

Submission to the Ad Hoc Committee on Sexual Abuse United States Conference of Catholic Bishops 6 May 2002

by

Germain Grisez, Ph.D., Professor of Christian Ethics
Mount Saint Mary's College and Seminary; Emmitsburg, Maryland 21727-7799
Voice phone: 301-447-5771; e-mail: grisez@msmary.edu

It seems to me that the Ad Hoc Committee faces a dilemma: on the one hand, the expectations of the faithful and the public at large require the USCCB to adopt a national policy on clerical sexual abuse at the June meeting; on the other hand, there is not enough time to do the job with due care. So, I assume an interim policy will be adopted in June and at least a year will be devoted to working out the final version. However, not knowing the Committee's plans, I shall present my analyses and suggestions as I would if the final version were being worked out.

Bishops will be concerned in diverse ways with sexual abuse by those not diocesan clerics: members of institutes of consecrated life and societies of apostolic life, lay people employed by the Church or by some recognized Catholic entity, volunteers participating in Catholic activities, the lay faithful in general, and the public at large. For simplicity's sake, however, I focus in this submission on sexual wrongdoing by diocesan clerics.

All or almost all the wrongdoing that led to the present crisis consisted of acts by clerics that violated criminal law and victimized boys or young men. Besides such crimes, clerics sometimes engage in other sorts of sexual abuse. Some commit sex crimes against underage women. Some sexually harass minors or adults of either sex. Some clerical sexual wrongdoing involves hard-core pornography with lewd images of persons who appear to be minors. Some clerics engage in consensual sexual acts that nevertheless are abusive inasmuch as the cleric perverts his relationship with someone either entrusted to his pastoral care or serving under his pastoral direction.

Even if an instance of sexual abuse is not a crime, it is an objectively grave moral evil. Bishops should develop and apply appropriate policies with respect to each sort of sexual abuse. In view of the Committee's focus on criminal sexual behavior involving minors, however, I deal in this submission only with that and the very similar sort of wrongdoing involving nonconsenting adults. **To refer to this subject matter in what follows, I use the phrase, "clerical sexual offenses."**

How should "sexual abuse" be understood?

Sometimes "sexual abuse" has been used synonymously with "child sexual abuse," and the latter phrase has been taken to refer to pedophilia. "Pedophilia" refers to a sexual disorder listed among the paraphilias—that is, sexual deviations—

in the American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, 4th ed. (Washington, D.C.: American Psychiatric Association, 1994), 522-32. According to the *Manual*, the pedophile's deviant focus "involves sexual activity with a prepubescent child (generally age 13 years or younger)" (527).

Stephen J. Rossetti, *A Tragic Grace: The Catholic Church and Child Sexual Abuse* (Collegeville, Minn.: Liturgical Press, 1996), explains that most of what he calls "child sexual abuse" is not pedophilia. In arguing that the Church should not regard clerical sexual offenders as incurable, Rossetti says (88):

The statement, "Pedophilia is incurable," is misleading. First of all, most perpetrators of child sexual abuse are not pedophiles. In a Saint Luke Institute sample of 280 priests who had sexually molested minors, only 20 percent were actually pedophiles. Pedophilia is a clinical term referring to someone whose sexual orientation is towards a prepubescent child. It is true that psychotherapy usually cannot change one's sexual orientation. The minority of perpetrators of child sexual abuse are actually diagnosable pedophiles. . . .

The majority of perpetrators are involved with postpubescent children. All things being equal, they are more amenable to treatment. One of their goals is to develop satisfying relationships with age-appropriate peers.

Thus, in contrast with pedophiles, Rossetti describes ephebophiles: "There are others who are ephebophiles, i.e., sexually attracted to postpubescent children" (67).

Melvin C. Blanchette, S.S.S., and Gerard D. Coleman, S.S.S., "Priest Pedophiles," *America*, 25 April 2002, claim that ephebophilia is one of "five basic sexual orientations." They define it as follows:

A fixated ephebophile possesses a primary sexual desire toward children between 14 and 17, with the adolescent victim being at least five years younger than the perpetrator. This category becomes especially complicated when the victim is a 14- to 17-year-old boy, and the adult male's attraction might be one of homosexuality rather than ephebophilia.

In fact, there are two reasons to doubt whether an adult male's sexual interest in adolescent boys or young men often, if ever, manifests a basic sexual orientation distinct from homosexuality. First, if one looks for "ephebophilia" in the American Psychiatric Association's *Diagnostic and Statistical Manual*, one does not find it. Second, as Rossetti says (88), pedophiles are not amenable to treatment because "psychotherapy usually cannot change one's sexual orientation." But, Rossetti also points out (68): "Many times adults who are sexually aroused by minors may also be aroused by adults as well." Other things being equal, Rossetti says (88), ephebophiles are "more amenable to treatment," for they can learn to "develop satisfying relationships with age-appropriate peers."

In other words, men who have engaged in criminal sexual behavior with adolescent boys and young men can be treated effectively, because no change in sexual orientation is necessary. Such men generally, and perhaps always, simply are homosexuals who have found underage partners attractive and conveniently available, and have been willing to commit crimes. With treatment, they can stop committing crimes and enjoy "satisfying relationships with age-appropriate peers."

“Age-appropriate” is a telling expression. Priests should and usually do enjoy satisfying *nonsexual* relationships with many of their spiritual children, from the cradle to the grave. Only unchaste relationships must be limited to age-appropriate peers—to consenting adults. Rossetti apparently considers that limitation a successful treatment outcome.

Every sexually abused person is a victim. In some cases, victims do not understand what is going on and/or are unable to resist; in such cases, those abused are simply victims. But in most cases clerical sexual offenses are not only abuse.

In an interview published on the USCCB website, Frederick S. Berlin, M.D., Ph.D., Director of the National Institute for the Study, Prevention and Treatment of Sexual Trauma, and a consultant to the National Conference of Catholic Bishops’ Ad Hoc Committee on Sexual Abuse from its inception to 2000, was asked: “What would be the range of sexual activity that you would find in priest pedophiles?” Dr. Berlin answered:

In priests, we rarely see the physical or assaultive kinds of behavior. It’s very rare to see rape other than statutory. The most common thing we see with priests is that they enjoy the company of youngsters, like the companionship, want to do good for them, and then, unfortunately, as a bond develops emotionally, begin to feel sexually tempted and *persuade the youngster to go along with* sexual activity. That’s the most common scenario that we see in a priest. Of course the youngster, in respecting the priest and in feeling that the priest is not going to lead him astray, is at a tremendous disadvantage [italics added].

