

THE PRESENT CRISIS IN THE CHURCH

**AS CONSIDERED AT AN EXPERT
MEETING ON CLERICAL SEXUAL
MISCONDUCT WITH MALES
(SEPTEMBER 24-26, 2018) IN
NAPLES, FLORIDA**

Jesus the Good Shepherd, on the baldacchino of the altar of the Basilica of St. John Lateran

INTRODUCTION

■ BY PROF. JANE F. ADOLPHE, AVE MARIA SCHOOL OF LAW, NAPLES, FLORIDA, CONFERENCE ORGANIZER

In 2018, media reports concerning clerical sexual abuse in Chile, Honduras and the USA raised new issues. In Chile, the allegations of three seminarians that they were sexually abused by priests were substantiated by the Apostolic Investigation commissioned by Pope Francis and by at least one Chilean Court.¹ In Honduras, about 50 seminarians complained of an active homosexual culture in their seminary and an auxiliary bishop resigned over allegations which included sexual activity with seminarians.² In the United States, the priest Theodore McCarrick (later promoted to bishop, archbishop and cardinal) was accused of having sexually abused two male minors (11 and 16 years old), of sexually molesting seminarians while a bishop, and, as a cardinal, of having used his influence to promote clerics of like mind on issues of sexual morality.³ Indeed, McCarrick, who resigned in July from the College of Cardinals, has become the embodiment of clerical corruption, not unlike Johann Tetzl, a 16th century German Dominican friar whose name has become synonymous with the corrupt sale of indulgences.⁴

In sum, three situations have revealed with new urgency: 1) the sexual abuse of minors, largely adolescent males, by some clerics, including bishops, some even bearing the honorary title of cardinal⁵; 2) the sexual molestation of seminarians; and 3) the tolerance, and in some quarters, acceptance, of homosexually active priests and bishops, and promotion of the same into positions of authority.

Pope Francis and his advisors decided to summon all the presidents of the national bishops' conferences of the world to come to Rome for a "summit" from February 21-24 to address this crisis. The common denominators of the events in Chile, Honduras and the US listed above are the violations of chastity (to which all members of the Church are called, see CCC 2337-2359)⁶, and of perpetual continence (to which all clergy are called, see can. 277.1, CIC)⁷. Therefore, the question of celibacy (the chosen resolve not to enter marriage — a duty to which priests in the Latin Church are called) is not relevant to such situations (see can. 277.1, CIC).⁸

Pope Francis has emphasized other common aspects, namely "abuse of authority and conscience"⁹ and the existence of a "culture of abuse and cover-up"¹⁰ fostered and maintained by the ideology of "clericalism" that uses silence, secrecy, and mendacity as tools to protect offending clerics and in certain cases "cliques"¹¹ of clerics committed to "duplicitous"¹² life styles.

After Pope Francis this summer asked Christian scholars affiliated with "responsible centers of higher education" to provide a truthful, lucid, and strategic "promotion of a culture of care and protection,"¹³ a meeting of experts was convened September 24-26, 2018 at Ave Maria School of Law in Naples, Florida.

It was organized by the International Center on Law, Life, Faith and Family on the following theme "Sexually Aggressive Behavior toward Pre- and Post-Adolescent Males, including Seminarians and other Adults, by Catholic Clergy: Prevention, Evaluation, and Responses." The group gave particular attention to the need to protect young men under the spiritual care of Catholic clergy. The group was, of course, aware of other forms of clerical misconduct, such as women religious being sexually abused by priests.¹⁴ The group thought, however, that sexual sins and crimes against males by Catholic clergy merited special attention in light of the McCarrick scandal and other recent revelations. The abstracts printed here represent an overview of the proceedings of this meeting. (Abstracts for a few of the presentations are not included here.) The complete papers will be published in book form in 2019.



In Honduras in 2018, about 50 seminarians complained of an active homosexual culture in their seminary in Tegucigalpa, the capital. The diocesan auxiliary bishop, Juan José Pineda, resigned in June

At the beginning of the meeting, the Pontifical Commission for the Protection of Minors provided a written message that encouraged the participants in their efforts. Monsignor Robert Oliver, Secretary of the Commission, in a letter dated September 20, 2018, wrote: "May I ask that you communicate the following thoughts to the participants: I offer all of you gathered together for this conference greetings from the Pontifical Commission for the Protection of Minors. We look forward very much to the outcome of this conference, which will surely contribute to the mission entrusted to us for the safeguarding of children and vulnerable adults in the Church. As our Members have often discussed, we hope to be a resource for local Churches who are yet developing their safeguarding structures, but also to be a bridge for them with their sister Churches in the sharing of best practices in the protection of minors. Conferences such as yours are instrumental in furthering this mission and I thank you, on behalf of all our Members, for your important efforts in this regard."

The keynote address by **Susan Mulheron**, Chancellor for Canonical Affairs for the Archdiocese of Saint Paul and Minneapolis, offered a 10-point framework for a realistic approach in canon law to addressing clerical sexual aggression against minors and adults which she described as cultural, institutional, and systemic with an emphasis on the need to: 1) recognize global and local expressions of the Catholic Church and canon law; 2) understand the harmful effects of sexually aggressive behavior and the disparate cultural approaches; 3) place universal law within its context understanding the broad discretionary authority of bishops; 4) note the refusal or inability to use canonical remedies in the decades following Second Vatican Council; 5) identify the cultural, institutional, and systemic issues embedded in canon law and therefore the need to address them; 6) recognize the compet-

ing rights and obligations in cases of clerical sexual aggression; 7) increase awareness of the nature and harm of clerical sexual aggression and clericalism as a contributing factor; 8) appreciate the emerging needs and the necessary responses required in canon law to provide effective tools; 9) the need for bishops at the diocesan and episcopal conference levels to develop their own standards and methods of enforcement; 10) the missing accountability structures for bishops and obstacles to their creation.

The remainder of the meeting was divided into various panel discussions.

Panel I put the discussion into context. **Terrence O’Leary** addressed the issue of sexual abuse of children in other contexts to draw a reasonable comparison of the incidence of child sexual abuse between the Catholic Church and other major institutions in the United States, not to soften the responsibility of Catholic Church, but to have a realistic sense of the wider societal affliction. He concluded, among other things, that “the problem of sexual abuse of minors is epidemic in all facets of American society including both churches and public schools.” **William Doyno** presented an overview of the situation in Chile, Honduras, and the United States (the McCarrick case and the Pennsylvania Grand Jury report). **Robert Moynihan**, founder and editor of *Inside the Vatican*, focused on the statements of former Nuncio Archbishop Carlo Maria Viganò. He argued that the allegations are worthy of a further investigation.

Panel II discussed a number of issues of relevance to Church culture. **Robert Fastiggi**, Professor at Sacred Heart Major Seminary, spoke about Church teachings on perpetual continence and celibacy of clerics in the both the Latin and Eastern Rites. **Susan Mulheron** took up the issue of Church structure and bishop accountability highlighting the challenges associated with the goals and principles and initial steps in a plan that had been announced by the United States Conference of Catholic Bishops (USCCB), on 16 August 2018: “(1) an investigation into the questions surrounding Archbishop McCarrick; (2) an opening of new and confidential channels for reporting complaints against bishops; and (3) advocacy for more effective resolution of future complaints,” all pursued “according to three criteria: proper independence, sufficient authority, and substantial leadership by laity.”¹⁵ Following the conference, she updated her findings in light of the four proposals on the agenda of the November 18, 2018 meeting of the United States Conference of Catholic Bishops: 1) a third-party reporting system; 2) restrictions on bishops removed or resigned because of clerical sexual misconduct; 3) a Code of Conduct for bishops; and 4) a full investigation into the situation involving Archbishop McCarrick.

Rev. **Piotr Mazurkiewicz**, Professor at Cardinal Stefan Wyszyński University, in Poland, discussed internal and external factors contributing to the sexual abuse crisis within the Catholic Church, while Rev. **Sean Kilcawley**, Director of the Office of Family Life, in the Diocese of Lincoln gave an overview of the problems associated with seminarians who struggle with compulsive sexual behaviors. Psychologist Dr. **Timothy Lock** addressed the topic of assessment and treatment of clerics for sexual misconduct and related issues. He recommended the creation of ef-

fective mechanisms for the reporting of clerical misconduct.

Panel III took up considerations in the area of health, politics, sociology, and pastoral care. Author **Dale O’Leary** presented data concerning same-sex attraction. Rev. **D. Paul Sullins**, Professor Emeritus at Catholic University of America, studied the correlation between increases in numbers of priests self-identifying as homosexual in the Catholic Church and the rise of sexual assaults against adolescent males, understanding that not ever cleric with same-sex attraction or self-identifying as homosexual has sexually abused children. Rev. **Philip Bochanski**, Executive Director of Courage International, gave an overview of the approach of the Courage Apostolate for the pastoral care of persons with same-sex attraction with reference to the 1986 *Letter to Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons* of the Congregation for the Doctrine of the Faith¹⁶, while author **Daniel Mattson** discussed the thought of Rev. James Martin on the pastoral care of the same underlining how Martin’s approach has failed to respect the same 1986 document.

Judith Reisman, Professor at Liberty University, critiqued the John Jay studies commissioned by the USCCB and concluded that five socio-historical phenomena were either ignored or glossed over by the drafters, each of which: 1) contributed to the creation of “an environment in which mass child sexual abuse could occur and flourish in the Church as in society at large” and 2) was “critical to understanding “the causes and consequences of the global child sexual abuse pandemic of which priest abuse is but one component.” **Dawn Eden Goldstein** gave an overview of her published books dealing with healing sexual wounds.

Author and scholar **Geoffrey Strickland** presented an overview of the dangers associated with the internet within the context of the lobbying movement promoting adult-child sex. This presentation correlated well with the written overview presented by Rev. **Fortunato Di Noto**, founder and President of “Meter Onlus” in Italy, who pioneered efforts to fight the sexual abuse of children on-line by collaborating with state authorities, providing courses on prevention and protection, and preparing annual reports on the growth of internet child pornography.¹⁷

Panel IV addressed legal issues in canon law, civil law, and international law. **Mark Bonner**, Professor at Ave Maria School of Law, gave an overview of the criminal laws in the United States pertaining to sexual aggression against minors and adults, including criminal RICO actions namely those filed by the federal government under the United States federal Racketeering Influence and Corrupt Organizations Act (RICO), 18 U.S.C. Sections 1961-1968 (1970). Due to prior work commitments, Professor Bonner could not complete an article, however, Professor **Kevin Govern** has submitted an article giving a similar overview in which, he promotes restorative justice in the United States context through the establishment of forums for “listening and sharing, through stories and prayer, for dioceses supporting healing and reconciliation within the bounds of the law and in the light of the Gospel.”

Brian Scarnecchia, Professor at Ave Maria School of Law, presented on tort liability and gave an overview of issues and problems pertaining to claims: 1) that bishops are liable for the



Johann Tetzel, a 16th century German Dominican friar whose name has become synonymous with the corrupt sale of indulgences



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harm done to them by priests within their diocese under theories of tort liability — vicarious liability (*respondeat superior*), institutional breach of fiduciary duty and organizational negligence; and 2) that the Holy See (the Pope), a foreign sovereign generally immune from lawsuits, might be held liable for clerical sexual abuse in Catholic dioceses in the United States under the tortious acts exception to the Foreign Sovereign Immunities Act.

Canonist and civil lawyer, **Patricia Dugan** offered the perspective of a practitioner who has defended priests accused of sexual abuse in both canon and civil law trials. She discussed the ramifications flowing from the differences in approach between secular lawyers and canon lawyers who have been advising bishops underlining that the former tend to urge bishops to protect their finances from civil liability, while the latter tend to advise bishops to respect canon law. **Ron Rychlak**, Professor at the University of Mississippi, discussed international law, in particular, the meaning of torture according to the Convention Against Torture and how the Committee Against Torture, set up under the treaty, has erroneously interpreted the definition of state-sponsored torture to include private acts of clerical sexual abuse. This was done during the reporting process that involved the presentation of the Holy See's Initial Report.

Finally, through the lens of current laws and policies (*e.g.*, 2011 Circular Letter from the Congregation for the Doctrine of the Faith,¹⁸ the Statute of the Pontifical Commission for the Protection of Minors,¹⁹ and the 2016 Apostolic Letter of Pope Francis, "A Loving Mother"²⁰), the undersigned offered recommendations for the protection of an expanded group of persons and of certain measures to increase respect for the dignity of the sacraments, in particular the Holy Eucharist, understanding that the situations under consideration in Chile, Honduras, and the USA, not only cause violence to minors and persons under the spiritual care of clerics (*e.g.*, seminarians), but also besmirch what is holy and constitute a sacrilege.

In an effort to build upon the discussion at the expert meeting, additional experts were approached to offer contributions to the

book. **Mary Healy**, Professor at Sacred Heart Major Seminary, has prepared a rich study on biblical sexual morality. She underlines that "the Church's teaching on homosexuality, like all Catholic moral teaching, cannot be adequately comprehended or defended without understanding its foundations in Sacred Scripture. When understood properly, the biblical texts concerning homosexuality not only provide clear moral guidance but also show why God's plan for human sexuality is truly good news."

Author **Russell Shaw** has returned to the theme of clericalism defining it as "an attitude, a state of mind, present among lay people as well as the clergy, that takes for granted the superiority of the clerical state to all other states of life and regards the clerical vocation as normative for all other vocations." He argues that "[c]lericalism is not the cause of sexual abuse by priests but it is related to it inasmuch as it provides a social context in which abuse by clergy is more likely to occur and more likely to be covered up by Church authorities."

Suzanne Mulrain, Faculty member of the School of Theological Studies, Saint Charles Borromeo Seminary, has offered a study of the formation of seminarians for consecrated celibate chastity in which she gives an overview of relevant formational documents and underlines, among other things, that "if personal interactions and relationships involve the whole person, although not their whole identity, then similarly sexual attractions and interactions should not be viewed as a person's identity."

John Czarnetzky, Professor at the University of Mississippi, has provided an overview of how bankruptcy courts in the United States have proceeded in previous bankruptcies involving Church entities "in order to identify why the bankruptcy solution has been, on the whole, successful," while warning that the "next wave of tort liability facing Catholic dioceses" might not be that positive.

Special thanks go to President and Dean of Ave Maria School of Law for holding the meeting at the campus of Ave Maria School of Law and to my administrative assistant Mrs. **Nohemi Athanas** and others, including **Suzanne Mulrain**, as well as **Roger Kiska**, Esq. who moderated the meeting, and finally, to Mr. **Leonard Leo** for his moral support and assistance in raising the necessary funds to organize and run such events. ○

FOOTNOTES

1. William Doyno, Jr., "Hope and Anguish: It was meant to be a visit of healing and hope, but soon turned into the most controversial journey of Francis' pontificate," *Inside the Vatican*, February 2017; See also Pascale Bonnefoy, Catholic Church Faces Reckoning in Chile as Sex Abuse Scandal Widens," *New York Times*, 31 July 2018

2. Edward Pentin, "Honduran Seminarians Allege Widespread Homosexual Misconduct," *National Catholic Register*, 25 July 2018

3. Laurie Goodstein and Sharon Otterman, He Preyed on Men Who wanted to be Priests. Then he became a Cardinal, *New York Times*, 16 July 2018.

4. See *e.g.*, William McGurn, When the Cardinal Sins, *WSJ Opinion*, 30 June 2018.

5. Raymond Arroyo of EWTN, The World Over, Interviews Cardinal Müller, former Prefect of the Congregation for the Doctrine of the Faith, October 4, 2018.

6. See also Ephesians 5:5-7; Galatians 5:16-21; Revelation

21:5-8; Revelation 22:14-16; Matthew 15:19-20; Matthew 5:27-30; 1 Corinthians 6:9-20; Colossians 3:5-6; 1 Thessalonians 4:1-8; 1 Timothy 1:8-11; Hebrews 13:4; Leviticus 18:22; Leviticus 20:13; Genesis 19; Romans 1:1-18, and 1 Timothy 1:8-11.

7. One exception would be the married priests who have come from the Anglican Church. See for example, Apostolic Constitution *Anglicanorum Coetibus*, Providing for Personal Ordinariates for Anglicans entering into full communion with the Catholic Church, 4 November 2009. Married permanent deacons are also not obliged to observe continence according to the Memorandum of 31 January 2012 from the Committee on Clergy, Consecrated Life and Vocations and the Committee on Canonical Affairs and Church Governance of the United States Conference of Catholic Bishops in accordance with a clarification received from the Pontifical Council for Legislative Texts on the issue.

8. See also the discussion by Ed Peters, My Q & A on 'continence,' 'celibacy,' and 'chastity,' *In the Light of the Law: A Canon's Lawyer's Blog*, January 15, 2015.

