

# The Catholic Sexual Abuse Crisis as a Theological Crisis: Emerging Issues

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**Massimo Faggioli** 

Villanova University, Philadelphia, PA, USA

## Abstract

The sexual abuse crisis has long-term consequences: not only on the victims and survivors of abuse, but also on the theological standing and balance of the Catholic Church throughout the world. Theological rethinking in light of the abuse crisis is necessary: not only from the lens of those who have suffered, but also from the lens of the changes caused by this global crisis in the history of the whole Catholic community. The article examines the consequences of the abuse crisis on different theological disciplines, with particular attention to the history of the Catholic Church, liturgy, ecclesiology of reform, and church–state relationships.

## Keywords

church–state relations, ecclesiology, episcopalism, liturgy, reform, sexual abuse, theology of childhood

The years 2018 and 2019 have represented a new moment and the beginning of a new phase in the history of the sexual abuse crisis in the Catholic Church. The canonical and civil investigations against bishops and cardinals; the activity of secular investigators and prosecutors leading to state- and nationwide reports in many different countries; the revelations of sexual abuse against women religious; the scandal reaching the highest levels of the ecclesiastical institutions, including the Vatican and members of the Vatican diplomatic service; the revelations of sexual

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## Corresponding author:

Massimo Faggioli, Villanova University, 800 Lancaster Ave., Philadelphia, PA 19085, USA.

Email: massimo.faggioli@gmail.com

abuses in other churches and in communities of other religious traditions; the first high-level Vatican meeting (February 21–24, 2019) devoted to the crisis, with the presence of the presidents of all bishops' conferences.

This new moment represents, not just the reckoning with a long-denied problem in the recent past, but also an example of the global quality of Catholic experience: the abuse crisis has taken different shapes in different countries and comes at a time when the institutional church is questioned more than ever. Its very ability to govern is challenged because of the ongoing crisis of globalization, which includes the Catholic Church because it too is a supra-national and interconnected religious community. The abuse crisis in the Catholic Church cannot be separated from other crises, for example, the “MeToo” movement,<sup>1</sup> and the anti-institutionalism that affects all institutions. There is also a real temptation to use the abuse scandal as a weapon in the “culture wars” over sexuality and gender issues.

The comprehensiveness of the crisis makes clear that the Catholic Church needs to develop a theological approach to the sexual abuse crisis and to move beyond a merely legal-criminological focus.<sup>1</sup> A purely legal approach will not solve the crisis because the revelations of abuses is part of a larger cultural and social revolution. It is also true that there is a new theological sensibility to the problem of abuse in the church—sexual abuse is also an abuse of power. The legal approach to the abuse crisis tends to oversimplify a much more complex situation in the church dealing with the abuse crisis: as long as it looks for the abusers and the enablers only, it will allow everyone else to think that they have nothing to do with the crisis or that this is “the church’s problem.” To see abuse within the church in this way will leave the root causes of this experience unaddressed and unresolved, leading many to regard the church and its hierarchy as entirely corrupt.

A theological approach to the crisis will make it possible to avoid simplistic solutions by addressing the complex issues raised by the crisis. In other words, the Catholic abuse crisis has unveiled the ripple effects of the scandal on a wide range of theological issues. A theological reflection on the issues opened by the abuse crisis will allow all members of the church to reflect on the abuse crisis as one of the signs of our times.<sup>2</sup> It will also address another sign of our times, namely, the fact that Catholics are divided about how to respond to this crisis, more so in some countries than in others.

The theological issues that are evidently and directly addressed by the abuse crisis include concerns about the theology of priestly ordination, the relationship between the clergy and the laity, the role of women in the church, and the teaching on sexuality. But there is a longer list of issues as well. This article represents the attempt to draw an initial map of some of the theological issues that need to be addressed in different theological disciplines.

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1. About this, see Julia Enxing, *Schuld und Sünder (in) der Kirche: Eine systematisch-theologische Untersuchung* (Ostfildern: Grünewald, 2018), esp. 108–15.
  2. See Angela Senander, *Scandal: The Catholic Church and Public Life* (Collegetown, MN: Liturgical, 2012), 1.

## The Abuse Crisis as a Historical and Historiographical Problem

One field that is directly affected by the abuse crisis is historical ecclesiology: the sex abuse scandal has destabilized our perception both of church, and also of church history. The stories of priests abusing children and of bishops covering up is a moral shock as much as a historiographical one. This opens a more general discussion on the effects of the abuse crisis on church history as a way of writing and thinking about the history of the church with a theological commitment. Rowan Williams identified two extremes in looking at history: the past as something that settles everything for us, and the past as unintelligible. Yet, for Williams, to look at history is “to engage with the church’s past [and it] is to see something of the church’s future.”<sup>3</sup> The abuse crisis interjects a historiographical debate on the recent past of church history, especially the history of the post-Vatican II period, which notably in the Western hemisphere has demonstrated the lack of a coherent narrative—not about what happened at Vatican II, but about what happened *after* Vatican II. Polarized narratives on the roots of the Catholic abuse crisis tend to overlap with polarized narratives on the effects of Vatican II on the social, cultural, and political standing of the church in the secularized and pluralistic society.

But even before the relations between the phenomenon of abuse and the pivotal moment of Vatican II, the abuse crisis represents an emergency from a historical-theological point of view insofar as it uncovers serious lacunae in our knowledge of the history of the church.

First, there is the problem of having a global history of the abuse crisis that goes back to the period before the 1950s (which is the usual time limit of many investigations both scholarly and criminal) and even before the twentieth century. There is a historiographical work that cannot be outsourced to the criminal justice system, to the news media, or to journalism: the church needs more than “the rough draft of history” which news journalism provides. The gap between journalism and church tradition is wider than the gap between the tradition of the church and its history. It is not possible to offer a theological evaluation of a crisis in the tradition of the church without doing the historiographical work on its context.

