

CLERICAL AND RELIGIOUS CHILD ABUSE: IRELAND AND BEYOND

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The note considers recent theological commentary on the clerical sexual abuse crisis in Ireland and beyond. It examines the nature and extent of the crisis within the Catholic Church through the lens of the Murphy and Ryan Reports. These two reports together provide an invaluable resource for understanding the theological, ethical, and ecclesiological dimensions of this scandal. The note also considers “the shape of the reform” that is urgently needed within the Church under the headings of (1) the body and sexuality, (2) patriarchy and the abuse of power, and (3) church, ministry, and leadership.

IN 1967 PETER TYRRELL'S CHARRED BODY was found on Hampstead Heath in London. In an act that mirrored the self-immolation of Buddhist monks protesting the Vietnam war, the Irish man set himself on fire, having been crushed by his failure to have his experience of incarceration in the now notorious Letterfrack industrial school properly acknowledged either by the Irish State or by the Christian Brothers who ran the institution. *Founded on Fear*,¹ his account of his childhood in Letterfrack, was finally published in 2006, almost 40 years after it had been written, having been discovered among the papers of academic and peace activist Owen Sheehy Skeffington. *Founded on Fear* is but one of the many literary testimonials that, from a child's perspective, describe in harrowing detail the experience of being in such institutions. Mannix Flynn,²

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¹ Peter Tyrrell, *Founded on Fear: Letterfrack Industrial School, War and Exile* (Dublin: Irish Academic 2006).

² Mannix Flynn, *Nothing to Say* (Dublin: WardRiver, 1983). Mannix Flynn was also incarcerated in Letterfrack. He became a successful writer and visual artist and is a member of Aosdána, an affiliation of creative artists who are recognized to have produced a distinguished body of work.

Paddy Doyle,³ and Patrick Touher⁴ each also write about their experiences in institutions like Letterfrack where, as the recently published *Ryan Report* states, “physical punishment was severe, excessive and pervasive and by being administered in public or within earshot of other children it was used as a means of engendering fear and ensuring control,”⁵ and where “sexual abuse was a chronic problem.”⁶

The genre of testimonial has become an important one as we try to understand the complexity of these and other violations of children, and also as we come to terms with the ethical issues raised by such occurrences. Sumner Twiss’s “Humanities and Atrocities: Some Reflections,” commenting on the educational significance of such writings, including testimonials and fiction, suggests that they provide an important resource for ethicists, since these texts have the capacity to “raise profound questions, appeal to the imagination and moral sensibilities and engender critical and creative thinking.”⁷ Of victims’ testimonies, he says they “reveal the devastating physical and psychological effects of atrocity and, through a type of participant observation, reveal the mimetic effects of atrocity in turning victims into collaborative victimisers, as well as helping us make sense of the rules and codes governing the social reality of atrocity.”⁸ Although the language of atrocity has not been particularly prevalent in the commentary on the sexual abuse crisis thus far, the publication of the *Ryan Report* and of the *Murphy Report*,⁹ both issued in 2009, suggests that it may indeed be an appropriate language through which to try to comprehend, at least in part, some of the issues at stake for the Catholic Church.

³ Paddy Doyle, *The God Squad* (Dublin: Raven Arts, 1988).

⁴ Patrick Touher, *Fear of the Collar: Artane Industrial School* (Dublin: O’ Brien, 1991).

⁵ Ireland, *Commission to Inquire into Child Abuse (Ryan Report)*, 5 vols. (Dublin: Stationary Office, 2009), here citing Executive Summary, <http://www.childabusecommission.com/rpt/ExecSummary.php> (accessed November 7, 2010); the entire report is available at <http://www.childabusecommission.com/rpt/pdfs/>. This and all other URLs herein cited were accessed November 10, 2010.

⁶ *Ryan Report*, Executive Summary.

⁷ Sumner Twiss, “Humanities and Atrocities: Some Reflections,” *Journal of the Society of Christian Ethics* 25 (2005) 219–34, at 219. See also Michael R. Molino, “The House of a Hundred Windows: Industrial Schools in Irish Writing,” *New Hibernian Review* 5 (2001) 33–52.

⁸ Twiss, “Humanities and Atrocities” 232. This mimetic effect which turned victims into victimizers was noted by the *Ryan Report*. In its investigation of St Joseph’s Industrial School, Tralee (vol. 1, chap. 9), it notes that children were left unprotected and vulnerable to bullying by older boys, both in terms of physical and sexual abuse.

⁹ Dublin Archdiocese, Commission of Investigation, *Report into the Catholic Archdiocese of Dublin* (hereafter *Murphy Report*) (Dublin: Stationary Office, 2009).

THE EXTENT AND NATURE OF THE CRISIS

Since the early 1990s Catholics worldwide have had to come to terms with the knowledge that the sexual abuse of children and minors by priests and religious has been widespread and systemic. The reportage of individual cases in the United States, Canada, and Ireland during the early 1980s was consolidated in 1985 by the *National Catholic Reporter's* analysis of a range of cases,¹⁰ so that when the Archdiocese of St. John's, Newfoundland, published its groundbreaking *Report of the Archdiocesan Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy*,¹¹ the initial assumption that these occurrences were rare and isolated could no longer be sustained. Through the 1990s, during what Timothy Lytton calls "the second wave"¹² of this scandal, a number of high-profile prosecutions established the systemic nature of the problem within the Church. However, as Joseph Chinnici,¹³ Lytton, and Philip Lawler all acknowledge, it was only in the early years of the new century that an entirely new and devastating dimension of the scandal began to reveal itself, namely, the evidence that Catholic bishops, with very few exceptions, had not only protected the abusers but in the process had also breached the procedures of both civil and canon law.¹⁴ Indeed, in his commentary on reforming the Irish church, the Jesuit Seamus Murphy points to this failure to apply the procedures of canon law as perhaps the most shocking aspect of the crisis, since in this context the bishops failed to apply to those abusers the very law they themselves were responsible for enforcing.¹⁵

¹⁰ *National Catholic Reporter*, June 7, 1985, pp. 4–6, 19–21. Jason Berry, the principal investigator, subsequently published *Lead Us Not into Temptation: Catholic Priests and the Sexual Abuse of Children* (New York: Doubleday, 1992). See also A. W. Richard Sipe, *Sex, Priests, and Power: Anatomy of a Crisis* (New York: Brunner/Mazel, 1995); and Philip Jenkins, *Pedophiles and Priests: Anatomy of a Contemporary Crisis* (New York: Oxford University, 1996) for relatively early analyses of the issue. David DeCosse, "Freedom of the Press and Catholic Social Thought: Reflections on the Sexual Abuse Scandal in the Catholic Church in the United States," *Theological Studies* 68 (2007) 865–99, provides a comprehensive summary of these initial investigations, especially in the article's first section.