In many cases, victims’ own statements also make it clear that they were troubled about the ongoing sexual activity in which they were involved with a cleric, whose dirty secret they kept because he had lured them into making it their own. Such victims cooperated in the sexual activity: they were seduced.

In my judgment, therefore, the bishops of the United States ought to recognize and state publicly that a large and important part of the clerical sexual offenses to be dealt with are seductions by homosexual clerics of adolescent boys and young men.

Being candid about this matter promises three benefits. First, facing this and other relevant facts will help bishops deliberate soundly about how to deal with clerical sexual offenses. Second, specifically condemning criminal homosexual seduction of adolescents and young men would be an appropriate first step for dealing with the homosexual subculture in the Catholic Church in the United States. Third, since most of the secular media of communication are sympathetic to so-called gays and reluctant to publicize criminal homosexual activity, speaking clearly about criminal homosexual seduction will dampen the media’s enthusiasm for the story of “child sex abuse by Catholic priests.”

Evils involved in and consequent upon clerical sexual offenses

The immediate injury to those sexually seduced is that they are gravely scandalized in the strict sense, that is, led to commit grave sins. While only God knows the subjective culpability of those seduced, no one should presume their guilt

only venial and their eventual salvation assured, and so regard their having been seduced as insignificant.

Both victims of sexual seduction and other victims of sexual abuse are likely to suffer consequent moral and spiritual injuries. Victims sometimes become abusers. Even if they do not, they are likely to encounter more and/or stronger sexual temptations, and so might well commit sins against chastity that they otherwise would not have committed. Some are provoked to respond vengefully (for example, by detraction) and/or unjustly (for example, by seeking excessive compensation). Such wrongful responses not only seriously injure the Church but are morally and spiritually self-damaging. Some are alienated from the Church and apparently lose their faith.

Victims' physical and/or psychological health also may be injured. Though a great injury to health is less important than a small moral and spiritual injury, injuries to a victim's physical and/or psychological health can be very serious in themselves.

Parents and others responsible for minor victims usually are greatly distressed and gravely burdened by the injuries the victims suffer. Parents and others also may be provoked into unreasonable responses, and their faith and love for the Church may be damaged or destroyed.

The bad example of clerical sexual offenses is likely to lead others to commit and rationalize lesser sexual sins: "If Father X does that, my sexual sins surely are venial." Fellow clerics are particularly likely to know about and be scandalized by their brothers' criminal sexual wrongdoing: "Celibacy is difficult for all of us, and what I am tempted to do is not nearly as bad as what other priests have done."

The Church's primary mission is to make Jesus' salvific acts not only present in the world but available to people so that those acts will be likely to be fruitful. Jesus has chosen to make his saving prophetic, priestly, and kingly acts present through the Church's ordained ministers acting in his person. He wants people who can benefit from those acts to recognize them and cooperate with them. Sexual offenses by even a few clerics obscure the true character of the acts that all clerics do in the person of Christ and impede many people's cooperation with those saving acts. Therefore, clerical sexual offenses greatly injure the paramount interests of Jesus and the Church.

This injury is many-faceted, and examples can only suggest how great it is. Clerics' faithful practice of celibacy can and ought to give powerful witness to the primacy of the kingdom and their commitment to serve Jesus and the Church selflessly. In a skeptical world, a few priests' sins overshadow many faithful priests' witness. People's anxiety and distrust, together with clerics' increased need for caution, impede the forming of intimate spiritual relationships. The wrongdoing of the few also causes faithful priests to experience anxiety, sorrow, and shame, which dishearten them and so impede their pastoral service and render it less effective. Some men called by God to be priests are put off from discerning that vocation.

The Church's legal liability for clerics' sexual offenses is a substantial bad consequence. The huge monetary costs, considered in themselves, are only part of the injury that liability causes to the interests of Jesus and the Church. For example, that liability alienates many of the faithful, who feel that their contributions are being wasted.

The clerical sexual offender's own sexual act is a grave sin. If he seduces his victim, that sin of seduction is far graver than his own sexual sin. Whatever one does to the least of Jesus' brothers or sisters, one does to him. So, sexual offenses always are offenses against Jesus. But because clerics are consecrated to act in the person of Christ, clerical sexual offenses are sacrileges that betray Jesus in a specific and profound way. Moreover, clerical offenders ought to foresee the ulterior moral and spiritual bad consequences of their actions, not least the injury to the true interests of Jesus and the Church.

Of course, only God knows the precise subjective culpability of clerics who commit sexual offenses. Undoubtedly, such wrongdoing often is in part due to psychological defects and weaknesses. However, psychological factors do not preclude moral responsibility. Like alcoholism, sexual addiction is a disease, but people afflicted with such diseases can and sometimes do obtain sound help and cooperate with it. Moreover, clerical sexual offenders underwent formation to live celibately in perfect continence. If they concealed psychological problems of which they were aware, they are gravely responsible for doing that.

Preventing clerical sexual offenses

The very great evils involved in and consequent upon clerical sexual offenses call for measures to prevent them insofar as possible and to deal with them and remedy their bad effects as effectively as possible. Later I shall discuss some factors that may have contributed to clerical sexual offenses and some seminary and formation issues; dealing with these matters might reduce the future incidence of clerical sexual offenses. Here I suggest only a few specific, preventive measures.

Bishops should remind their clerics that all of them are answerable to Jesus for the souls entrusted to each of them, and that they therefore must never facilitate, conceal, or ignore one another's serious wrongdoing but always prefer to promote and protect the good of souls.

Bishops should see to it that sound and wise spiritual help is readily available to any cleric who experiences serious temptations of any sort. They also should see to it that the services of suitable mental health professionals are available to clerics who need psychological counseling or treatment. Bishops should regularly encourage clerics who might need help to obtain it.