Second, it will be important to develop a global narrative which includes comparative analyses of how different Catholic dioceses and Catholic Churches in different states and countries are responding to the abuse crisis in different ways.<sup>4</sup> A global narrative, in other words, has to avoid a narrow focus on a single country or area of the

3. Rowan Williams, *Why Study the Past? The Quest for the Historical Church* (Grand Rapids, MI: Eerdmans, 2005), 94.

4. For the instructive example of Australia to be compared with other cases such as the USA or Chile or Ireland, see *Royal Commission into Institutional Responses to Child Sexual Abuse* (Australia, December, 2017), [https://www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_recommendations.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_recommendations.pdf); *Australian Catholic Bishops Conference and Catholic Religious Australia’s Response to the Royal Commission into Institutional Responses to Child Sexual Abuse* (August, 2018), <https://www.catholic.org.au/acbc-media/media-centre/media-releases-new/2139-acbc-and-cra-response-to-the-royal-commission/file>.

world because the problem is global, and it needs to be understood in global terms so as to be able to appreciate the common patterns and differences. Yet the differences that emerge within the one global Catholic Church, where local churches have different characteristics, will have a great impact on our understanding of the abuse crisis—beginning with whether the phenomenon of sexual abuse in the Catholic Church has already come to light or not. Taking seriously global Catholicism in the history of the sexual abuse crisis is an antidote against the illusion that the abuse crisis can be understood and solved in terms of moral differences that are framed simplistically as between those who get it and those who do not. A global history of the Catholic Church is a key framework to understand in a comprehensive way the clerical abuse crisis in terms of comparative history, relational history, international and transnational history, historical sociology, and the history of Catholic globalization.<sup>5</sup>

Third, there are significant gaps in our historical scholarship on the abuse of children in the church and in a Christian society. There is an urgent need to connect the history of the crime of *sollicitatio ad turpia*<sup>6</sup> and other forms of violence against children in the church in premodern times<sup>7</sup> with what we know about this phenomenon in the twentieth century in other institutions and organizations. That will help us to think theologically about the abuse crisis as a historical crisis in connections with the history of institutions, the history of moral theology, the history of canon law, and the history of the secular justice system.<sup>8</sup>

This historical-theological work has to be done by historians in a way that is both scholarly and independent from the ecclesiastical institution, but at the same time in service to the communion of the church. Setting the abuse crisis within the long span of history and of theology will require appropriate methodological tools and clearly framed intellectual objectives that are independent of the institutional and criminal responses against abusers and enablers.<sup>9</sup> The long-term solution must aim at giving

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5. See Diego Olstein, *Thinking History Globally* (Basingstoke: Palgrave MacMillan, 2014).
  6. See for example Michèle Escamilla, “L’inquisiteur et l’archevêque: un débat d’école autour de la ‘*sollicitatio ad turpam in actu confessionis*’,” in *Inquisition d’Espagne*, Annie Molinié and Jean-Paul Duviols, eds., *Ibérica*, 14 (Paris: Presses de l’Université de Paris-Sorbonne, 2003), 109–44; Alexandre Coello de la Rosa, “Lights and Shadows: The Inquisitorial Process against the Jesuit Congregation of *Nuestra Señora de la Luz* on the Mariana Islands (1758–1776),” *The Journal of Religious History* 37 (2013): 206–27, <https://doi.org/10.1111/1467-9809.12028>.
  7. See Frédéric Meyer, “Enfance et violences ecclésiastiques en Savoie au XVIII<sup>e</sup> siècle,” in *Enfance, assistance et religion*, Olivier Christin and Bernard Hours, eds. (Lyon: Université Jean Moulin, 2006), 93–110.
  8. See, for example, Anne Philibert, *Des prêtres et des scandales: Dans l’Eglise de France, du concile de Trente aux lendemains du concile Vatican II* (Paris: Cerf, 2019); Michele Mancino, Giovanni Romeo, *Clero criminal: L’onore della Chiesa e i delitti degli ecclesiastici nell’Italia della Controriforma* (Roma-Bari: Laterza, 2013); Paolo Prodi, *Una storia della giustizia: Dal pluralismo dei fori al moderno dualismo tra coscienza e diritto* (Bologna: Il Mulino, 2000).
  9. See Peter Steinfelds, “The PA Grand-Jury Report: Not What It Seems,” *Commonweal*, January 25, 2019, <https://www.commonwealmagazine.org/pa-grand-jury-report-not-what-it-seems>.

justice to the victims and their families, to the perpetrators and those who have been falsely accused, and to the Christian community as a whole. The moral and theological obligations to historical truth may not necessarily coincide with the legal judgments and sentences because their goals are different.

It is also necessary to make sense of the crisis in the development of the theological and magisterial tradition of the church. The urgency to recover some sense of history in the abuse crisis coincides with a crisis of the role of historical studies for theology and especially for the Catholic Church. In the theological formation of young clergy and young theologians there is evident a de-historicization of theological studies which produces a general inability to understand the historical dimension of the Catholic Church; this affects one's approach to the whole tradition of the church. Together with this de-historicization, in the last few years we have seen emerge a split in the narratives about the church at Vatican II and in the post-Vatican II period, namely, between "conciliar" and "anti-conciliar" narratives.<sup>10</sup> The abuse crisis has deepened the rifts between both camps. At the same time, the long duration of the clerical abuse crisis in the twentieth century has caused a shattering of the standard narratives themselves that have been used by both liberal and conservative Catholics about the church, regarding the church of Vatican II and the preconciliar church respectively.

It is clearer than ever that the challenge lies in our ability to combine cognitively and methodologically the acquisitions of studies of religious, social, cultural, and gender history with a global and historical vision of the church. A renewed interest in understanding how the ecclesiastical institution worked and works needs to be added to the focus on the responsibility of the institutional church. At Vatican II the church recentered itself from the *urbs* toward the *orbis*, as a *Weltkirche* in Karl Rahner's coinage: the global crisis of abuses in the church represents a moment in this re-centering of the *Weltkirche*.<sup>11</sup> Rather than merely a problem, therefore, the present crisis presents an opportunity to recover the vision of Vatican II.

This opportunity has both methodological implications (what kind of church history, what particular focus) and moral ones. This is so not only because writing church history about the abuse crisis entails complex questions about the relationship between historical truth and the truth of tribunals, about the responsibility towards victims vs. apologetical intents, about the sources available for this historical research (archival and oral); studying the Catholic abuse crisis as a crisis within history is also necessary to heal another kind of wound created by the crisis: a sense of estrangement that Catholics have from their own history. As American author Paul Elie wrote in the aftermath of the *Boston Globe* investigation back in 2004,

If a certain pilgrimage, an epoch in the history of the church in these parts, is now coming to an end, it is the pilgrimage that had Vatican II at its center ... It is my view that the scandal

10. See Massimo Faggioli, "Vatican II: The History and the 'Narratives,'" *Theological Studies* 73 (2013): 749–67, <https://doi.org/10.1177/004056391207300401>.