9. See, e.g., Pope Francis, Letter to the People of God in Chile 31 May 2018, Catholic News Agency, 5 June 2018.

10. *Ibid.*

11. Pope Francis, *Presentation of the Christmas Greetings to the Roman Curia*, December 21, 2017. (“This is very important for rising above that unbalanced and debased mindset of plots and small cliques that in fact represent – for all their self-justification and good intentions – a cancer leading to a self-centeredness that also seeps into ecclesiastical bodies, and in particular those working in them. When this happens, we lose the joy of the Gospel, the joy of sharing Christ and of fellowship with him; we lose the generous spirit of our consecration (cf. Acts 20:35 and 2 Cor 9:7)”);

12. See 2338 CCC (“The chaste person maintains the integrity of the powers of life and love placed in him. This integrity ensures the unity of the person; it is opposed to any behavior that would impair it. It tolerates neither a double life nor duplicity in speech.”); Hannah Brockhaus, “Pope Francis Warns Priests Against Living a Double Life,” *Catholic News Agency*, 15 September 2018.

13. See footnote 9, *supra*.

14. See, e.g., Nicole Winfield and Rodney Muhumuza, “#Me Too reaches Vatican as nuns denounce abuse from priests,” *The*

Associated Press, 27 July 2018

15. United States Conference of Catholic Bishops, “President of U.S. Bishops’ Conference Announces Effort that Will Involve Laity Experts, and the Vatican as U.S. Bishops Resolve to Address Moral Catastrophe,” 16 August 2018.

16. Congregation for the Doctrine of the Faith, Letter to Bishops of the Catholic Church on the Pastoral Care of Homosexual Persons, 1 October 1986.

17. Claire Giangravè, “Italian Priest and Pioneer in anti-pedophilia fight optimistic about Italian Church,” *CruX*, 14 November 2018.

18. Congregation for the Doctrine of the Faith, Circular Letter to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuses of Minors Perpetrated by Clerics, 3 May 2011.

19. *Chirograph of His Holiness Pope Francis for the Institution of a Pontifical Commission for the Protection of Minors*, 22 March 2014 and *Statutes of the Pontifical Commission for the Protection of Minors*, 21 April 2015.

20. Pope Francis, Apostolic Letter issued *motu proprio*, *As a Loving Mother*, June 4, 2016. ■

INSTITUTIONAL CHILD ABUSE IN THE U.S. CATHOLIC, PROTESTANT CHURCHES AND PUBLIC SCHOOLS

■ BY TERRENCE O’LEARY

It is fair to say that the sexual revolution and its attendant by-product of addictive internet pornography have contributed substantially to an epidemic of child sexual abuse in the United States in all corners of society, not just in the Catholic Church. It is informative to view Catholic clergy sexual abuse of minors in the context of the wider problem as seen in all major institutions including Protestant sects and the public schools. The purpose of this document is to attempt to draw a reasonable comparison of the incidence of child sexual abuse between the Catholic Church and other major institutions in the U.S., not so much to soften the harsh reality of our problem, but to have a realistic sense of the wider societal affliction. At the outset of this discussion we should caution that while there is no omnibus research by other institutions of the scope and depth of the NCCB’s 2004 and 2011 studies by the John Jay College of Criminal Justice (JJR), there are some statistically reliable data from which some comparisons may reasonably be drawn.

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Although most readers are no doubt familiar with the John Jay findings, the following key findings, excerpted from the 2004 JJR study (“Nature and Scope”) will serve as background for our comparisons. The total number of victim allegations of abuse in the measured period (1950-2002) was 10,667, involving 4,392 priests.

The number of accused priests represents 4% of U.S. Catholic clergy (109,694). Some 78% of victims were between the ages of 11 and 17. About 81% of victims were male, and 44% of accused priests were ordained prior to 1960. Abuse peaked in the 1980s. The peak was 1985 — 80% of cases were prior to 1985.

In the following comparison, there are valid data which give us the basis for a legitimate comparison with Protestant churches (Moy-

er, William, “Child Sex Abuse by Protestant Clergy,” *Binghamton Press & Sun Bulletin*, August 27, 2007).

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There are approximately 220,000 Protestant churches in the U.S., of which 165,000 (75%) are insured by three major carriers (Guide One, Brotherhood Mutual, and Church Mutual). Fortunately, there are hard data in the form of actual insurance claims made by victims to the three companies. The total number of claims by victims over the decade of 1991-2000 averaged 335 per year. However, if we extrapolate the 335 to include the 25% of churches with unreported claims, the yearly average would increase to 447 claims per year, or a decade’s total of 4,470.

During the same decade, as measured by JJR, 2004, there were only 520 accusations of priests, or an average of 52 per year (versus 447 among Protestant churches). This obviously reflects the strong remedial steps taken by the Church after the Boston scandal.

Remarkably, this methodology suggests that the Protestant sex abuse problem (at least since the Catholic abuse peak of the 80s), may be as much as 8 times greater than the Catholic problem. The major difference is that 70% of the Protestant victims were female, while 81% of the Catholic victims were male. Another way to make a comparison is to extrapolate the 447 yearly Protestant claims and take them back to 1950 so as to make the measured periods match (John Jay versus Protestant claims, 1950-2002). In this example there would be an estimated total of just over 23,000 Protestant abuse cases, versus the Catholic total of 11,000 for the same 1950-2002 period. In short, the Protestant problem would be more than double the Catholic problem. The 52 year comparison (11,000 Catholic abuse cases versus 23,000 estimated Protestant cases) is probably reasonable since ▶



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there are twice as many Protestant church members as Catholics and several times as many churches (220,000 Protestant churches versus 17,000 Catholic churches). In the

10-year comparison above (1991-2000, the disparity showing an 8 times larger Protestant problem than Catholic problem may reflect more recent action by the Church to tackle its difficulties, whereas there does not appear to be a sense of urgency about sex abuse among Protestant churches. (There are exceptions, such as the grandson of the Reverend Billy Graham, who is calling attention to the problem in evangelical churches).

Professor Charol Shakeshaft, PhD, a Hofstra University researcher and the leading authority on sexual abuse in public schools, was commissioned by the U.S. Department of Education to study the problem. (Shakeshaft, 1994, 1995, "Educator Sexual Misconduct"). Ms. Shakeshaft, according to an article by Caroline Hendrie in the March 10, 2004 issue of *Education Week* titled "Sex Abuse By Educators Is Scrutinized," stated in her report that in public schools as many as "290,000

children experienced some sort of *physical* sexual abuse in the decade of 1991-2000." Although she decries the paucity of statistically reliable data on the subject, she was later able, through her secondary analysis of the only reliable nationwide survey (American Association of University Women, "Hostile Hallways," 2001) to estimate that "the physical abuse of students in schools is likely 100 times the abuse by priests." According to Jon E. Dougherty in *Newsmax.com*, April 5, 2004, she also opined that the public school single-decade problem "compares with about five decades of cases of abusive priests." Her analysis involved a survey of over 2,000 "abused" students in grades 8-11, almost 70% female (consistent with the Protestant church findings). We may trust the research skills of Shakeshaft but at the same time exercise caution in forming conclusions because she states that "educator sexual misconduct is woefully understudied." (Hendrie, Caroline, *Education Week*, March, 10, 2004)

Despite our caution, it appears that the problem of sexual abuse of minors is epidemic in all facets of American society including both churches and public schools. ○

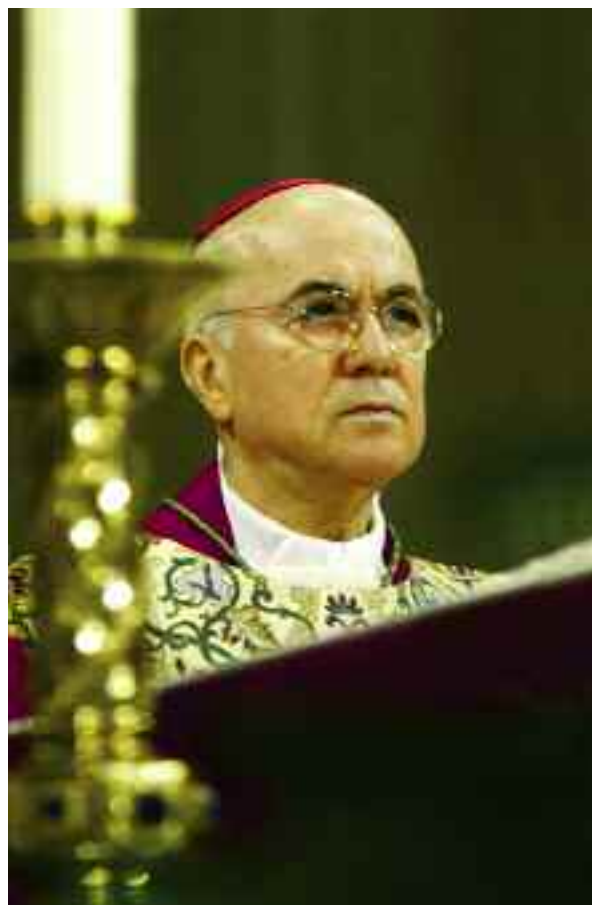
THE VIGANÒ CASE: A SPECIAL COMMITTEE IS NEEDED TO INVESTIGATE HIS ALLEGATIONS

■ BY ROBERT MOYNIHAN

With several "open letters" this year, Italian Archbishop Carlo Maria Viganò, retired papal nuncio to the United States (2011-2016), sparked an unprecedented, emotional debate within the Catholic Church concerning decades of sexual misconduct and molestation by Catholic priests.

Essentially, Viganò's alleged that the Church's hierarchy has for decades knowingly "covered up" clerical sexual misconduct and suggested that dramatic action needs to be taken to end a "culture of coverup" and protect young people from sexual abuse in the future.

On August 26, 2018, Viganò's 11-page *Testimony* was published in the Italian newspaper *La Verità*. It was published in the English-speaking sphere by the *National Catholic Register*, *Life Site News* and EWTN. In the Spanish-speaking zone, it was published by *Infovaticana*, and in the French-speaking zone by *L'Homme nouveau* under the title "To free the Church from the fetid swamp in which she is mired." Viganò also gave this document be-



Archbishop Carlo Maria Viganò, appointed nuncio to the United States on October 19, 2011, retired in 2016

forehand to Italian journalists Marco Tosatti and Aldo Maria Valli.

Essentially, Viganò denounces Rome's protection of the American Cardinal Theodore McCarrick, a homosexual predator who was forced to resign from the College of Cardinals in July.

Viganò explains that two Nuncios to the United States before him, both of whom died prematurely, Archbishop Gabriel Montalvo (from 1998 to 2005) and Archbishop Pietro Sambi (from 2005 to 2011), "did not fail to inform the Holy See immediately, as soon as they learned of Archbishop McCarrick's gravely immoral behavior with seminarians and priests." But no one in Rome reacted, he says.

The lack of action by Pope Francis, though (allegedly) knowing of McCarrick's gravely immoral behavior, Viganò adds, is so grave, so opposed to the Pope's own stated policy of "zero tolerance" for clerical sexual abuse, that, Viganò concludes, if Francis would be coherent with his own policy, he should tender his resignation from the papacy(!).

Viganò's *Testimony* had a special impact because of its timing. It appeared at a precise, critical moment.

On June 20, the archdiocese of New York announced that a "credible accusation" of sexual molestation had been made against then-Cardinal McCarrick, former archbishop of Newark, New Jersey and of Washington, D.C. (the nation's capital and so a very important see for the Church). By the end of July, McCarrick had resigned his position as a cardinal — the first American cardinal ever to do so. Observing this, many began to ask how McCarrick had managed to advance up the hierarchy despite several warnings to his superiors in Rome and his fellow bishops that he had molested seminarians and young priests. "Everyone knew," Viganò said in this regard.

On August 14, Pennsylvania state's attorney, Josh Shapiro, announced that a multi-year grand jury investigation had discovered more than 1,000 victims of the sexual misconduct of more than 300 priests in Pennsylvania over seven decades. The report was devastating with regard to the Church leadership, faulting "bishops and other leaders of the Roman Catholic Church in Pennsylvania" for "covering up child sexual abuse by... persuading victims not to report the abuse and law enforcement not to investigate it," as the *New York Times* reported on August 14.

Thus, the American public, outraged by these two very prominent, widely publicized examples of lack of vigilance on the part of the hierarchy in regard to cases of clerical misconduct, was "primed" to read explosive Viganò's 11-page *Testimony*, made public on the evening of August 25 (the text is actually dated August 22, Feast of the Queenship of the Blessed Virgin Mary).

Essentially, Viganò, as an "insider," broke the traditional Church rule of silence with regard to such matters, and dramatically denounced fellow members of the hierarchy for assisting McCarrick's rise to high position and for perpetuating a "culture of (systematic) coverup" of clerical sexual misconduct. The "coverup" reached all the way to the Vatican, Viganò charged, even, he claimed, touching Pope Francis himself. Viganò claimed that on June 23, 2013, in Rome, he had told Francis personally that McCarrick had "corrupted two generations of seminarians" in his dioceses, and that for this reason Pope Benedict had imposed "restrictions" on the pastoral activity" of McCarrick — but that Francis not only did nothing to maintain those "restrictions," but actually "lifted" them, sending the



Above, Viganò's predecessors as nuncios to the US: Archbishop Gabriel Montalvo Higuera (1998-2005), and Archbishop Pietro Sambi (2005-2011). Below, Pope Benedict with then-Cardinal McCarrick



retired McCarrick on special missions to various places around the world.

Concerning Pope Francis, Viganò writes: "He knew from at least June 23, 2013 that McCarrick was a serial predator. Although he knew that he was a corrupt man, he covered for him to the bitter end; indeed, he made McCarrick's advice his own... It was only when he was forced by the report of the abuse of a minor, again on the basis of media attention, that he took action [regarding McCarrick] (last July) to save his image in the media."

Viganò concludes by suggesting a few remedies for this dramatic situation: "A time of conversion and penance must be proclaimed. The virtue of chastity must be recovered in the clergy and in seminaries. Corruption in the misuse of the Church's resources and of the offerings of the faithful must be fought against. The seriousness of homosexual behavior must be denounced."

In short, Viganò's dramatic allegations, following so closely on the other news reports during the summer of 2018, had a very powerful global impact.

But how accurate was Viganò's account? And what were his true motivations in publishing it? Was he a disinterested campaigner for transparency, or did he have a hidden agenda? Was his dramatic "whistle-blowing" the act of a noble "truth-teller," or was he inventing or exaggerating facts for personal or ideological reasons?

Viganò presented himself as a noble truth-teller without ulterior motive. "I am 78 years old, and I am at the end of my life," he told the Italian Catholic journalist, Aldo Maria Valli. "The judgment of men does not interest me. The one judgment that counts is that of the good God. He will ask me what I have done for the Church of Christ, and I want to be able to respond to him that I defended her and served her even to the end."

And Valli believed Viganò, summing up: "The main point is that the web of complicity, silence, cover-up, and reciprocal favors extends so far that there are no words to describe it, and it involves everyone at the highest levels, both in America and in Rome."

Fr. Jean-François Lantheaume, counselor at the Nunciature in Washington before Archbishop Viganò arrived in 2011, voiced his support on his Facebook page: "I was his counselor in Washington, I saw him reflect and act in very delicate situations, and he is a man of God, who prays and fasts, a man authentically given to God; a straight out man of prayer, an upright man entirely devoted to serving the Holy See, from which he has received nothing but ingratitude and slander!" And he

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added, “He told the whole Truth. I am a witness. Nuncio Viganò is the most honest prelate I know in the Vatican.”

Likewise, on August 27, the respected French Catholic journalist Jean-Marie Guénois wrote, “The investigation conducted by Le Figaro as soon as this document was published, questioning four very well-informed, very different sources, all inside the Vatican, leads to one and the same conclusion: the lessons Archbishop Viganò draws from the case are his own, but it will be difficult to deny the exactitude of the facts he relates.”

Pope Francis has not spoken a word on Viganò’s accusations. On his flight back to Rome after his visit to Dublin in late August, Francis was questioned by journalists about whether he knew of the abuse committed by Cardinal McCarrick as early as 2013. His only answer was this statement: “Read the statement (*the 11-page document*) carefully and make your own judgment. I will not say a single word on this. I believe the statement speaks for itself. And you have the sufficient journalistic ability to make your conclusions.”

But others in the Pope’s circle have questioned Viganò’s motives and veracity. These defenders of Francis have alleged that Viganò has a theological and ecclesial agenda (and perhaps a political agenda as well) that is more conservative than that of the Pope, and that Viganò has acted out of a desire to weaken the papacy and block the papacy’s “reform” agenda.

The Vaticanist Andrea Tornielli — so close to the current Pope that he has a reputation for writing what the Vatican dictates — has denounced the accusations of the former Nuncio. On the website *Vatican Insider* and in the newspaper *La Stampa*, he has claimed that the accusations against Pope Francis and Viganò’s demand that Francis resign are part of a vast campaign to destabilize the Argentinian Pope being orchestrated by the conservative and fundamentalist circles for whom Archbishop Viganò is allegedly performing.