Which mental health professionals are suitable? For some purposes—for example, administering and interpreting standardized tests or diagnosing incipient dementia—a care provider's views on human nature and his or her faith or lack of it may not be relevant. But these factors are very relevant for dealing with matters that

involve both psychological and moral aspects. For example, a psychologist who believes that no healthy adult male can live without regular sexual satisfaction hardly is likely to be helpful to a priest who has psychological problems related to living chastely. **So, here and in what follows, I use the phrase, “suitable mental health professional,” to refer to someone (a) well trained, (b) competent, and (c) able lawfully to provide professional mental health services who believes that (d) normal adults make free choices, (e) all freely chosen sexual acts of unmarried persons are gravely wrong, (f) some people have the gift for living celibately in perfect continence, (g) people who promise celibacy ought to keep their promise, and (h) mental health care professionals should help and encourage the people they care for to do what they ought to do.**

Every bishop should see to it not only that his clerics know what sexual seduction and other abuse are, but that they appreciate the evils such wrongdoing involves and brings about. Abstract knowledge is not enough; data and examples should be provided. The testimony of victims and their parents is likely to be helpful.

In learning to foresee and avoid practical difficulties, one’s active participation in the inquiry is essential. Therefore, each bishop and his clergy should articulate in brotherly dialogue a set of specific behavioral norms to forestall both misunderstandings of innocent behavior and false accusations of clerical sexual offenses. Similarly, they should work together to identify the occasions of sins of sexual seduction and abuse, and to discover how best to avoid or deal with those occasions. In these discussions, a good bishop will stress that both forestalling misunderstandings and false accusations, and avoiding occasions of sin is not only in each cleric’s personal interests but in the interest of their common ministry, so that they should duly remind and encourage one another to be careful.

Finally, a bishop should make clear to his clergy precisely how clerical sexual offenses will be dealt with and should proceed accordingly in every instance regardless of the offender’s good qualities, the diocese’s need for his services, or his personal relationship with the bishop.

Dealing with future clerical sexual offenses

Rather than trying to sketch out a complete policy for dealing with future clerical sexual offenses, I only offer suggestions with respect to some matters.

Because the Church’s primary responsibility is to make Jesus’ saving acts present and available, a sound policy will give first priority to dealing pastorally with the moral and spiritual evils involved in and consequent upon clerical sexual offenses. It will provide that such healing be initiated as soon as a victim can be identified. Pastoral care must never be delayed for pragmatic reasons—for example, in order to limit the diocese’s exposure to legal liability.

Defining the offenses

Any sound policy must define the kinds of acts with which it is concerned. Because the common good of political society is very different from that of the Church, various governments' statutes regarding sex offenses involve many irrelevant features. Still, the Church ought to deal severely with all the kinds of sexual acts by clerics that are usually offenses under public law.

Canon 1395, §1, proscribes concubinage or persisting with scandal in another grave sin against the sixth commandment; then §2, provides:

A cleric who in another way has committed an offense against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.

A papal rescript of 25 April 1994 raised the age of consent to eighteen for delicts prosecuted in a U.S. tribunal.

“An offense against the sixth commandment” refers not only to sinful sexual intercourse but also to sexually arousing or gratifying behavior short of intercourse, even if it does not culminate in intercourse. For example, the uncovering or touching, even through clothing, of the intimate parts of the body (except when done for some purpose chaste people would regard as appropriate) and passionate hugging and kissing are incomplete sexual acts that violate the sixth commandment. Such wrongful incomplete sexual acts involve and are likely to bring about much the same set of moral and spiritual evils as illicit sexual intercourse, whether normal or deviant. Therefore, the canon, unlike various governments' statutes on sex offenses, very reasonably proscribes wrongful incomplete and complete sexual acts without distinguishing between them.

In my judgment, though, canon 1395, §2, is inadequate in one respect. It proscribes nonconsensual activities with adults “if the delict was committed by force or threats or publicly.” But it does not mention activities with those permanently or temporarily incapable of consent—for example, people who are mentally retarded, senile, drunk, drugged, or unconscious. Such nonconsensual sexual activities with adults involve and are likely to bring about much the same set of evils as sexual activities with minors. Therefore, it seems to me that the bishops of the United States should seek another rescript to protect those incapable of consent against potential clerical sexual offenders.

Processing cases

Every bishop ought to designate a diocesan office to receive and consider each and every accusation or complaint about clerical sexual offenses and to initiate appropriate action. In my judgment, devout married couples who have raised their children should be involved sufficiently in the designated office's consideration and handling of cases to ensure that victims, potential victims, and their families will receive due pastoral care and anything else to which they are entitled. Those who

staff the designated office should be readily accessible, and ways of contacting them should be widely and regularly publicized.

The bishop should direct everyone under his jurisdiction and ask the public at large to bring or send any complaint or information about a clerical sexual offense to the designated office. The bishop should require all clerics, religious, and Church employees to report promptly to that office any clerical sexual offense of which they become aware or which they have good reason to think occurred, and to forward to that office any complaint or relevant information that comes to their attention (of course, with due regard for the seal of confession). The bishop also should instruct clerics, religious, and Church employees that they have a grave moral obligation to comply with that requirement, and should provide for and impose a just penalty on those who do not.

Some public authorities and media of communication try to protect victims of sex offenses and their families against unwanted publicity. Bishops should promote such reasonable efforts to protect privacy, and those acting on behalf of the diocese should cooperate with them. However, the Church is responsible not only for the true interests of victims and their families but for the interests of Jesus and of everyone who would be injured by future clerical sexual offenses. Therefore, preferences of victims and their families for privacy cannot justify a bishop or others who act on behalf of the diocese in limiting the communication suitable for safeguarding those wider interests.

If public laws with respect to reporting crimes require morally unacceptable actions—for example, that priests violate the seal of confession—a sound policy will forbid such actions. Otherwise, a sound policy will direct everyone acting on behalf of a diocese to provide public officials with all the information they need to fulfill their responsibilities in respect to clerical sexual offenses. Dioceses should collaborate with public prosecutors in clarifying those needs, including but not limited to what the law requires about reporting sex offenses; bishops should see to it that legal requirements always are promptly and fully met, and that needs for information beyond those requirements are satisfied to the extent feasible. No one complaining to the diocese about a clerical sexual offense should be dissuaded from complaining to public authorities. Once the diocese has verified a complaint, the victim and those competent to act on his or her behalf should be encouraged to cooperate with public authorities and should be given reasonable help in doing so.

