abuse by clergy has had positive and negative consequences on society's and on the professionals' perceptions and reactions to the problem. The complexity of the situation requires that researchers, scholars, professionals, activists in the field and governmental and religious institutions invest the needed resources, energy and effort to craft a balanced response to the crisis so that it will truly constitute an opportunity for the field to grow and positively develop, truly protect victims, prevent future victimization, and encourage effective interventions for offenders while respecting and honoring everyone's constitutional and human rights. Victimology and especially the field of child abuse and neglect stand to gain considerably from a deliberate and well pondered reaction and intervention grounded on dispassionate research and analysis. On the other hand, the potential for damage to the field also looms large in the case of a misguided

response driven by the sensationalistic and superficial media portrayal of the problem, the thirst for revenge, possible anti-clericalism, and also the possible greed for hefty financial gains. That the problem of child sexual abuse by many different parties, lay and religious, exists and is widespread is an established reality. How we respond to it is a work in progress that will affect the reputation and professionalism of the field for years to come and most of all, how survivors are truly given a chance to recover and future victimization is effectively prevented.

References.

- Boston Globe, Investigative Staf, *Betrayal: the crisis in the Catholic Church*, Boston, Little, Brown, 2002.
- Bruni F., Burkett E., *A gospel of shame: children, sexual abuse and the Catholic Church*. New York, Perennial, 2002.
- Catholic Church United States Conference of Catholic Bishops. *Charter for the protection of children & young people*. Washington, D.C., The U.S. Conference of Catholic Bishops.
- Catholic Church National Review Board for the Protection of Children and Young People (2004). *A report on the crisis in the Catholic Church in the United States*. The National Review Board for the Protection of Children and Young People; Anne Burke, interim board chair; William S. Bennett, research committee chair et alii. Washington, D.C., United States Conference of Catholic Bishops.
- Clayton M., "Child Abuse Spans Spectrum of Churches", *Christian Science Monitor*, April 5, 2002.
- Finkelhor D., "The legacy of the clergy abuse scandal", *Child Abuse & Neglect*, 27, 2003, pp. 1225-1229.
- France D., *Our fathers: the secret life of the Catholic Church in an age of scandal*. New York, Broadway Books, 2004.
- Hanson R. K., Gordon A., Hams A. J. R., Marques J. K., Murphy, W., Quinsey V. L., & Seto M. C., "First report of the Collaborative Outcome Data Project on the effectiveness of psychological treatment for sexual offenders", *Sexual Abuse: A Journal of Research and Treatment*, 14(2), 2002, pp. 169-194.
- Haywood T. W., Kravitz H. M., Grossman L. S., Wasyliv O. E., & Hardy D. W., "Psychological aspects of sexual functioning among cleric and noncleric alleged sex offenders", *Child Abuse & Neglect*, 20(6), 1996, pp. 527-536.
- Henton D. et al., *Boys don't cry: The struggle for justice and healing in Canada's biggest sex abuse scandal*, McClelland & Stewart, 1996 (This discusses abuse by the Christian Brothers at St. Joseph's Training School and St. John's Training School, in Ontario, Canada).
- John Jay Report (Terry K. et alii), *The Nature and Scope of the Problem of Sexual Abuse of Minors by Priests and Deacons*, prepared by the John Jay College of Criminal Justice, 2004, Washington DC, U.S. Conference of Catholic Bishops.
- Moran M.. *The tricky part: one boy's fall from trespass into grace*, Boston, Mass, Beacon Press, 2005.
- Raftery M., & O'Sullivan, E., *Suffer the little children: The inside story of Ireland's industrial schools*, New York:, Continuum, 2001.
- TFP Committee on American Issues, *I have weathered other storms: a response to the scandals and democratic reforms that threaten the Catholic Church*, York, Penn., Western Hemisphere Cultural Society, 2002.
- U.S. Department of Health and Human Services, Administration on Children, Youth and Families, *Child Maltreatment 2005*. Washington, DC, US Government Printing Office, 2005.