Viganò himself seems to feel confident that any investigation would corroborate his truthfulness. In his “2nd Testimony,” entitled “*Scio cui credidi*” (“I know whom I have believed”), made public on September 27, Viganò called on Canadian Cardinal Marc Ouellet, head in Rome of the Vatican’s Congregation for Bishops, to speak out and confirm the truthfulness of his 1st *Testimony*, particularly in regard to alleged “sanctions” being placed on McCarrick by Pope Benedict, then (allegedly) ignored or lifted by Pope Francis. Ouellet on October 7 responded to Viganò’s appeal, acknowl-



Canadian Cardinal Marc Ouellet, head in Rome of the Vatican’s Congregation for Bishops

edging that Benedict did place “restrictions” on McCarrick’s public activity, but denying that these could be considered “sanctions.” And, Ouellet appealed to Viganò to cease making accusations against Pope Francis, and he praised Francis unreservedly for his leadership of the Church since his election in 2013.

In this context, it is all the more necessary to make a careful assessment of the facts and allegations made by Viganò, and to distinguish allegations from facts.

Clearly, Viganò held a high Church position that gave him a privileged opportunity to obtain personal knowledge of many aspects of the process of the Vatican’s decision-making (or lack of decision-making). Viganò, due to his five years as nuncio in Washington, met personally with dozens of Vatican officials and US

bishops. So Viganò has from the outset a certain potential “credibility” in the sense that he was in a position to know many things that others could never know.

But can what Viganò has told us about these events and decisions be fully trusted? Analysts disagree.

This paper makes an effort to study the facts and allegations made by Viganò, and to distinguish between what is undoubtedly fact, what is uncertain, and what is impossible to consider as fact without confirmation from other sources, whether other officials or Vatican documents.

The conclusion of this paper: only interviews with the Vatican and Church officials cited by Viganò (that is, interviews with Church officials who will be permitted by their superiors to speak openly on these matters) and a systematic study of the official Vatican documents Viganò refers to, can reveal whether what Viganò has written is factual, or untrue, or only partially true.

At several points in his testimony, Viganò explains where corroborating evidence may be found: in files at the Vatican or in the offices of the apostolic nuncio in Washington.

If those files could be studied by a reliable, objective investigator, we could soon know whether the archbishop’s account is accurate, or tendentious and inaccurate.

Therefore, this paper proposes that a special commission or committee be set up to study each of Viganò’s assertions, to determine their truthfulness.

To this end, we list and analyze every assertion the archbishop makes. This list and analysis, we hope, may provide an outline for the research of such a special research commission. ○



Clockwise from above left, the journalists who have released reports regarding the Viganò affair: Marco Tosatti (a journalist and freelance blogger), Aldo Maria Valli (Italian TV-RAI), Andrea Tornielli (*Vatican Insider-La Stampa*) and Jean-Marie Guénois (*Le Figaro* in France)





DOSSIER SEXUAL ABUSE IN THE CHURCH BIBLICAL AND THEOLOGICAL CONSIDERATIONS

THE GOOD NEWS OF BIBLICAL SEXUAL MORALITY

■ BY MARY HEALY



The Destruction of Sodom and Gomorrah, executed by the British Romantic painter John Martin (1789-1854)

Catholics have long been uncomfortable with the biblical passages referring to homosexual conduct. There is much confusion about how to interpret these texts. Are they not bound up with archaic ritual purity laws and primitive taboos? Are not their harsh penalties incompatible with the mercy proclaimed by Jesus in the gospel? As a result of such confusion, Catholics tend to regard Scripture as a liability rather than an asset when it comes to communicating the Church's sexual morality. And when it comes to preaching, hears virtually nothing on these biblical texts.

Yet the Church's teaching on homosexuality, like all Catholic moral teaching, cannot be adequately comprehended or defended without understanding its foundations in Sacred Scripture. When understood properly, the biblical texts concerning homosexuality not only provide clear moral guidance but also show why God's plan for human sexuality is truly good news.

The first step in interpreting the passages on homosexuality to read them in the broader context of the Bible's teaching on sexuality, the foundations of which are laid in the creation account in Genesis 1-2. There we find the affirmation that "God created man in his own image, in the image of God he created him; male and female he created them" (Gen 1:27). It is signif-

icant that to fashion an image of himself in the world God creates not simply a series of individuals, but a *married couple* who are to "be fruitful and multiply." This suggests that the divine image is reflected in a particular way in their fruitful spousal communion with one another.

Genesis 2 again recounts the creation of humanity, portraying the same truth in a different way. Here it becomes evident that it is through their sexual differentiation—their bodily differences designed for spousal union—that the man and the woman recognize their vocation to become "one flesh" in the covenant of marriage. Genesis thus affirms the only sexual "orientation" with which human beings are created: the orientation to spousal communion with the opposite sex that is inscribed in the human body, male or female.

The origins of the conflict and disharmony that now exist in human life are depicted in Genesis 3. Once Adam and Eve choose to disobey God and place themselves outside his gracious plan for human flourishing, a new and destructive possibility emerges: sexuality can be distorted into a means of self-gratification rather than self-gift; love can be twisted into lust. From now on, all their descendants will be born with a tendency toward such disordered sexual desires — but not on- ▶



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ly sexual desires. The human heart now also inclines toward disordered desires for money, possessions, food, drink, comfort, entertainment, admiration, success, popularity, prestige, and power. Same-sex attraction is only one of the countless forms that such disorder can take.

The biblical teaching on creation and the fall provides the necessary background for the Old Testament passages that directly mention homosexual acts. Perhaps the most controversial of these is the story of the destruction of Sodom (Gen 18-19). The debate that swirls around this passage today concerns the sin for which this city was condemned. Was it homosexual conduct, as traditionally held, or was it inhospitality and attempted rape, as recent interpreters argue? The impasse can be resolved by considering this passage in light of its literary context as well as other biblical passages that refer to the sins of Sodom. In fact the answer is not either-or but both-and.

Debate also surrounds the laws forbidding homosexual acts in Leviticus. Such acts are condemned as “abominations.” But so are violations of ritual purity such as eating unclean animals or sacrificing a blemished animal. Do the laws on homosexual conduct, then, belong to the category of ritual purity laws that are now recognized as obsolete? The article shows why the laws on homosexual conduct belong not to the ritual law but to the permanent moral law that orders sexual conduct according to God’s design.

What about the harsh penalties prescribed for sexual violations in the Old Testament? Is God a cruel avenger of those who violate his law? All the Mosaic laws—including the penalties which are no longer in force—can only be rightly understood only in the context of the covenant relationship and the holiness that God desires for his people—a holiness that is both an undeserved gift and a demanding task. Through the Old Testament prophets, the depth of God’s holiness is revealed, paradoxically, in the infinite mercy with which he responds to their sin. God’s judgment on sin is always for the sake of restoring the sinner to himself.

Other Old Testament passages are sometimes claimed as indirect biblical support for homosexual relationships. Was there a sexual dimension to the friendship of Ruth and Naomi, or that of David and Jonathan? Reading these passages as a biblical sanction for homoerotic relationships can only be sustained by forcing the texts and ignoring what Scripture says elsewhere on the topic.

Turning to the New Testament, a popular argument today is that because Jesus was silent about homosexual activity, he would have approved of it as long as it takes place in loving,

committed relationships. But this argument from silence quickly collapses since, by the same reasoning, Jesus must also have approved of incest, bestiality, cult prostitution, and other sexual behaviors condemned in the Law of Moses but never mentioned by him. In fact, Jesus in no way downplayed the biblical moral norms concerning sexual behavior. To the contrary, he set an even higher standard, demanding that not only sinful acts but even the desire for them must be rooted out (Mt 5:27-28). He also reaffirmed the teaching of Genesis about God’s design for marriage as the “one flesh” union of a man and a woman (Mt 19:1-9).

Jesus’ encounters with people who had engaged in sexual sin are illuminating for several reasons. Jesus shows a particular compassion for sinners; he treats them, and all the marginalized, with great warmth and respect. He insists that his followers are to judge no one (Mt 7:1). But the fact that he welcomes sinners in no way implies that he tolerates or condones their sinful behavior. Rather, Jesus is the physician who has come to heal and to call sinners to repentance (Lk 5:31-32). He invites all not only to enter the kingdom of God but to become “fit for the kingdom” (Lk 9:62) through faith and repentance, manifested in a changed life.

Finally, the references to homosexual conduct in the letters of Paul provide another crucial foundation for Catholic teaching. In 1 Corinthians 6, Paul insists that the believers’ new life in Christ is utterly incompatible with the immoral conduct of their former lives, including homosexual activity. Paul’s message is that Christ’s victory applies to our disordered desires as well as our actions. It is not that Christians are guaranteed freedom from temptation or struggle, but that in the Holy Spirit we are given the power to overcome temptation and become

holy. Refusing to indulge disordered desires does not mean settling for a life of misery, for Christ asks his followers to renounce only what would keep us from something inestimably better. The ultimate reason for chaste sexual conduct, whether in marriage or celibacy, is that our bodies have the unspeakable dignity of being temples of God himself.

In Romans 1, Paul depicts the stages of social decline that result from rejection of the truth about God. Sexual immorality of every kind, including homosexual activity, is the consequence of idolatry. The portrait of society that Paul paints should set off alarms for 21st century North Americans. Yet Paul also announces the answer to this crisis: Jesus Christ offers forgiveness and transforming power to all who turn to him in faith. In him we discover our identity as beloved children of the Father and become capable through his Spirit of leading a life of fulfillment and joy. ○



Ruth and Naomi, painted in 1855 by Dutch painter Ary Scheffer (1795-1858)

PERPETUAL CONTINENCE AND CELIBACY OF CLERICS IN THE CATHOLIC CHURCH (LATIN AND EASTERN RITES)

■ BY ROBERT FASTIGGI

The latest revelations of clerical sexual abuse in the USA, Chile, and other countries have led some to question the wisdom of ordaining only celibate men to the priesthood in the Latin Rite of the Catholic Church. Studies on sexual abuse, however, do not reveal any evidence that priestly celibacy contributes to clerical abuse of minors and vulnerable adults.¹ In the general population, most of those who commit sexual abuse are married or in a partnered relationship.²

Some people confuse chastity, celibacy, and continence. Chastity is “the virtue that moderates the desire for sexual pleasure according to the principles of faith and right reason.”³ All people are called to practice chastity according to their state in life. Celibacy refers to “the state of being unmarried and, in Church usage, of one who has never been married.”⁴ Continence “means the chastity to be observed by the unmarried.”⁵ It can also refer to the voluntary abstinence from sexual relations by spouses within marriage.⁶ Celibate priests are called to practice the chastity of the unmarried, which means continence or abstinence from sexual relations. If all celibate priests had observed continence properly in the past, there would be no clerical sex abuse crisis.

At the Second Vatican Council, “perfect and perpetual continence for the sake of the Kingdom of Heaven” was recognized as a practice “commended by Christ the Lord” and a practice of “great value ... for the priestly life.”⁷ Celibacy and perpetual continence are “not demanded by the very nature of the priesthood, but they have “a many-faceted suitability for the priesthood.”⁸ The Council recognized that in the Eastern Churches “there are also married priests of the highest merit.” It was not the intention of the Council “to alter that different discipline which legitimately flourishes in the Eastern Churches.”⁹

It’s important to understand the biblical and Patristic reasons for favoring priestly celibacy and continence in the Latin West. In terms of Scripture, Jesus Himself commends those who renounce marriage for the sake of the kingdom of heaven (Mt 19:12). St. Paul counsels the unmarried and the widows to



The Torment of St. Anthony, a painting depicting the saint's temptations, attributed to Michelangelo Buonarroti, dated to between 1487 and 1489, now in the Kimbell Art Museum, Fort Worth, Texas

remain celibate (1 Cor 7:8, 25–28). Rev. 14:4 extols the virgins in heaven as “the ones who follow the Lamb wherever he goes.”

Recent studies on the history of clerical celibacy by Christian Cochini S.J.,¹⁰ Roman Cholij,¹¹ and Fr. Stanley Jaki¹² show that in the early Church married men ordained to the priesthood were required to remain continent. This is demonstrated by the various local synods. For example, canon 33 of the Council of Elvira (c. 303–305) reads:

It has seemed good absolutely to forbid the bishops, the priests, and the deacons, i.e. all the clerics in the service of the ministry, to have

[sexual] relations with their wives and procreate children; should any do so, let him be excluded from the honor of the clergy.¹³

Similar requirements of continence for married clergy can be found in the canons of the Council of Arles (A.D. 314); Ankyra (315); and the Council of Neocaesarea (315). Canon 3 of the ecumenical Council of Nicaea (325) forbids bishops, priests, and deacons to reside with any woman except those who are above suspicion such as a mother, a sister, or an aunt.¹⁴ The council does not approve “the use of conjugal rights by married priests as if it had been a recognized practice.”¹⁵

In the mid-5th century, the Church historian Socrates claimed that Bishop Paphnuntius from Upper Thebes made an intervention at the Council Nicaea (325) protesting the requirement of continence for deacons, priests, and bishops.¹⁶ There is, however, no record of such an intervention at the Council of Nicaea, and the name of Paphnuntius “does not appear in the oldest lists of the participants at the Council.”¹⁷

At the Synod of Rome under Pope Damasus I (r. 366–384) reference is made to 1 Tim 3:2, which states that bishops and deacons are to be chosen from among men “of one wife.” According to the biblical scholar, Ignace de la Potterie, this verse provides indirect evidence of the expectation of continence. A man who is married but once will be more capable of observing clerical continence than a man who has been married multiple times.¹⁸ This biblical passage, along with the requirement



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of clerical continence in early Church synods, provides strong evidence that the obligation of continence required of married deacons, priests, and bishops is not

a later tradition but “an unwritten tradition of apostolic origin.”¹⁹ Perhaps the strongest witness to the apostolic origin of this requirement is the testimony from the *Codex canonum Ecclesiae africanae*, which includes canons from the Council of Carthage of 390, the Council of Hippo of 393, and the Council of Carthage of 401. Canon 3 of the Council of Carthage of 390 states that “the priests of God” and also the Levites [the deacons] “had to observe perfect continence so as to obtain in all simplicity what they asked from God: what the apostles taught, and what antiquity itself observed, we also have to keep.”²⁰ The Council, therefore, refers to a practice taught by the apostles, which indicates a tradition of apostolic origin.

In the Christian East, a different discipline was confirmed by the Council of Trullo convoked in 691 by Emperor Justinian. This Council is also called the Quinisext Council because it is believed to complete the legislation of the fifth and sixth ecumenical councils held in Constantinople in 553 and 680–681 respectively. This Council required celibacy and continence for those who were named bishops. If a married priest is promoted to the episcopacy, his wife must separate from him and enter a monastery.²¹ Married priests, deacons, and subdeacons were allowed to continue conjugal relations with their wives, but they were not allowed to contract a second marriage if their spouse died.²² The Council of Trullo established the practice

of the Eastern Churches—both Catholic and Orthodox—that continues to the present.

The reason for clerical continence for bishops and priests in the Latin Rite (and for bishops in the Eastern Rites) is that the priest or bishop assumes the posture of Christ who is married to the Church (Eph 5: 22–23). Priests, therefore, are expected to be continent in order to represent Christ, the chaste Bridegroom. By the 11th century, popes such as Nicholas II and Gregory VII decreed that only celibate men could be ordained to the priesthood.

Sadly, there have been lapses from priestly continence down through the centuries. St. Peter Damian (1007–1072) appealed to Pope Leo IX to punish and remove from office any clerics who seduced boys and adolescents or committed acts of sodomy. Leo IX expressed gratitude to Peter Damian for his concern, but he believed that some priests could be allowed to return to ministry after they had washed away

their shameful deeds “by worthy repentance” (Denz.-H, 688). Those who had engaged in acts of sodomy, however, he said could never have “any hope of recovering their order” (Denz.-H, 688).²³

Priestly celibacy is rightly esteemed and embraced as a gift from God. Celibate priests who observe continence serve others with love and act in imitation of Christ, the Good Shepherd. Sexual abuse will not be ended if the discipline of priestly celibacy is abandoned. The abuse of power that is at the core of sexual abuse is found in married men and celibate men. If priests and laypeople follow Catholic sexual morality, the plague of sexual abuse will surely end. Much prayer and penance is needed for this to happen. ○



Above, Pope St. Leo I.
Below, St. Peter Damian (1007–1072)



FOOTNOTES

1. Filipe Domingues, Expert Says Abuse of Power at root of Sexual Abuse in the Church, *CruX*, 26 April 2018, available at <https://cruXnow.com/interviews/2018/04/26/expert-says-abuse-of-power-at-root-of-sexual-abuse-crisis-in-church>

2. Thomas G. Plante, Six Myths about Clergy Sexual Abuse in the Catholic Church, *Psychology Today*, 24 March 2010, available at <https://www.psychologytoday.com/us/blog/do-the-right-thing/201003/six-myths-about-clergy-sexual-abuse-in-the-catholic-church>

3. John A. Hardon, S.J., *Modern Catholic Dictionary* (Bardston, KY: Eternal Life, 2001) 96.

4. *Ibid.*, 89.

5. *Ibid.*, 129.

6. *Ibid.*

7. *Presbyterorum ordinis* (Dec. 7, 1965), no. 16.

8. *Ibid.*

9. *Ibid.*

10. Christian Cochini, S.J. *The Apostolic Origins of Priestly Celibacy* trans. Nelly Marans (San Francisco: Ignatius Press, 1990)

11. Roman Cholij, *Clerical Celibacy in East and West* (Here-

fordshire, UK: Gracewing, 1988).