Clerics should be interviewed regarding any accusation against them. If denied, some accusations—for example, anonymous ones unsupported by any evidence or specific information—will not warrant further action. A cleric who denies an accusation that calls for investigation should not be suspended pending the outcome. However, he should be supervised closely and his access to potential victims should be limited as much as possible. That often will require temporary removal from his assignment.

Because some accusations will be mistaken or malicious, a sound policy will provide a fair process for investigating accusations and judging their truth. But such a process might reasonably require an accused cleric to waive claims to privacy and allow private investigators employed by the diocese to search his dwelling, possessions, and papers. In obtaining evidence from victims and others, procedures should be used that are very likely to elicit from them a truthful, accurate, and complete account of the cleric's relevant behavior while at the same time imposing no avoidable burden on the victims and/or their families. In my judgment, critics of polygraph examinations have shown that, while they sometimes can be useful investigative tools, their results are so often erroneous that they never should be considered as evidence of either guilt or innocence.

Sometimes the diocese's initial investigation and/or eventual process will make it clear that an accused cleric is innocent, that the accusation against him was mistaken or malicious. A sound policy will provide in such cases that the accused cleric's vindication be well publicized. In my judgment, lawsuits against a diocese based on accusations known by the bishop to be mistaken or malicious almost never should be settled. But if a diocese does settle such a lawsuit, the bishop ought to spare no effort to mitigate the inevitable injury having done so will cause to the innocent cleric's reputation.

Sometimes, despite the absence of sufficient evidence to establish the guilt of a cleric who denies an accusation, there will be significant grounds for suspecting that he is lying. Such a cleric must not be treated as guilty, and his reputation ought to be protected insofar as possible. But it would be unreasonable to ignore the residual suspicion, and the cleric ought therefore to be supervised closely and assigned so as to minimize risk.

Often, persons who admit or are found guilty of a single instance of wrongdoing have committed one or more other similar or related offenses, about which they generally say nothing. If a conscientious baker found that one of his employees had deliberately contaminated a single loaf and made one customer seriously ill, he would suspect that the culprit might have contaminated other loaves and would warn all his customers to see the doctor promptly about any symptoms. Since sexual offenses are far more injurious than food poisoning, a bishop plainly should do no less when it becomes clear that one of his clerics has engaged in a sexual offense.

A sound policy will therefore provide that accurate and specific information about each clerical sexual offender's wrongdoing be shared promptly with all the faithful whose souls had been entrusted to his pastoral care. Many young victims of sexual offenses do not tell anyone what is going on until they are asked. Therefore, parents and others must be enlisted to help identify any additional victims so that appropriate pastoral care can be given them. Concern for the good of possible additional victims' souls will override other concerns—for example, about bad publicity for the diocese or the offending cleric's reputation. Cardinal Law regrets his former policy of secrecy and says that “we now realize both within the church

and in society at large that secrecy often inhibits healing and places others at risk” (“The Necessary Dimensions of a Sexual Abuse Policy,” *Origins*, 31:45 [25 April 2002]: 744).

It is worth noting that the policy of publicizing a clerical sexual offender’s wrongdoing will have a beneficial side effect. Priests value the respect and affection of people they serve and have served. Foreseeing that an offense could be made known to everyone who had ever been under his pastoral care will be a powerful motive for a tempted cleric to resist the temptation.

The offender

Likewise, the bishop’s first concern in dealing with an offending cleric must be the good of the cleric’s soul. As John Paul II said in his address to those meeting in the apostolic palace on 23 April 2002, “we cannot forget the power of Christian conversion, that radical decision to turn away from sin and back to God, which reaches to the depths of a person’s soul and can work extraordinary change.” Therefore, the bishop should treat the offending cleric with pastoral mercy and gently try to promote his repentance and sincere commitment to avoid all grave sin and live in perfect continence. A clerical sexual offender should be given every reasonable help, including the service of suitable mental health professionals, to begin a new and upright life as a responsible member of society.

Nevertheless, reverence for Christ and justice for others likely to be injured by additional sexual offenses limit what a bishop can rightly do for a cleric who has committed an offense. If it sooner or later becomes clear that an offender is likely to remain a threat to society, the bishop should do everything he reasonably can to mitigate that threat. Moreover, a cleric who has committed even one sexual offense should, in my judgment, never again be authorized to engage in ministry—with due regard for canon law’s authorization of ministry in exceptional situations even by laicized clerics—and he should be laicized, if possible, as quickly as possible.

Four considerations argue for this position.

First, clerical sexual abuse of minors is “rightly considered a crime by society; it is also an appalling sin in the eyes of God” (John Paul II, 23 April 2002). Every such act profoundly betrays a cleric’s responsibility to act in Jesus’ person and to promote the salvific benefit of Jesus’ acts. As Dr. Berlin said: “Of course the youngster, in respecting the priest and in feeling that the priest is not going to lead him astray, is at a tremendous disadvantage.” Once a man has taken advantage of his priesthood to lead one youngster astray, there is reason to fear he will do so again. Unless an offender assigned to a convent, nursing home, or prison chaplaincy is permanently and securely confined there, his assignment will not prevent him from coming into contact with minors and abusing his priesthood to seduce them. The only way to ensure that an offender will not abuse his priesthood again is to laicize him.

Some will say: “Laicizing every first offender is too severe a punishment; Christian mercy requires giving some a second chance.” But the point of laicizing offenders is not only to punish their law breaking. Its point also, and more importantly, is to prevent the real and very serious evils involved in and consequent upon clerical sexual offenses. Severity is necessary to protect and promote the true interests of Jesus and the Church. So-called mercy to offenders is injustice to others concerned. In particular, so-called compassion for offenders is cruelty to potential victims.

Stephen J. Rossetti, “The Catholic Church and Child Sexual Abuse,” *America*, 23 April 2002, admits that dismissing priest molesters from every form of ministry “is certainly the safest action for the church,” but argues: “But is this the safest course for children? When priests are dismissed from the ministry, they go out into society unsupervised and perhaps even untreated. Then they are free to do as they please.” Rossetti’s argument is not sound. Clerical sexual offenders exploit their priesthood to prey on their victims. Moreover, even if retaining offenders in ministry would reduce the risk of further offenses, which I do not concede, only laicizing them eliminates the risk of many of the spiritual evils that are the specific concern of bishops. Clerics who admit to or are found guilty of a sexual offense need not be dismissed untreated; as I have said, they should be offered both pastoral care and treatment by suitable mental health professionals. Moreover, like other conscientious citizens, Catholics, including bishops, can and should urge public authorities to provide more effective law enforcement and supervision of all sex offenders.