11. See Yves Congar, *Le Concile de Vatican II: Son Église, Peuple de Dieu et Corps du Christ* (Paris: Beauchesne, 1984), 54.

will inform the pilgrimage of today's American Catholics the way the Second Vatican Council did the pilgrimage of the generation before ours.<sup>12</sup>

The sexual abuse crisis is bound also to open a new page in the way church historians address ecclesiastical archives. If during the pontificate of John Paul II, the most dramatic act by the institutional church in terms of openness towards a critical investigation of its past was the decision to make accessible the Archives of the Roman Congregation of the Holy Office and the Congregation of the Index of forbidden books (1998), now the abuse scandal refocuses the interest of investigators toward other moments in church history and on new topics.

## Theology of Childhood and the Incompleteness of the Theological Tradition

The abuse crisis poses a series of questions for theologians who address not only the current teaching of the church but also the theological tradition. One of the questions that must be raised is how resourceful the tradition can be in helping the church and Christians today understand the abuse crisis and find a solution to the theological and magisterial shortcomings that contributed to the crisis and delayed awareness of it and the search for solutions.

The constitution of Vatican II on Divine Revelation, *Dei Verbum*, states that Scripture is “the soul of sacred theology” (*DV* 24). Theological reflection on the abuse crisis must begin with Scripture. Many recent important contributions have cast a light on children and childhood in the Scriptures<sup>13</sup> and in early Christianity.<sup>14</sup> If theology in the last century has been marked by a *ressourcement* as the return to the sources beginning

12. Paul Elie, *Candlemas Lecture at Boston College* (February, 2004), [http://bcm.bc.edu/issues/spring\\_2004/ft\\_pilgrims.html](http://bcm.bc.edu/issues/spring_2004/ft_pilgrims.html).

13. See Lorne Zelyck, “Matthew 18,1–14 and the Exposure and Sexual Abuse of Children in the Roman World,” *Biblica* 98 (2017): 37–54; *T&T Clark Handbook of Children in the Bible and the Biblical World*, eds. Sharon Betsworth and Julie Faith Parker (London: T&T Clark, 2019); Shawn Flynn, *Children in Ancient Israel. The Hebrew Bible and Mesopotamia in Comparative Perspective* (Oxford: Oxford University, 2018).

14. See Blake Leyerle, “Children and ‘the Child’ in Early Christianity,” in *The Oxford Handbook of Childhood and Education in the Classical World* (Oxford: Oxford University, 2013), <https://doi.org/10.1093/oxfordhb/9780199781546.013.027>; Margaret Y. MacDonald, *The Power of Children: The Construction of Christian Families in the Greco-Roman World* (Waco, TX: Baylor University, 2014); Kristine Henriksen Garroway, *Children in the Ancient Near Eastern Household* (University Park, PA: Eisenbrauns, 2014); Cornelia B. Horn and John W. Martens, “Let the Little Children Come to Me”: *Childhood and Children in Early Christianity* (Washington, DC: Catholic University of America, 2009); John W. Martens, “‘I Renounce the Sexual Abuse of Boys’: Renegotiating the Boundaries of Sexual Behaviour in Late Antiquity by Jews and Christians,” in *Children and Family in Late Antiquity: Life, Death and Interaction*, Christian Laes, Katarina Mustakallio, eds., and Ville Vuolanto (Leuven / Walpole, MA: Peeters, 2015), 169–211.

with the Gospels, the abuse crisis represents a further step in this *ressourcement* thanks to the studies that reevaluate the interactions between Jesus and children: “Much of his teaching about the coming reign of God appears to be anti-family and anti-child. But children were a part of Jesus’ world, and they are a part of the Gospel narrative ... Children are present in the Gospels because they are valuable members of the human community.”<sup>15</sup>

One of the effects of the recent studies on early Christian sexual ethics is the awareness that Christians developed a new language to speak about the sexual abuse of children not only in opposition to the Greco-Roman practice, but also in speaking to members of the church: “The prohibition against *paidophthoria* [sexual abuse and corruption of children] and its novelty in Jewish and Christian Greek literature clearly indicate that this was a behavior in Christian communities.”<sup>16</sup> From the very beginning the problem of the sexual abuse of children was not simply coming from the outside, but was already in early Christianity an internal problem, in spite of the porous boundaries between the Christian community and the Greco-Roman society. This quest for a history of sexual abuse throughout the entire history of the Christian community is necessary in order to correct ideological interpretations of sexual abuse in the church as a product of the opening to modernity since the mid-twentieth century.

In looking at the tradition, theologians must also address the role of the Fathers of the church in the effort to address the abuse crisis as a theological problem. The focus of the abuse committed by the Catholic clergy must be seen in the context also of the current theological critique—especially in the Western hemisphere—of *patriarchy* and *kyriarchy*: it clearly addresses the place and role of the Fathers of the church as resources for understanding the sexual abuse crisis. On the one hand, that the Fathers of the church were by and large celibate and the issue of children and childhood does not seem to be a focus of their reflection is not a valid reason to ignore them.<sup>17</sup> On the other hand, the sexual abuse crisis in the church also questions the role that some have given (not only in the Catholic Church, but also in other traditions) to Patristic theology as a refuge, as a counter-balance and a response to modern and postmodern theology. A theological reflection beginning with the sex abuse crisis would call to mind what Yves Congar wrote about patristic theology: “It might, indeed, happen that a systematic preference for the Fathers could derive from a questionable anti-intellectualism ... an essentially historicizing, documentary, static and academic theory of Tradition, going together with insufficient esteem for the living church.”<sup>18</sup>

There is a more complex legacy of Patristic theology that interrogates the church today and raises complex ecclesiological and systematic questions. It is well known that

15. Sharon Betsworth, *Children in Early Christian Narratives* (London: T&T Clark, 2015), 185.

16. John W. Martens, “‘Do Not Sexually Abuse Children’: The Language of Early Christian Sexual Ethics,” in *Children in Late Ancient Christianity*, Cornelia B. Horn and Robert R. Phenix, eds. (Tubingen: Mohr Siebeck, 2009), 227–254 at 244.