12. Stanley L. Jaki, *Theology of Priestly Celibacy* (Front Royal, VA: Christendom Press, 1997).

13. Cochini, 159.

14. *Ibid.*, 185.

15. Jaki, 79.

16. Cochini, 195–196.

17. Jaki, 79.

18. Ignace del la Potterie, *The Biblical Foundation of Priestly Celibacy*, available at http://www.vatican.va/roman_curia/congregations/cclergy/documents/rc_con_cclergy_doc_01011993_bfoun_en.html

19. Cochini, 439.

20. *Ibid.*, 267.

20. *Ibid.*, 399.

22. *Ibid.*, 403.

23. See C. Colt Anderson, “When Magisterium Becomes Imperium: Peter Damian on the Accountability of Bishops for Scandal,” *Theological Studies* 65 (2004): 741–766. ■

THE NEW CULTURE AND THE SEXUAL ABUSE CRISIS

■ BY REV. PIOTR MAZURKIEWICZ

EXOGENOUS SOURCES OF THE CRISIS

Undoubtedly, the current sexual abuse crisis in the Catholic Church is deeply rooted in the crisis of Western culture. However, one should not succumb to the temptation to accept that the main reason for the crisis is the influence of secularized pop culture on the clergy, since the same appeared after 1968 and sexual abuse cases in the Church are long standing. The thesis that the sexual revolution infected the Church and her institutions from the outside with a dangerous virus means that the causes of the crisis would then be exogenous and Christians, including priests, would merely be passive victims.

The “1968 culture” is based on an anthropology foreign to Christianity. Sexual intercourse between two adults based on mutual consent is regarded as beyond any moral evaluation. Human sex is perceived as something freely chosen by the performers, regardless of their biological properties, with the main aim being tied to relaxation (*love like a glass of water*). Homosexual behaviors are regarded as being “less entangled in animal corporality” and “safer” for celibates because there is no risk of pregnancy. The only thing still publicly condemned is pedophilia. However, an indirect consequence of negating sexual difference is that the line between generations has also been blurred.

ENDOGENOUS SOURCES OF THE CRISIS

The first official reports on sexual abuse by the clergy circulated before the end of the sixties. We know that the phenomenon appeared after the Second World War, and the number of abuses increased dramatically after the ‘60s. Therefore, the thesis regarding the exogenous nature of the phenomenon is not completely unfounded, but endogenous sources of the current crisis must also

be recognized. One of them is the so-called *Washington DC truce* from 1968. That St. Paul VI decided to tolerate, for a time, opposition against his authoritative statement on contraception in the hope that someday the truth of his teaching would be commonly appreciated, created a background for the “culture of rebellion” among some theologians contesting the Church teaching on human sexuality. Another cause is an exaggerated reliance on the therapeutic culture. Weakness ceased to be perceived as a sin or spiritual problem. It became a “wound” which required understanding and compassion, but not necessarily conversion. A third cause is the so-called “conspiracy of silence” justified on the basis of “protecting the institution”. Abuses were not condemned in public, but rather the victims and their families were encouraged to remain silent, sometimes in return for financial contributions or settlements. For a short time, this approach might have preserved the good image of the institution. However, real concern for the institution was poorly understood, and based on the results of this approach, tragically wrong.

PROPER EUCHARISTIC CULTURE

At ordination, clergy make the promise to live a celibate life. It has always been understood as a commitment to full sexual abstinence. It is closely related to the fact that every act of intercourse outside marriage is a grave sin, and priests are not married. The seminary has always been a place where people were formed to live a life in purity. Freedom from grave sin was always a precondition to celebrate the sacraments, especially the Most Holy Eucharist. Respect for the sacraments demands that a priest living permanently in a grave sin would not be allowed to celebrate the sacraments with a view to preventing sacrilege. ○



CATHOLIC SOCIAL TEACHING AND LIVING THE CHRISTIAN LIFE

■ BY RUSSELL SHAW

Polls and practical experience both point to a widespread ignorance of the principles of Catholic social teaching among Catholic lay people in the United States. A greater emphasis on education in social doctrine is evidently required. One component of this should be to call attention to the eight areas of lay apostolic activity identified by Pope John Paul II in *Christifidels Laici*: promoting the dignity of the human person; fostering respect for the right to life; defending freedom of conscience and religious freedom; protecting and encouraging marriage and family life; participating in public

life; placing the individual at the center of socioeconomic life; and the evangelization of culture. Of particular importance in motivating lay people to engage in apostolic activity is the inculcation of the idea of personal vocation. And highly relevant in a wealthy society like ours is the question of lifestyle. The essay therefore concludes by calling for an updated understanding of the virtue of temperance as it relates to social teaching.

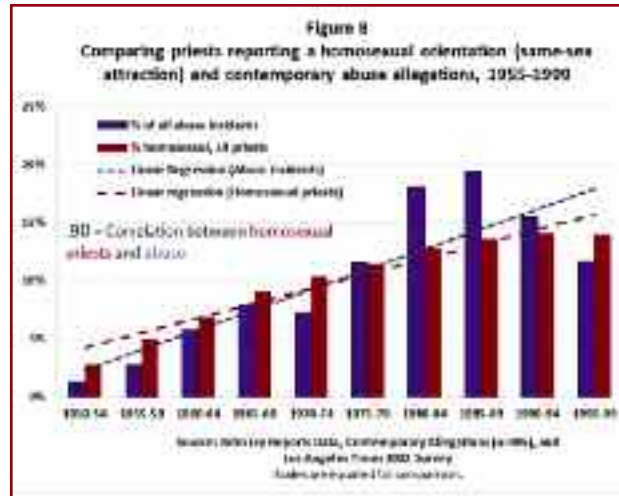
KEY WORDS:

Laity, Lifestyle, Temperance, Apostolate, Vocation ○



IS CATHOLIC CLERGY SEX ABUSE RELATED TO HOMOSEXUAL PRIESTS?

■ BY REV. D. PAUL SULLINS



A diagram comparing the number of abuse allegations over time and the number of priests reporting a homosexual orientation (same-sex attraction). The conclusion of the author: a correlation between the number of abuse cases and the number of priests with same-sex attraction

Sex abuse of minor children by Catholic priests has been a persistent and widespread problem in the Church in recent years. Although over 8 in 10 of victims have been boys, the idea that the abuse is related to homosexual men in the priesthood has not been widely accepted by Church leaders.

The report of the John Jay College of Criminal Justice on the causes and context of Catholic clergy sex abuse (hereafter “JJR2,” for John Jay Report 2) influentially concluded that widespread American abuse was not related to the number of homosexual priests because the reported increase in “homosexual men in the seminaries in the 1980s ...does not correspond to an increase in the number of boys who were abused.”¹ The authors reported that they came to this conclusion without collecting or examining any direct data on “the sexual identity of priests and how it changed over the years,”² instead relying on subjective clinical estimates and second-hand narrative reports of apparent homosexual activity in seminaries. This reliance is surprising since, as the authors were aware, they could not know “whether the open expression of sexual identity in seminaries in [the 1980s meant] that more men were entering the seminary understanding themselves as homosexual [or were] more likely to reveal themselves as homosexual ... than in prior decades.”³ Even if they had known, the percentage homosexual of a new ordination class may be very different than the percentage homosexual of the national presbyterate as a whole.

To test JJR2’s conclusion, I examined the available data on clergy sexual orientation to determine directly whether or not, in their words, “an increase in homosexual men in the priesthood will lead to an increase in the abuse of boys.”⁴ The share of homosexual priests in the United States over time was estimated from a 2002 survey by the *Los Angeles Times* newspaper that included questions about sexual orientation, age and year of ordination. Abuse was measured by the same data used in JJR2. To avoid skew I looked only at contemporary allegations of abuse, in multivariate statistical regressions adjusted for differences in age of abuser and year of abuse.

Increase or decrease in the percent of victims who were male correlated almost perfectly (.98) with the increase or decrease of homosexual men in the priesthood. Among victims under age 8, the correlation dropped to .77, suggesting that easier access to males among older victims may help explain up to a fifth of the bias for boys; homosexual priests explains four-fifths.

The increase or decrease of overall abuse also correlated highly (.93) with the increase/decrease of homosexual priests; not surprisingly since such a high proportion of victims were male. This finding was robust; the univariate correlation without adjustments, illustrated in the Figure 8, was still .90. About half of this association was accounted for by the rise of subcultures or cliques of sexually active homosexual priests and faculty in Catholic seminaries, which was also measured by the survey. For each additional concentration of homosexual priests of two times the population proportion of homosexual men, which in the United States is (generously) 1.8 percent, incidents of clergy sex abuse doubled, up to a maximum of 24 additional incidents per year at a concentration of homosexual priests over eight times that of the population (14.4%). If the concentration of homosexual men in the Catholic priesthood had remained at its relatively low level of the early 1950s, estimated abuse would have been 85% lower, sparing an estimated 12,594 children, mostly boys, from sexual victimization by Catholic priests.

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FOOTNOTES

1. John Jay College, “The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010,” Commissioned by the U.S. Catholic Bishops, May 2011, 100, <http://www.jjay.cuny.edu/churchstudy/main.asp>.
2. John Jay College, 100.
3. John Jay College, 38.
4. John Jay College, 102.



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principles in testing vocations and taking appropriate precautions to the end that young men may be prudently admitted to profession and to Orders.”³

If the internal and external formators are operating from the same principles, then the temptation to live a double life will be mitigated. The instruction advises that confessors and spiritual directors must advise seminarians to leave formation if they have committed a grave sexual sin or continue to have a habit of solitary sins.⁴

Of course, at the time *Religiosorum Institutio* was promulgated seminarians were not raised with access to internet pornography. The basic principle, however, must hold true that there be one standard for the internal and external forum with appropriate expectations and thresholds to be met. A proposed way forward is to foster a culture of transparency that allows seminarians a three-year period from the time they enter formation to demonstrate the habit of living perpetual continence. There

should be an expectation that the seminarian will be honest with the formation committee and work under the guidance of a professional who is trained in the treatment of compulsive sexual behaviors. If the seminarian does not attain this virtue within three years of entering the seminary, he should withdraw from formation. As we respond to the current crisis, attention must be given to the formation of seminarians and a longitudinal study will be needed to assess the efficacy of the psychological assessments, interventions, and human and spiritual formation provided by our seminaries. ○

FOOTNOTES

1. Matthew 19:12
2. CJC 277 p. 1
3. Pope John XXIII, *Religiosorum Institutio*, 2 February 1961. No.17, available at <http://www.papalencyclicals.net/John23/j23religios.htm>.
4. *Religiosorum Institutio*, 30.



THE ANTHROPOLOGICAL AND SPIRITUAL PRIMACY OF CONSECRATED CELIBATE CHASTITY IN THE LIVES OF SEMINARIANS AND PRIESTS

■ BY SUZANNE MULRAIN

The theological understanding of priestly celibacy and seminary formation in consecrated celibate chastity has its root in the Magisterium of the Catholic Church through the foundation created by Jesus Christ, the proto-priest and perfect model of consecrated celibate chastity. An examination of several magisterial documents concerning the topic of consecrated celibate chastity in seminary formation and as practiced in the priesthood will be examined in this Chapter contribution to the book.

The sexual crisis in the Church, in 2018 in the West, involves both clerical sexual abuse of pre-pubescent and post-pubescent male minors, sexual aggression by clerics against young men under their care (e.g., seminarians), and consenting sexual activity with other clerics or non-clerics. Surely this constitutes a crisis to this author, but not to others: Cardinal Donald Wuerl of Washington, DC in the summer of 2018 when a journalist asked for his response, to which he smiled, then laughed, and decreed, “Crisis? No, this is not a crisis at all.”

With a view to offering a substantive and effective contribution to the current discussion, this Chapter focuses on the anthropological and spiritual primacy of consecrated celibate chastity in the everyday lives of seminarians and priests who are real people, living real lives. What separates them from the ordinary layman is that they have been called by God to a unique vocation to serve God's people *in persona Christi*. At the service of others for their entire lives, they serve God by serving others, sharing in God's love for souls. The Chapter underlines that if personal interactions and relationships involve the whole person, although not their whole identity, then similarly sexual attractions and interactions should not be viewed as a person's identity. Indeed, to categorize a person based on his or her sexual attractions is reductive of the human person.

The Chapter reviews documents related to seminarian formation in consecrated celibate chastity. It argues that developed by many popes over time, the current model of formation is comprehensive and serves to form the whole person understanding that each seminarian has been raised in a certain culture and family situation which will likely impact his formation. The program is one that all seminarians must master since it synthesizes the goal of seminary life, that is, to become a priest through self-mastery, self-control, and self-sacrifice.

The rectors of seminaries are consistently learning, as well. Each year they are called to better implement the celibate chastity programs in existence or supplement them to counter any negative influences from secular culture. The current crisis offers an opportunity to engage in a full examination of the current programs.

Pope Francis has reminded all that “[g]ood, balanced formation combines all the dimensions of life, the human, the spiritual, the intellectual dimension with the pastoral.” (2013 Address to priests and seminarians in Rome). In 2005, the United States Conference of Catholic Bishops approved the Program of Priestly Formation, the most recent edition (fifth) of the *Ratio institutionis sacerdotalis* for the United States with its updates regarding issues of same-sex attraction, chastity and celibacy. It has been observed in seminaries for the formation of priests since 2005. In the end, the goal of formation is to shape the seminarian into a priest based on the example of Jesus Christ, who was the proto-priest and as such the perfect model of sanctity and celibate chastity and formed the apostles into priests.

Spiritual formation is ordered to the perfection of charity needed for sacred ordination, the intimate cooperation with

Christ of his whole life with a view to becoming another Christ, animated by His spirit, celebrating the mystery of the His death, following the one who *came not to be served, but to serve* (cfr. Mt 20, 28). Keeping in mind the pastoral purpose of all priestly formation, the spiritual life of the student should develop — with the assistance of the spiritual director — harmoniously, in all its aspects; so that the cultivation of virtue together with an increased openness to grace ensures that the student deepens his commitment to the priestly vocation and related priestly virtues and attitudes. Due importance must also be given to the community; the pupils, inserted into the community should learn to renounce their own will and seek the greater good of his neighbor as well as the common good of the community, by contributing his energies to perfecting his personal life and community life during the years of formation. All in accordance with the primitive Church, where the multitude of believers lived with one heart and one mind (see *Acts* 4:32). Through charity, in fact, the community enjoys the presence of God, fully

observes the law, acquires the bond of perfection, and exercises vigorous apostolic activity.

So that the choice of celibacy is truly free, it is necessary that the student understand with the light of faith the evangelical force of this gift, and at the same time rightly estimate the values of the married state. The young man should also enjoy the internal and external psychological freedom, and possess the necessary degree of affective maturity, in order to experience and live celibacy as a completion of his person. For this purpose, a suitable sexual education is required, which includes a deeper formation of chaste love that will prepare him for interpersonal relationships that he will foster and cultivate in pastoral ministry. To this end,

with a healthy spiritual prudence, students are gradually invited to be in contact with the groups and sectors of the apostolate and social cooperation to learn how to develop sincere, human, fraternal, personal and immolated love. In following the example of Christ, he is to have charity for everyone, especially the poor and the afflicted, which in turn should assist in overcoming solitude of the heart. Since the vocation comes from above and descends from the Father (*Jas* 1, 17), it is necessary that candidates for the priesthood trust in God's help and not presume their own strength in rejecting all that can endanger chastity by practicing mortification and custody of the senses, while being attentive to the natural means beneficial to mental and physical health, including rejection of false theories which claim that perfect continence is impossible or harmful. ○



November 1, 2017, Paul VI Audience Hall, Vatican City. Pope Francis after his General Audience blesses a group of young priests (Grzegorz Galazka).

Opposite, top, Archbishop Raymond Burke of St. Louis poses with seminarians from Kenrick-Glennon Seminary in Shrewsbury, Missouri, at the Cathedral Basilica of St. Louis in December, 2007. Burke has called Kenrick-Glennon Seminary “the heart of the life of the Archdiocese of St. Louis.” (CNS photo/Mark Kempf, St. Louis Review)



RADICAL REPENTANCE REQUIRES TRANSPARENCY AND ACCOUNTABILITY

GUIDELINES TO THE MANAGEMENT OF CATHOLIC CLERGY SEXUAL MISCONDUCT AGAINST ADULTS

■ BY TIMOTHY G. LOCK



Clergy sexual misconduct with adults (note: not “vulnerable adults”) is the most ignored topic in the 2018 Catholic Church crisis. As a clinical psychologist who has been involved with more than 100 cases of clergy sexual misconduct with adults, I recognize there are numerous factors that block transparency and prevent accountability. Placating victims and covering-up has been the norm in the past; however, these behaviors are no longer an option. The current chapter proposes new guidelines to provide authentic accountability and brutal transparency, with the hope of eradicating clergy sexual misconduct and re-establishing trust with the laity (Lock, 2018; Smith, 2018).

The first recommendation entails establishing a reporting system for cases of clergy sexual misconduct.