Second, charity also calls for severity in order to help those who are weak but well disposed to resist temptations to wrong others gravely and injure themselves. The prospect of laicization will motivate some clerics experiencing temptations to seek help before they commit any sexual offense and will deter some from giving in to temptation. Those who do not seek help and are not deterred by the prospect of laicization will be likely again to harm the young, and “there is no place in the priesthood and religious life for those who would harm the young” (John Paul II, 23 April 2002).

Third, reporting clerics’ sexual offenses to public authorities and sharing information about their wrongdoing with everyone who had been entrusted to their pastoral care—as should be done—will damage their reputations and greatly limit their potential for effective and fulfilling service in the Church. Laicizing them while taking these steps and helping those who are well disposed to make a fresh start may well be better for them than assigning them to permanently restricted ministries.

Fourth, if bishops do everything they reasonably can to prevent clerical sexual offenses, including promptly laicizing offenders, then victims and their families will have no reason to blame anyone but the individual wrongdoers. The evident noncomplicity of the diocesan bishop and other clerics will have two good effects.

First, and most important, victims and others morally and spiritually injured will be far more ready to receive sound and gentle pastoral care and will be more likely to benefit from it and be restored to grace and spiritual health or strengthened in their life of faith. Second, victims and their families will have few motives and no sound basis for suing anyone but the perpetrator, with the good result that lawsuits, if any, against dioceses, bishops, and others probably will be few and easily dealt with.

Dealing with factors conducive to clerical sexual offenses

Clerics with sex problems sometimes choose or are sent to an unsuitable mental health professional for psychological or psychiatric counseling and/or treatment. The caregiver may be professionally competent, but he or she does not try to help clerics do what they ought to do: live celibately in perfect continence. Instead, the caregiver's aim is to help each client/patient obtain sexual satisfaction within the law. If the cleric had been sinning, such counseling and treatment promotes obduracy, which precludes real repentance and purpose of amendment, and progressively blinds his conscience to the many evils involved in sexual sins.

Anyone whose conscience is blind to sexual sin is tempted to be promiscuous and is likely to exploit his or her sexual partners. Of course, lust usually is limited by lack of willing partners and by fear of criminal punishment, of disease, of psychological costs, and so on. Yet the temptations to promiscuity and exploitation remain. For outside marriage, sexual acts are always instrumental to *something* independent of faithful love for anyone, something usually equally available from any number of willing, or even unwilling, partners: an illusion of the communion that is realized only in marriage, a feeling of intimacy, orgasmic pleasure, the experience of being desired, a joy in dominating and perhaps in causing pain, a joy in being dominated and feeling pain, satisfaction in breaking the rules and being naughty or living dangerously, and so forth.

Unfortunately, a cleric whose conscience becomes blind with respect to sexual sin is less constrained by practical considerations than most other unchaste people. He always has the perfect excuse for giving his partner nothing but the sexual acts in which they engage together: "Since our love must be secret, we have to be satisfied with these all-too-brief moments together." Moreover, he has no family, is economically secure, and enjoys life tenure in his job. Thus, sexually liberated clerics tend to be exploitative, dangerous men.

Before it is too late, clerics who are struggling with chastity need both sound pastoral care and the help of suitable mental health professionals. Therefore, good bishops do their best to see to it that their clerics obtain spiritual direction from faithful and holy priests and any needed psychological/psychiatric care from suitable professionals.

Some clerics are openly sexually active, though only with consenting and age-appropriate peers. Apparently, their sexual activity is tolerated by their bishops. Even though some clerics in the same dioceses are faithful and live

celibately in perfect continence, a bishop's toleration of clerical sexual activity undermines the institution of celibacy and implicitly lowers the ecclesial standard for sexual behavior. The lowered standard makes sexual offenses seem less horrendous to most clerics, makes them live options for some, and scandalizes the faithful: "If Father X does that . . ."

Good bishops do not tolerate open clerical sexual activity. Canon 1395, §1, provides that a cleric living in concubinage or continuing in any other external sin against the sixth commandment that causes scandal "is to be punished by a suspension," and that, if he persists, he can be laicized. In order to maintain the authenticity of celibacy, a bishop should suspend clerics whenever this canon authorizes his doing so and laicize any who persist.

Dissent from Catholic moral teaching also is conducive to clerical sexual offenses. Priests who accept dissenting opinions and apply them in pastoral practice no longer have any compelling reason to resist each and every sexual temptation they experience, and so are likely to begin to practice what they counsel others to do. They may initially limit themselves—for example, to masturbation and pornography available without charge on the internet. But once such behavior no longer causes guilt feelings, most people find it unsatisfying, because erotic desire tends not only to orgasm but also to bodily union. A cleric who goes that far is likely to think: "Surely, there can be nothing inherently wrong in sex with another lonely person. After all, friends rightly enjoy doing together the things they legitimately enjoy doing alone."

Some sexually active unmarried heterosexuals develop more or less satisfying nonmarital sexual relationships. But few homosexuals do. Alan P. Bell and Martin S. Weinberg, *Homosexualities: A Study of Diversity among Men and Women* (New York: Simon and Schuster, 1978), 81-93, 308-9, studied 574 white male homosexuals, 100% of whom had already had at least three sexual partners, 97% at least ten, 75% at least one hundred, and 28% at least one thousand. David P. McWhirter and Andrew W. Mattison (both homosexual), *The Male Couple: How Relationships Develop* (Englewood Cliffs, N.J.: Prentice Hall, 1984), 252-59, studied 156 male homosexual couples, most of whom once expected to have a sexually exclusive relationship, and found that only seven of these couples—none of whom had been together five years—claimed to have succeeded. Many apologists for the moral acceptability of homosexual behavior blame such promiscuity and failure to maintain stable relationships on society's mistreatment of, and negative attitude toward, people who are homosexual; however, Marshall Kirk and Hunter Madsen (again, both homosexual), *After the Ball: How America Will Conquer Its Fear and Hatred of Gays in the '90s* (New York: Doubleday, 1989), 302-7, 318-32, honestly and clearly explain the psychological causes *within* homosexuals that account for those phenomena.