¹¹ Gordon A. Winter, *Report of the Archdiocesan Commission of Enquiry into the Sexual Abuse of Children by Members of the Clergy*, 2 vols. (St. John's, Newfoundland: Archdiocese of St. John's, 1990).

¹² Timothy D. Lytton, *Holding Bishops Accountable: How Lawsuits Helped the Catholic Church Confront Clergy Sexual Abuse* (Cambridge, Mass.: Harvard University, 2008) 19.

¹³ Joseph P. Chinnici, *When Values Collide: The Catholic Church, Sexual Abuse, and the Challenges of Leadership* (Maryknoll, N.Y.: Orbis, 2010).

¹⁴ Philip F. Lawler, *The Faithful Departed: The Collapse of Boston's Catholic Culture*, new ed. with preface (2008; New York: Encounter, 2010) ix.

¹⁵ Seamus Murphy, S.J., "No Cheap Grace: Reforming the Irish Church," *Studies: An Irish Quarterly Review* 99 (2010) 303–16, at 307. This is also a central

The pattern of clerical abuse accompanied by episcopal cover-up was clearly exposed in the Archdiocese of Boston in 2002, with similar revelations that had an equally dramatic effect on the standing of the Church, evident in the dioceses of Los Angeles, Dallas, Liverpool, UK, and Ferns, Ireland, during the same period. Moreover, the devastation wrought by almost three decades of revelations in an ever growing number of dioceses world-wide was deepened further with the publication of the *Ryan* and *Murphy* reports in Ireland in 2009, and with the emerging accounts of abuse and cover-up in Belgium, France, Germany, and The Netherlands during 2010.¹⁶ Although the full extent of the abuse of children will never be known, it is clear that the revelations of abuse and cover-up within the Catholic Church can be expected to continue for some time to come. The growing number of cases in different European countries confirm this as a likely scenario. Moreover, in Ireland attention is now turning to the missionary work of Irish religious overseas, with concern being expressed that a similar pattern of cover-up may have been operative in Africa and certain parts of Asia.¹⁷

Many analyses of the ethical and ecclesiological significance of the crisis begin with a discussion of the prevalence of child and minor abuse within the Church. Recognizing that clergy sexual abuse is part of a larger phenomenon that occurs in different institutions and also in families, the issue of prevalence rates among clergy is significant for the Church as it attempts to understand the nature of this phenomenon. The most comprehensive data on clergy sexual abuse within the Catholic Church is found in the much-quoted *John Jay Report*, a study by scholars at the John Jay College of Criminal Justice. The original report, commissioned by the USCCB, surveyed 195 dioceses in the United States (98% of the total) and 140 religious orders (60% of the total) and worked within the time-frame 1950 to 2002. Updated audits in 2004, 2005, and 2006 completed the work.¹⁸

argument running through Nicholas P. Cafardi's *Before Dallas: The U.S. Bishops' Response to Clergy Sexual Abuse of Children* (New York: Paulist, 2008).

¹⁶ The Catholic press world-wide carried reports on the scandal in Europe. Both the *National Catholic Reporter* and the *Tablet* covered these stories on an almost weekly basis during 2009 and 2010. See the news archives on <http://www.ncronline.org> and <http://www.thetablet.co.uk> for further details. See also <http://www.kirkensite.de> for commentary on the emerging scandal in Germany and for a report of a seminar on the crisis held at the Catholic theological faculty at the University of Münster, Germany, in May 2010. For a discussion of the crisis as it unfolded see Marianne Heimbach-Steins, "Tabubruch: Zum Umgang mit sexuellem Missbrauch in Kirche und Gesellschaft," *ICEP argumente* 6.2 (May 2010), the newsletter of the Berliner Institut für christliche Ethik und Politik.

¹⁷ See, e.g., Angela Hanley's "A Tale of Two Contexts," in *Doctrine and Life* 60 (May/June 2010) 17–24, at 22.

¹⁸ John Jay College, *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States, 1950–2002* (Washington: United States

Commentators acknowledge that the numbers are “staggering.”¹⁹ In the time-frame of the original report, 10,667 victims came forward, and 4,392 priests had allegations of abuse against them. This represents 4% of priests in active ministry at that time. There have been no comparable studies in other jurisdictions, although the more limited studies that do exist confirm the broad outlines of the *John Jay* figures.²⁰ Drawing attention to some of the distinctive features of clergy sexual abuse, Lytton notes that (1) most of the abuse reported was of a very serious nature and occurred numerous times; (2) roughly half of accused priests were known or suspected to have had more than one victim; (3) 80% of victims were male, and over 77% were over 11 years of age; and (4) alleged incidents increased steadily in the 1950s and 1960s, peaked in the 1970s, and declined from the 1980s.²¹

In addition to the issue of prevalence, commentators are also concerned about the form or nature of the abuse among clergy. Both Philip Jenkins and Marie Keenan discuss the various forms of classification,²² although each insists that such classifications must be seen as products of discursive processes and that attention must be paid to the practices and techniques that construct our evolving understanding of the sexual abuse of children, and that determine child protection policies.²³ Discussions about the nature of clergy sexual abuse as being classically pedophilia or based in some other paraphilic predisposition continue. In *Studia moralia* Rafael Prada discusses these psychological aspects of the phenomenon within a theological framework, and in the context of developing a response to both victims and

Conference of Catholic Bishops, 2004) and *2006 Supplementary Report* (the latter at http://www.bishop-accountability.org/reports/2006_03_John_Jay/Supplementary_Data_Analysis.pdf).