17. With a few exceptions: see Martens, “Do Not Sexually Abuse Children.”

18. Yves Congar, *Tradition and Traditions. An Historical and Theological Essay* (London: Macmillan, 1967), 443.

Augustine emphasized that moral purity was not required for the efficacious functioning of the sacraments. But today one can see how this theology might encourage a kind of bifurcation or dissociation between the moral conduct of a priest and his sacramental role.<sup>19</sup> Theologians should not ignore the challenge posed to Catholic ecclesiology and theology of the sacraments by the pattern of clerical abuse and the widespread impression of a systematic corruption of clergy.<sup>20</sup> One of the long-term effects of the scandal could be the return of forms of neo-Donatism in the sense of a new version of the temptation to take away from Christ the efficacy of the sacraments and the means of salvation administered in the church and make it depend on the impeccability of the ministers of the church. Neo-Donatism could become an acceptable heresy as it claims to build a church of the pure and perfect obtained by the individuals' efforts to apply discipline in a rigorous way—opening the way to the hypocrisy that religious rigorism often conceals.<sup>21</sup>

More generally, the intellectual predicament for theologians in the age of the revelations of clerical sexual abuse has to do with the impact of the crisis on the theology of the patristic age, which was one of the sources of theological renewal at Vatican II and has become, in the post-Vatican II period, the major source for the theology of *ressourcement* as the moderate alternative to a progressive theology of *aggiornamento*.<sup>22</sup> The theological critique of liberal modernity often visible in the contemporary use of patristic theology must take into account that the unveiling of clerical abuse and of the abuse of power in the church is one of the fruits of the church in modernity: this should lead to more caution in identifying clerical sexual abuse with the modern and contemporary era, thus saving from the scandal the premodern era, medieval Christendom, but also the patristic period.

This inclusion of the premodern period in the historical-theological approach to the abuse crisis is necessary. In looking at sexual abuse and sexual violence, we have a sense that the church has progressed in looking at sexual abuse and sexual violence from shame to sin, to crime, and finally to something that must be addressed culturally and theologically.<sup>23</sup> While we do not have a clear picture of the entire history of sexual

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19. See Przemek Nehring, "Misbehaviour of Clergy in the Light of Augustine's Letters," in *Scrinium Augustini. The World of Augustine's Letters*, ed. Przemysław Nehring, associate editors Mateusz Stróżyński and Rafał Toczko (Turnhout: Brepols, 2017), 79–112.

20. See Norbert Rigali, "Moral Theology and Church Responses to Sexual Abuse," *Horizons* 34 (Fall 2007): 183–204, <https://doi.org/10.1017/s0360966900004394>.

21. During the press conference on the flight from Rabat (Morocco) to Rome, on March 31, 2019, Pope Francis spoke about "the danger of the Church today of becoming Donatist": <https://www.catholicnewsagency.com/news/full-text-of-pope-francis-in-flight-press-conference-from-rabat-24970>.

22. See Christopher Ruddy, "Ressourcement and the Enduring Legacy of Post-Tridentine Theology," in *Ressourcement. A Movement for Renewal in Twentieth-Century Catholic Theology*, Gabriel Flynn and Paul D. Murray, eds. (New York: Oxford University, 2012), 185–201.

23. Developing here a theme from Kyle Harper, *From Shame to Sin. The Christian Transformation of Sexual Morality in Late Antiquity* (Cambridge, MA: Harvard University, 2013).



abuse in the church, it is clearly not a problem produced by modernity and the twentieth century. The unveiling of the abuse in the church cannot be separated from the ethos of parenting and protection of children that is a key feature of bourgeois, Western Christianity in a way that is different from the culture of childhood and youth in pre-modern times. In the final analysis, the shortcomings in elaborating a theology of childhood must be seen in light of the fact that the concept of childhood remains implicit not only in Scripture, but also in the patristic, theological, and magisterial tradition.<sup>24</sup>

## Abuse of Power in the Church and the Liturgical Issue

The abuse crisis forces a reconsideration of moral theology, of soteriology, and of ecclesiology. But the ecclesiological unsettling caused by the abuse crisis involves also the liturgy and Christian initiation. The crisis has obvious pastoral and catechetical implications: what it means to teach the fundamental relational nature of Christian faith in the context of a church dominated by the media-driven discourse on sexual abuses. Many Christians, and especially young Catholics, receive today a very different kind of “initiation” to the church by the media covering the abuse scandal—not only by mainstream secular media, but also by a divided and polarized Catholic media. Christian initiation today is preceded often by other kinds of initiation to the way Christianity is introduced in the public square, at least in the Western world, in a system of Catholic media that often fosters division and polarization within the church.

Beyond the phase of initiation, the abuse crisis has liturgical implications because it has an impact on the relationship between assembly and celebrant, between the victims of abuses and the Eucharist.<sup>25</sup> Very early in the history of the church dealing with the abuse crisis, a report submitted to the US bishops talked about the crisis of the sacrament of reconciliation, and included the “unwillingness to accept a priest as the minister of forgiveness and absolution.”<sup>26</sup> The sexual abuse crisis is an “event of abundant evil,” a spiritual event taking place often in church buildings, sometimes in the church and near the altar. This marks the difference between being abused by members of the clergy and by sports coaches or public school teachers: “Being abused by a priest was to be abused at one degree of separation from God.”<sup>27</sup>

24. About this, see James Gerard McEvoy, “Theology of Childhood: An Essential Element of Christian Anthropology,” *Irish Theological Quarterly* 84 (May 2019): 117–136, <https://doi.org/10.1177/0021140019829322>.

25. See Robert Orsi, “What Is Catholic about the Clergy Sexual Abuse Crisis?” in *The Anthropology of Catholicism: A Reader*, Kristin Norget, Valentina Napolitano, and Maya Mayblin, eds. (Berkeley, CA: University of California, 2017), 282–92; Robert Orsi, *History and Presence* (Cambridge, MA: Belknap Press of Harvard University, 2016), 215–48.

26. *Doyle Report* (a 92-page report on clergy sex abuse, distributed to the US bishops in May, 1985), 75. The document can be found at <https://www.documentcloud.org/documents/1216510-doyle-mouton-peterson-report-1985.html>.