Each diocese should create their own hotline for phone calls and texts, as well as a website, to receive reports from alleged victims. A shift in the culture of the Church must happen to encourage all individuals to report legitimate concerns regarding the behavior of priests and deacons as well as bishops and cardinals. Cardinals and bishops should provide strong leadership to initiate this significant cultural change (*cf.* Greve, Palmer & Pozner, 2010).

Once a report is received, it should be registered with the appropriate law enforcement agency, so that they can determine any need for action. For complaints that involve individuals age 18+, the next step would be simultaneously submitting the complaint to the following contacts: (a) the Diocesan Lay Commission for Adult Ministerial Misconduct or DLC, (b) the local ordinary (if he is not named in the complaint), and (c) the

National Lay Commission for Adult Ministerial Misconduct or NLC.

The DLC should be an independent organization to review complaints in a particular diocese and to make recommendations to the local ordinary for a response plan. The NLC should be an independent organization to review complaints of all dioceses in the United States of America. In addition, when specific situations arise which warrant intervention on the national level, the NLC, in conjunction with the DLC, could make recommendations directly to the local ordinary. Overall, the NLC would provide accountability to the local DLCs and, when necessary, the local ordinaries — as well as the local archbishop, local cardinal, and the national bishops’ conference.

Once a case has been registered, an investigation would commence. At that time, the alleged victim is assigned a Victim Advocate who should provide the alleged victim with support through the identification of additional local services, ministry opportunities, and counseling.

Based on the investigation, the DLC would prepare a series of recommendations regarding the case that it would then send to both the local ordinary and the NLC.

In the spirit of accountability and transparency, the bishop’s resolutions would be reported directly to the DLC. Recommendations would be made regarding the alleged clergy, the alleged victim, and a public announcement would be made of the resolution. If the DLC were dissatisfied with the response of the bishop, the NLC would be notified to assist with an intervention with the local ordinary. If the bishop were unwilling to act on the matter, the NLC would have the opportunity to apply

pressure for promoting accountability by invoking the assistance of the national bishops' conference and the appropriate Vatican dicastery.

During the investigation of cases of clergy sexual misconduct against adults, formal psychological evaluations may be requested (Lennon, 2011). The psychological evaluation related to clergy sexual misconduct would include a more specific assessment of sexuality, the inclusion of tests used with criminal populations, and an assessment of the psychological factors underpinning the sexual misconduct. Given the specialized nature of the report for clergy sexual misconduct, this report would more formally known as a "forensic psychological evaluation."

Currently, there are three options to obtain these forensic psychological evaluations: outpatient evaluations by independent psychologists, inpatient evaluations at Catholic institutions, and inpatient evaluations at secular institutions.

The outpatient evaluation by an independent psychologist might be more objective because of the absence of conflicts of interest. These conflicts subsist in the evaluator making recommendations that could financially benefit her/his institution. Based on my observations, many Catholic institutions recommend inpatient treatment lasting 6-24 months for a clergyman who has committed an act of sexual misconduct. Such a recommendation is not commensurate with the typical treatment recommendations for other forms of misconduct (Hanson & McGrath, 2018), and it is not commensurate with the typical treatment recommendations for criminal sexual offenders, including offenders who commit sex crimes against children (Cumming & McGrath, 2005). The recommendation for significant inpatient treatment in such cases is suspect given the lack of objectivity in the evaluation and should be offered in only the most extreme cases (Jung, 2017).

Bishops have told me that they are very interested in knowing the likelihood of whether a priest offender might re-offend if he were returned to active ministry. In the field of risk assessment, the use of actuarial data is superior to that of clinical opinion. Over the past 30 years, the field of actuarial risk assessment for criminal sexual offenders has identified specific factors that, taken together, can predict a future re-offense. The field of actuarial risk assessment for clergy sexual misconduct is non-existent. The Church would become safer if priest offenders could undergo such actuarial risk assessment. One of the most esteemed scholars in the field of actuarial risk assessment of sexual offenders believes that a measure could be adapted from a currently established sexual offender risk assessment instrument and applied to clergy sexual misconduct (R. K. Hanson, personal communication, October 20,

2018). However, to develop an assessment tool would require significant resources. I recommend that the national bishops' conferences consider establishing a grant to fund research for the development of actuarial risk assessment measures for clergy sexual misconduct.

Polygraph examinations are included in the best practices of the evaluation and management of individuals who commit sexual offenses (ATSA, 2014). Studies have found that inclusion of the polygraph can cause offenders to be more truthful in their reports, including an increase in admission of high-risk behaviors (McGrath, Cumming & Williams, 2014). Surveys of sex offender providers consistently report that they see the polygraph as a useful management tool (McGrath *et al.*, 2007).

While the polygraph is not seen as a litmus test, the clinical utility is noted in the field (Cumming & McGrath, 2005).

A significant failure that occurs across the United States in the management of these cases is the lack of appropriate supervision. I recommend that each clergyman who has committed an act of sexual misconduct against an adult be assigned a supervisor for a period of no less than five years (cf. Cummings & McGrath, 2005). It would be the supervisor's responsibility to ensure that the priest offender follows the recommendations made by those involved in his care. The supervisor would be responsible to

meet with the priest offender, perhaps on a monthly basis to review progress and to receive quarterly updates from the priest offender's psychotherapist and spiritual director, and to provide quarterly updates to the local ordinary and DLC.

Prevention of clergy sexual misconduct could take a three-pronged approach addressing: the clergy, the seminarians, and the laity. With the clergy and seminarians, training should include the topics of burn-out, boundaries, power differential in relationships, and pornography (cf. Boakye Yeboah, 2016). Programs developed for the prevention of sexual harassment should also be considered. Healthy relationships between brother priests should be fostered. Similar programs could be adapted for use with the laity.

A note to clergy who experience same-sex attractions. There are many priests who experience same-sex attractions who were ordained before and even after 2005 (cf. Congregation for Catholic Education, 2005). Many of these men practice chastity and have been effective in ministry. Others have experienced profound deficiencies and have encountered significant difficulties. Still others fall somewhere in between. Recognizing the challenges that you encounter, the Church would like to offer assistance through the Courage Apostolate (www.couragerc.org). The local Courage chaplain, as well as the executive director, are available for individual consultation and they can recommend additional sources of support and assistance. ○



The website of the Courage ministry. It contains this statement: "Recognizing the challenges that you encounter, the Church would like to offer assistance through the Courage Apostolate" (www.couragerc.org)



SHATTERING MYTHS AND LIES ABOUT SAME-SEX ATTRACTION

■ BY DALE O'LEARY

Fr. James Martin, S.J., in his book *Building a Bridge*, asks the Catholic Church to treat the “LGBT” (Lesbian, Gay, Bisexual and Transgender) community with “respect, compassion and sensitivity,” and to accept their “gifts,” and stop referring to their “inclination” as “objectively disordered.” Fr. Martin would prefer “differently ordered.”¹ The phrase in the *Catechism* “objectively disordered” is not meant to be a psychological diagnosis, but an objective moral evaluation. Same-sex attraction (SSA) is disordered in its origins and it is disordered when it is acted upon.

The Church opens its doors and heart to those who heed the call to “Repent and believe the good news.” The “LGBT” community wants to be welcomed without repenting.

In particular, we are confronting the myth of the healthy priest who self-identifies as homosexual, the claim that clergy who self-identify as homosexual are just like other men, just as suitable for the priesthood, except for one small difference, that they are attracted to males rather than females. However, men who self-identify as homosexual are, as a group, not just like other men. Studies show they are more likely than other men to have various psychological disorders, substance abuse problems, suicidal ideation, multiple sexually transmitted diseases, sexual compulsions, and to have experienced childhood sexual abuse and other traumas. They struggle with shame, internalized homophobia, and feelings that they do not measure up as men, and they are more likely to reject traditional morality.

The plea for acceptance is based on a series of provably false claims, such as that men self-identifying as homosexual were born that way and cannot change, and that trying to change would cause irreparable damage. To support their claims, the “LGBT” activists cite footnotes and statements from various professional organizations, which also have footnotes.

My work for the last 20 years has been to track down the footnotes. At the end of each search, I have found studies which were badly designed and failed to support the claims made and in some cases even refuted them. The statements made by professional organizations were not based on research, but driven by pressure from “LGBT” activists.

The “LGBT” coalition insists that men who self-identify as homosexual do not molest children. They cite a 1984 study by Jenny *et al.* of hospital admissions, and a 1978 study by Groth *et al.* of men in prison for sexual child abuse, both of which are totally irrelevant to the issue of sexual abuse of adolescent boys by clergy.

Men who self-identify as homosexual are more likely to have been sexually molested as children and to have experienced other forms of family disruption, abuse, and trauma. It should be noted that abusers of children were often themselves victims of multiple instances of abuse and family disruption. The words of well-

known authors who self-identify as homosexual refute the claim that men who self-identify as homosexual never sexually molest minors. Indeed, Larry Kramer recounts how men who self-identify as homosexual routinely share stories of how, as minors, they had sexual relations with adults: “In these instances where children do have sex with their homosexual elders, be they teachers or anyone else, I submit that often, very often, the child desires the activity... Most gay men have warm memories of their earliest and early sexual encounters; when we share these stories with each other, they are invariably positive ones.”²

Michelangelo Signorile, author of *Life Outside*, speaks openly about what was legally child sexual abuse: “There have always been young men who are more equipped than others to deal with sex; I, for example, had sex at 13 with a 30-year-old man, not because I was coerced or seeking guidance but because I was actively seeking sex.”³

Kevin Killian, in *Wrestling with the Angel*, recounts how he was sexually molested by Catholic clerics at his boarding school.

When the sexual abuse scandal broke in 2002, Kevin did not pursue his case, but thinking about his experience he recognized that, although he had been a willing participant at the time, he had been taken advantage of: “Disillusioned, dejected, I began to read the whims of these men not as isolated quirks, but as signs of a larger system, one in which pleasure, desire endlessly fulfilled, is given more value... If their love lives were dangerous, surely they would always be protected by the hierarchy that enfolded them.”⁴

An example of the disordered nature of same-sex attraction, is the fact that HIV/AIDS began and remains a serious problem for males who choose to have sexual relations with males. Even before the first man was infected, that “LGBT” community was in the midst of an epidemic of STDs.

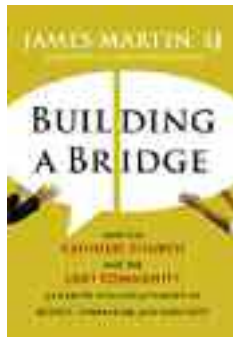
It was only a matter of time before an incurable disease took advantage of the popularity of anal sex with multiple partners in bathhouses.

While men were dying horrible, painful deaths, AIDS activists were opposing the standard, common sense, public health strategies used to deal with such an epidemic.

Public health officials who suggested closing down the bathhouses were vilified.

A number of well-known men who self-identify as homosexual, including Larry Kramer, Michelangelo Signorelli, Marshall Kirk and Hunter Madsen (authors of *After the Ball*, 1989), Gabriel Rotello (author of *Sexual Ecology: AIDS and the Destiny of Gay Men*, 1997), and Randy Shilts (author of *And the Band Played On: Politics, People and the AIDS Epidemic*, 1987), recognized that there is something disordered about their “brotherhood of promiscuity.”

While still affirming their allegiance to the homosexual com-



Fr. James Martin, S.J. in his book *Building a Bridge*, asks the Catholic Church to treat the LGBT community with “respect, compassion and sensitivity,” and to accept the members’ “gifts”

munity, they tried to encourage moderation and responsibility and were vilified for the attempt. A Center for AIDS Prevention Studies fact sheet, entitled “How does childhood sexual abuse affect HIV prevention?” points out problems. “Adults who perceive positive aspects of their own child sexual abuse (such as gaining attention) may also use sex as a soothing or comforting strategy, which can lead to promiscuity and compulsive sexual patterns.”⁵

In taking the title Father, the Catholic priest stands as an image of natural fathers and of God the Father, and therefore sexual improprieties of any kind are rightly viewed as incestuous and

blasphemous. In order to be healthy and mature, a priest must understand fully what it means to be a son, a brother, and a father. He must have successfully navigated the stages of psychosexual development or where deficits occurred experienced healing. If same-sex attraction arises from unmet needs, it is disordered in its origin. In addition to recognizing that “deep-seated homosexual tendencies” are “objectively disordered,” the Church has made it clear that she “cannot admit to the seminary or to holy orders those who practice homosexuality, present deep-seated homosexual tendencies or support the so-called ‘gay culture.’”⁶ Until this wise policy is fully enforced, the risk will remain. ○

FOOTNOTES

1. James Martin, *Building a Bridge* (Harper One, NY, 2018).
2. Larry Kramer, *Report from the Holocaust* (St. Martins Press: NY, 1989), p. 234-235.
3. Michelangelo Signorile, *Life on the Outside* (Harper Collins, 1997), p. 288.
4. Kevin Killian, “Chain of Fools” (in *Wrestling with the Angel*, ed. Brian Bouldrey, Riverhead, NY: 1995), p. 139.

5. Center for AIDS Prevention Studies, Fact Sheet, “How does childhood sexual abuse affect HIV prevention?”
6. Cardinal Zenon Grocholewski, “Instruction Concerning the Criteria for the Discernment of Vocations with regard to Persons with Homosexual Tendencies in view of their Admission to the Seminary and to Holy Orders” (Vatican: Congregation for Catholic Education, November 4, 2005).

REFLECTIONS ON “LGBT” IDENTITIES AND FR. JAMES MARTIN’S BRIDGE BUILDING

■ BY DANIEL MATTSON

In my study, I examine the claims of Fr. James Martin in his book, *Building a Bridge: How the Catholic Church and the LGBT Community Can Enter into a Relationship of Respect, Compassion, and Sensitivity*, as well as many of his public statements on the way he suggests that the Catholic Church minister to those he calls members of the “LGBT Community.” In particular, I examine his presentation at the 2018 World Meeting of Families in Dublin, as well as comments made by him about homosexuality and the Church while the 2018 Rome Synod on Young People, the Faith, and Vocational Discernment was taking place. I approach this question from my own lived experience as a man who once identified as gay, yet converted to the Catholic Church in large part because of the clarity and rationality of Church teaching on human sexuality in general, and homosexuality in particular, through which I found a reliable guide to happiness, joy, peace and true human freedom.



My concerns with Fr. Martin focus on his interpretation of the *Catechism’s* teaching that men and women with a homosexual inclination should be “accepted with respect, compassion, and sensitivity.”

Fr. Martin’s interpretation of this portion of the *Catechism* become the three pillars upon which he frames his book and his pastoral recommendations.

I argue in this essay that Fr. Martin’s conclusions are not respectful, compassionate or sensitive enough to be of any practical use in drawing those he calls members of the “LGBT community” to a saving relationship with Jesus Christ.

Simply put: Fr. Martin fails in modeling Christ’s own example with men and women caught in sexual sin. The model Christ sets for us can perhaps most clearly be seen with the woman caught in adultery,

as relayed in John 8. Christ says to her that he does not condemn her, and yet calls her to conversion and amendment of life by saying, “go, and do not sin again.” (Cf. John 8.11) Fr. Martin sadly refuses to speak about the immorality of homosexual behavior, nor does he call men like me to amendment of life, and thus I conclude that he does a grave disservice to souls, in the name

of a sentimental “respect, compassion, and sensitivity.”

I analyze Fr. Martin’s writings and pastoral suggestions through the lens of both the *Catechism’s* teaching on chastity in general, and homosexuality in particular, as well as the 1986 *Letter on the Pastoral Care of the Homosexual Person*. My conclusion is that, though there is much good in Fr. Martin’s care and concern for men and women with same-sex attractions, his proposals for pastoral care fall woefully short of the model of Jesus Christ who reveals to us who true respect, compassion and sensitivity looks like.

Without a clear call to conversion, combined with a clear teaching that homosexual behavior is immoral, any attempt at pastoral care will fail miserably. Further, I question whether or not Fr. Martin inwardly assents to the Church’s teaching on chastity for men and women with a homosexual inclination, based on ministries he recommends as models for the Church to follow. Since each of these ministries actively dissent from Church teaching on chastity, I suggest that Fr. Martin’s program and recommendations are ones which should not be followed by our bishops or by the Church.

(A version of this essay appeared in the *National Catholic Register* on October 19, 2018, available at <http://www.ncregister.com/daily-news/reflections-on-sexual-identities-the-youth-synod-and-father-martins-bridge>.) ○



DR. KINSEY, CHURCH CULTURE AND THE JOHN JAY STUDIES

■ BY JUDITH A. REISMAN, MARY MCALISTER, CYNTHIA DUNBAR AND ALISA JORDHEIM

The Chapter on Dr. Alfred Kinsey, Church Culture and the John Jay Studies scrutinizes socio-historical issues omitted or trivialized in the John Jay Reports but central to answers about religious, institutional and individual child sex abuse. This Chapter aims to at least begin the process of identifying the root causes of child sexual abuse unreported by the John Jay Reports by noting the reports' most critical errors in context with the historical causes of the collapse of the Judeo-Christian moral compass foundational to Western Civilization. The authors present five socio-historical phenomena deleted or glossed over by the John Jay Reports. Each is critical to the causes and consequences of the global child sexual abuse pandemic of which priest abuse is but one component.