¹⁹ Chinnici, *When Values Collide* 15.

²⁰ In Ireland the SAVI Report, although not focused exclusively on clergy, confirms a similar prevalence. See Hannah McGee et al., *The SAVI Report: Sexual Abuse and Violence in Ireland; A National Study of Irish Experiences, Beliefs and Attitudes concerning Sexual Violence* (Dublin: Liffey, 2002). In Canada the work of Camargo and Loftus suggests similar prevalence rates—see John Allan Loftus, “What Have We Learned? Implications for Future Research and Formation,” in *Sin against the Innocents: Sexual Abuse by Priests and the Role of the Catholic Church*, ed. Thomas G. Plante (Westport, Conn.: Praeger, 2004) 85–96.

²¹ Lytton, *Holding Bishops Accountable* 42–49.

²² Philip Jenkins, *Moral Panic: Changing Concepts of the Child Molester in Modern America* (New Haven, Conn.: Yale University, 1998); Marie Keenan, “‘Them and Us’: The Clergy Child Sexual Offender as ‘Other,’” in *Responding to the Ryan Report*, ed. Tony Flannery, C.Ss.R. (Dublin: Columba, 2010) 180–231.

²³ Keenan, “‘Them and Us’” 191. See also John E. B. Meyers, *Child Protection in America Past, Present, and Future* (New York: Oxford University, 2006) for an excellent historical analysis of changing attitudes toward child neglect and abuse, including sexual abuse, from the mid-19th century onward.

perpetrators.²⁴ Although pedophilia is acknowledged to be a factor in some of the abuse, the current consensus is that the most extensive data do not support the conclusion that most of these acts were predicated by pathologies such as pedophilia,²⁵ but rather that the explanation of this history of abuse must be located elsewhere. Indeed this consensus forms the basis of most of the theological discussion of both the nature of the crisis and of the measures necessary to address it.

HOW AND WHY? INSIGHTS FROM THE *RYAN* AND *MURPHY* REPORTS

“Ireland has become an international disgrace,” wrote sociologist Tom Inglis in the *Irish Times* in the immediate aftermath of the publication of the *Ryan Report*. “It is now known that we incarcerated thousands of innocent little children into schools where they were raped, abused and tortured. How and why did it happen?”²⁶ In fact, the *Ryan Report* is illuminating on how and why this happened. Although aspects of the report have been criticized, its findings, which run to 5 volumes and 2,600 pages, not only provide a window on the cultural and religious values that shaped the institutions in which the abuse happened, but they also highlight the pernicious nature of the symbiotic relationship of church and state that allowed the abuse to go unchecked. The *Ryan Report*’s structure is dictated by the parameters of the legislation that gave rise to the investigation. Volumes 1 and 2 focus on in-depth investigations into particular institutions; volume 3 deals with material covered in confidential hearings, with conclusions presented according to particular themes (i.e., social and demographic profile, circumstances of admission to the institutions, family circumstances, everyday life experiences, record of abuse, positive memories, and current circumstances); and volume 4 analyzes the role played by the state in placing children in these “industrial” schools and orphanages, and in being their primary funder and monitor. Volumes 1 and 2 are especially interesting in that they treat each institution in a holistic manner. They discuss the nature of the religious orders that ran the institutions and detail their respective organizational and management structures and their different funding arrangements. They also discuss the nature of the religious vows taken, the attitudes to corporal punishment, and their different approaches to questions of discipline and authority. Volume 4 is most

²⁴ See also Rafael Prada, “Abuso sexual infantil,” in *Studia moralia* 44 (2006) 377–93.

²⁵ See Keenan, ““Them and Us””; and Jennifer A. Tallon and Karen J. Terry, “Analyzing Paraphilic Activity, Specializations, and Generalizations in Priests Who Sexually Abused Minors,” *Criminal Justice and Behavior* 35 (2008) 615–28.

²⁶ Tom Inglis, “How Ireland Became an International Disgrace,” *Irish Times*, May 30, 2009.

insightful in its consideration of the extent and depth of the Church's social control of each of the key institutions of the Irish state, including the Departments of Education, Finance, Health, and Justice. Indeed, perhaps more than anything, the *Ryan Report* reveals the devastating contradiction at the heart of post-independent Ireland, namely, that within the state the Catholic Church presided over a "secret, enclosed world, run on fear,"²⁷ while at the same time being lauded internationally as a model "Catholic" nation. "At a time when so many of the workers of various countries have fallen prey to false theories and ideologies that are in direct contrast to the Christian religion," Monsignor Giovanni Battista Montini wrote, "it was a source of particular gratification to His Holiness to receive this further proof of the devoted attachment of the workers of Ireland to the Vicar of Christ, and to their fidelity to the Catholic Faith, which is their nation's most precious heritage."²⁸ External validation was complemented by a self-congratulatory posture within the Irish church, and was trumpeted by the state at all levels, thus ensuring that the shadow side was neither acknowledged nor addressed.

If the *Ryan Report* documents the abuse and neglect within the context of a policy of large-scale institutionalization of children, the *Commission of Investigation: Report into the Catholic Archdiocese of Dublin (Murphy Report)* focuses on the Archdiocese of Dublin with its 200 parishes. This report covered the period 1975 to 2004 and took a representative sample of 46 cases out of a total of 172 during that period. In her review of the Church's handling of the 46 sample cases of allegations of sexual abuse, Ms. Justice Yvonne Murphy concluded that

the Dublin Archdiocese's pre-occupations in dealing with cases of child sexual abuse, at least until the mid 1990s, were the maintenance of secrecy, the avoidance of scandal, the protection of the reputation of the Church, and the preservation of its assets. All other considerations, including the welfare of children and justice for victims, were subordinated to these priorities.²⁹

Many of the cases were already known to the public, thanks mainly to the courage and perseverance of a number of victims of abuse, including

²⁷ The description of St. Joseph's Industrial School, Tralee, Co. Kerry, given by a former Christian Brother to The Commission of Enquiry into Child Abuse (*Ryan Report*), quoted at Executive Summary 4.