27. See Orsi, *History and Presence*, 216. For the socio-psychological implications of the sexual abuses committed by clergy see the chapter “Events of Abundant Evil.”

The consequences of the sexual abuses committed by clergy must be seen in a context where much of the liturgy is still centered upon the priest acting *in persona Christi*. This is relevant for our discourse on ministry and ordained ministry in the church, but also for this particular moment in the history of the liturgical movement and of liturgical reform: “contemporary arguments over the revision of texts and language usage pale next to the greatest liturgical crisis of our day: how to trust the herald whose life so signally fails to attest to the truth of the ritual.”<sup>28</sup>

The sexual abuse crisis in its latest phase has unfolded amidst a growing instability in the Catholic Church of the narrative on the liturgical reform,<sup>29</sup> which reflects an instability and division regarding the causes and the remedies of abuse in the church. It is impossible to understand the debate on liturgical reform (or “the reform of the reform”) in a way that does not consider also the inclusionary instances (inclusion of women, children, minorities) of the liturgical movement until and beyond Vatican II. This debate reveals immediately the moral and political exclusionary instances of the liturgical and ecclesiological imagination of the anti-Vatican II movement, with its appeal to the return to the preconciliar rite, which works towards (consciously or unconsciously) new forms of self-segregation that are also neo-gnostic and potentially neo-Donatist. Moreover, it is clear that the polemics against the liturgical reform of Vatican II are also attempts to re-sacralize the Catholic priesthood in a way that, on the one hand, tend to create a new, pure priesthood-within-the-priesthood for post-scandal Catholicism and, on the other hand, dismiss what Robert Orsi has identified as the Catholic element in the sexual abuse crisis: the sexual abuses committed by clergy with “the practices of deference, acquiescence, and undeserved reverence” inherent with the Catholic doctrine of the priesthood.<sup>30</sup>

The liturgical reform set in motion a redefinition of the status of the priest, while on the other hand it promoted a new centrality to the Eucharist for the liturgical life of lay Catholics. The Catholic Church is going through the deepening of the abuse crisis just a few years after the fiftieth anniversary of Vatican II and after a major redirection of the conciliar liturgical reform thanks to Pope Benedict XVI’s *motu proprio Summorum Pontificum* (July 7, 2007). The question lingering is about the effects of the abuse crisis on the perception of the role of the ordained ministry in the liturgical life of lay Catholics and on their approach to the sacraments. One of the theological issues raised by the abuse crisis is about the relationship between the ecclesiology of the abuse crisis and the effects of the liturgical reform of Vatican II: on the one hand there is the question of if and how a failure in the concept and in the application of the liturgical reform and its ecclesiological assumptions contributed to the abuse crisis. On the other

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28. Terrance W. Klein, “Excuse: The Clerical Abuse Scandal and the Reception of Revelation,” in *Theology and Power: International Perspectives*, Stephen Bullivant, Eric Marcelo O. Genilo, Daniel Franklin Pilario, and Agnes M. Brazal, eds. (Mahwah, NJ: Paulist, 2016), 222.

29. See John Baldovin, *Reforming the Liturgy: A Response to the Critics* (Collegeville, MN: Liturgical, 2008).

30. Orsi, “What is Catholic about the Clergy Sexual Abuse Crisis?” 291.

hand, there is the question of the effects of the Catholic abuse crisis on the reception of the liturgical reform of Vatican II today.

From the point of view of the experience of the church, there is also a new field of studies in the liturgical response of the church to the news of abuses and to the need for healing of both the victims and the Christian community. Until a few years ago one could observe new kinds of liturgies in the secular space (where the Catholic element is unmistakably visible) such as “post-disaster liturgies” or “post-disaster rituals” which represent an emerging ritual repertoire for Catholic theologians and for historians of sacred architecture. Now we also see the emergence of liturgies of healing and repentance in a similar “post-disaster” predisposition.<sup>31</sup>

## The Abuse Crisis and the Ecclesiological Paradigms of Reform

The abuse crisis has redefined what the church assumed about the meaning of “reform” in the last few decades, especially the reforms of Vatican II. But it shapes also the expectations about the future of church reform. In the year 2019 the church saw a representation of the way Pope Francis imagines reform. With the extraordinary meeting of February 21–24, 2019, Francis brought the crisis to the Vatican not just as a place for one-on-one, bilateral relations between Rome and church leaders in one country or one religious order. At work there was the convergence between Francis’s perception of global Catholicism and Francis’s ecclesiology of synodality—a synodal church that is open to different kinds of contributions coming from all members of the church (victims and survivors, lay people, women) and from the *ad extra* (experts from the world outside). The Vatican meeting offered a simplified picture (featuring the ecclesiastical hierarchies, the victims, and the media) of a much more complex situation, in absence of other key actors that could help better understand the complexity of the abuse crisis, such as representatives of the police, lawyers, insurance managers and, most of all, attorney generals and prosecutors who work for civil jurisdiction.

The paralysis of the institutional church in articulating the structural changes needed in light of the Catholic abuse crisis is a subset of the more general paralysis of the institutional church about structural changes *tout court* that has been typical of the last few decades. In this sense, the institutional behavior of the hierarchical church is the rule and not the exception to the emergence of new issues in the life of the church, and to a certain model of partial and reluctant implementation of Vatican II.

The sexual abuse crisis is intersecting with the narrative of the reforms of the Vatican II period—liturgical reform, reform of moral theology, reform of priestly formation, and so on—and has provoked a series of questions about ecclesiology from a systematic point of view. More specifically, the abuse crisis has put into serious question a few of the paradigms of church reform of the twentieth century and of the

31. See *Disaster Ritual: Explorations of an Emerging Ritual Repertoire* (Leuven: Peeters, 2003); Benedikt Kranemann and Brigitte Benz, eds., *Trauerfeiern nach Grosskatastrophen: Theologische und sozialwissenschaftliche Zugaenge* (Echter: Wuerzburg, 2016).

ecclesiology of Vatican II. Focusing here on the issues in the history of ecclesiology,<sup>32</sup> the crisis calls not only for a renewal of church structures, but also a critical examination of the ecclesiological renewal of the last century (“the century of ecclesiology”)<sup>33</sup> and in particular of Vatican II. The abuse crisis casts a light on the inadequacy not only of the post-Vatican II church leadership, but also of certain Vatican II and post-Vatican II institutional paradigms.