Unspoiled and conveniently available adolescent boys and young men no doubt are tempting potential partners for most active homosexuals, though many are

unwilling to commit crimes. Thinking they could get away with seducing youths, some homosexual clerics who had become active did not resist the temptation and became sexual offenders.

Therefore, the following points regarding Catholic moral teaching and dissent from it are very relevant: “They [the Catholic faithful] must know that bishops and priests are totally committed to the fullness of Catholic truth on matters of sexual morality, a truth as essential to the renewal of the priesthood and the episcopate as it is to the renewal of marriage and family life” (John Paul II, 23 April 2002); “The pastors of the Church need clearly to promote the correct moral teaching of the Church and publicly to reprimand individuals who spread dissent and groups which advance ambiguous approaches to pastoral care” (Final Communique of the US participants in the meeting at the Vatican, 23-24 April 2002).

Bishops could, and in my judgment should, do their best to see to it that no one who holds any of the opinions rejected by the Congregation for the Doctrine of the Faith in *Persona humana* or by John Paul II in *Veritatis splendor* participates in ongoing clergy formation or in the formation of any future cleric. However, neither that nor anything else individual bishops can do is likely to prevent some of their clergy from holding the rejected opinions and applying them in their pastoral practice and their personal moral judgments. That is so because the dissenting opinions are very strongly held not only by many theologians and presbyters but also by some bishops and are tolerated by some others. The dissent has become institutionalized and significantly divides the collegium itself.

This division cannot be overcome simply by using disciplinary measures against bishops and others, and a papal effort of that sort probably would be not only useless but harmful. The present division in the Catholic Church over sexual morality—and over other issues that at least some members of the collegium consider to be uncompromisable—can be overcome only by a collegial effort of the pope and the other bishops. And an effort to overcome divisions within the collegium will be genuinely collegial only if a truly representative group of bishops or all of them together exercise a deliberative function. Bishops ought to urge the Holy See to initiate such a genuinely collegial effort without further delay.

Until now, the situation has not been squarely faced. Indeed, there seems to be a general fear of facing it. However, if all the bishops were to set to work in communion with the pope, one can be sure the collegial effort would succeed. For Jesus, who is faithful, promised to stay with his Church. At the beginning, he sent the Holy Spirit with the sure gift of truth. Peter, Paul, and others resolved an issue that was dividing the Church and were able to say: “It has seemed good to the Holy Spirit and to us . . .” (Acts 15.28). Jesus will not fail to provide the same gift today if the successors of Peter and the other apostles ask for it with faith, come to grips with their division, and set about to discern what pertains to faith and what does not.

Some seminary admission and formation issues

Some employers require applicants who seem qualified in other respects to undergo psychological examinations, and to agree that the results will be delivered to the employer. Typically, the employer chooses mental health care professionals to do the examinations, pays for them, receives the results, and makes them available to everyone within the organization who will participate in hiring and training the employee. Generally, those who do such examinations never discuss the results with the potential employee, and, whether hired or not, he or she never sees the results. The purpose of such psychological examinations often is not so much to discern applicants' aptitude for jobs or to screen out those afflicted with psychopathology as to gather information about personality and character traits. Using psychological tests and sophisticated interviewing techniques, and taking every possible advantage of their status as health care professionals, those doing the examinations try to extract information that applicants would prefer to keep to themselves and that other interviewers would scarcely dare seek.

In recent years, many dioceses and religious institutes have closely imitated such employers, and some people advocate more frequent and more aggressive use of psychological testing to screen out potential sexual offenders. In my judgment, Catholics who might have vocations should not be treated as applicants for jobs are; psychological tests, if used at all, should be used only for limited purposes; and mental health care professionals never should be employed to extract a potential seminarian's or novice's intimate secrets.

When a man who thinks he might have a vocation to the priesthood contacts a diocese, God either is calling him to be a priest of that diocese or not. Both parties should be interested in only one thing: discerning God's will and doing it. If God does want the man to be a priest of that diocese, the discernment process should not end until he is ordained. At that point, a covenantal relationship will be established between the man and the diocese. For the celibate cleric, the relationship is in many ways like marriage. The prospect of that lengthy discernment and eventual covenantal relationship requires that the man from the outset not be treated like a potential employee who would be hired only to provide specific services under an employment contract terminable on short notice at either party's will. A much better model for beginning the relationship is the interaction of a chaste and devout man and woman who are free to marry, as they meet, become acquainted, and try to get to know each other well enough to discern whether God is calling them to marry each other.

Both the potential candidate for orders and the diocese need to discern. Because discernment is not a task that can be divided up and parceled out among a group of people, some individual ought to represent the diocese and discern on its behalf throughout its relationship with the potential candidate, seminarian, transitional deacon, and newly ordained priest. Ideally, that individual would be the bishop, but he often will entrust the role to a vicar. Whoever the individual

is, he obviously must not also serve as spiritual director of the man being formed and in my judgment should not be the seminary rector, who will manage the manageable aspects of formation, or anyone else who will have some other responsibility toward him.

To discern well, both the bishop (or his vicar) and the man being formed need all the relevant information they can get. Some of that information, including some of the most important, will be available to them only if they freely and candidly confide in each other. That is unlikely to happen unless they trust and care about each other enough to be unwilling to hurt and/or to manipulate each other. To build trust, the bishop (or his vicar) must candidly and accurately answer questions, including ones not explicitly asked. If at the outset a potential candidate is pressed by someone he does not yet know for information he would prefer not to reveal, he will be tempted to lie; and if he lies then, he will have a strong motivation to continue doing so. Therefore, only the bishop (or his vicar), as he builds up a relationship of trust with a potential candidate, should gradually ask him to reveal his secrets.

If my argument is sound, the seminary rector and others involved in a seminarian's formation will not have the information needed to discern whether God is calling him to be a priest of that diocese. So, they should not be asked to evaluate him as a candidate for orders. Rather, they should be expected only to report to the bishop (or his vicar) on each candidate's outward behavior, what he says and does, and how well he meets requirements. As formation proceeds, the bishop (or his vicar) will meet regularly with each candidate and review with him *all* the information available about him. Thus the bishop (or his vicar) will cooperate closely with each candidate in helping him fulfill his responsibility to be well formed for priestly service before he is ordained.