²⁸ Letter from Monsignor Giovanni Battista Montini, substitute Papal Secretary of State to the Secretary of the Congress of Unions (May 1, 1951) in gratitude for a gift presented to Pope Pius XII during the Holy Year 1950, *Irish Catholic Directory* (1952) 652–53; quoted in Louise Fuller, "Disturbing the Faithful: Aspects of Catholic Culture under Review," in *The Dublin/Murphy Report: A Watershed for Irish Catholicism?*, ed. John Littleton and Eamon Maher (Dublin: Columba, 2010) 158–70, at 158.

²⁹ *Murphy Report* 1:15.

Andrew Madden and Marie Collins. Nonetheless, the disclosure of the violence of the abuse and of the mendacity of church authorities (especially in the 1990s, when the failure of the earlier policy of “treatment” followed by reassignment was well known) stunned a population already coming to terms with the *Ryan Report*.

Two edited volumes, one by Redemptorist Tony Flannery, the other by John Littleton and Eamon Maher, represent initial attempts by Irish theologians and commentators to identify the cultural and theological factors that facilitated the perpetration of the abuse and its cover-up. The Flannery volume, which focuses on the *Ryan Report*, is structured around an analysis of the origins of the problem, a discussion of the report itself and reactions to it, and some initial considerations of “where we go from here.” Moral theologian Sean Fagan’s insightful essay opens the volume and captures perfectly the manner in which Irish culture was deeply imbued with what he calls “our bad theology.” Fagan’s essay focuses primarily on the negative consequences of the Church’s theology of sexuality, especially as it was played out in the country’s cultural mores. However, he also comments on the damage done to individuals (including, one must assume, the perpetrators) by the demand that absolute obedience be given to the institution. All this, Fagan notes, was underwritten by a perfectionism and a narrowness that was characteristic of Irish Catholicism and that allowed for the institutionalization of physical and sexual abuse for over six decades.³⁰ The Littleton/Maher volume includes reflections by three victims/survivors of sexual abuse, including two individuals, Andrew Madden and Marie Collins, whose particular cases were among those examined by the Murphy Commission. The essays cover considerable ground, albeit in a limited manner, focusing on the pain and trauma of the revelations,³¹ the institutional culture within the Church that allowed such a situation to go unchallenged for so long,³² the need for reform,³³ and the prospects of forgiveness.³⁴

³⁰ Sean Fagan, “The Abuse and Our Bad Theology,” in *Responding to the Ryan Report* 14–24.

³¹ In *ibid.*, see Timothy Radcliffe, O.P., “Come to Me All You Who Labour” 17–28; Andrew Madden, “A Church Disgraced” 29–36; and Marie Collins, “Journey to Loss” 55–62.

³² In *Responding to the Ryan Report*, see Sean O’ Connail, “The Disgracing of Catholic Monarchism” 74–81; and Donald Cozzens, “Culture That Corrodes” 144–47.

³³ In *Responding to the Ryan Report*, see Enda McDonagh, “The Murphy and Ryan Reports: Between Evangelising and Priesthood” 113–20; and Sean Ruth, “Responding to Abuse: Culture, Leadership and Change” 102–12.

³⁴ In *Dublin/Murphy Report*, see Patrick McCafferty, “Jesus the Risen Victim: A Response to the Murphy Report” 63–73; and Eamonn Conway, “Broken Hearts and Not Just Torn Garments—Beginning the Discussion about Forgiveness and Healing” 121–31.

Theologians have been reacting not only to the reports themselves but also to the formal church response, and especially to the various forms of commentary from the Vatican. Reaction to Benedict XVI's much anticipated Pastoral Letter to the Catholics of Ireland has noted with appreciation the tone and register of the text.³⁵ Bernard Treacy, O.P., long-time editor of *Doctrine and Life*, comments that "there is a sense . . . of a writer overwhelmed by the enormity of what he has had to confront, both in the horror of abuse and in the dereliction of duty among church leaders to whom it was reported."³⁶ This sense of struggle, Treacy suggests, together with a clear enumeration of some of the factors that contributed to the crisis, has also been positively received. Such factors include "inadequate procedures for determining the suitability of candidates for the priesthood and religious life; insufficient moral, intellectual, and spiritual formation in seminaries and novitiates; and a misplaced concern for the reputation of the Church and the avoidance of scandal."³⁷ However, much of the theological reaction to the Letter's other assumptions and claims has been critical. The Letter's claim that the blame can be located both with the secularization of Irish society and with the misinterpretation of the program of renewal proposed by Vatican II, has been criticized.³⁸ Commentators point to the fact that most of the matters considered in the reports predate these developments by decades and so are unlikely to be primary contributory causes.³⁹ Treacy simply says that chronology itself makes the point. Much of the theological analysis also notes the inadequacy of the Letter's diagnosis of the nature of the problem and its prescription for a remedy.⁴⁰ Moreover, there is a concern that the underlying issues, the ultimate causative factors, will not be addressed. Warning against any suggestion that the church in Ireland could ignore the ultimate causes and return to "business as usual," Dermot Lane insisted that the Church must undergo a change of heart, which must be accompanied by a new program of reform. Moreover, Lane claims, this "programme of reform and restructuring must result in new forms of governance and new forms of

³⁵ Issued March 19, 2010, www.vatican.va/holy_father/benedict_xvi/letters/2010/documents/hf_ben-xvi_let_20100319_church-ireland_en.html.