Publication/promotion of Rockefeller-funded Dr. Alfred Kinsey's "scientific" human sexuality reports, which were designed to subvert Judeo-Christian based social institutions.

Cultural chaos created by Kinsey's 1948 and 1953 books and cultivated by change agents in law, social science, medicine, academia, media and other cultural institutions.

Hugh Hefner, "Kinsey's pamphleteer," who founded *Playboy* and the subsequent adult and child pornography pandemic.

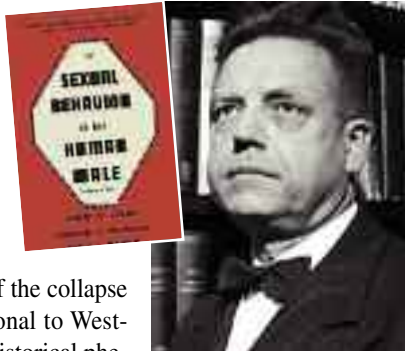
The American Law Institute's Rockefeller-funded creation of a Model Penal Code to transform criminal sex offense laws from family/female/child protective to permissive.

Mirroring the rest of society, introducing Kinseyan sexual practices into the Church via seminary "formation" and deliberate push for deviancy, child sex abuse in the Church.

The Chapter demonstrates how these forces created an environment in which mass child sexual abuse could occur and flourish in the Church as in society at large, as confirmed by government data and by daily reports of arrests of professors, doctors, lawyers, law enforcement officers, teachers, coaches, parents, religious leaders, etc.¹ Yet, these phenomena were selectively addressed or ignored by the John Jay College of Criminal Justice (JJCCJ), which was tasked with identifying the causes of such minor abuse.

JJCCJ FAILED TO ADDRESS THE KINSEY PHENOMENON

Kinsey's *Sexual Behavior of the Human Male* (1948) is recognized as having launched the Sexual Revolution. It purported to reveal scientific proof that longstanding social conventions regarding human sexuality were myths based on sexual repression and religious oppression. Kinsey purported to present "data" finding that most American men and women were promiscuous, adulterous and deviant. He presented the still regularly quoted statistic that 10 to 37 percent of men are homosexual at some point in their lives. He also claimed to establish that all types of sexual activity, e.g., masturbation, oral sodomy, anal sodomy, bestiality, were normal and harmless and should not be prohibited. Kinsey asserted that children are



Dr. Alfred Kinsey and the cover of one of his influential but deeply flawed books

sexual from birth and unharmed by sexual contact with adults. Proof was presented graphically in tables of "data" showing children as young as two months having "orgasms," sometimes multiple "orgasms" over a 24-hour period. It was later learned that said "data" were in fact records of serial child sexual abuse by a) a pedophile involved with former Nazi Germany; and b) an American claiming to have had more than 800 child victims.

Despite its fraudulent and criminal foundations, Kinsey's work was, and is, embraced by cultural change agents to implement their plan to replace Judeo-Christian morality with cultural Marxism in all social institutions. Social scientists, psychiatrists, judges, and legal scholars used Kinsey's "data" to push for wholesale revision of the sexual offense laws. Judeo-Christian legal sanctions against deviancy would first be lightened and then eliminated. Kinsey's data "proving" children are unharmed by sexual activity with adults were quoted throughout the 1955 Model Penal Code (MPC) to justify lowering penalties for, and eventually decriminalizing, sex with children.

Research has found homosexuality as a causative factor in child sexual abuse with higher rates of boy sex abuse by homosexual men than girl/woman sex abuse by heterosexual men.² In 1987 Eugene Abel reported boys abused by pederasts at a rate 650 percent higher than the rate of abuse of girls by pedophiles.³ Early writings by homosexual activists offered similar insights on the prevalence of child sexual abuse by homosexual men. Two authors reported that 50 to 73 percent of homosexual males self-reported having sex with boys.⁴ Echoing the Kinseyan philosophy, they advocated for ending the age of consent, asserting that kids can take care of themselves, and are sexual beings way earlier than we'd like to admit."⁵ Much of the child abuse literature supports a 1989 FBI report stating that a statistic of one in six boys sexually abused was likely underreported.⁶

JJCCJ FAILED TO ADDRESS HOMOSEXUALITY AS CAUSAL IN CHILD SEX ABUSE, INCLUDING IN THE CHURCH

Investigations, books and reports by Church leaders published prior to the JJCCJ studies documented a pederastic child sex abuse nexus with homosexual activism. Moreover, some seminaries mandated Kinseyan human sexuality text books⁷ in formation. One required text, *Our Sexuality* by Catholics Crooks and Baur,⁸ offered graphic photos of deviant sexual acts.

Also especially telling was the book's "childhood sexuality" chapter, offering seminarians the Kinseyan view that children are sexual from birth based on his timed "orgasm data."⁹ These facts and the books documenting homosexual ideology infiltrating the Church were largely missed by JJCCJ, which highlighted books by homosexual apologists.¹⁰

PORNOGRAPHY’S PRESENCE IN, AND INFLUENCE ON THE CHURCH IS BARELY MENTIONED IN THE JOHN JAY REPORTS

JJCCJ paid scant attention to the proliferation of pornography in general and no attention to the proliferation of pornography within the Church. The word “pornography” was found 21 times in 421 pages, and in none of those instances was the prevalence of pornography in the Church addressed. This despite evidence from Catholic leaders and scholars, even from pornography’s founding father, Hugh Hefner. Hefner prominently featured photos and interviews with Catholic priests and heralded a 1977 Trinitarian Playboy advertising campaign that recruited “from 15 candidates... to 60 in the past five years”¹¹ This campaign corresponded to the time period of the highest percentage of child images in Playboy according to Dr. Reisman’s study for the Department of Justice.¹²

Church leaders’ frequent warnings about the dangers of pornography meant that it should have been a significant topic of analysis for JJCCJ’s study of the causes of sex abuse of minors. JJCCJ’s failure to offer more than a passing reference was a monumental error that prevented the Church from having the knowledge necessary to identify key causes of child sex abuse by priests.

CONTENT ANALYSIS OF THE JOHN JAY REPORTS

Dr. Reisman, an expert in content analysis methodology, conducted a *preliminary* analysis of the JJCCJ reports. That analysis revealed that rather than using the historically validated terminology (“pederasty”) to describe major Church abusers, JJCCJ utilized neologisms developed by Kinsey successor, Dr. John Money, mentor to Dr./Rev. Michael Peterson, founder of St. Luke’s Institute. Many accused priests were sent to St. Luke’s for treatment. Money and his colleague Dr. Fred Berlin, both of Johns Hopkins University, became key consultants to the bishops on the issue of “rehabilitating” priests accused of child sexual abuse. Both claimed psychological, curative expertise which was false. They again aligned with Kinsey, a primary causal agent of the sex very child abuse crisis, while claiming to have the necessary skills to resolve the crisis.¹³

In sum, this is a battle for the civil society in which the Catholic Church has historically played a towering moral and redemptive role. For the past and future victims, it is of consummate import to root out the homosexual/pederast network, always understanding that most of this network have themselves been early victims of manipulation and/or sexual assault. ○

FOOTNOTES

1. Lori Handrahan, *Epidemic America’s Trade in Child Rape* (2018); Sexual Assault of Young Children as Reported to Law Enforcement, <https://www.bjs.gov/content/pub/pdf/saycrle.pdf>
2. See, e.g., David Fergusson et al., *Is Sexual Orientation Related to Mental Health Problems and Suicidality in Young People?* 10 ARCHIVES GEN. PSYCHIATRY 876-80 (1999).
3. Gene Abel et al., *Self-reported Sex Crimes of Nonincarcerated Paraphiliacs*, 2 J. INTERPERSONAL VIOLENCE 2(1), 3-25 (1987).
4. Karla Jay & Allen Young, *Out Of The Closets: Voices Of Gay Liberation*, 338, 365 (1972).
5. *Ibid.* at 275.
6. National Center for Missing Exploited Children in cooperation with the Federal Bureau of Investigation, *Child Sex Rings: A Behavioral Analysis (December 1989)*. <https://www.ncjrs.gov/pdffiles1/Digitization/126804NCJRS.pdf>
7. Paul Likoudis, *Amchurch comes out*, 20 (2002).
8. *Ibid.*

9. Robert Crooks and Karla Baur, *Our Sexuality*, Chapter 13, “Childhood Sexuality” (2d edition, 1983).
10. See A.W. Richard Sipe in JJCCJ’s, *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States 1950-2002*, 226 (2004).
11. Janis Johnson, “Playboy Ads Help Recruit Priesthood Candidates,” *The Washington Post*, January 21, 1977. https://www.washingtonpost.com/archive/local/1977/01/21/playboy-ads-help-recruit-priesthood-candidates/d8dd4b44-90bd-4c9d-bdce-81dcfd764997/?utm_term=.113b9d50d6b3.
12. See Reisman, *Children, Crime and Violence in Playboy, Penthouse and Hustler* (1987). <http://www.drjudithreisman.com/archives/CCV-Full-Report.pdf>.
13. Thomas P. Doyle, F. Ray Mouton, Michael R. Peterson, *The Problem of Sexual Molestation by Roman Catholic Clergy: Meeting the Problem in a Comprehensive and Responsible Manner*, 1985, p. 2. ■

“ADULT-CHILD” SEX AND ITS LOBBYING MOVEMENT

INCREASINGLY CONDITIONED BY THE VIRTUAL FUTURE

■ BY GEOFFREY STRICKLAND

In June 2018 a mother in Australia witnessed the moment her 6-year-old daughter was invited into a “sex room” in the very popular children’s online game “Roblox.” In July 2018, a child’s online avatar was violently gang raped in the same popular children’s game. Each day it seems the news media presents more and more examples of a “virtual” reality and future yielding far more than merely “virtual” effects in real life. The question thus is a timely one regarding the relationship of technology, “adult-child” sex, and its lobbying movement in civil society.

This Chapter argues that the virtual and technological arena will play an increasing-



ly important role in shaping efforts of the pro-pedophilia lobby to advance their agenda of “normalizing” and desensitizing societies to child abuse/adult-child sex.

In considering these issues, attention should not only be given to past and current trends but also to examining how and where the dynamics of the lobby may play out in the future, with a view to formulating a more coherent strategy to defend children from abuse, understanding as well that technology offers possibilities to creatively prevent children from being abused and to bring to justice those who perpetuate abuse against them. ○

Here below, the popular online children’s game “Roblox”



DOSSIER SEXUAL ABUSE IN THE CHURCH LEGAL CONSIDERATIONS

OVERVIEW OF VARIOUS ISSUES FROM THE PERSPECTIVE OF CANON LAW

■ BY SUSAN MULHERON

This Chapter constitutes the keynote presentation that launched the expert meeting. As such, it offers an overview of the various issues and challenges regarding the use of canon law to address sexual aggression by clergy in the Church. Starting from the premise that the fundamental issues at the heart of this crisis are cultural, institutional, and systematic, the Chapter considers the ways in which these issues are embedded in the culture, institutions, and systems of the Church, and therefore in canon law, and so call for a response at the same level.

The Chapter discusses 10 challenges in successive order: 1) differences between global and local expressions of the Catholic Church and canon law; 2) developing understandings of the harmful effects of sexually aggressive behavior and disparate cultural

approaches; 3) cultural context of the development and promulgation of universal law; 4) refusal or inability of Church authority to use canonical remedies; 5) cultural, institutional, and systematic issues embedded in canon law; 6) competing claims to right behavior; 7) general lack of awareness of harm of sexual abuse and clericalism; 8) effective tools in canon law; 9) reliance on bishops at the diocesan or episcopal conference level to develop their own standards and methods of enforcement; 10) lack of accountability structures for bishops and obstacles to the creation of these structures. The Chapter concludes with a call for revisions to areas of canon law that are demonstrably insufficient for addressing the magnitude of the crisis and the implementation of clear directives for Church authority to respond to these allegations. ○

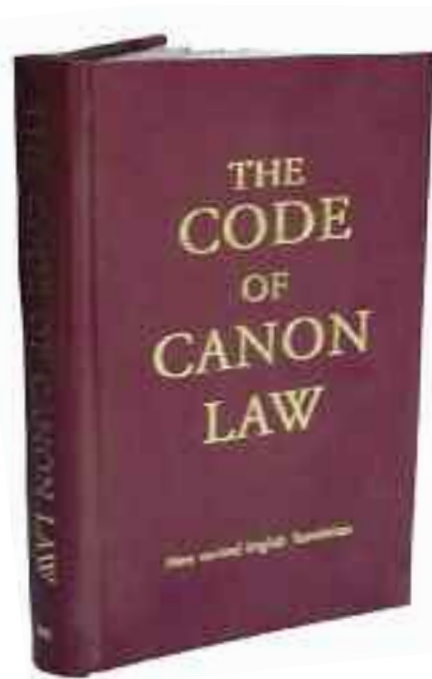


Image of pages from the *Decretum* of Burchard of Worms, the 11th-century book of canon law. Center, the present *Code of Canon Law* (1983) and, right, the *Code* promulgated by Pope Benedict XV (1917)

CHURCH STRUCTURES AND ACCOUNTABILITY

■ BY SUSAN MULHERON

This Chapter reviews the canonical structures that currently exist and some that have been proposed to address accountability of ecclesiastical authority, especially regarding response to allegations of sexual abuse and misconduct by clergy. It begins with an overview of the current structures and processes, and identifies where there exist obstacles and difficulties to responding to the increasing demand for ac-

countability measures to be established within the hierarchical structure of the Catholic Church. These obstacles are not insurmountable, but this presentation describes how identifying and understanding these challenges is a necessary preliminary step in the process of developing structures and accountability measures that are appropriately grounded in Catholic theology, ecclesiology, and canon law. ○

RECOMMENDATIONS FOR THE PROTECTION OF SEMINARIANS FROM SEXUALLY AGGRESSIVE CLERICS

■ BY JANE F. ADOLPHE

We recommend that current policies for the protection of children and vulnerable adults be amended or expanded to protect certain groups in trust relationships with the offending cleric such as seminarians. In addition, suggestions are made as regards increasing respect for the dignity of the sacraments, in particular, the Holy Eucharist, understanding that the three situations under consideration, mentioned in the Introduction (Chile, Honduras and the US), all involving active homosexuality not only cause violence to minors and to persons under the spiritual care of clerics (*e.g.*, seminarians), but also besmirch what is holy and constitute a sacrilege.

The suggestions are fleshed out in four parts.

Part I describes the multifaceted approach to the protection of children and vulnerable adults and discusses what might be improved, including the inclusion of a delict that recognizes clerical violence not only against minors (under 18) but also violence against young persons (18 years and older) under the spiritual care of the offending cleric, especially seminarians.

Part II discusses the 2011 Circular Letter from the Congregation for the Doctrine of the Faith (CDF) and elements that might be relevant to protect young persons, especially seminarians.¹

Part III treats the Pontifical Commission for the Protection of Minors and makes recommendations for a broader mandate that would include the protection of young persons (18 to 30) in the care of clerics, especially seminarians.

Part IV discusses the current canonical norms on the accountability of bishops and their removal from office for grave reason

and whether article 1.3 of the Apostolic Letter “A Loving Mother” should be amended to include a reference stipulating that it is enough that the lack of due diligence be grave in the case of clerical sexual abuse of persons under the same cleric’s spiritual or formational care.

This would be in addition to the current reference relating to the sexual abuse of minors and vulnerable adults.²

Similarly, if the norms are to protect the “weakest of those entrusted” to the Bishop’s care, then perhaps another article should stipulate that the lack of due diligence is grave in cases concerning the failure to protect the Person of Jesus Christ in the Sacrament of the Eucharist from sacrilege and disrespect when clerics habitually engage in immoral sexual behavior with other clerics or non-clerics and continue to celebrate the Mass, understanding that the efficacy of the sacrament does not depend upon the minister being free from mortal sin (CCC, 1127-1128), nor is the real presence of Christ in the Eucharist negatively affected provided that the same celebrating the Eucharist uses proper matter, form, and intent (See Denz.-H no. 794).○

FOOTNOTES

1. Congregation for the Doctrine of the Faith, *Circular Letter of the Congregation for the Doctrine of the Faith to Assist Episcopal Conferences in Developing Guidelines for Dealing with Cases of Sexual Abuses of Minors Perpetrated by Clerics*, May 3, 2011.

2. Pope Francis, Apostolic Letter issued *motu proprio*, “As a Loving Mother,” 4 June 2016.■





TORT LIABILITY IN CASES OF CLERICAL SEX ABUSE

■ BY BRIAN SCARNECCHIA

Many Catholic dioceses and religious orders in the United States have gone bankrupt over clergy sexual abuse. The Catholic Church in America has paid out over two billion dollars in settlements and judgments to clerical sex abuse victims. In search of even deeper pockets, plaintiff attorneys have sued the Holy See in federal court. So far, they have been unsuccessful. But for how long?