What about psychological examinations? In my judgment, they are not suitable tools for investigating a potential candidate's background and evaluating his overall suitability for admission to a seminary. As a very able and suitable mental health professional, Conrad W. Baars, M.D., wrote, "Investigation of the candidate's background by a knowledgeable rector [I would substitute: *bishop (or his vicar)*] is superior to psychological testing" (*How to Treat and Prevent the Crisis in the Priesthood* [Chicago: Franciscan Herald Press, 1972], 34).

Still, if done by suitable mental health professionals, psychological tests can be helpful at various stages. Initially, a potential candidate's abilities and aptitudes could be checked and any psychological defects or weaknesses identified that could be remedied by treatment or counseling. The professional should be asked to look for and report about only what the potential candidate himself does not know or cannot articulate and explain. The potential candidate and the bishop (or his vicar) should receive and review the professional's report with him or her. A similar procedure ought to be followed if psychological/psychiatric counseling, treatment, or examinations are judged appropriate later in formation.

From the beginning, the bishop (or his vicar) should explain to potential candidates that having a vocation is being called by God, not wanting this or that. Potential candidates should be encouraged to want whatever God wants and discouraged from setting their hearts on ordination. What priesthood and celibacy really are should be explained sufficiently so that when a man enters a seminary he already understands the goals of formation well enough to see spiritual direction, the academic program, and so on, not as so many hurdles to be cleared but as helps in his self-directed cooperation with the Holy Spirit in pursuit of sound formation.

Well before ordination to the diaconate, seminarians should understand fully and be motivated by sound reasons for proceeding toward ordination and should have appropriate emotional motives well integrated with those reasons. Before finishing first theology, seminarians must develop mature and passionate love for Jesus, lively hope for heaven, and eager enthusiasm to help others enter the kingdom. Moreover, candidates for ordination need to be perfectly continent for at least a full year before they promise celibacy, and they also need during that year to experience progress toward *peaceful* chastity, so that they will be morally certain before they promise celibacy that they will not be aflame with passion.

Can men with a homosexual orientation become good candidates for ordination? There are reasons to doubt it. Sexuality profoundly shapes the lives of human persons, and a homosexual orientation, albeit less bizarre than the commonly recognized paraphilias, is a grave disorder. Homosexual men no doubt can be perfectly continent, but the charism of celibacy involves more: peaceful chastity and the sublimation of sexual energy into priestly service for the kingdom's sake.

Therefore, if a man with a homosexual orientation can become a good candidate, he will not only be perfectly continent but peacefully chaste rather than aflame with passion—that is, he will deal fairly easily with sexual temptations and will seldom be seriously anxious about them or distracted by them. He will not be effeminate and will have the masculine psychology and the virtues of a good father. Understanding and accepting the truth taught by the Church, he will know not only that all homosexual activity is gravely wrong but that the orientation itself is a disorder. He will feel neither proud nor ashamed of his affliction. He will not suppose that his sexual orientation is an asset for priestly ministry and will realize that it would be a serious liability if it became known to people entrusted to his pastoral care; many of them, and not least the parents of boys, would not easily trust or comfortably relate to a priest whom they knew to be homosexual. So, to avoid impeding people's access to Jesus through his ministry, such a candidate will not make a point of his homosexuality, any more than a candidate with some other problem that many people find distasteful would do. As a result, most people will never learn about his affliction. The few who do will have been told in strict confidence for some good reason.

Dealing again with earlier clerical sexual offenses

While new canonical *procedures* might fairly be used in handling old cases, new and stricter substantive provisions of criminal law cannot justly be made retroactive. So, any new canonical action taken with respect to an old case ought to conform to the substantive provisions of canon law in effect when the delict was committed.

Several of the considerations that argue for laicizing future offenders argue against reassigning past offenders to any clerical ministry whatsoever. Some will say: “It is unreasonable to exclude entirely from ministry a priest who twenty years ago had consensual intercourse on one occasion with a seventeen-year-old girl—a prostitute claiming to be and looking nineteen—a priest who since has lived an exemplary life.” Perhaps. But where will those who favor reassigning past offenders draw the line? Will they never reassign to ministry anyone who abused a child or seduced a teenaged victim? Will they never reassign anyone who committed two offenses or who committed an offense nineteen years ago or who, though not exemplary, has limited his erotic interest to age-appropriate peers? So-called prudent pastoral judgments, unguided by any firm policy, have regularly led to repeated clerical sexual offenses, and Catholic parents are entitled to better protection for their children. In my judgment, therefore, no good bishop will reassign any past offender to any ministry except in conformity with a detailed policy acceptable to most practicing Catholic parents in the diocese, and the good bishop will publicly commit himself to adhering without any exception to that policy. Moreover, if such a bishop does assign any past offender to some ministry, he will fully inform those with whom the priest serves or otherwise closely associates about his past so that they can both support him in living uprightly and limit his wrongdoing should he again commit a sexual offense.

In revisiting old cases, the first concern of good bishops will be to provide appropriate pastoral remedies for the moral and spiritual evils involved in and consequent upon the offenses, no matter how long ago they were committed. Imagination and creativity will be needed to think out what might be done and how best to do it, and good bishops will work with one another and with their presbyterates and others in a serious effort to develop an effective plan for coordinated pastoral action toward victims and their families, the clergy and seminarians, the Catholic faithful as a whole, and the public at large. In some of these matters, the advice of experts in public relations may be useful in finding possible means, but the bishops themselves should determine their pastoral goals and make certain that any means they use are completely subordinate to those goals.

One essential pastoral goal will be to mitigate the widespread distrust of some bishops and revulsion toward a few of them so as to promote the fruitfulness of the acts that all bishops do in the person of Christ—that is, to promote the credibility of their preaching and teaching, and the acceptability of their pastoral leadership. The crisis that began in the United States in January 2002 is not about sexual abuse. It is

about some bishops' behavior over many years: they tolerated clerical sexual offenses and even seemed to facilitate them, covered them up, made untruthful statements when cases came to light, and persistently evaded their responsibility for what they had done and failed to do. And the crisis was set off by the worst case thus far of such despicable behavior.

God only knows whether anything any of those bishops did was gravely imputable. But many people—nonbelievers and devout Catholics, liberals and conservatives—believe that the actions and omissions were objectively gravely evil. In short, “Many are offended at the way in which the Church’s leaders are perceived to have acted in this matter” (John Paul II, 23 April 2002). In my judgment, this widely shared perception is accurate, and those who do not share it need their vision checked.