³⁶ Bernard Treacy, O.P., "Learning with Pope Benedict," *Doctrine and Life* 60.5 (May-June, 2010) 2-3, at 2.

³⁷ Benedict XVI, Pastoral Letter no. 4.

³⁸ See Treacy, "Learning with Pope Benedict." In the same issue of *Doctrine and Life*, see Bishop Michael Jackson, "Daring in Good Faith" 4-9; and Seamus Aherne, O.S.A., "Surprises in Pope Benedict's Letter" 10-16, where he calls this part of the analysis "defective."

³⁹ Treacy, "Learning with Pope Benedict" 2.

⁴⁰ Aherne calls aspects of the analysis of the way forward "embarrassing and unfortunate" ("Surprises in Pope Benedict's Letter" 14).

accountability.”⁴¹ Although the prescriptions for reform vary somewhat, nonetheless, most analysis converges on a number of core issues that have emerged, not only in Ireland but also in the literature internationally. These are (1) the theology of the body and sexuality that has framed Catholic ethics; (2) the related, endemic patriarchy that facilitated such a cavalier neglect of children; and (3) the many ecclesiological issues, including the concept of authority, the nature of ministry, and the role of the laity. “We must change or die,” warned veteran reformer Fr. Harry Bohan. “Nothing short of total reformation of structures and leadership will suffice.”⁴²

THE SHAPE OF REFORM

The Body and Sexuality

For over a decade, theologians reflecting on the clergy sexual abuse crisis have drawn attention to the Church’s teaching on sexuality as an underlying issue that merits attention.⁴³ The view that an inadequate theology of sexuality is one of the causative factors in this crisis fits within a broader frame of dissatisfaction and debate about the Church’s approach to the body and to sexuality. James Keenan’s “Notes in Moral Theology” in *Theological Studies* over the last decade provide a comprehensive analysis of the manifold perspectives within these debates, especially his notes from 2005, 2007, and 2010.⁴⁴ In the context of the most recent revelations, Gerry O’ Hanlon points to “a problematic nexus around sexuality, power and the relationship between them”⁴⁵ at the core of the crisis. He notes the corrosive effect that the failure of reception in this area has had on the Church, insisting that “a large majority of practicing Catholics have not ‘received’ this teaching as true.”⁴⁶ In a forthcoming article on various theological

⁴¹ Dermot Lane, “First Thoughts on the Murphy Report,” *Furrow* 61 (2010) 9–14, at 12.

⁴² Fr. Harry Bohan, cited in Garry O’ Sullivan, “*Quo Vadis?* The Road to Rome,” in *Dublin/Murphy Report* 148–57, at 156.

⁴³ For reflections on the earlier stages of the crisis, both in Ireland and internationally, see, e.g., John Allan Loftus, “Aftermath of Abuse,” in *Opening Up: Speaking Out in the Church*, ed. Julian Filochowski and Peter Stanford (London: Darton, Longman, & Todd, 2005) 136–45; and several essays in *Sexuality and the U.S. Catholic Church: Crisis and Renewal*, ed. Lisa Sowle Cahill, John Garvey, and T. Frank Kennedy, S.J., (New York: Herder & Herder, 2006).

⁴⁴ James F. Keenan, S.J., “Ethics and the Crisis in the Church,” *Theological Studies* 66 (2005) 117–36; “Can We Talk? Theological Ethics and Sexuality,” *Theological Studies* 68 (2007) 113–31; and “Contemporary Contributions to Sexual Ethics,” *Theological Studies* 71 (2010) 148–67.

⁴⁵ Gerry O’ Hanlon, “The Murphy Report—A Response,” *Furrow* 61 (2010) 82–91.

⁴⁶ *Ibid.* On the issue of the reception of recent papal teaching on sexuality see also Linda Hogan, “Mixed Reception: Paul VI and John Paul II on Sex and War,” in *The Papacy since 1500: From Italian Prince to Universal Pastor*, in

dimensions of the crisis in Europe, Marie-Jo Thiel makes a similar point. She notes a serious problem with the vision of the body that underlies the Church's sexual ethic. Moreover, she suggests, a problematic vision of the body, combined with a particular conceptualization of authority and obedience, poses a difficulty for the Church as it attempts to come to terms with the sex abuse crisis.⁴⁷ The manner in which the sex abuse crisis highlights the limitations of the Church's approach to the body and to sexuality is also noted by both Antonio Autiero and Marianne-Heimbach Steins.⁴⁸ Bishop Geoffrey Robinson too makes this point in his *Confronting Power and Sex in the Catholic Church: Reclaiming the Spirit of Jesus*. His more pastorally oriented discussion argues for an approach to sexuality that is compassionate and people-centered.⁴⁹ Tony Flannery is more explicit in terms of the specific reforms he would like to see implemented immediately. He is looking for four basic changes in the Church's teaching on sexuality:

Firstly that we begin from a positive rather than a negative position; secondly we break the rigid connection between sexual activity and marriage; thirdly we no longer teach that the use of artificial contraception in a loving relationship is sinful, . . . and fourthly church leadership learns to trust the believing community and develops its teaching in partnership with them, rather than handing it down in an authoritarian manner.⁵⁰

Since the mid-1950s the Church's teaching on sexual ethics has evolved; in particular we have seen the beginnings of a change in the Catholic tradition's long-standing suspicion of the body. Pope John Paul II has been particularly associated with this revalorization of the moral significance of the body, and reflections on the implications of such an evolution have been of concern to moral theologians for the last two decades.⁵¹ Reflecting

James Corkery and Thomas Worcester (Cambridge: Cambridge University, 2010) 204–22.

⁴⁷ I am grateful to Thiel for providing me her manuscript; it will be published as "Abus sexuels sur mineurs: Un abîme de souffrance et de complexité requérant la responsabilité de l'Église," *Revue ET-Studies* 3 (June 2011).

