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Lessons the Irish church can learn about sex abuse

John L. Allen Jr. | Dec. 23, 2009 All Things Catholic

[Editor's Note: Allen's column is being posted early this week, because Friday, his usual posting day, is Christmas.]

To date I haven?t addressed the crisis in Ireland triggered by the ?Murphy Report? on sexual abuse, largely because it?s dangerous for outsiders to pronounce on situations they don?t really understand. Yet the crisis dominating headlines there is, in some respects, reminiscent of what the American church went through in 2002, so this week I?ll pass along five ?words to the wise? gleaned from that experience.

To be clear, these points are not in any way intended as the most important lessons of the sexual abuse crisis -- there?s still vigorous debate on that front in the United States and around the world. They?re more like tips that may be of some practical value, as Catholics in Ireland work out their immediate response to the crisis under intense public pressure.

Needless to say, the following are my ideas. Given the staggering diversity of the American church, it?s a foregone conclusion that not all American Catholics would read our experience in the same way.

One: Don?t Get Defensive

As the crisis gathered steam in the United States, there was a temptation to complain that the avalanche of criticism and litigation against the church wasn?t fair. Some charged that the crisis provided an excuse for people with axes to grind against Catholicism, perhaps for its positions on abortion and homosexuality, to fire away; that greedy lawyers were exploiting the crisis to line their pockets at the church?s expense; and that historical anti-Catholic bias in the media and other elite sectors of society was also in play.

In retrospect, all of those things were probably true in some measure, but saying them out loud was usually counter-productive. Such complaints, especially when they came from clergy, aggravated perceptions that the church was more interested in self-defense than in coming clean, and probably emboldened critics to press their case.

There will be time later for sifting through the ashes to determine how equitable the treatment of the church has been. Whatever conclusion is eventually reached, no one can doubt there?s ample motive for the church to be contrite -- and contrition, coupled with determination to root out the causes of the scandal, is what people want to hear in the first wave of commentary, not something that sounds like an excuse.

Two: Think Before You Act

In the hot-house atmosphere of a crisis, there?s a natural tendency to want to do something -- anything -- that might stop the bleeding. Sometimes, however, that urge to act can make things worse in the name of making them better.

An example came from the Dallas meeting of the U.S. bishops in June 2002. The bishops adopted tough new policies on sex abuse, most of which represented progress. Yet among the measures was also a norm that provided for permanent removal from the priesthood on the basis of a bishop?s administrative act, with no possibility of formal defense or appeal. Canon lawyers knew that was unlikely to fly in Rome, and indeed the Vatican turned down the Dallas norms.

A summit meeting in October was arranged between Vatican officials and American bishops to work out a deal, which included the possibility of canonical trials as a way of protecting due process rights. Those new norms were adopted by the U.S. bishops in November and received the *recognitio*, or approval, from Rome. Whatever one makes of the result, the delay fueled public perceptions that Rome didn?t get it, that the bishops didn?t have their act together, and that the church was dragging its heels or was in denial.

Another example came with the National Review Board created in 2002 and led by former Oklahoma Governor Frank Keating. From the beginning, it seemed clear that Keating?s law enforcement approach was not what the bishops had in mind; they wanted a clearinghouse for best practices and a sounding board, not a special prosecutor. Keating resigned a year later amid public acrimony between him and several bishops. Again, however one parses the blame, the board was probably set into motion without sufficient consensus on its aims and methods, and the spectacle of a spat between the bishops and their own key adviser certainly didn?t help on the image front.

The Irish church may need to adopt its own new policies or create its own new structures, and there will be pressure to do so quickly. Before taking steps that will simply prolong the agony, however, it?s a good idea to make sure everyone?s in sync.

Three: Don?t Reinvent the Wheel

Another temptation induced by the speed at which things move during a crisis is to treat everything as if it?s happening for the first time. As the American crisis developed, I can remember talking to friends in Canada who had gone through a similar experience in the late 1980s and early 1990s, who shook their heads at the way we seemed to be repeating their mistakes. Some Americans looking at the Irish situation may have a similar reaction today.

One example is the hunt for a ?smoking gun? in Rome proving that the cover-up on sex abuse reached all the way to the top, with the usual candidate being a 1962 Vatican document titled *Crimen Sollicitationis*. (The document was cited in the ?Murphy Commission? report, and has been discussed in the Irish press.) In brief, *Crimen Sollicitationis* decreed that canonical discipline for sexual misconduct by priests, especially as it pertained to the confessional, was covered by pontifical secrecy.

Yet after extensive examination seven years ago in the States, the basic conclusion was that *Crimen Sollicitationis* is a red herring. The pertinent facts are that it was so obscure as to have zero impact on actual practice, and that in principle it governed only ecclesiastical procedures for sexual misconduct. It did not prevent anyone from reporting it to the police, partly because such a step was almost unimaginable in the early 1960s.