The faithful rightly call a priest “father,” for he ought to be a spiritual father to those entrusted to his pastoral care. A bishop ought to regard his clerics as adult sons who work with him in a relationship analogous to that of father and his sons working a farm together and caring for their entire clan. So a good bishop cares well for his clergy, but also disciplines them. He oversees their work so that they excel and deserve respect, and never tolerates their doing anything that will hurt the common enterprise. Moreover, as a spiritual father, a good bishop regards the faithful in his diocese as his family, and the youngsters among them as his very dear children.

Imagine a man, a good father and faithful Christian who believes in sin and the prospect of damnation, catching his adult homosexual son seducing his teenaged brother. What will that father do? He will make sure that his homosexual son understands the gravity of his sin and he might send him off for treatment if he seems willing to cooperate. But the father will be especially anxious to help his younger boy understand the wrongness of what the brothers had done together, to turn away from such behavior, and to live chastely. And regardless of anything else, that father will do his best to make sure his homosexual son never again has a chance to seduce the younger boy or anyone else.

When cases of clerical sexual wrongdoing began surfacing in the 1980s, virtually every devout Catholic father said: “The bishop should have gotten rid of that priest the first time he was caught.” Bishops should have had far greater insight than those fathers into the very grave moral and spiritual evils involved in and consequent upon clerical sexual offenses. So, bishops should have seen the point far more clearly than Catholic parents did. Whether a bishop understood the nature of the problem or not, whether clinical experts assured him that a sexually offending priest was safe or not, he should have done his best to make sure that clerical sexual offenders never had another chance to abuse a child or seduce an adolescent. But most bishops were blind and only gradually learned from the disastrous consequences of their own or other bishops' blindness. A few still have not learned.

Why such blindness in men who seem to be decent, intelligent, and conscientious? I believe the explanation is that the *culture* of our Church's clergy is defective in some important respects. Blindness to the many and very grave evils involved in and consequent upon clerical sexual offenses is mainly due to sinful structures and practices that bishops almost always uncritically accept as given.

Physicians, lawyers, accountants—the members of every profession claim to dedicate themselves to serving their patients, clients, and so on. But their codes of professional ethics include many provisions that protect the interests of the members of each profession as individuals and as a group *against* outside competition, outside regulation, and difficult patients, clients and so on. The members of each profession observe such self-interested provisions conscientiously. Of course, their codes of ethics also include provisions to protect their patients, clients, and so on, and even some mechanisms for enforcement of those provisions by the profession's own organizations. However, such promises of self-discipline by a profession are seldom fulfilled.

Jesus warned the Twelve not to be like the secular authorities who lord it over people, but instead to serve unselfishly as he himself did. And Catholic clerics, like other professionals, commit themselves to serve. But unlike other professional groups, they face little outside competition, are subject to no outside regulation, and ignore with impunity most of the criticisms and complaints of those they claim to serve. Canon law, of course, includes far more than a professional ethics for the clergy. But parts of it amount to that, and those parts, like other codes of professional ethics, more effectively protect the professionals' interests than back up their promise to serve. Genuine priestly fraternity is brotherly solidarity in selflessly serving Jesus and the Church. But many structures and practices support a very different sort of solidarity, namely, cooperation in promoting and protecting the status and perceived self-interest of clerics as individuals and as a group. That perceived clerical self-interest is regularly described self-deceptively as “the interests of the Church.”

That kind of solidarity blinded bishops to the victims. Of course, they were visible, but they were tiny, nebulous, and marginal. Clerical sexual offenders, by contrast, were big, solid, and near the center of bishops' field of vision.

But self-serving clerical solidarity is only one factor. Another is the subversion of ends by ways and means. Genuine pastoral care is focused on the Church as a communion and on her members and potential members as persons to be saved; their spiritual goods, spiritual injuries, and spiritual remedies are the good bishop's main concerns. But focus of pastoral charity often is replaced by the managerial optic of overseeing ecclesial ways and means—for example, providing personnel to fill positions, preventing bad publicity, avoiding paying damages, and so on. The managerial optic led many bishops who confronted clerical sexual offenses to see them as a “problem” to be managed. Victims did

not appear as members of Christ who had suffered spiritual injuries that called for care, but part of the problem to be dealt with.

So, the bishops sought the advice of secular experts and followed it, expecting thereby to solve the “problem.” Health care professionals, at least some of whom were hardly suitable, provided treatment for offenders and supported returning them to service. Lawyers advised against the candor and contacts with spiritually injured people necessary to offer them spiritual remedies. Public relations people advised dishonest remedies: carefully worded but evasive apologies, which provoked merited scorn; concealment of information from people who should have been informed; and so on.

The crisis of bishops’ mishandling of clerical sexual offenses is ugly enough in itself but only one symptom of a systemic disease that also takes other and even uglier forms. The degeneration of priestly fraternity into self-serving clerical solidarity and the prevalence of managerial concerns over authentic pastoral charity are systemic evils.

Bishops need to be absolutely honest. They must neither pretend that only mistakes were made in good faith nor pretend to repent personal sins they did not commit. But the bishops as a body can and should acknowledge and condemn the evils that corrupt clerical culture, and commit themselves firmly to the task of overcoming them. Overcoming those evils would contribute both to the “purification of the entire Catholic community, a purification that is urgently needed if the Church is to preach more effectively the Gospel of Jesus Christ in all its liberating force” and “to a holier priesthood, a holier episcopate, and a holier Church” (John Paul II, 23 April 2002).

Finally, for human beings in general, lying seriously impedes genuine cooperation and corrupts interpersonal relationships. Lying is more serious for believers: they are called to bear witness to God’s truth, and lying reduces their credibility. Clerics’ dishonesty is still more serious: they have been ordained to preach and teach in the person of Christ, and dishonesty impedes the fruitfulness of his prophetic utterances. In the case of bishops, even tricky deceptiveness and lack of candor are extremely serious, because bishops are successors of the apostles whose witness mediated God’s revelation in Jesus to all humankind. A bishop’s untrustworthiness is the seed of skeptical doubt: “Perhaps the apostles made it all up.” So, bishops ought to examine their consciences very carefully with respect to honesty. And any bishop who realizes that he told a lie that was publicized ought to repudiate it frankly and publicly. Only doing that will right the wrong he did and begin to rebuild trust.