⁴⁸ See the report at <http://www.kirkensite.de>. See also Marianne-Heimbach Steins, "Macht-Missbrauch: Sexuelle Gewalt gegen Kinder und Jugendliche und die Krise der katholischen Kirche," *Soziale Passagen* 2 (2010) 227–40.

⁴⁹ Bishop Geoffrey Robinson, *Confronting Power and Sex in the Catholic Church: Reclaiming the Spirit of Jesus* (Collegeville, Minn.: Liturgical, 2007), esp. chap. 10; the 2008 edition carries a foreword by Donald Cozzens.

⁵⁰ Tony Flannery, C.Ss.R., "Some Ideas on a New Approach to Catholic Sexual Teaching, in *Responding to the Ryan Report* 162–70.

⁵¹ See Marian Machinek, M.S.F., "Die menschliche Leiblichkeit als Gegenstand bioethischer Kontroverse," *Studia moralia* 48 (2010) 213–31. See also John M. McDermot, S.J., and John Gavin, S.J., eds., *John Paul II on the Body: Human, Eucharistic, Ecclesial; Festschrift Avery Cardinal Dulles, S.J.* (Philadelphia: St. Joseph's University, 2007); and the discussion in Keenan, "Contemporary Contributions to Sexual Ethics."

on the relationship between the clergy sexual abuse crisis and the Church's approach to sexuality, much of the theological analysis has focused on its continuing inadequacy, notwithstanding the evolution that has occurred. Discussion of celibacy's role in the crisis has been a preoccupation for a decade now.⁵² Brendan Callaghan's conclusion is that

the problem is not of professed celibates needing to grow into the complete expression of what they have professed . . . but of a culture where, on the one hand, struggles, difficulties and failures are almost impossible to acknowledge . . . and where, on the other hand, documented evidence exists of some cases of active sexual relationships between bishops and their clergy, and religious superiors and their subjects.⁵³

In his editorial in "L'Église catholique, la pédophilie, le celibate et les droits de l'homme," Hubert Faës takes a similar position, arguing that it is not celibacy per se, but rather the manner in which it functions within the Church, and in particular the manner in which it sets clergy apart from the rest of the faithful, that implicates celibacy in the scandal.⁵⁴ Essays by Margaret Farley and Stephen Pope develop some of the nuances of how mandatory celibacy can be understood to be a factor in the crisis.⁵⁵ Recent comments by Cardinal Tarcisio Bertone suggesting that homosexuality is at the root of the sexual abuse problem have also occasioned debate. Tina Beattie argues that to lay the blame at the door of homosexuality is to misunderstand the crisis. She acknowledges that Catholic institutional life may provide the ideal culture in which the male attraction to pubescent boys can flourish, but she argues that the root of the crisis lies in "the poisonous legacy of a long tradition of contempt for human sexuality in an institution which has privileged secrecy, self-interest and unaccountable power over transparency, dialogue and democratic participation."⁵⁶ Joe Rigert's *An Irish Tragedy* makes a similar point.⁵⁷

⁵² See Sipe, *Sex, Priests, and Power*; Mary Gail Frawley-O'Dea *Perversion of Power: Sexual Abuse in the Catholic Church* (Nashville: Vanderbilt University, 2007); and Robinson, *Confronting Power and Sex*. For an alternative analysis of the role celibacy plays in the current crisis, see George Weigel, *The Courage to Be Catholic: Crisis, Reform, and the Future of the Church* (New York: Basic, 2003).

⁵³ Brendan Callaghan, "On Scandal and Scandals: The Psychology of Clerical Pedophilia," in *Studies: An Irish Quarterly Review* 99 (2010) 343–56, at 351.

⁵⁴ *Revue d'éthique et de théologie moral* 259 (June 2010) 6–10.

⁵⁵ Margret Farley, "Celibacy under the Sign of the Cross," in *Sexuality and the U.S. Catholic Church* 126–43; Stephen Pope, "Descriptions and Prescriptions: Proposed Remedies for a Church in Crisis," in *ibid.* 183–95. See also John Garvey, "Celibacy and the Current Crisis," *Doctrine and Life* 60.5 (May-June 2010) 10–12.

⁵⁶ Tina Beattie "The Catholic Church's Scandal: Modern Crisis, Ancient Roots," published April 14, 2010, <http://www.opendemocracy.net/tina-beattie/catholic-church%E2%80%99s-abuse-scandal-modern-crisis-ancient-roots>.

⁵⁷ Joe Rigert, *An Irish Tragedy: How Sex Abuse by Irish Priests Helped Cripple the Catholic Church* (Baltimore: Crossland, 2008).

Patriarchy and the Abuse of Power

Both Tina Beattie and Mary Malone bring a feminist analysis to bear on the current crisis, drawing attention to the role that the theology of sexuality, with its negative appraisal of the body and its particular disgust of the female body, played a role in the sex abuse scandal. In a searing critique Beattie argues that

in a religion in which the main focus has been the development of men's spirituality through the suppression of their sexuality, . . . the control of female sexuality has been and continues to be a major preoccupation. This in turn leads to the accumulation of power over other people's bodies, it allows men to believe that their primary spiritual responsibility lies in the area of sexual discipline, and the use of power becomes a means to inhibit and punish sexual desire.

It is not difficult to see how this might create a dark spiral of temptation, guilt and punishment focused on the "sin" of sexual arousal and the bodies which cause it—whether those are the bodies of women, children or men, or indeed one's own (which becomes subject to extravagant masochistic practices of chastisement).