Victims of clerical sex abuse have sought relief for a variety of personal injuries including sexual assault, sexual battery, seduction, false imprisonment, fraud, intentional or negligent infliction of mental distress, defamation of character, intentional and negligent interference with contractual relations, invasion of privacy and counseling and clerical malpractice. Those in close relationship with the victims of clerical sex abuse have also sued for loss of consortium and intentional or negligent infliction of mental distress. The harms alleged in these complaints are premised on several theories of tort liability that hold an organization responsible for the misdeeds of its agents – claims of vicarious liability (*respondeat superior*), institutional breach of fiduciary duty, organizational negligence and military command



responsibility. This study reviews and critiques the major court decisions that have considered the merits of these theories of tort liability and, on this basis, recommends good practices that Church leaders should implement to stem clerical sex abuse and protect the common good of the Church.

Since 2002 when the clerical sex abuse crisis began, tort litigation has helped vindicate the victims. However, at some point such litigation becomes counterproductive. This study underlines the sovereign immunity of the Holy See that precludes it from being held liable for clerical sex abuse in the Catholic Church around the world, especially in the United States, understanding that in some States, domestic law carves out exceptions to this general rule. Consequently, this study echoes the warning St. Thomas More made at the dawn of the Protestant Reformation – “If the Pope does not clean his house, others will,” understanding that failure to act, might mean that today, it will not be a discontent Augustinian monk who nails a theological

thesis in protest on Church doors, but rather the attorney of a plaintiff, and the Church doors could be those of St. Peter’s Basilica in Rome. ○

TRUTH, JUSTICE, AND RECONCILIATION IN THE WAKE OF CLERICAL SEXUAL ABUSE IN AMERICA

■ BY KEVIN H. GOVERN

“It is essential that we, as a Church, be able to acknowledge and condemn, with sorrow and shame, the atrocities perpetrated by consecrated persons, clerics, and all those entrusted with the mission of watching over and caring for those most vulnerable. Let us beg forgiveness for our own sins and the sins of others.” — Pope Francis, 2018 [1]

Recent revelations of cleric sexual abuse in America between the years 1950 and 2000’s have similar patterns to other offender groups regarding onset, career duration, and recidivism.²

As a source of future abuser-perpetrators, “previously abused clerics as well as clerics who exhibited an early onset of abuse were more likely to accumulate police investigations.”³

This Chapter will first outline a history of cleric sexual abuse from 1950 through contemporary times, and the past civil and criminal prosecutions of Roman Catholic sexual abuse cases. Following that, contemporary theories of criminal liability will be examined as an alternative to — rather than an adjunct with — civil tort lawsuits given their inadequacy to deter future abuse. In particular, the

challenges and opportunities will be reviewed to using state and federal Racketeer Influenced and Corrupt Organizations (RICO) Act⁴ prosecutions for extended criminal penalties and a civil cause of action for acts performed by both clerics and Church decision-makers acting as part of an ongoing criminal organization.

Finally, as an element of restorative justice, this Chapter will suggest forums for listening and sharing, through stories and prayer, for dioceses supporting healing and reconciliation within the bounds of the law and in the light of the Gospel.⁵ ○

FOOTNOTES

1. Pope Francis condemns child sex abuse and Church cover-ups, *BBC News*, 20 August 2018
2. Alex Piquero *et. al*, “Uncollaring the Criminal — Understanding Criminal Careers of Criminal Clerics,” *Criminal Justice and Behavior*, Vol. 35, No. 5, May 2008, at 583,
3. *Ibid.*, at 583.
4. *E.g.*, 18 U.S.C. §§ 1961–1968
5. *E.g.*, Truth and Reconciliation Commission, Roman Catholic Diocese of Saskatoon, Saskatchewan, Canada. ■

BANKRUPTCY AND THE NEXT-WAVE CLERICAL ABUSE CRISIS

■ BY JOHN CZARNETZKY

Since 2004, nineteen Roman Catholic dioceses and religious orders have filed for protection under the provisions of the United States Bankruptcy Code. The result of these cases has been an orderly distribution of billions of dollars to victims of clerical sexual abuse in exchange for a financial fresh start for the dioceses and religious orders involved.

The experience of the past 15 years points to bankruptcy as the favored solution when liabilities – particularly tort liabilities for clerical sexual abuse — threaten to overwhelm diocesan finances. Bankruptcy can be a painful process for any debtor, but, to date, the benefits of such cases for Roman Catholic dioceses have outweighed the pain.

Bankruptcy cases are not without risks, however. The next wave of potential tort liability for clerical sexual abuse is differ-

ent in nature than previous cases (as Professor Scarnecchia explains elsewhere in this volume). Because the nature of a debtor's liabilities drives the results of a bankruptcy case to a great degree, the result of bankruptcies precipitated by such liabilities might vary as well. The devil, quite literally, is in the details.

This chapter will provide a guide to such future diocesan bankruptcy cases. After a brief introduction to a bankruptcy reorganization case, we will discuss how bankruptcy courts have proceeded in previous church bankruptcies in order to identify why the bankruptcy solution has been, on the whole, successful.

We will conclude with an assessment of how the looming next wave of tort liability facing Catholic dioceses might transform the bankruptcy solution in future diocesan bankruptcy cases from the path to a financial fresh start to a nightmare. ○

TORTURE, CRIMES AGAINST HUMANITY AND THE ABUSE OF INTERNATIONAL LAW

■ BY RONALD J. RYCHLAK

In 2014, the United Nations Committee Against Torture (CAT) questioned the Holy See (Pope, in the narrow sense, or including Roman Curia, in the broad sense) regarding its handling of the sex scandal that dominated the news more than a decade earlier. The argument advanced by some members of the CAT was that individual acts of sexual abuse (or rape) by Catholic priests constituted “torture” under international law. A group called the “Survivors Network of those Abused by Priests” filed a petition with the International Criminal Court accusing the pope, the Holy See Secretary of State, and two other Holy See officials of “crimes against humanity” and urging prosecution at The Hague. There was also a book published arguing that Pope Benedict XVI should be held accountable for human rights abuse due to his handling of the sex abuse crisis in the Church.

The argument against the Holy See is based upon the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (the *Convention*), an international instrument under the purview of the United Nations. The *Convention* aims to prevent torture and cruel, inhuman degrading treatment or punishment around the world. It requires member nations to take steps to prevent torture within their borders, and it forbids states to transport people to any country where there is reason to believe they will be tortured. The CAT monitors implementation of the *Convention*, and it is the panel that called the Holy See forward to explain its handling of the sex scandal.

Certain members of the CAT suggested that individual acts of sexual abuse and rape committed by Catholic priests constituted torture for which the Church, understanding that the Holy See is the governing organ of the same, was responsible under the *Convention*. The argument was that when priests coerced or seduced minors into

The Holy See's representative to the United Nations in Geneva, Switzerland, Archbishop Silvano Tomasi (left) and the Promotor of Justice, Bishop Charles Jude Scicluna, before the High Commission for Human Rights in Geneva on January 16, 2014, (Fabrice Coffrini, Afp)



having sex, or when they physically forced themselves upon the minors, this constituted rape, and that – in and of itself – though lacking any indication of a desire to torture or of other markers (like captivity, extreme brutality, extraction of information, military or police actors, etc.) typically required to establish an international crime, legally amounted to torture for which the Holy See should be held responsible.

As to the first part of the argument, that such an act constitutes rape, this paper is in complete agreement. This paper also agrees that there is no defense for those who commit rape or other sexual abuse, especially when the victims are juvenile, and the perpetrators are in positions of authority. This paper, however, disagrees with the implication that rape and the type of sexual abuse contemplated by the CAT members constitutes or can be prosecuted as torture or crimes against humanity. That part of the argument comes from a horribly strained reading of the *Convention*.

Sometimes rape or sexual abuse is used as a weapon of war or an implement of torture. In those most heinous of situations, rape appropriately can be considered an element of the crime of torture, genocide, war crimes, or crimes against humanity. That does not, however, mean that every rape can or should legally be classified as torture. To hold otherwise would defy all logic and legal analysis, and ultimately—by eliminating separate punishment for the separate crimes—it would make victims less safe.

While those individuals who are guilty of abuse should be properly punished, neither they nor the Holy See are responsible for torture or crimes against humanity under international law. As set forth in this paper, arguments to the contrary are completely untenable, and they seem to have been advanced in bad faith. ○



Author Biographies (in alphabetical order)

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Jane Adolphe is a Professor of Law at Ave Maria School of Law and an Expert for the Holy See (Secretariat of State, Relations with States). She began her legal career clerking for the Alberta, Canada, Court of Appeal and Court of Queen's Bench. After practicing with the Law Firm of Bennett Jones Verchere, she served as a prosecutor with the Alberta Crown Prosecutor's Office. She then worked as a legal consultant with a law firm in Rome, Italy. While in Rome from 1998 to 2001, she attended United Nations conferences as a legal consultant for non-government organizations interested in the rights of women, youth, children and the International Criminal Court. From 2003 to 2011, she worked as a human rights consultant to the Holy See, Secretariat of State, Second Section (Relations with States) attending various international conferences and meetings in Rome, New York, Geneva, The Hague, Vienna, Rio de Janeiro and León. Then, in 2011, she was invited by the Holy See to work with the Secretariat of State, Second Section, in Vatican City State. She has a Bachelor of Arts degree along with degrees in common law, civil law and canon law (B.A., LL.B/B.C.L., J.C.L., J.C.D.) and is a member of the Bar Associations of Alberta and the State of New York. She writes and lectures on international law and the Holy See.

Rev. Philip Bochanski

Fr. Philip Bochanski was ordained a priest in 1999 for the Philadelphia archdiocese. He was a pastoral associate in several Philadelphia parishes and a chaplain for the Holy Spirit Adoration Sisters, the Catholic Medical Association's Philadelphia guild, and the Courage apostolate's Philadelphia chapter. He became associate director of *Courage* last year. He has helped implement the apostolate's "Courage Study Days" to help form priests about Catholic teaching on homosexuality, how to be clear and compassionate in presenting Catholic teaching, and how to provide authentic pastoral care to men and women with same-sex attractions.

Mark H. Bonner

Professor Bonner began his legal career at the U.S. Department of Justice and served there for more than 25 years, including appointments as Assistant U.S. Attorney in Los Angeles and the U.S. Virgin Islands, and Resident Legal Advisor in Moscow. For 10 years at Justice Department headquarters he directed the investigation and prosecution of high-profile federal cases involving international and domestic terrorism. He subsequently joined the U.S. Treasury Department, where he was appointed Senior Advisor and Chief of Staff to the Undersecretary of the Treasury for Enforcement. Prior to coming to Ave Maria, Professor Bonner served as a Senior Ad-



visor in the United States Department of Homeland Security's Policy Directorate, Office of International Affairs, where he oversaw the Department's activities within the Group of 8 (G8) countries. He also taught as an adjunct professor of law at Georgetown University Law Center for 13 years, and has lectured at the International Law Enforcement Academy in Budapest, and the National Institute for Trial Advocacy at Notre Dame. Professor Bonner graduated from the Portsmouth Abbey School, and received an A.B. from Georgetown University, and a J.D. from the Washington College of Law of American University.

Prof. John Czarnetzky

Professor Czarnetzky is the Mitchell McNutt & Sam and Jessie D. Puckett, Jr. lecturer in law at the University of Mississippi School of Law. He is a graduate of the Massachusetts Institute of Technology (B.S., 1982, Chemistry), and the University of Virginia (J.D., 1989); he was an Executive Editor of the *Virginia Law Review*, and editor of the *Virginia Journal of Environmental Law*. Prior to law school, Czarnetzky was an officer in the United States Army where he was a chemical officer working as an intelligence analyst. After law school, he practiced bankruptcy and commercial law with Sidley & Austin in Chicago, and McGuire, Woods, Battle & Boothe in Richmond, Virginia.

Czarnetzky joined the University of Mississippi School of Law in 1994, and has taught courses in bankruptcy, corporate reorganization, secured transactions, civil procedure, business associations, and international trade. Czarnetzky serves as a legal adviser to the Holy See's Mission to the United Nations, along with Professor Rychlak. In that capacity, he has represented the Holy See in negotiations including the establishment of the International Criminal Court and several international treaties, including one on the rights of persons with disabilities.

Professor Czarnetzky and his wife, Sylvia Robertshaw Czarnetzky, reside in Cleveland, Mississippi.

Rev. Fortunato Di Noto

A Sicilian priest, Father Fortunato Di Noto has rooted his mission in the world wide web. The "digital suburbs" have become his home, the place where he invests his energies studying the parts of the web that hide the crimes of pedophilia and child pornography. He founded and heads the Meter Association, which monitors the internet. He collaborates with organizations that fight against pedophilia and child pornography as a member of the National Observatory Against Pedophilia and Online Child Pornography within Italy's Presidency of the Council of Ministries. He is a Bioethics Professor at the Superior Institute of Bioethics at the Pontifical Salesian University in Messina and a member of the Commission for the Defense of Minors of the Italian Episcopal Conference.

William Doino Jr.

William Doino Jr., a longtime contributing editor of *Inside the Vatican* magazine, is a researcher and writer specializing in religion, history and politics. Internationally recognized for his work on Pope Pius XII's role during the Holocaust, he is the lead contributor to the anthology *The Pius War: Re-*

sponses to the Critics of Pius XII; and also served as the historical advisor to *My Battle Against Hitler*, the memoirs of Dietrich von Hildebrand, the famous anti-Nazi Catholic philosopher. Mr. Doyno is currently working on two book projects: the first, on the vitality of contemporary interfaith relations; and the second, on the Catholic Church's triumphs and travails since Vatican II.

Patricia M. Dugan

Patricia M. Dugan maintains civil and canon law practices from her law offices in Philadelphia, PA. She earned her undergraduate and civil law degrees from Villanova University, PA. She earned her Licentiate in Canon Law, *summa cum laude*, from the Pontifical University of Saint Thomas Aquinas in Rome, Italy. She also earned a degree of Masters of Religious Studies, Moral Theology, from Saint Charles Seminary in Philadelphia, PA, USA. Her canon law work has been concentrated in advocacy in penal proceedings, sponsorship, religious institutes, and parish reorganization. Doctor Dugan has held many different positions in the Canon Law Society of America, including election to the Board of Governors. Her authorship on behalf of that Society includes work in "*The Church Finance Handbook*" and "*Sponsorship in the United States.*" She is an active member of several international Societies of Canon Law. Doctor Dugan has written and presented on many topics of canonical and civil interest and worked in numerous areas of both disciplines of law. Her recent publication work has been in producing proceedings from the Santa Croce University in Rome, for English speaking canonists. Her work as a member of the Board of the *Gratianus* Canon Law Series includes: "*The Penal Process and the Protection of Rights in Canon Law,*" "*The Advocacy Vademecum, Studies on the Instruction Dignitas Connubii,*" "*Matrimonial Law and Canonical Procedure,*" and "*Towards Future Developments in Penal Law.*" Dr. Dugan is the founder and president of Canon Law Books, Inc., whose mission is to produce studies and reference tools for anyone who has not studied canon law formally or is not a degreed canonist. Her work for that mission includes "*A Simple Dictionary of Canon Law*" and "*A Comparative Graphic Aid of Reference for Dignitas Connubii.*"

Robert Fastiggi

Dr. Robert Fastiggi, Professor of Systematic Theology, has been at Sacred Heart Major Seminary in Detroit, Michigan, since 1999. Prior to coming to Detroit, he taught at St. Edward's University in Austin, Texas from 1985-1999. Dr. Fastiggi received an A.B. in Religion (*summa cum laude*) from Dartmouth College in 1974; a M.A. in Theology from Fordham University in 1976; and a Ph.D. in Historical Theology from Fordham in 1987.

In addition, he has done private research in Paris and Montréal, and he took part in a study-tour of Saudi Arabia and Bahrain sponsored by the National Council for U.S.-Arab relations. During his time at Sacred Heart, Dr. Fastiggi has taught a wide variety of courses, including Ecclesiology, Christian Anthropology, Christology, Mariology, Moral Theology, and the Sacramental Life of the Church. He is a member of the Society for Catholic Liturgy and a council member of the Mariological Society of



America. He has served as the executive editor of the 2009-2013 supplements to the New Catholic Encyclopedia and the co-editor of the English translation of the 43rd edition of the Denzinger-Hünemann compendium published by Ignatius Press in 2012. Dr. Fastiggi was born in Montclair, New Jersey and now resides in Michigan with his wife, Kathleen, and their three children: Mary, Anthony and Clare.

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Dawn Eden Goldstein, an award-winning author, is an assistant professor of dogmatic theology at Holy Apostles College and Seminary, and is based in Washington, DC. Her books include *Remembering God's Mercy*, *The Thrill of the Chaste*, and *My Peace I Give You: Healing Sexual Wounds with the Help of the Saints*. Together, Dr. Goldstein's books have sold in excess of 50,000 copies worldwide, including translations into Spanish, Polish, Slovak, and Chinese. Dr. Goldstein received her doctorate in sacred theology (S.T.D.) *summa cum laude* from the University of St. Mary of the Lake in 2016, becoming the first woman in the university's history to earn a canonical doctorate. Her dissertation was on recent Magisterial teaching on redemptive suffering. Prior to joining the faculty of Holy Apostles, she taught at St. Mary's College, Oscott, the seminary of the Archdiocese of Birmingham, England.