One paradigm that was typical of the ecclesiology in the period leading up to Vatican II, of Vatican II itself, and of the first postconciliar period was that *church reform now is about structure, not corruption*. As Yves Congar put it in his *True and False Reform in the Church*, reform is needed in two areas: “the area of sins” (the church as such does not sin; the individual members do) and “the area of social-historical mistakes” (received ideas and attitudes; need of purification from Christendom).<sup>34</sup> Even more starkly the crisis of this paradigm appears when we read Congar’s dictum in 1950: “It’s not a question of reforming abuses—there are hardly any to reform. It is rather a question of renewing structures.”<sup>35</sup> If the need for structural renewal is still there, certainly the sexual abuse crisis cast a different light on Congar’s assumption (and not only Congar’s) that the problem of corruption in the church had been solved during the Counter-Reformation period. In light of the systemic pattern of cover-up of sexual abuses committed by clergy, no less in need of reexamination is the ecclesiological notion that the church as such does not sin, only the individual members do.

A second paradigm of church reform now in crisis is *the episcopal paradigm*. There is not only an issue of the institutional culture of church structures dealing with abuse crisis (e.g. the Roman Curia and the papacy, the national bishops’ conferences, the religious orders),<sup>36</sup> but also and more fundamentally a question about the theology of the episcopate and the role of the episcopate in the government of the church. The abuse crisis pushes the church to take a new look at great ecclesiological achievements of Vatican II such as the collegiality and sacramentality of the episcopacy. More generally, the failure of episcopal leadership in dealing with the crisis cannot be separated from a certain episcopality of Vatican II.<sup>37</sup> This is a more fundamental issue than the need to review the meaning of ecclesiastical nomenclature in light of abuse crisis

32. For the systematic-ecclesiological aspects, see the article in this issue by Richard Lennan. For an initial reflection, see Christopher Ruddy, “Ecclesiological Issues Behind the Sexual Abuse Crisis,” *Origins* 37 (July 5, 2007): 119–26.

33. Otto Dibelius, *Das Jahrhundert der Kirche: Geschichte, Betrachtung, Umschau und Ziele* (Berlin: Furche-Verlag, 1927).

34. Yves Congar, *True and False Reform in the Church* (Collegeville, MN: Liturgical, 2010; original French: Paris: Cerf, 1950, 1968), 101.

35. Yves Congar, *True and False Reform*, 52.

36. See Marie Keenan, “The Organizational and Institutional Culture of the Catholic Church,” in *Child Sexual Abuse and the Catholic Church* (Oxford: Oxford University, 2012), 24–53.

37. See Shaun Blanshard, “The Ghost of Pistoia: Evocations of ‘Auctorem Fidei’ in the Debate over Episcopal Collegiality at Vatican II,” *Theological Studies* 79 (2018): 60–85, <https://doi.org/10.1177/0040563917744651>.

(e.g. bishops, archbishops, metropolitans, etc.). This is so not only because the crisis has fueled the calls for new inquisitorial systems and a new centralization of the church in Rome as the tribunal; and not only because the different approaches to the crisis have created an unprecedented (in modern times) rift between the papacy and a national episcopate (as seen in the USA in the summer of 2018, and, in different terms, in Chile), but because the abuse crisis puts into question the overarching narrative about the development of the church's hierarchical structures over the last few centuries with regard to papacy and episcopacy. The episcopalism of the major institutional reforms of Vatican II (episcopal collegiality; the Bishops' Synod; national bishops' conferences; new relations between the ordinary, his presbyterium, and religious orders in the diocese) refers to Trent and Vatican I as well as to the ecclesiology of Vatican II. The push for synodality and against clericalism has been very visible under Pope Francis, but it still has to be converted into new ecclesiastical institutions.<sup>38</sup> The crisis of Vatican II episcopalism also calls into question the institutions and the formation of priests in diocesan seminaries.<sup>39</sup> The abuse crisis interacts not only with the discussion of ordained ministry in the church (*viri probati*, clerical celibacy, women deacons) and on the ministry of women, but it also questions the Trent-to-Vatican II assumption of a certain territoriality of the Catholic Church based on the diocesan and parish structure. The territoriality of the diocesan presbyterium was one of the roots of a misplaced sense of solidarity between priests and their bishop in the cover-up of crimes; territoriality was also a misused "asset" in the pattern of transfer of abusive priests to another parish or another diocese instead of their removal from ministry.

Another paradigm of church reform that is in crisis is *reform as a process in communion and in trust*. The abuse crisis is also an ecclesiological crisis that goes beyond the collapse of authority embodied by certain church leaders: it signals a collapse of the authority of the Magisterium in a way that is comparable to the effects of the encyclical *Humanae Vitae* in terms of tension between the moral agency of the conscience of the individual and the necessary ecclesial and ecclesiastical dimensions of Christian life. The hermeneutic of suspicion has given way to a hermeneutic of

38. For example, see Francis, *Letter to the People of God* (August 20, 2018), [http://w2.vatican.va/content/francesco/en/letters/2018/documents/papa-francesco\\_20180820\\_lettera-popolo-didio.html](http://w2.vatican.va/content/francesco/en/letters/2018/documents/papa-francesco_20180820_lettera-popolo-didio.html); Francis, *Address to the Roman Curia* (December 21, 2018), [http://w2.vatican.va/content/francesco/en/speeches/2018/december/documents/papa-francesco\\_20181221\\_curia-romana.html](http://w2.vatican.va/content/francesco/en/speeches/2018/december/documents/papa-francesco_20181221_curia-romana.html); Francis, *Letter to the Bishops of the United States of America* (January 1, 2019), <http://usccb.org/about/leadership/holy-see/francis/upload/francis-lettera-washington-traduzione-inglese-20190103.pdf>.