Moreover, she argues, whereas in the past the Church's

pathologically dysfunctional attitude to sex . . . has been targeted primarily at women . . . today homosexuals are also included, perhaps because dramatic transformations in western society mean that homosexual bodies have also become highly visible sources of temptation for a religious hierarchy which includes many homosexuals among its ranks. So the "problem" of homosexuality has now been added to the age-old "problem" of female sexuality with which the men of the church must do battle.⁵⁸

Through the extensive testimony of victims, Ireland's *Ryan Report* provides ample and vivid evidence of this aspect of the Catholic tradition's approach to the body. Severe physical neglect, starvation, and floggings of children were commonplace, and the recollections of victims, and occasionally of those implicated in the abuse reveal a profound disgust of and hatred for the body—views that were invariably conveyed through religious language and values.⁵⁹

The *Ryan Report* suggests that a more nuanced perspective to the issue of gender is needed, however, since a significant portion of the physical abuse, including seriously degrading treatment, was visited on children by religious women.⁶⁰ It is obvious that women as well as men adopt and

⁵⁸ Beattie, "Catholic Church's Scandal." See also Mary T. Malone, "And, of Course, Women," *Doctrine and Life* 60.6 (July-August 2010) 13–21.

⁵⁹ The references in the literature are too frequent to cite; see the *Ryan Report*, vols. 1, 2, and 3.

⁶⁰ The *Ryan Report* deals with eight industrial schools run by orders of religious women: the Sisters of Mercy, the Sisters of Charity, and the Dominican Sisters. It concluded that, although emotional and physical abuse was endemic in some schools, in the main the regimes were less harsh than in the boys' schools. Sexual

promote patriarchal values. However, although this is accepted in most feminist analysis, its implications are rarely addressed. In 1999, commenting on the abuse of children in industrial schools, I wrote:

The degree to which women as well as men invested themselves in these institutions requires us to rethink the religious and moral formation that underlay and sustained such practices. We desperately need a systematic analysis of the various positions that men and women, religious and lay, adopted, together with an investigation of the underlying theology. The truth will inevitably be ambiguous and multi-layered, with prevarication and accommodation as well as resistance being part of the story. What is clear, however, is that an overly monolithic conception of male dominance will obfuscate rather than reveal the complex dynamic of power that characterises these human relationships.⁶¹

A decade on, very little attention has been given to this difficult issue, although in their different ways Brendan McConvery, Margaret Lee (a former Sister of Mercy), and Fainche Ryan begin to consider some aspects of the complexities of religious life, although not the gendered aspects.⁶² Both McConvery and Ryan draw attention to the existence of what amounted to a caste system within these congregations, with the establishment of a two-tier system of membership, “regulated by increasingly water-tight social distinctions.”⁶³ Moreover, as McConvery suggests, something of the same class distinction is observable in the chosen activities of the congregations, and explains, at least in part, why both the Christian Brothers and the Sisters of Mercy featured strongly in the provision of social care for the poor, and therefore in running the industrial schools that became such a source of scandal.

Church, Ministry, and Leadership

Just as commentary on the sexual aspects of this crisis draw on existing debates about the adequacy of the Church’s theology of sexuality, considerations of the ecclesial issues raised are contextualized within a broader

abuse at the hands of “godfathers” was frequently reported, as was what would now be regarded as sadomasochistic treatment of girls. One allegation of complicity with sexual abuse by a religious sister was dealt with in the Irish courts. She was convicted but later acquitted.

⁶¹ Linda Hogan, “Occupying a Precarious Position: Women in Culture and Church in Ireland,” in *New Century, New Society: Christian Perspectives*, ed. Dermot Lane (Dublin: Columba, 1999) 140–49, at 149; reprinted in *The Field Day Anthology of Irish Writing, Vol. IV/V: Irish Women’s Writing and Traditions*, ed. Angela Bourke et al. (Cork: Cork University with Field Day, 2002) 680–86.

⁶² See Brendan McConvery, C.Ss.R., “The Shaping of Irish Religious Life,” in *Responding to the Ryan Report* 25–44; Margaret Lee, “Searching for Reasons,” in *ibid.* 44–55; and Fainche Ryan, “A Lingering Shame,” in *ibid.* 148–61.

⁶³ McConvery, “Shaping of Irish Religious Life” 29.

discussion about the theology of Church, ministry, and laity. Gerry O'Hanlon, in his "The Future of the Catholic Church—A View from Ireland," captures the overwhelming consensus among theologians and laity when he insists "we will need an altogether different vision of Church . . . if we are to change the clericalist culture that is at the root of our present crisis, the effects of which are altogether more pervasive than the issue of child abuse."⁶⁴ O'Hanlon insists that Vatican II offered such a vision and goes on to "recall" it, arguing that, as "the most authoritative faith-inspired blue-print we have at our disposal," it remains our best hope of the kind of renewal we need. Enda McDonagh develops this point about the vision of Vatican II and discusses some ways in which the institutional and hierarchical models of church might be transcended in practice. He notes the offence taken by laity at "gestures and actions of dominance-subservience which characterise and eventually corrupt pope-bishop, bishop-priest, and clergy-laity relationships,"⁶⁵ and suggests that only the involvement of the whole believing community will help now. He also notes that such involvement "will demand conversion of mind and heart, of relationships and activity in all Church circles."⁶⁶

In the volume edited by Littleton and Maher, Sean Ruth uses the work of psychologist Irving Janis to highlight some of the dysfunctional aspects of decision-making among the leadership in the Church. Ruth argues that many of the characteristics of dysfunction, as discussed by Janis are relevant to the Catholic Church in Ireland. These include: the illusion of invulnerability; a belief in one's inherent morality; collective rationalization and self-censorship.⁶⁷ These and other dysfunctional tendencies are addressed in *Church Ethics and Its Organizational Context*, a volume that, although published in 2006, is highly pertinent to the current crisis.⁶⁸ Taking an interdisciplinary approach to the question of how the Catholic Church (in the United States) can learn from the sex abuse scandal, these essays address a host of critical issues related to the exercise of leadership at all levels in the Church. Key among the insights is the insistence that we need to develop an ecclesial professional ethics so as to promote for the Church's own members "an awareness of the goods and benefits that are engaged

⁶⁴ O'Hanlon "Future of the Catholic Church" 289.

⁶⁵ McDonagh, "The Murphy and Ryan Reports: Between Evangelising and Priesthood," in *Dublin/Murphy Report* 113–20, at 117.