Kevin Govern

He is a Professor of Law at Ave Maria School of Law. He began his legal career as an Army Judge Advocate, serving 20 years at every echelon during peacetime and war in worldwide assignments involving every legal discipline. He has also served as an Assistant Professor of Law at the United States Military Academy and has taught at California University of Pennsylvania and John Jay College. He has published widely and spoken frequently on international and comparative law, national security and homeland security, cyber security and cyber defense, military operations, and professional ethics. He has the following degrees: L.L.M., International and Comparative Law, University of Notre Dame School of Law (2004); L.L.M., International and Operational Law, The Judge Advocate General's School; J.D., Marquette University Law School (1987); and B.A., History and German Major, Marquette University (1984).

Mary Healy

Dr. Mary Healy is professor of Scripture at Sacred Heart Major Seminary in Detroit. She is a general editor of the Catholic Commentary on Sacred Scripture, a series of commentaries that interpret Scripture from the heart of the Church, and author of its volumes *The Gospel of Mark* and *Hebrews*. Her other books include *Men and Women Are from Eden: A Study Guide to John Paul II's Theology of the Body* and *Healing: Bringing the Gift of God's Mercy to the World*. Dr. Healy serves as chair of the

Doctrinal Commission of International Catholic Charismatic Renewal Services in Rome. She also serves the Pontifical Council for Promoting Christian unity as a member of the Pentecostal-Catholic International Dialogue. She was appointed by Pope Francis as one of the first three women ever



DOSSIER SEXUAL ABUSE IN THE CHURCH

to serve on the Pontifical Biblical Commission.

Sean Kilcawley

Fr. Sean Kilcawley is a nationally recognized speaker on Theology of the Body, Human Love and pornography addiction. He was ordained a priest in 2005 for the Diocese of Lincoln. He served as assistant pastor at St. Joseph and North American Martyrs and taught Theology of the body at Pius X High School from 2005-2009. In 2013 Fr. Kilcawley completed a License in Sacred Theology at the John Paul II institute for marriage and family studies in Rome and returned to the Diocese of Lincoln as director of Religious Education. Fr. Kilcawley currently serves as the Director of the Office of Family Life and theological advisor for Integrity Restored.com—a non-profit organization that seeks to restore the integrity of families affected by pornography by providing education and resources to individuals, spouses, parents and clergy; to both heal and prevent wounds inflicted by the sexualized culture.

Timothy G. Lock

Timothy G. Lock, Ph.D. is a licensed psychologist in full time private practice and the founder and director of the Goretti Center for Healing and Forgiveness. Working within a Catholic anthropology, he offers psychological assessment, psychotherapy, and psychological consultation both in person and over the internet.

While Dr. Lock has a general practice, he does specialize in the treatment of clergy and male and female religious, as well as those who have experienced trauma, those who suffer from anxiety disorders, and those who struggle with sexual issues. Dr. Lock conducts psychological evaluations for individuals wishing to enter seminary and/or religious life, as well as forensic psychological evaluations for clergy accused or found to have committed acts of misconduct. In addition to his work in the Goretti Center, Dr. Lock is an Assistant Professor of Psychology at Divine Mercy University teaching in the on-line graduate program.

Dr. Lock serves on the Boards of Directors of Courage International and of the Christian Counseling Center of Greater Danbury, where he also is the Clinical Supervisor. At the request of his Bishop, Dr. Lock serves on the Diocese of Bridgeport Ministerial Misconduct Advisory Board. Dr. Lock has published professional articles and book chapters in the area of psychological trauma and traumatic memory. Formerly, he was the Coordinator of the Adult Sexual Offender Treatment Program providing psychotherapy to convicted sexual offenders through the Department of Probation in a large urban area outside of New York City.

He has lectured nationally and internationally to seminarians, clergy, mental health practitioners, and the general public on issues including the treatment of anxiety, Catholic psychology, Catholic psychotherapy, and the psychology of same-sex attractions. Dr. Lock lives with his wife of 25 years and their eight children in northwestern Connecticut.

Daniel Mattson

Daniel C. Mattson is a writer and a public speaker who proclaims the Good News of the Catholic Church's teaching on homosexuality. His story is told in the award-winning documentary *Desire of the Everlasting Hills*, produced by the Courage

Apostolate (everlastinghills.org) His first book, *Why I Don't Call Myself Gay: How I Reclaimed My Sexual Reality and Found Peace*, featuring a preface by Cardinal Robert Sarah, was published by Ignatius Press in 2017 and was endorsed by Cardinals Dolan, Collins and O'Malley. The Italian translation of his book was introduced in Rome by Cardinal Gerhard Müller in 2018, followed by the release of his book in Dutch in September of that year. His writing has appeared in *Communio*, *First Things*, *The National Catholic Register*, and *Crisis Magazine*, among others. He is a frequent guest on Catholic radio and has appeared several times on EWTN. A professional orchestral trombone player, Mattson has performed and presented master classes around the world, including at the famed St. Petersburg Conservatory in Russia. He is currently pursuing an M.A. in Theology through the Augustine Institute, located in Denver, CO.

Rev. Piotr Mazurkiewicz

Monsignor Mazurkiewicz was ordained in the diocese of Warsaw, in 1988, where he worked as a parish priest for seven years. Since 1997, he has taught at Cardinal Stefan Wyszyński University in Warsaw, Poland, delivering lectures in political ethics and philosophy, religion and politics as well as Church - State relations as well as on Catholic social doctrine and European studies. He was a member of the Board of the European Society on Research in Ethics *Societas Ethica* (2002-2008) as well as the Institute of Political Studies of the Polish Academy of Science (2002-2014). Then, from 2008-2012, he held the position as the Secretary General of the Commission of the Bishops' of the European Community (COMECE), and after that he worked as a collaborator with the Pontifical Council for the Family (2013-2014). He has degrees in philosophy, theology, electrical engineering and sociology. He has published: "The Church and Democracy" (2001); "Europeanization of Europe. Europe's Cultural Identity in the Context of Integration Processes" (2001); "The wind is blowing the prayers" (2001), "Violence in Politics" (2006); "In the Land of Singledom" (2014); "Europe as a Kinder-Surprise" (2017), "Two Towers and a Minaret: Sketches from Catholic Social Teaching" (2017), "Totalitarianism in the Postmodern Age. Totalitarianism in the Postmodern Age, and a Report on Research of Young People's Attitudes toward Totalitarianism" (co-edited with Michał Gierycz, Krzysztof Wielecki, Mariusz Sulkowski, Marcin Zarzecki, 2018).

Robert Moynihan

Dr. Robert Moynihan is founder and editor-in-chief of *Inside the Vatican* magazine. He has written on Vatican affairs for 34 years, since 1984, and has interviewed many Vatican officials (including Archbishop Carlo Maria Viganò), over the years. He has commented on Catholic issues for Fox News, CNN, ABC, EWTN, BBC and other international networks. On March 13, 2013, he appeared live on Fox as the lead analyst for the election of Pope Francis. Dr. Moynihan in his lectures often discusses the modern crisis of the Church in its historical context. During his two and a half decades as editor of *Inside the Vatican*, he interviewed the future Pope Benedict — then Cardinal Ratzinger — more than 25 times. His book, *The Spiritual Vision of Pope Benedict XVI: Let God's Light Shine Forth*, has been praised by many in the Catholic world, including Father Benedict Groeschel, who said, "If you only read one book on Pope Benedict XVI, then read Bob

Moynihan's book!" His book on the current Pope, *Pray for Me: The Life and Spiritual Vision of Pope Francis, the First Pope from the Americas*, was published by Random House in 2013. His occasional *Moynihan Letters* go via email to about 20,000 readers around the world. He earned his B.A. in English Literature, *magna cum laude*, from Harvard College (1977), and his M.A. (1983) and Ph.D. in Medieval Studies (1988) from Yale University. His thesis title was *The Influence of Joachim of Fiore on the Early Franciscans: A Study of the Commentary Super Hieremiam (On Jeremiah)*. Other research fields included: History of Christianity, the Later Roman Empire and the Age of Chaucer. Moynihan also received a Diploma in Latin Letters from the Gregorian University in Rome, Italy (1986).

Suzanne Mulrain

She is the Coordinator of the School of Theological Studies at Saint Charles Borromeo Seminary (2017 – present), where she previously worked as a Marketing Strategist (2010-2011) and then as an Adjunct faculty member from 2012 to 2014. Mulrain has considerable executive experience in the health care industry setting up her own HealthCare Consulting, LLC business in 2016, after working as a Director of Healthcare Collaborations, a New Jersey Behavioral Health organization (2013-2016) and Director of Marketing and Sales, Progressions Companies, Inc, Behavioral Health (2006-2013) as well as a Specialty Pharmaceutical Representative and Trainer for Synthon Pharma, McNeil Pharma, Janssen Pharma (1993-2006). She has the following degrees: Ph.D. (Candidate), John Paul II Institute for Marriage and Family Studies, Melbourne, Australia (2014 – present); M.A. School of Theological Studies, Saint Charles Borromeo Seminary, Wynnewood, PA (2012); and B.A., Chestnut Hill College, Philadelphia, PA (1977).

Susan Mulheron

Susan Mulheron holds a licentiate degree in canon law from the Catholic University of America in Washington, DC, and a master's degree in theology from the University of St. Thomas in Saint Paul, MN. She is currently pursuing her doctorate in canon law from the Pontifical University of the Holy Cross in Rome, and is writing her doctoral thesis on the issue of sexual abuse of minors in the Church. Susan is the Chancellor for Canonical Affairs for the Archdiocese of Saint Paul and Minneapolis, an office she has held since 2013. Susan's canonical experience includes serving as an advisor in cases of clergy sexual misconduct, as well as a judge, defender of the bond, advocate, and promoter of justice in ecclesiastical tribunals. Susan is also a member of the Board of Governors for the Canon Law Society of America.

Dale O'Leary

Dale O'Leary is a freelance writer and lecturer. The books include *The Gender Agenda: Redefining Equality* and *One Man, One Woman*. She has written for numerous publications, appeared on television and radio, and lectured in Hungary, Italy, Ireland, Austria, Switzerland, Mexico, El Salvador, and the Philippines. She is a graduate of Smith College, is married and is currently living in Florida.



Terrence K. O'Leary

A graduate of Williams College, Terrence O'Leary is a retired advertising and communications executive who is an expert in analyzing data. He served as President and CEO of Greenberg Seronick O'Leary and Partners, Inc., a Boston marketing communications firm (1994-2002). From 1989 to 1994 he was Executive Vice President and Director of Account Services at Rossin Greenberg Seronick and Hill, a Boston marketing communications firm. Prior to that, he was Executive Vice President at Leonard Monahan, Inc., a Providence communications company, a Senior Vice President with Humphrey Browning MacDougall, a Boston marketing communications firm, and the Vice President of Batten Barton Durstine and Osborn, Inc., a New York global marketing communications company. He has been a Trustee of Emmanuel College, Boston (2001-2005), a Director of the Greater Boston YMCAs, a Director of the SPES Foundation, a Director of the American Association of Advertising Agencies, and an Adjunct professor at the Olin Graduate School of Business Management. He has been the Secretary and board member, Heartland American-Israeli Initiative and is the President of Our Lady of Grace Catholic Church parish council. He is married with four children and lives in Avon Park, Florida.

Judith Reisman

As a researcher & author, historian & teacher, Judith Reisman has focused on pornography as a pandemic, addicting men, women and children and upon exposing Dr. Alfred C. Kinsey's fraudulent sex science research and education. She is currently a Research Professor, Director, Child Protection Institute, Liberty University School of Law, and Scientific Adviser, California Protective Parents Association, and Distinguished Senior Fellow, The Inter-American Institute, and President, Institute for Media Education. As scientific consultant to four U.S. Department of Justice administrations, the U.S. Department of Education, and the U.S. Department of Health and Human Services, she is listed in *Who's Who in Science & Engineering*, *International Who's Who in Sexology*, *International Who's Who in Education*, *Who's Who of American Women*, *The World's Who's Who of Women*, etc. Based on her work, *The German Medical Tribune* and the British medical journal, *The Lancet* demanded that the Kinsey Institute be investigated for deliberately covering up massive sex crimes against children and fraudulent science.

Geoffrey Strickland

Geoffrey serves as International Associate and Rome Office Director for Priests for Life/Gospel of Life Ministries and as collaborator with the Pontifical Council for the Family. His research and publications pertain to the state of the family in the modern world and the dignity of human life in all periods of its existence.

In his role as Rome Office Director and International Associate, he provides research and analysis of canonical and international legal themes pertaining to family and life issues. In his role as collaborator with the Pontifical Council for the Family, he has provided research and analysis regarding legal issues pertain-



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ing to the family and human dignity in the modern world, compiling an international legal database (organized by topic, region, and law), focusing upon areas pertaining to the family, human life in all periods of its existence, demographics, and gender ideologies. He assists in language related work (translation and interpretation) of Spanish, Portuguese, French, Italian, and Arabic, as well as in English language media efforts. He is also the Director of the MENA Department of the International Center on Law, Life, Faith and Family.

Ronald J. Rychlak

Professor Ronald J. Rychlak is the Jamie L. Whitten Chair of Law and Government and Professor of Law at the University of Mississippi School of Law, where he has been on the faculty since 1987. He is also on the Board of Directors for Ave Maria Law School. He currently serves as President of the Southeastern Association of Law Schools. Prof. Rychlak is a graduate of Wabash College and Vanderbilt University School of Law. He formerly practiced law with Jenner & Block in Chicago and served as a clerk to Hon. Harry W. Wellford of the U.S. Sixth Circuit Court of Appeals. He is an advisor to the Holy See's delegation to the United Nations and a member of the Mississippi Advisory Committee to the U.S. Civil Rights Commission. He serves on the editorial board of *The Gaming Law Review* and on the Catholic League for Religious and Civil Rights' advisory board. Prof. Rychlak is the author or co-author of eleven books, including *Hitler, the War, and the Pope* (2nd ed., 2010), which was called definitive by the Congregation for the Causes of Saints in the final report on the life of Pope Pius XII.

D. Brian Scarnecchia

Brian Scarnecchia, M.Div., J.D. is a Professor of Law at Ave Maria School of Law in Naples, Florida where he teaches Jurisprudence, Bioethics and the Law and Catholic Social Teaching and the Law. He has also served as the Chair of the Department of Catholic Social Thought, Director of Legal Studies, and Director Human Life Studies at Franciscan University of Steubenville in Steubenville, Ohio. He is the president of International Solidarity and Human Rights Institute (ISHRI), a non-governmental organization (NGO) in consultative status with the United Nations and the Organization of American States. He serves on the Board of Directors for the Society of Catholic Social Scientists (SCSS) and is their main NGO representative to the United Nations. He also serves on the Board of Directors

of Population Research Institute (PRI) that monitors coercive population control programs worldwide. He is the director of the Southeastern Asian Human Rights System (ASEAN) for the International Center on Law, Life, Faith and Family (ICOLF). He services as an expert on family and social issues for the Rome Forum for Catholic Inspired NGOs that works in close association with the Pontifical Council for the Family and the Secretary of State for the Holy See. His writings include *Bioethics, Law and Human Life Issues: A Catholic Perspective* and the *Millennium Development Goals in Light of Catholic Social Thought*.

Russell B. Shaw

Russell Shaw is an author and journalist who has written more than 20 books, including *To Hunt, to Shoot, to Entertain: Clericalism and the Catholic Laity* (1993), *Nothing to Hide: Secrecy, Communication, and Communion in the Catholic Church* (2008), and *American Church* (2013). For 18 years, Shaw headed media relations for the National Conference of Catholic Bishops and the US Catholic Conference. From 1987 to 1997 he oversaw media relations for the Knights of Columbus. Since resigning from that position, he has worked full time as a freelance writer.

Rev. Paul Sullins

The Rev. D. Paul Sullins, Ph.D., is a Senior Research Associate of the Ruth Institute. He recently retired as Professor of Sociology at the Catholic University of America, Washington DC. Dr. Sullins is a leader in the field of research on same-sex parenting and its implications for child development. He has written four books and over 100 journal articles, research reports, and essays on issues of family, faith, and culture. Dr. Sullins continues as Research Professor and Director of the Leo Initiative for Social Research at Catholic University, as well as Director of the Summer Institute of Catholic Social Thought. He also serves on the board of the Society of Catholic Social Scientists (SCSS), the Center for Family and Human Rights (C-FAM), and the Natural Family Journal. He is a Fellow of the Marriage and Religion Research Institute (MARRI), and was Ignatius Loyola Fellow for Catholic Identity at the Center for the Advancement of Catholic Higher Education. Formerly Episcopalian, Dr. Sullins is a married Catholic priest. He earned a Ph.D. at Catholic University in 1997 and taught there from 1998 until his retirement. He and his wife, Patricia, have an inter-racial family of three children, two adopted. He serves as Associate Pastor of the Church of Saint Mark the Evangelist, Hyattsville, MD. ■