39. About this, see the document produced by the seminar sponsored by Boston College between September 2016 and the summer of 2018, with a set of proposals on the formation of future priests: "To Serve the People of God: Renewing the Conversation on Priesthood and Ministry," *Origins* 48 (December, 2018): 484–93. See also Sandra Yocum, "The Priest and Catholic Culture as Symbolic System of Purity," in *Clergy Sexual Abuse: Social Science Perspectives*, Claire M. Renzetti and Sandra Yocum, eds. (Boston: Northeastern University, 2013), 90–117.

systemic distrust as the dominant hermeneutic in the church today.<sup>40</sup> “Modern peoples are predisposed to be leery of authority; contemporary Catholics can cite with pain the reasons why.”<sup>41</sup> This also opens a crisis in the historical consciousness of Catholics about the ecclesiological foundations of the Catholic community. The discourse on church reform today, especially in countries hit particularly hard by the abuse crisis, has to deal not only with the issue of theodicy, but also of *ecclesiodicy*—a reasonable defense of the existence of the institutional church.

The paradigm of *reform regarding more lay involvement* is also in crisis. It is impossible to rethink priestly formation today without considering a certain crisis of the paradigm of the “theology of the laity” that spans from the 1950s to the post-Vatican II period until a few years ago.<sup>42</sup> Not only are the theological splits within the laity often stronger than the canonical separation between the ordained and the non-ordained, but also the clerical abuse crisis has brought back a new protagonism of a mobilized laity that is often animated by urgency of justice, and by an ideological agenda that is trying to take advantage of the abuse crisis. There is the old problem of institutional representation of the laity in the church wounded by the crisis, as well as a problem of dealing with the collapse of the credibility of the clerical leadership, thereby leaving a vacuum of authority in the church: a vacuum that is supposed to be filled by the laity which is divided also because of a lack of real conversation or dialogue. The history of the Catholic abuse crisis is part of the failure or the delay in the synodal reform of the church.

There are risks in the current call by certain ideological fringes of the church for lay intervention to “fix” the clergy’s corruption. The history of the early church tells us a complex story about the role of the laity in the church. On the one hand, in church history there is the constitutive place of the affirmation of the *laos* in elections, but there is also the place of the Roman state, starting with the emperor himself, post-Constantine. If the former (lay affirmation) is necessary, the latter (imperial enforcement of conciliar decisions, intervention in councils, depositions, etc.) is sobering and even discouraging. There is here an underlining ecclesiological issue of the freedom of the church, its civil responsibility, and its relations with civil authorities in ways that could not be foreseen by the framers of Vatican II’s *Dignitatis Humanae*. In countries with a tradition of constitutional protection of religious liberty there is, however, an emerging issue about the “creation of power, organizing people, and organizing money”<sup>43</sup>—especially when those financial resources come from lay Catholics with a very specific agenda tied to the “culture wars.”

40. Already in John W. O’Malley, “The Scandal: A Historian’s Perspective,” in *America*, May 27, 2002, 14–17.

41. Klein, “Excuse. The Clerical Abuse Scandal and the Reception of Revelation,” 221.

42. See Marco Vergottini, *Il cristiano testimone: Congedo dalla teologia del laicato* (Bologna: EDB, 2017).

43. See Mara Willard, “IV. Catholic Thresholds, Spatial Contests, and the ‘Crisis in the Church,’” *Horizons* 45 (2018): 141–45, <https://doi.org/10.1017/hor.2018.61>.

There is also an emerging issue of freedom of members of the church in ecclesial communities: not in the sense of the right to dissent, but in the sense that the clerical abuse crisis should open a discussion about charismatic personalities and their communities in the Catholic Church given the particular conditions favorable to abuse created by these new kinds of religious groups. The main attention of the media, of the justice systems, and therefore of the ecclesiastical institution has been focused so far on the territorial church (diocesan and parish level) and on the religious orders, much more than on the new forms of Catholic life such as the new ecclesial movements.<sup>44</sup> It is worth noting that the “new ecclesial movements” are not part of the conversation on the global abuse crisis. On the one hand, the ecclesial movements have never been interested in institutional reform, which is the inevitable issue raised by the abuse crisis. Their absence in this moment is consistent with their history. On the other hand, some of the new ecclesial movements have been part of the abuse crisis in a particular way: such as the Legionaries of Christ, various cases in Latin America (for example, *Sodalicio de Vida Cristiana*, in Peru), and other cases that will probably become public in the near future. In the global crisis of sexual abuse, what does the present silence of the “new ecclesial movements” tell us about their vitality and future in the church?

## The Shifting Boundaries between Church and State

One of the key assumptions of Vatican II and more generally of the post-Christendom period is that church reform is an effort of the Christian community that does not rely on the state or political power in the way it used to and for centuries. In fact, the clerical abuse crisis clearly points to the rise of something like “potestas indirecta in ecclesiasticis”—the counterpart of Robert Bellarmine’s “potestas indirecta in temporalibus.” There is no imaginable exit from the Catholic abuse crisis without the intervention of the civil or secular authorities, at least of the judicial power. But this opens a very complex chapter in the history of the relations between church and state because the abuse crisis occurs in a global situation of shifting boundaries between church/religion and state.

We are witnessing the way that clerical sexual abuse is redefining the relationship between church and state, between the justice of the church and the justice of the state. The very notion of some established separation between church and state, or of juridically discrete spheres belonging respectively to each, is being tested to its core by the sexual abuse crisis. “Church and state” no longer means what it used to mean: both the sovereignty of the church and of the state are in a deep crisis.<sup>45</sup>

44. About the phenomenon of sexual abuse in new ecclesial communities and movements, see Hans Zollner, SJ, “The Spiritual Wounds of Sexual Abuse,” *Civiltà Cattolica*, January 18, 2018, <https://laciviltacattolica.com/spiritual-wounds-sexual-abuse/>.

45. See Paolo Prodi, “Senza Stato né Chiesa: L’Europa a cinquecento anni dalla Riforma,” *Il Mulino* 1 (2017): 7–23. English trans.: “Europe in the Age of the Reformations: The Modern State and Confessionalization,” *The Catholic Historical Review* 103 (2017): 1–19, <https://doi.org/10.1353/cat.2017.0000>.