Aside from being factually sloppy, the problem with the hunt for a ?smoking gun? is that it makes the sex abuse crisis look like a problem of law rather than culture. In truth, the church has always had plenty of laws against sexual sin. (Sometimes, it feels like generating such laws is its core business.) What Catholicism also had, however, was a deeply ingrained culture willing to look the other way when priests engaged even in heinous acts, a culture that didn?t give the same consideration to victims, and one which did indeed reach all the way to the top. Fixing that culture is not as simple as flipping a switch in Rome, abrogating one law and issuing

another.

There are plenty of similar realizations that have been reached by Catholics who have struggled with these issues before, and it?s worth making the effort to ponder them.

Four: Engage the Pope Early and Often

It?s a fact of life that many people won?t believe the Catholic church is serious about something until they hear it directly from the pope. During the American crisis, public hostility to the church was badly aggravated by the fact that it took the pope so long to say anything.

The crisis exploded in late December 2001, with the initial reports in *The Boston Globe*, but the first comment from John Paul II didn?t come until his Holy Thursday message in March 2002, and that was a brief written statement (presented in a disastrous Vatican news conference with Colombian Cardinal Dar'o Castrillón Hoyos, who testily suggested that the sex abuse crisis was an American problem.) John Paul?s first words in his own voice came in July during World Youth Day in Toronto, a full seven months into the trauma. The first time a pope actually sat down with victims didn?t come until April 2008, during Benedict XVI?s trip to the United States.

So far, things are playing out differently in Ireland. Cardinal Sean Brady and Archbishop Diarmuid Martin travelled to Rome for a Dec. 11 meeting with the pope, giving them the chance to stress that hurt and anger is circulating not just among liberal dissidents but also the ?grandmothers,? meaning longtime church loyalists. The Vatican released a statement afterwards saying the pope shares the ?outrage, betrayal and shame? felt by many faithful in Ireland. The statement also said that Benedict intends to address a pastoral letter to Ireland, laying out ?the initiatives that are to be taken in response to the situation.?

That?s obviously a better start than in America, but many Irish may still be waiting to hear the pope speak in his own voice -- if not on a trip, perhaps in a televised address or a session with Irish journalists. It might also be helpful to arrange a meeting for Benedict XVI with a group of Irish victims. One of the better moments for the Catholic church vis-à-vis the sexual abuse crisis was listening to three of the victims who met with the pope in Washington, D.C., describing how much the experience meant to them on national television.

In general, Benedict XVI has taken a more aggressive approach to the crisis than John Paul II in his later years (when there was an understandable, if also unfortunate, tendency to insulate the pope from the worst of it.) If ever there was a moment when Ireland needs to hear and see that determination from the pope himself, this is it.

Five: Don?t confuse the end of the crisis with the end of the road

It?s the nature of a fragmented, post-modern world that we can only pay attention to a single topic for so long. The atmosphere of crisis in Ireland will eventually lift, as the newspapers and talk shows move on to the next cause célèbre.

That does not mean, however, the story will be over. Here again, the American experience is instructive.

There are now seven dioceses in the United States bankrupt as a result of financial pressures linked to the crisis: Portland, Tucson, Spokane, Davenport, San Diego, Fairbanks and Wilmington. That list also should include the Oregon Province of the Jesuits, which has likewise sought bankruptcy protection. What?s relevant is that all of these filings came well after the white-hot period of the crisis in 2002, suggesting that just because the media isn?t paying as much attention doesn?t mean the fallout is at an end.

There are other unresolved issues, such as disclosure of church records related to sexual abuse. The Bridgeport

diocese recently fought release of personnel records, deposition testimony, medical opinions and internal church memoranda related to sex abuse claims settled in 2001, taking the case all the way to the U.S. Supreme Court (which in early November declined to review it.) Whatever one makes of the position taken by Bishop William Lori of Bridgeport, it highlights the fact that the American church doesn?t have a uniform standard for opening up its records -- suggesting that debates over disclosure probably aren?t over.

One advantage Ireland has in this regard is the Murphy Commission itself, a government panel with judicial powers to subpoena documents and people. Though it may not seem like it right now, that?s actually a help. Lacking any such centralized and independent authority in the States, revelations came out in drips and drabs -- and still do.

Another example: Just a few months ago, church officials in New York fought off an attempt to lift the state?s statute of limitations for civil lawsuits related to sexual abuse or minors. (New York law presently requires such suits to be filed by the victim?s 23rd birthday.) Whenever such measures have cropped up, church leaders have been forced to decide whether to resist them, and if so, how aggressively.

Finally, there?s the question of episcopal accountability. After the dust settled in the States, probably the most persistent criticism is that while the church now has tough -- some would even say draconian -- policies for priests who abuse, it has no similar mechanism for holding bishops accountable when they fail to act. A high-profile resignation or two may diminish some of the immediate pressure, but they leave the broader issue hanging. Of course, this is a tough nut for any local church to crack, because responsibility for overseeing bishops lies in Rome. Now that it?s clear the crisis isn?t just an America problem, however, there may be a new window of opportunity to revisit the issue in dialogue with the Vatican.

Hence a heads-up for the Irish: When the present crisis abates, there will be a natural desire to move on. To prevent headaches down the line, however, it would be wise to ponder some of these thorny matters now, when there?s momentum to address them.

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