⁶⁶ *Ibid.* 119.

⁶⁷ Sean Ruth "Responding to Abuse: Culture Leadership and Change in *Dublin/Murphy Report* 102–12, at 103.

⁶⁸ Jean M. Bartunek, Mary Ann Hinsdale, and James F. Keenan, eds., *Church Ethics and Its Organizational Context: Learning from the Sex Abuse Scandal in the Catholic Church* (Lanham, Md.: Rowman & Littlefield, 2006).

by the practice of critical ethical thinking in routine decision-making.”⁶⁹ This volume is an excellent example of the kind of resource Richard Gula argues for in his *Just Ministry: Professional Ethics for Pastoral Ministers*.⁷⁰

The issue of the nature of leadership and its exercise at all levels in the Church continues to dominate much of the ecclesiological discussion of the crisis. The inadequacy of the response of bishops, both individually and collectively, is discussed at length. The literature is divided into two main strands, one focusing on the creation and implementation of appropriate procedures for the management of child protection,⁷¹ the second related to the broader issues of episcopal accountability within a significantly reformed structure.⁷² In a related context, Chinnici provides an illuminating analysis of his experience as provincial superior of the Franciscan Friars in California, as the order was beginning to deal with its own sexual abuse crisis. His *When Values Collide* highlights the destructive effects of dominating power for clergy and laity alike and draws on the Franciscan tradition as a resource for a rearticulation of the nature of ministry. Other contributions to the discussion focus on the corrosive effects of clericalism on both ordained and lay Catholics.⁷³

MOVING FORWARD

In June 2010 Bishop Kevin Dowling made headlines when he suggested that “church leadership, instead of giving an impression of power, privilege

⁶⁹ James F. Keenan, “Toward an Ecclesial Professional Ethics,” in *Church Ethics and Organizational Context* 83–96. Keenan develops this essay in “Church Leadership, Ethics, and the Moral Rights of Priests,” in *Moral Theology for the Twenty-First Century: Essays in Celebration of Kevin Kelly*, ed. Bernard Hoose, Julie Clague, and Gerard Mannion (London: T. & T. Clark, 2008) 204–19.

⁷⁰ New York: Paulist, 2010.

⁷¹ See, e.g., Eugene Duffy, “Presbyteral Collegiality: Precedents and Horizons,” *Jurist* 69 (2009) 116–54; Aaron Milavec, “Reflections on the Sexual Abuse of Minors,” in *Asian Horizons: Dharmaram Journal of Theology* 4 (June 2010) 179–91; and Charles G. Renati, “Prescription and Derogation from Prescription in Sexual Abuse of Minor Cases,” *Jurist* 67 (2007) 503–19. See also Nicholas P. Cafardi, *Before Dallas*; Archbishop Rembert G. Weakland, in his *A Pilgrim in a Pilgrim Church* (Grand Rapids, Mich.: Eerdmans, 2009), reflects on the evolution of these procedures; see esp. 347–65.

⁷² See, e.g., Donald Cozzens, “Culture That Corrodes,” in *Dublin/Murphy Report* 144–47; McDonagh, “Between Evangelising and Priesthood”; O’Hanlon, “Future of the Catholic Church”; and Robinson, *Confronting Power and Sex in the Catholic Church*.

⁷³ See Thiel, unpublished manuscript (see above, n. 47); Ryan, “A Lingering Shame”; McDonagh, “Between Evangelising and the Priesthood”; and O’Hanlon, “Future of the Catholic Church.” See also David Polidano “Towards a More Democratised Church,” *Melita theologica* 56 (2005) 13–30.

and prestige, should rather be experienced as a humble, searching ministry together with its people.”⁷⁴ The clergy sexual abuse crisis has shown just how radically the Church will need to change if such a humble, searching ministry is to be its hallmark. What this implies, writes McDonagh, is that “bishops and the wider Church must first be evangelised by the abused, brought to some deeper and fuller meaning of the gospel by the abused before they presume to lead in the evangelising of others.”⁷⁵ Moreover, such responsibilities lie not only with bishops but also with clergy and laity who colluded, whether actively or passively, with a system that allowed the rape and abuse of children. Transparency and accountability are key.⁷⁶ So too is a commitment to a process of reform within the Church at all levels. However, healing and forgiveness will be possible, Desmond Tutu reminds us, only if the depth of the damage and the awfulness of the abuse are acknowledged, and if we are prepared to deal with the real situation.⁷⁷ Undertaking the work of true reconciliation is risky. It must be embarked on in a spirit of solidarity with all who have been abused, and with a commitment to the slow and painful work of reparation that is essential to any reconciliation process. At this critical juncture for the Church we may pray for a *metanoia* that will allow us to grasp the unique opportunity of the crisis. In this regard Seamus Heaney’s much-quoted lines have a resonance:

History says. Don’t hope
On this side of the grave.
But then, once in a lifetime
The longed-for tidal wave
Of justice can rise up.
And hope and history rhyme.

So hope for a great sea-change
On the far side of revenge.
Believe that a further shore
Is reachable from here.⁷⁸

⁷⁴ Kevin Dowling, “Catholic Social Teaching Finds Church Leadership Lacking,” *National Catholic Reporter*, July 8, 2010, <http://ncronline.org/news/vatican/catholic-social-teaching-finds-church-leadership-lacking>.

⁷⁵ McDonagh, “Between Evangelising and the Priesthood” 113.

⁷⁶ See Baroness Nuala O’Loan, “Transparency, Accountability and the Exercise of Power in the Church of the Future,” *Studies: An Irish Quarterly Review* 99 (2010) 267–75.

⁷⁷ Desmond Tutu, *God Has a Dream: A Vision of Hope for Our Time* (London: Ebury, 2004) 55, cited in Conway, “Broken Hearts and Not Just Torn Garments” 127.

⁷⁸ Seamus Heaney, *The Cure at Troy* (New York: Farrar, Strauss, & Giroux, 1991) 77.