First, there are the possible consequences of the abuse crisis for the global, international, and universal standing of the Catholic Church and of the Vatican. From a historical-theological point of view, the high-profile legal cases against cardinals between 2018 and 2019 in various parts of the world raise an important issue for the church concerning its *ad extra* relations. The clash between the Catholic Church and the revolutions of the late eighteenth and mid-nineteenth centuries reached a provisional settlement that lasted from around the time of Vatican I until quite recently. The shape of this settlement was determined by a long series of political-theological events. The first of these was the declaration of papal primacy at the Vatican Council in 1870, along with the rise of a “liberal ultramontanism” that accepted the distinction between the theological and political spheres, respected the sovereignty of the state, and aimed at the creation of an independent spiritual power in the papacy with its own territorial sovereignty.<sup>46</sup> This was followed by the solution of the “Roman question” with the creation of the Vatican City state in 1929; the age of concordats in the twentieth century; the acceptance of democracy and the constitutional state at Vatican II; and the post-Vatican II church’s embrace of the fight against dictatorships in favor of human rights and freedom. The heart of this Vatican I–Vatican II dispensation was the assumption that in the future there would be a tight, friendly, and collaborative relationship between church and state, each of which would respect the other’s sovereignty. The latest developments of the Catholic abuse crisis, both at the national and global levels, put this settlement in question. The abuse crisis has reached the Vatican, and with the cases of cardinals Theodore McCarrick, George Pell, and Philippe Barbarin, the long-unquestioned juridical status of the Holy See and of the pope as sovereign of Vatican City state may again be challenged. With the moral standing of the Vatican deeply damaged, we may see the reopening of what was once called the “Roman question.” The shield provided by the international status of the Holy See could change one day, however unimaginable that may seem to some.

Second, there are consequences at the local level. The abuse crisis has revealed that despite the “universal” self-understanding of Catholicism, there is a plurality of Catholic Churches shaped by diverse kinds of relationships with the state and secular law. Once aware of the threats to the religious liberty of Catholics, the church asserted its exemption from or objection to secular law, and affirmed the need to protect its freedom by and from secular law. The sex abuse crisis intervenes in this trend in an opposite direction. If one considers the recommendations sent by the Royal Commission in Australia, and especially the debates surrounding the recommendations, it is hard to miss the rise of new forms of jurisdictionalism. The abuse crisis signals the end of the era of deference accorded by civil authorities to the Catholic Church. In a world where the challenges to religious liberty have multiplied in different ways in different areas of the world, the question for the church is how to protect the clergy in a time of threat to religious liberty without creating a class shielded from the law. The news of the

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46. See Emile Perreau-Saussine, *Catholicism and Democracy: An Essay in the History of Political Thought* (Princeton / Oxford: Princeton University, 2012; original French: Paris: Cerf, 2011).



conviction and incarceration of Cardinal Pell have been received in different ways in countries with a tradition of a judicial branch that is independent from the executive, and in countries with a recent history (as in Eastern Europe) or ongoing situations (as in some countries in Africa, Asia, and the Middle East) of persecution of the church by state authorities through the justice system.

Both church *and* state are repositioning themselves in response to this crisis. With the pontificate of Francis, there is no question that the institutional Catholic Church no longer fights against secular justice or shields alleged criminals from prosecution by the civil authorities. But looking to the further horizon of bilateral relations between church and state, the assertiveness of the secular courts against Catholic clergy—an assertiveness welcomed by most Catholics, who have grown frustrated with the inaction of the church on this issue—could give ideas to nationalist politicians with an interest in silencing dissenting voices in the church. This could happen especially in countries where the rule of law and the freedom of the press are weaker than they are in established constitutional democracies where religious liberty is respected.

The scandal has been dealt with in different ways in different countries, depending not only on the role and presence of the Catholic Church and of the media in a particular country, but also depending on the particular arrangement or establishment of religion in that country. It is therefore not feasible to enumerate possible solutions to the sex abuse crisis (whether in the form of investigations the church and/or the state could enact, or the changes to church governance that might be undertaken) without understanding the particularities of various church–state systems. But more generally the abuse crisis for the Catholic Church means something different than for other churches, religious communities, and organizations because it opens a new chapter in the history of the Catholic Church dealing with the state in its varieties in the continuum between the liberal–secular state and the confessional state. In a church that has prided itself in the last two centuries in trying to find a way between rejection of democracy for the church’s internal governance and the acceptance of democracy for the state, the abuse crisis raises the question of the sustainability of a non-liberal, non-constitutional ecclesiastical system in the modern state today.


## Conclusion

Despite the fact that the sexual abuse crisis in the Catholic Church has been in public view since the mid-1980s, with a major wave of revelations in 2002 and another one that started in 2018, the response of Catholic theology can be defined as slow and unsystematic at best. The modern history of the sexual abuse crisis in the Catholic Church has solidified a certain ecclesiological narrative: a systemic crisis caused by abusive priests and by a catastrophic failure of the episcopal hierarchy in dealing with them. This is certainly true and it is impossible to undo this narrative. The church is paying a high price for the choice to ignore the need for a change in the clerical and centralized system of twentieth-century Catholicism. That choice made by the post-Vatican II Magisterium—at least until pope Francis—grounded its legitimacy also in a magisterial discourse on Vatican II which tried to define and confine the boundaries

of the reforms of Vatican II in terms of what the church had already done and not in terms of what the church had failed to do.

But this is only part of the truth. The sexual abuse crisis is also a theological failure and as such it needs to be addressed with a research agenda that goes beyond the emergency in the short term and beyond the necessary but insufficient juridical-institutional fixes. Among the different theological disciplines affected by the abuse crisis there are also, in the long run, church history, liturgy, ecclesiology of reform, and the ecclesiology of church–state relationships. There are indeed theological issues raised by sexual abuse in the Catholic Church that cannot be reduced to systematic failure of ecclesiastical leadership and that cannot be avoided by theologians. The collapse in the authority of the institutional church entails also a measure of new freedom and responsibility of Catholic theologians in addressing this crisis from the point of view of a wide spectrum of disciplines. Theology cannot do what the hierarchy has done when the task of dealing with the history of sexual abuse and cover-up in the Catholic community is outsourced to external, lay experts.

### ORCID iD

Massimo Faggioli  <https://orcid.org/0000-0002-6574-5674>

### Author Biography

Massimo Faggioli (PhD, University of Turin) is professor of theology and religious studies at Villanova University, Philadelphia, PA. His most recent books published in English are *Catholicism and Citizenship: Political Cultures of the Church in the 21st Century* (Liturgical, 2017) and *The Rising Laity: Ecclesial Movements since Vatican II* (Paulist, 2016).